

# Full Council

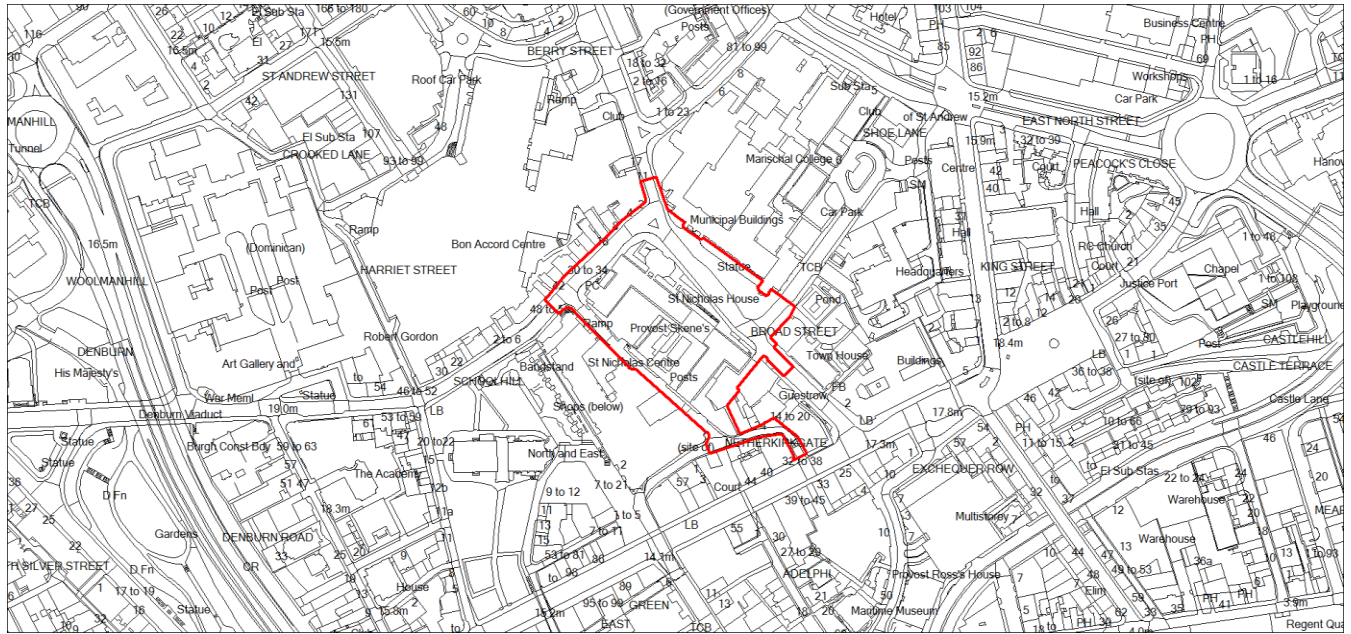
FORMER ST.NICHOLAS HOUSE, BROAD STREET, ABERDEEN

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 Morrison/N Morrison)

Advert : Section 60/65 - Dev aff  
LB/CA  
Advertised on: 28/05/2014  
Council Date: 8 October 2014  
Community Council : Comments



**RECOMMENDATION: Willingness to approve subject to conclusion of a planning agreement to secure:**

- **appropriate financial contributions towards the Council's Strategic Transport Fund**

## **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.

## **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 the development as described in the PoAN. Aberdeen City Council confirmed in November 2013 that an ES would not be required, based on consideration of the characteristics of the development, the location of the development relative to

environmentally sensitive sites, and the characteristics of the development's potential impacts.

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(sic) 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 and will be reported to a meeting of the Planning Development Management Committee.

## **PROPOSAL**

This application seeks detailed planning permission 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 based on the historic Guestrow route. Two below-ground levels, accessed via Flourmill Lane, would accommodate 246 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 limited servicing via the Broad Street Frontage in the event of pedestrianisation.

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 would be provided via 'pendes' off Broad Street into both office buildings. 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. A colonnade which had been shown along the Broad Street frontage in earlier drawings has been revised, to ensure that the contribution made by restaurant and retail uses to a live and active frontage can be maximised.

Office 02, to the south-eastern corner of the site and facing onto Broad Street at its junction with Queen Street, 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 a gap between the two

office buildings in their frontage to Broad Street, 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's height above ground level varies 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) at the junction of Broad Street, Gallowgate and Upperkirkgate, plus rooftop plant above. As the ground level slopes down on Upperkirkgate, this allows for street level access to a further lower floor level, which would provide 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. The hotel building would be accessed principally via the newly laid out public space at the heart of the site, around Provost Skene's house. 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 natural 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. A range of cladding materials would be utilised on the walls of the hotel in order to provide texture and assist in breaking up the massing of elevations.

The 'Pedestrianisation' section of this report sets out that works relating to the pedestrianisation of Broad Street and the associated formation of this civic space space would not require planning permission, are not for consideration as part of this assessment, and should therefore be treated as illustrative. Those illustrative proposals 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, uplit 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 by the applicant, as required for applications falling within the category of 'major developments', defined in the relevant 'Hierarchy of Development' Regulations. The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 set out minimum consultation requirements, obliging prospective applicants to consult with the local Community Council and hold at least one public consultation event, to be advertised in the local press in a prescribed manner with at least one week's advance notice. On submission of a planning application, the applicant is required to include a Pre-Application Consultation Report (PAC Report), which should demonstrate how these statutory requirements have been satisfied, set out whether and how an applicant has responded to the comments made, including any changes made to a proposal, and also demonstrate that steps were taken to explain the nature of Pre-Application Consultation, in particular that it does not replace the application process whereby representations can be made to the planning authority. A report to this effect has been submitted as part of this application. The extensive consultation undertaken has significantly 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)

The notices published in newspapers are required by the relevant regulations to include 'a statement that comments made to the prospective applicant are *not* representations to the planning authority and if the prospective applicant submits an application there will be an opportunity to make representations on that application to the planning authority'. The submitted PAC report includes appendices H and R, which show those advertisements with statements to this effect. Paragraphs 4.10 and 4.34 of the PAC report also state that it was made clear at consultation events that feedback was being given to Muse Developments as opposed to the Council, but that there would be an opportunity to make comments direct to the Council once a formal planning application had been submitted.

### **REASON FOR REFERRAL**

This application has been referred to elected members because the local Community Council has made formal objection to the proposal, and also it has been the subject of more than 5 objections. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

### **CONSULTATIONS**

**Roads Projects Team** – No objection to the planning application, subject to the imposition of the requested conditions and conclusion of a legal agreement to secure financial contributions towards the Council's Strategic Transport Fund (STF).

#### Pedestrian Access

Connectivity between the development and the surrounding amenities has been demonstrated. Pedestrian access to the site is proposed from Broad Street, Upperkirkgate and Flourmill Lane. The pedestrian area within the development site allows for a good standard of accessibility and encourages pedestrian movement through the area.

It is noted that discussions with the developers have established that the footway on the eastern side of Flourmill Lane will be widened by the developer, using land within the site and maintaining the carriageway at its current width.

In discussions with the Council's Roads Projects Team, it has been agreed that a 'service vehicles only' area will be formed around Netherkirkgate, St Catherine's Wynd and the southern end of Flourmill Lane, around the development's car park

access. This area will offer enhanced pedestrian and cycle space. Conditions are requested to ensure these enhancements are delivered.

Notes that it would not be sufficient for the junction at Upperkirkgate/Flourmill Lane to be defined by a raised junction table, as a defined edge is required to prevent over-running by large service vehicles and safeguard pedestrian safety.

Should Broad Street be pedestrianised, there would be substantial improvements to pedestrian accessibility in the area, with Broad Street fully integrated with the pedestrian area within the former St Nicholas House site and creating a continuous pedestrian environment linking to St Nicholas Street, interrupted only by service routes.

In the event of pedestrianisation of Broad Street, a raised table would be installed at the Queen St/Broad St junction to benefit pedestrian movement.

### Cycle Access

Connection to the wider cycle network can be obtained by existing routes, including National Cycle Network Route 1, which passes along Upperkirkgate. 100 cycle parking spaces would be provided for staff in the underground car park, via 50 Sheffield stands. Showers, lockers and changing facilities are also to be provided.

It was previously envisaged that 64 cycle parking spaces would be provided for visitors within a pedestrianised Broad Street. In the event that Broad Street pedestrianisation does not progress, the location of visitor cycle parking will need to be revisited, and a condition to this effect should be utilised if consent is to be granted.

### Vehicle Access

Vehicular access to the site would be taken from Flourmill Lane, just to the north of its junction with Netherkirkgate. This will give access to an underground car park for 246 cars, towards the maximum permitted under the Council's current guidance. There would also be 25 motorcycle spaces. Car parking is provided only for the office accommodation, with no parking provided for retail, restaurant or hotel uses. This is considered acceptable as it replicates the current situation for shops and restaurants in the city centre, for which there is ample public parking available. Should there be demand for car parking arising from the hotel use, this can be accommodated by existing city centre car parks. A condition is requested to ensure that parking provided in the car park be allocated to each building in accordance with floorspace.

Modelling has shown that the development access on Flourmill Lane requires intervention to prevent vehicles from departing the site onto St Catherine's Wynd and then Union Street. For this reason the 'service vehicles only' area previously described would be formed in this area.

### Servicing

It is proposed to service the development from two laybys on Flourmill Lane, which will give access to the lower floor of the development. In the event that Broad Street is pedestrianised, it has been agreed that elements of the development can be serviced from the resultant pedestrianised area. It had been agreed with the developer that should the development open in advance of Broad Street pedestrianisation then the development would be serviced exclusively from Flourmill Lane.

Service vehicles will not be able to turn on Flourmill Lane to exit onto Upperkirkgate, and therefore will have to exit via Netherkirkgate. Most vehicles will be able to leave via St Catherine's Wynd onto Union Street, however some larger vehicles will not be able to carry out this manoeuvre and will have to continue along Netherkirkgate onto Broad Street. The applicant has agreed to resurface this entire area to create a pedestrian friendly area through which service vehicles only will be able to travel at low speeds. This is comparable to other areas in the city centre, including St Nicholas Street, and conditions are requested to secure this.

It has been demonstrated by means of swept-path analysis that the service operations of Marks and Spencer and the St Nicholas Centre will not be affected by servicing of the proposed development.

A consequence of the pedestrian/service vehicle area at Netherkirkgate is the loss of an informal Marks and Spencer taxi service from their rear door onto Netherkirkgate. This is not considered to be a significant factor, given the highly accessible nature of the City Centre and the scope for an alternative taxi rank to be provided on Broad Street in the event of pedestrianisation.

#### Traffic Modelling

In preparation for reporting to Full Council on 5<sup>th</sup> March 2014 on recommendations for the potential closure of Broad Street, the Council commissioned modelling to be undertaken of various scenarios. One of these was the impact of the development with Broad Street remaining fully open to all traffic. This modelling showed that in the AM peak there were no issues with the effect of the development taken into account. In the PM peak, the model experienced some instability on one out of fifteen runs. It is not considered that this one run which showed instability is representative of what is likely to occur as a result of the development progressing. It can be considered as an anomaly, in that for some reason on that run the modelling software was unable to allocate traffic appropriate routes. It is for this reason that these types of model are run multiple times, and it must be considered that on fourteen occasions the model ran with no problems. It is reasonable to conclude that, based on the Council's modelling, the network will be able to accommodate the additional traffic associated with the development.

The Council's Roads Projects team has provided comment on the implications of Broad Street pedestrianisation for the transport network, however with Aberdeen City Council's confirmation that it would be responsible for the implementation of



any such works, they would not require planning permission and are not for consideration as part of this application.

### Travel Plan

A revised Travel Plan has been submitted, taking into account earlier comments from the Roads Projects Team. It is acknowledged that, with the exception of the hotel, occupiers are yet to be found for the site, and therefore the Travel Plan at this stage must reflect a framework, as much for the future development of the Travel Plan as for the measures it contains.

At this stage, the Travel Plan has been constructed to reflect employees of the office uses, however it is recommended that a condition be used to secure the production of a revised framework which takes account of all users/occupiers. This should include the production of sample Travel Packs for the distinct user/occupier groups and the identification of mode share targets for the different users, along with aims and objectives for each. This suite of information has been provided in relation to the office element of the development, and will feed into later versions of the Travel Plan. Two action plans have been produced within the submitted Travel Plan, incorporating both measures which could be implemented at the site and future actions which can be taken forward in preparation and agreement of a final consolidated Travel Plan.

A separate condition or conditions is requested to secure the production of individual Travel Plans for each occupier of the office buildings prior to occupation, using the framework described above and containing a Travel Pack for employees. A similar Travel Plan for the hotel will also be required, including Travel Packs for both staff and visitors/guests. Given the smaller nature of shops and restaurants, it would not be appropriate to seek production of a Travel Plan, however a Travel Pack should be produced for staff prior to occupation. This would likely be based on that produced for hotel staff.

### Strategic Transport Fund (STF)

This development is liable for a contribution to the Strategic Transport Fund. The level of contributions will be based on the methodology set out in supplementary guidance to the Strategic Development Plan, entitled 'Delivering Identified Projects Through A Strategic Transport Fund'.

### Drainage

Notes that the foul and surface water discharge arrangements via a combined sewer are unusual, but are not of concern providing Scottish Water are willing to accept them.

Attenuation calculations appended to the Drainage Impact Assessment report demonstrate that no flooding would occur within the required risk parameters.

The location of one of the three cellular storage tanks beneath the carriageway of Broad Street is noted. In the event that Broad Street does not close, this would be of concern as it could result in disruptive closures of Broad Street being required for maintenance of the tank. It is therefore requested that a condition be

attached to any consent requiring the redesign of the drainage system in the event that the road is not to be closed.

**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 if/when that is progressed.

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.

As it has been established that the pedestrianisation/closure of Broad Street by Aberdeen City Council in its capacity as Roads Authority does not require planning permission, comments provided on such a proposal's implications for Air Quality are not relevant to the planning authority's assessment of this application.

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.

It is recommended that a condition be used to ensure that building services and fixed plant equipment are designed to meet specified noise levels. A further condition is recommended in order to restrict the arrival or unloading of delivery vehicles outwith certain hours.

As with the Air Quality section, above, comments made by Environmental Health colleagues in relation to potential Noise Impact arising from vehicle traffic displaced as a result of Broad Street's closure are not relevant to consideration of this application, and therefore are not reproduced in this report.

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 adverse comments, provided Scottish Water have no objections to the application (see below for Scottish Water's response).

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 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 objection to the application. Notes that Invercarnie Water Treatment Works currently has capacity to service the proposed development. Nigg Waste Water Treatment Works currently has capacity to service the proposed development. Initial investigations suggest that there may be a requirement for the developer to carry out works on both the local water and wastewater networks to ensure there is no loss of service to existing customers. The developer should discuss implications of this directly with Scottish Water, separate from this planning application.

**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 Listed Building Consent 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.

**Police Scotland Architectural Liaison Officer (ALO)** – Recommend that the developers install CCTV throughout the area to reflect increased pedestrian movement. This should be supported by an appropriate lighting and landscaping design.

Requests that consideration is given to the use of a planning condition, requiring the developer to liaise with Police Scotland to discuss and address issues relating to the security of the office accommodation (particularly if there would be multiple tenants in each unit); security arrangements for individual retail units; and the possible extension of the public space CCTV in this area of the City Centre.

**Architecture and Design Scotland (A+DS)** – A+DS has 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 A+DS 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 in relation to this application for planning permission. A non-statutory public hearing was held on 28<sup>th</sup> August, as had been recommended by officers based on the level of public interest in the application. The minute of that hearing is included in today's agenda papers. Those who had made representations in relation to the associated application for Listed Building Consent were also invited to attend and take part in the public hearing. 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 Aberdeen' 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**

#### Scotland's Third National Planning Framework (NPF3)

NPF3 is a long-term strategy for Scotland - the spatial expression of the Government Economic Strategy, and of plans for infrastructure investment. NPF3 identifies national developments and other strategically important development opportunities in Scotland, and informs development and investment decisions of the Scottish Government, its agencies, planning authorities, private investors and other bodies.

In its section on Aberdeen and the North East, NPF3 states that the city centre will be a focus for regeneration efforts.

#### 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

Designing Streets is 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. It 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 SDP 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 also states 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 SDP 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

New developments must 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

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. 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

### NE5: Trees and Woodlands

There is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute

significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable.

Appropriate measures should be taken for the protection and long term management of existing trees and new planting both during and after construction.

Buildings and services should be sited so as to minimise adverse impacts on existing and future trees and tree cover.

Native trees and woodlands should be planted in new development.

#### 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

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

Infrastructure and Developer Contributions Manual

Aberdeen City and Shire Design Review Panel

### **Other Relevant Material Considerations**

#### Bon-Accord Quarter Masterplan

The Bon-Accord Quarter Masterplan (BAQMP) does not carry the weight of supplementary guidance in decision-making, but given its specific focus on this site and its surrounds represents a noteworthy material consideration. It is also noted that its content relating to this area of the City Centre, identified as the 'Civic Heart', is mentioned in the City Centre Development Framework. In terms of scale and massing, the BAQMP recognised that historically Provost Skene's House was tightly enclosed within a dense mediaeval townscape. The masterplan envisaged a small, intimate court to its frontage, surrounded by buildings of 4-5 storeys, which could include a hotel. It was noted that the rear of Provost Skene's House was once a solid wall with other buildings built up against it. The BAQMP states that building heights should be no more than 5 storeys onto any new Broad Street civic space in order to reflect the height of Marischal College, but identified the possibility of increasing to six or seven storeys away from the square, on the site of the former St Nicholas House tower. Buildings along Upperkirkgate should respond to the lower scale and general informality of the mediaeval and Georgian townscape and not exceed 3 storeys. Potential for one or two floors of below-ground car parking was identified.

#### ALDP Main Issues Report

The Aberdeen Local Development Plan Main Issues Report (MIR) identifies demand for growth and investment in the city centre from the retail sector. The conclusions of a retail study show that there is potential for developing an additional 30,000 to 35,000sqm of retail floorspace in the city centre by 2022.

#### Strategic Infrastructure Plan

Aberdeen City Council's Strategic Infrastructure Plan (SIP) identifies the proposed 'Marischal Square' development as a project contributing towards a stated goal for 'A Better Image for Aberdeen'.

### Design Review

The reports of Architecture and Design Scotland and the Aberdeen City and Shire Design Review Panel represent material considerations in the planning process.

### **EVALUATION**

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, comprising the Aberdeen and Aberdeenshire Strategic Development Plan and the Aberdeen Local 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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas

### **Pedestrianisation**

Local authorities have powers to carry out certain works without planning permission, termed 'permitted development', under Part 12 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). Class 31 of this secondary legislation allows for a local authority, in its capacity as Roads Authority, to carry out '*on land within the boundaries of a road, of any works required for the maintenance or improvement of the road, where said works involve development*'; or '*on land outside but adjoining the boundary of an existing road of works required for or incidental to the maintenance or improvement of the road.*' This application was made by Muse Developments Ltd, and on submission it was understood to be the applicants' intention that Muse developments would intend to carry out the works relating to the pedestrianisation of Broad Street. On that basis, the works would require a formal grant of planning permission. It has since been established, via written confirmation from the Council, that the ACC would intend to carry out these works in its capacity as Roads Authority, and therefore these pedestrianisation works, which involve *the 'maintenance and improvement'* of the road, along with works on land adjoining the road '*incidental to the maintenance or improvement of the road*', would constitute development permitted by the aforementioned secondary legislation, and therefore do not in themselves require planning permission. On that basis, plans and drawings relating to the pedestrianised civic space on Broad Street should be treated as illustrative, demonstrating how the redeveloped St Nicholas House site could integrate with the Council's proposals for that pedestrianised space. Taking account of this background, determination of this application will not extend to assessment of pedestrianisation, nor its associated effects on the transport network, including noise and air quality.

## **National Policy**

The proposed development involves a mix of uses, including restaurants, hotel, offices and retail, all of which can contribute to the regeneration of the City Centre as envisaged in NPF3. As will be discussed in detail below, uses such as these, which make a contribution to the vitality and viability of existing retail centres, are ideally located in the City Centre, consistent with the 'town centre first' policy advocated by Scottish Planning Policy. The re-use of a prominent brownfield site is also in line with this expression of national policy, which states that consideration should be given to such sites before new development takes place on greenfield land.

## **Strategic Development Plan**

The Aberdeen City and Shire Strategic Development Plan (SDP) highlights the importance of city centre regeneration and its role in the economic future of the area. This proposal's combination of shopping, leisure/restaurant uses and new office accommodation is entirely consistent with the SDP's aspirations. The balance between encouraging city development and respecting our city's built heritage is recognised and is explored further in the 'Design and Scale' and 'Impact on Conservation Area and Setting of Listed Buildings' sections of this report. The principle of a mixed-use redevelopment on this highly accessible City Centre site is consistent with the SDP's targets for major employment and service developments to be easy to access by walking, cycling or using public transport.

Aberdeen City Council's Strategic Infrastructure Plan (SIP), whilst not a planning policy document, is expressed as a mechanism for the delivery of Strategic and Local Development Plans. The proposed Marischal Square development is identified as a key goal in working towards 'A Better Image for Aberdeen', with significant benefits to the regeneration of Aberdeen City Centre. The progression of this scheme is therefore consistent with the aims of the SIP.

## **Zoning and Principle of Mixed-Use Development**

The application site lies within the defined city centre boundary, and is zoned as part of the City Centre Business Zone in the ALDP. Policy C1 refers to retail, commercial, leisure and other 'city centre' uses being located in accordance with the sequential approach set out in the Council's 'Hierarchy of Retail Centres' supplementary guidance. That supplementary guidance document sets out that the policy approach within the City Centre is to support retail development, and to promote the city centre as the preferred location for all developments serving a city-wide or regional market. On that basis, the inclusion within this proposal of retail, restaurant and hotel uses is entirely consistent with the provisions of policy C1 (City Centre Development) and the associated 'Hierarchy of Retail Centres' supplementary guidance. Retail, restaurant and hotel uses are considered likely to contribute positively to the vitality and viability of this first-tier retail location, whilst upper level office accommodation would generate additional footfall in this area of the city centre to support both the commercial uses within the development and those in the City Centre generally.

Policy C2 (City Centre Business Zone and Union Street) highlights that the City Centre Business Zone, within which this site lies, is the preferred location for major retail developments serving a catchment area that is city-wide or larger. Policy RT1 (Sequential Approach and Retail Impact) establishes that smaller scale retail proposals may also be appropriately sited in the City Centre. This proposal is considered to be consistent with the aims of these policies, in directing new retail development to existing retail centres of an appropriate catchment.

The City Centre Development Framework (CCDF), which incorporates principles previously set out in the Bon-Accord Quarter Masterplan, identifies this area as *'Aberdeen's 'Civic Heart', with the redevelopment of the St Nicholas House site, the formation of a civic square in front of Marischal College, a new courtyard to the north of Provost Skene's House and new pedestrian linkages between Marischal College being key to improving the potential of this area'*.

The CCDF advocates a broad range of uses around any civic square, incorporating retail, restaurants, offices, residential, hotel, cultural and civic. The 'Civic Heart' is seen by the CCDF as being the neighbourhood most appropriate to support a genuine mix of uses with residential and office uses at upper levels. The importance of creating live frontage and activities at all times of day and into the evening is stressed, with the aim of creating a *'successful, positive and useable'* public space.

This application involves a 'live' glazed frontage being presented to its main street elevations on Broad Street and Upperkirkgate. Retail and restaurant uses would be located on ground floors, providing an active frontage during daytime and into the evening, whilst the office uses at upper floors would make a significant contribution to populating Broad Street and any future pedestrianised space, whilst generating business for the commercial premises below. A colonnade, which had been shown along the Broad Street frontage, has been removed from the proposal in order that these active frontages are not set back from Broad Street. The presence of a 125-bed hotel will contribute towards ensuring there is a degree of activity within the area into the evenings, supporting commercial uses such as restaurants and bars beyond standard office hours. The development is well-positioned to interact with the heavy pedestrian footfall which currently exists between the St Nicholas and Bon-Accord shopping centres. The presence of a prominent ped access in the Upperkirkgate frontage and the public spaces within the development are likely to attract a proportion of that foot traffic into the development, supporting retail and restaurant uses. This mix of uses and relationship with the existing shopping centres is consistent with the vision expressed by the City Centre Development Framework.

## **Design and Scale**

### Broad Street Frontage

The scale of buildings varies across the site, with upper floor levels commonly set back from the development frontage in order to reduce overall massing. The frontage onto Broad Street ranges from 4 and 5 storey sections with glazed



frontage to granite-clad sections ranging from 5-7 storeys. The northern end of that Broad Street frontage, adjacent to the junction with Upperkirkgate and Gallowgate, would be of 6 storeys, featuring a natural granite cladding. This section would be linked to a 5-storey granite-clad section by a 4-storey glazed portion, which features 5<sup>th</sup> and 6<sup>th</sup> floor accommodation progressively stepped back from the building's frontage. A pend at ground floor level of this glazed section would provide linkage to the covered courtyard space within the development.

The second building with a frontage onto Broad Street lies to the south, with a gap of 11m separating these buildings and affording views into Provost Skene's House, at the heart of the site. By way of comparison, the distance between the buildings on opposite sides of St Catherine's Wynd has been measured at approximately 8.90m. Both proposed office buildings step down to this gap (to 4 and 5 storeys respectively) and utilise glazed frontages, allowing for reflected views of Provost Skene's House and its recognisable roofscape.

The southern of the two buildings fronting onto Broad Street steps up from the 5-storey glazed section described above, to a section of granite-clad frontage of 6 storeys, with 7<sup>th</sup> floor accommodation set back and glazed. The southern end of this Broad Street frontage, opposite the junction with Queen Street and the spire of Greyfriar's Church, would be a full 7 storeys in height, reflecting the increased height of the building immediately opposite.

The submitted sections demonstrate that the height of the northern building will be comparable with that of Marischal College, and its massing will be further reduced through upper floors being set back at various points. At a maximum of 7 storeys, the southern building is the taller of the two, reflecting its position opposite the spire of Greyfriar's Church. In general terms, the scale and massing of the buildings along this Broad Street frontage is considered to demonstrate due regard for its context and is appropriate to its setting.

### Upperkirkgate Frontage

The highest point in the development's Upperkirkgate frontage is at the junction with Broad Street and Gallowgate, where it achieves 6 storeys to reflect its prominent corner position and the height and scale of the adjacent Marischal College. This 6 storey section is approximately 6.5m higher than the former Aberdeen University Students' Union building which sits immediately opposite. That building is readily identifiable as the tallest on Upperkirkgate presently, with others generally ranging from 3-4 ½ storeys. The Upperkirkgate frontage of the new development would subsequently step down to 5 glazed storeys (plus set-back 6<sup>th</sup> floor). Due to the falling ground levels as Upperkirkgate heads westwards, the section of this building lying to the west of the pend benefits from an additional floor, which sits below the level of Broad Street. This section of the building is granite-clad, with a 5-storey frontage. The BAQMP indicated that development along Upperkirkgate should respond to the *'lower scale and general informality of the mediaeval and Georgian townscape'* and should not exceed 3 storeys. Clearly the proposed buildings are substantially taller than recommended in the BAQMP. It is noted that the height of the Upperkirkgate

frontage steps down as it progresses westwards, with upper floors set back by 5-6m as it approaches the junction with Flourmill Lane. The massing of this elevation is broken up through the use of different materials, with the frontage essentially divided into at least 3 distinct parts. Glazed shop frontages are further sub-divided, with this sub-division carried through in the position of windows in upper floors. This serves to give the building some vertical rhythm, reflecting the generally modest building widths on the opposite side of Upperkirkgate. Whilst these buildings are slightly higher than those opposite, the manner in which their massing is broken up is such way that this does not appear to be overpowering or incongruous. Whilst the overall heights may be higher than was suggested in the BAQMP, the development nevertheless appears to demonstrate consistency with its principles.

### Hotel building

The proposed hotel, which sits at the south-western corner of the site, would be 7 storeys high, though it is noted that the overall height of this block is comparable to the 6 storey sections of the adjacent office 01 building, due in part to the difference in internal floor-to-ceiling heights. This area of the site was identified in the BAQMP as being the area best suited to accommodate higher buildings, with a height of 6-7 storeys mentioned. The L-shaped hotel building's design differs from the other two buildings, utilising a combination of different cladding materials, arranged with a vertical pattern and incorporating colour, and slightly reflective elements. This building, which presents its frontage to the internal space around Provost Skene's House rather than any street frontage, is more regular in form than the others, with no set-back floors at upper level. The entrance/reception area is shown with full-height glazing and a coloured aluminium cladding surround. The precise details of these materials and their colouring/finishes would commonly be the subject of further discussion and agreement through use of an appropriately worded condition. The height of this building is considered to be appropriate for this part of the site and consistent with the guidance previously expressed by the Council through the Bon-Accord Quarter Masterplan.

### Scope to integrate with proposals for civic space

In assessing the design merits of the proposal, it is noted that the ALDP requires that development should '*demonstrate due consideration for its context and make a positive contribution to its setting*'. The Council's City Centre Development Framework, which in the decision-making process carries equal weight to the policies within the ALDP, emphasises the central role which forming a new civic space will play in providing an enhanced setting for Marischal College. Whilst it has been established that such a pedestrianisation/civic space proposal can be progressed separately by ACC in its role as roads authority, it is nevertheless appropriate to ensure that the development proposals under consideration today demonstrate due regard for those aspirations and can be fully integrated into those wider proposals.

As the applicant has progressed designs for the civic space in parallel with their proposals for the redevelopment of the former St Nicholas House site, it is evident that these two elements of the wider vision have not been considered in

isolation, and that it should be readily possible for buildings to come forward separately from the civic space, notwithstanding due consideration of traffic modelling and other relevant factors. As has been highlighted previously in this report, the composition of uses proposed within the development lends itself to both populating this area and supporting the live and active frontage of commercial uses appropriate to a city centre location.

### General

The scale of buildings proposed is greater than that envisaged by the BAQMP, however many of the principles set out in that document have influenced the development of this proposal. The historically dense urban townscape around Provost Skene's House is reflected in the layout, where the historic building is set at the heart of the site within a new open space of an appropriately intimate scale, which incorporates a new hotel as identified in the BAQMP. The buildings positioned around that area of open space are taller than the 4-5 storeys recommended in the masterplan, with heights of up to 7 storeys shown, however it is noteworthy that various sections of upper floor level having been set back to reduce overall massing. Ultimately, any increase in height on that previously envisaged by the BAQMP should be considered based on its relationship with its surroundings and any adverse impact as a result of that increase in height, rather than be interpreted as an absolute restriction.

The BAQMP recommended that frontages to Broad Street be limited to 5 storeys. The proposed development's Broad Street frontage is generally of 5-6 storeys, with only a small part achieving 7 full storeys at its frontage, reflecting the increase in height at Greyfriar's Church, immediately opposite. The scale of the Broad Street frontage is considered to be appropriate to this context and broadly consistent with the principles underpinning the BAQMP, in that the scale and height of buildings along this frontage has been designed to respect and respond to the scale and importance of Marischal College. The scale of the hotel building, which achieves 7 storeys, is consistent with the recommendations of the Masterplan, which indicates that the south-western corner of the site would be best suited to accommodating buildings of a greater height. Taking these matters into account, it is considered that the proposal demonstrates due regard for its context through its variation in height, materials and massing, and would make a positive contribution to its setting through the redevelopment of this prominent city centre site, enhancement of public space around Provost Skene's House, and the provision of an appropriate scale of development frontage to Broad Street which would complement the formation of a civic space on Broad Street and the consequent enhancement of the setting afforded to Marischal College. In this regard, the proposal is considered to accord with the provisions of policy D1 (Architecture and Placemaking) of the ALDP.

By enhancing the setting of Marischal College and Provost Skene's House, the proposal demonstrates 'physical value', as defined in Creating Places, the Scottish Government's policy statement on architecture and place.

The proposal's evolution has responded to a number of the issues raised in dialogue with Architecture and Design Scotland and the Aberdeen and

Aberdeenshire Design Review Panel. Opportunities have been taken to encourage permeability through the site from Netherkirkgate and Union Street beyond. Pends have been reconfigured to allow for an experience of going from a larger to a smaller enclosed space, echoing the original medieval urban grain and allowing for the 'discovery' of Provost Skene's House and its more intimate surroundings. The horizontal emphasis in glazing proportions remains, despite comments that this would appear to jar with the vertical rhythm of the development's Broad Street frontage, influenced by Marischal College opposite. Relocation of the pend in the Upperkirkgate elevation has resulted in less of the vertical emphasis in the massing of the development frontage which had been encouraged by the Panel. The proposed hotel building is now treated as a stand-alone element, using a different architectural language, as this has previously appeared to be a slightly compromised version of the other buildings. On balance, it is evident that many of the issues raised through engagement with A+DS have been actively explored and resulted in positive changes to the proposal.

### **Setting within landscape**

The proposed redevelopment involves significant change in the urban landscape, which is already apparent through the demolition of St Nicholas house, which has opened up previously unseen views across the site. This has been a particularly strong theme in the comments made via representations and at the public hearing. Particularly prominent is the view of Marischal College's striking frontage on approach along Schoolhill and Upperkirkgate. Provost Skene's House, which had previously been largely obscured from Broad Street by the 3-storey wing of St Nicholas House, is also a much more prominent feature. The value of these views is recognised, and the relationship of any development to its surroundings is an important material consideration, however this must be considered in context. This brownfield site lies in a prime City Centre location, and whilst due consideration should be given to taking advantage of opportunities which exist for enhancing the setting of important historic buildings, it would not be considered reasonable to impose strict restrictions on development on this site for that sole purpose, particularly given that there is no such strong constraint expressed in the Local Development Plan or its associated supplementary guidance.

Policy D6 (Landscape) stipulates that development should avoid obstructing important views of the city's townscape and landmarks, when seen from busy and important publicly accessible vantage points, such as roads, railway lines and recreation areas. Whilst these new views, opened up following the demolition of St Nicholas House, are recognised, it must also be acknowledged that these did not exist previously, and that the demolition of any large city centre building is likely to offer new perspectives on its surroundings. The presence of these views should not preclude the redevelopment of a brownfield site at an appropriate scale, which demonstrates due regard for the desirability of enhancing the setting of any adjacent listed buildings and the appearance of the wider conservation area. This proposal allows for views of Provost Skene's House from Broad Street, through a gap in the frontage formed by new buildings, to a lesser extent through the two street level pends in that same frontage, and along Flourmill Lane. These views are considered to allow for glimpses of this historic gem at the

heart of the development, drawing people in to the heart of the development. It is recognised that the north-western elevation of the building has been given much greater prominence through the clearance of the St Nicholas House site, however it is noted also that this is the rear elevation of the building and the BAQMP has highlighted that this elevation was at one time a solid wall with other buildings built up against it.

The proposed development would not interrupt views of Marischal College from Broad Street, however the recently revealed view on approach from Schoolhill/Upperkirkgate would not be retained. Whilst the scale of buildings proposed in the foreground of that view is greater than what had existed previously at St Nicholas House, it should be noted that the topography along this line of sight is such that even the relatively modest buildings which existed on this part of the site previously had obscured much of the frontage of Marischal College, with views restricted to the tower at its northern end. The proportion of the Marischal College frontage which would benefit from unobstructed views would not be fundamentally different, however it is noted that the spires of the frontage will not be seen protruding above the rooftops of the St Nicholas House site, as had previously been the case. Taking these points into account, the proposal would not result in an established important view of the city's townscape being obstructed, but rather the redevelopment of a site at a scale consistent with its central urban location would obscure a view which had not existed prior to the clearance of the site. The absence of any historic basis for this view of Marischal College, in conjunction with new opportunities for views of Provost Skene's House being embraced by the proposal, indicates that the proposal would accord with the aims of policy D6 (Landscape).

### **Impact on Conservation Area and Setting of Listed Buildings**

The application site is in a potentially sensitive location due to the presence of the category A-listed Provost Skene's House and Marischal College, along with a number of category B and C listed buildings situated along the northern side of Upperkirkgate. The proposals are considered to represent a positive response to these valuable listed buildings, as highlighted by Historic Scotland's response, summarised earlier in this report. The progression of the scheme has been underpinned by a clear understanding of the historical context of the site and the pattern of development which had existed prior to the development of St Nicholas House. The BAQMP described how Provost Skene's House has historically been tightly enclosed by other buildings, and had not existed as a standalone building in an open setting. Taking that into account, it is considered that this building has historically been tightly enclosed as part of a dense urban fabric, and is oriented in such a way that its principal elevation does not face onto a street. The proposals for a landscaped public space to the front of Provost Skene's House are considered to be an appropriate response to the building and its context, and provide an opportunity for the enhancement of its former setting as part of the St Nicholas House site.

Historic Scotland has expressed satisfaction that the proposals would not have any significant adverse impact on the setting of Provost Skene's house, Marischal College and Greyfriar's Church, and stated that the setting of these

listed buildings and the wider setting of the Conservation Area could be positively transformed by the proposed development and the associated plans for the pedestrianisation of Broad Street and formation of a new civic space. Clarification of works directly affecting the building and landscape surfacing etc would be a matter for the associated application for Listed Building Consent. Having had regard to the views expressed by Historic Scotland, it is considered that the proposal demonstrates accordance with the relevant 'Valuing the Historic Environment' section of SPP, which promotes the care and protection of the historic environment and advocates the enabling of positive change in the historic environment, informed by a clear understanding of the importance of the heritage assets affected. This proposal has avoided significant change to the fabric of these assets, and would enhance the setting of Provost Skene's House through the provision of an enhanced open space and the progression of a development which has been informed by a clear understanding of the historic development pattern and the local context. Consequently, the proposal is also considered to accord with policy D5 (Built Heritage) of the ALDP, which requires compliance with SPP, and the City Centre Development Framework, which requires development to improve the setting of and respect Marischal College and Provost Skene's House as important historic buildings. The proposals are considered to preserve the setting of the surrounding listed buildings and the wider Conservation Area, as encouraged by the Scottish Historic Environment Policy (SHEP) and the relevant 1997 Planning (Listed Buildings and Conservation Areas) (Scotland) Act.

### **Economic Benefits**

The applicants' supporting planning statement states that the proposal has the potential to create in the region of 1,500 gross full-time equivalent jobs. It is stated that the majority of these would be attributable to the office element of the proposal, with the remainder from restaurants, shops and the hotel. SPP identifies a series of 'Core Values' of the planning system, one of which is to *'play a key role in facilitating sustainable economic growth, particularly the creation of new jobs and the strengthening of economic capacity and resilience within communities'*. This proposal is understood to have the potential to create jobs, whilst also regenerating a prominent brownfield site to the benefit of the wider City Centre and contributing towards the Strategic Development Plan's aim to secure more major office developments within the City Centre to meet an identified need.

### **Access, Parking and Transport**

The Council's Roads Projects Team has intimated that car parking, vehicle access arrangements and servicing are satisfactory, and that modelling work previously undertaken provides comfort that the local road network can adequately accommodate traffic generated by the proposed development. Appropriate provision has been made for car parking within the site, at a level appropriate to this highly accessible city centre location and, based on consideration of the Council's relevant supplementary guidance on Transport and Accessibility. Servicing arrangements via Flourmill Lane have been accepted, with resurfacing of a new service vehicle only zone to be undertaken prior to occupation of buildings. Alternative provision would have to be made for visitor

cycle parking, in the event that Broad Street's pedestrianisation is not progressed, as submissions had indicated this being within the envisaged Broad Street civic space. Appropriate cycle parking would be provided for staff within the underground car park, with showers, lockers and changing facilities also available.

A Travel Plan Framework and associated Travel Plans can be secured through the use of conditions attached to any grant of planning permission, as set out in the consultation response from the Council's Roads Projects Team. Similarly, conditions can be utilised to secure that the building may not be occupied until such time as the necessary roads infrastructure works have been implemented.

The proposal makes good provision for pedestrian access, with connections formed to the site from Broad Street, Upperkirkgate and Flourmill Lane. Hard and soft landscaped spaces within the development encourage pedestrian movement, and it is noted that the pedestrian environment on Flourmill Lane will be enhanced through the widening of the pavement on its eastern side, using land within the application site.

Taking these matters into account, it is considered that the proposal has demonstrated accordance with the provisions of policy T2 (Managing the Transport Impact of Development) and the associated 'Transport and Accessibility' supplementary guidance. The proposal encourages pedestrian movement, makes improved provision for public access and site permeability, is well located relative to public transport services, and would not interfere with any existing core path routes. As a result, this proposal is considered to accord with the relevant provisions of policies D3 (Sustainable and Active Travel) and NE9 (Access and Informal Recreation) of the ALDP.

## **Environmental Impacts**

### Noise

The applicants have submitted a noise assessment relating to the development of the St Nicholas house site. The Council's Environmental Health officers have identified potential sources of noise disturbance in building services and plant, deliveries, traffic, amplified music and patrons visiting the development. The comments made by colleagues indicate that none of these noise sources is considered to be significant or insurmountable. It is concluded that the proposed development of the St Nicholas House site would not in itself result in any adverse impact on neighbouring uses or amenity as a result of noise.

It has not been considered necessary for a condition to be attached in relation to amplified music, based on the commentary given in the response by the Council's Environmental Health service, and the separate powers which are available to that service.

Concerns were raised in representations about noise impact arising from both the construction phase and the operation of uses thereafter, with a suggestion that hours should be restricted accordingly. The Council's Environmental Health

officers have intimated that they do not envisage any significant noise impact from these sources, and it should also be highlighted that the hours of operation of any restaurant and retail uses would be considered separately as part of licensing processes. Furthermore, the Council has separate powers to take action in relation to statutory noise nuisance under relevant environmental health legislation. An informative can be attached to any consent granted, making recommendations about appropriate construction working hours for works audible outwith the site boundary, however it should be noted that this cannot be expressed as a condition, due to the statutory powers noted above.

### Air Quality

The risk identified in relation to dust emissions associated with construction can be mitigated by appropriate measures, to be agreed via condition. As with noise impact, the implications of pedestrianisation on air quality are for the Council to consider independently of this planning application. By including appropriate measures to mitigate the impact of air pollutants, the proposal can ensure accordance with the provisions of policy NE10 (Air Quality) of the ALDP and the associated Air Quality supplementary guidance.

### Microclimate

The submitted Microclimate Assessment demonstrates that the wind microclimate within the site would generally be calmer than was previously the case with St Nicholas House in situ. A relatively windy microclimate had existed previously, with prevailing southerly and northwesterly winds blowing around the St Nicholas House building. Conditions were comparatively calm in the northwestern half of the site. Highly windy conditions had occurred at the centre of the site, of levels which could be uncomfortable for pedestrians.

The wind microclimate around the proposed development would be generally improved compared with the previous situation, though some locations, such as at the south corner of Provost Skene's House, where wind would be channelled between buildings, would be windier than others. Nevertheless, the majority of the site is assessed as being suitable for pedestrian thoroughfare use, and the use of hard and soft landscaping features, in conjunction with due consideration of entrance configurations, can assist in further mitigating localised windy conditions. The report concludes that such mitigation measures can contribute to making the majority of the site appropriate for outdoor seating use during the summer season, but recommends that such seating areas be located with due regard for localised conditions.

The approved Pinnacle Aberdeen development, to the south of the site, has a small effect on wind conditions, but the report concludes that this would not have any significant effect in relation to the proposed development.

### Urban Green Space and Trees

The proposed development includes the removal of the existing lawn area and gardens immediately in front of Provost Skene's House. This space represents an area of urban green space, and therefore the provisions of policy NE3 (Urban Green Space) are applicable. This policy highlights that such areas, even if not



specifically identified on the ALDP proposals map, will be protected from development for purposes other than recreation or sport, unless equivalent and equally convenient and accessible space is provided in the immediate area. In this instance, the wider redevelopment of the St Nicholas House site involves a new public garden space of an equivalent scale being laid out in front of Provost Skene's House. This space is envisaged as a formal, structured garden '*similar to those found at historic houses and castles of the north-east*'. This space would be enhanced by virtue of it being accessible from the same level as Broad Street, more visible due to vistas through the new development, and more accessible via the introduction of new routes. Policy NE3 also sets out a series of criteria to be considered in establishing the acceptability of a development. These are set out in full in the Policy section of this report. This space is currently simply laid out, and the quality of the environment had previously been adversely affected by the presence of St Nicholas House, which made this quite a windy space. The proposals for landscaping and reconfiguration of this space would ensure that its character and amenity would be enhanced. Public access would be enhanced through the introduction of new routes, allowing for street level access from Broad Street to the area in front of Provost Skene's House. The site is not understood to be of any significant wildlife or habitat value, and its heritage value is attributable to its relationship to the setting of Provost Skene's House. The submitted Public Realm Strategy demonstrates that the character of this space has been given due consideration, to ensure that its reconfiguration and landscaping are reflective of the character of this historic building. Whilst 6 trees would be removed as part of this proposal, the submitted tree survey has established that these existing specimens all category C trees, are in poor condition, with an anticipated life expectancy of 10-20 years, and can readily be replaced through the opportunity for a comprehensive scheme of landscaping and tree planting across the site. On balance, it is considered that the proposal involves enhancement of the existing landscape quality in this area. Taking these matters into account, it is concluded that the proposals for the redevelopment of this area of urban green space is consistent with the provisions of policy NE3 (Urban Green Space) of the Aberdeen Local Development Plan. Whilst existing trees would be removed, it has been established that the contribution made by the existing poor quality trees could be enhanced through proposals for new landscaping and tree planting. On this basis, the proposal is considered to demonstrate due regard for the provisions of policy NE5 (Trees and Woodlands), the focus of which is on the retention of trees which either individually or as part of a group make a significant contribution to landscape character, local amenity etc.

### Archaeology

The applicants have commissioned a desk-based archaeological assessment, which has identified an area of the site, around the lawn to the fore of Provost Skene's House, as having archaeological potential. The Council's Curator of Archaeology has requested that a condition be attached to any consent in order to secure the implementation of a programme of archaeological work, in accordance with a written scheme of investigation to be submitted to, and agreed in writing by, the planning authority. These measures can ensure that any works are carried out in a manner consistent with policy D5 (Built Heritage), as it relates

to development affecting archaeological resources, and the associated 'Archaeology and Planning' supplementary guidance.

### Waste

No comment has been made by the Council's Environmental Health officers in relation to the management of waste within the development, however the applicants have intimated an intention to produce a Site Waste Management Plan (SWMP). A condition can be used to secure submission of such a plan, to include details of arrangements for the storage and disposal of refuse, to be agreed by the planning authority in consultation with Environmental Health officers prior to commencement. This can ensure compliance with the relevant provisions of policy R6 (Waste Management Requirements for New Development) and the associated 'Waste Management' supplementary guidance.

### Environmental performance of buildings

Policy R7 (Low and Zero Carbon Buildings) requires new buildings to achieve a specified reduction in predicted carbon dioxide emissions below levels set out in 2007 Building Regulations. Further guidance is set out in the associated 'Low and Zero Carbon Buildings' supplementary guidance. The applicants have submitted a 'Sustainability and Low Carbon Development Statement' which sets out how air source heat pumps, an eligible LZC technology, would be utilised in the proposed buildings to secure reductions in carbon emissions. This statement and its calculations demonstrate that the two office buildings would achieve the required reductions in carbon emissions through the use of these technologies, but that the hotel building would achieve only a 13% saving in emissions below the level set by the 2007 Building Regulations, failing to reach the required 15%. It is recognised that the submitted calculations demonstrate a significant reduction in emissions being achieved through the use of this technology, but that the starting point in terms of emissions for this building significantly exceeds its target emissions rate. This situation suggests that a 'fabric-first' solution, whereby the built fabric itself is made more efficient (for example through use of thicker/better insulation), should be possible to securing compliance with policy R7 (Low and Zero Carbon Buildings). Given that there is confidence that this can be achieved, it is recommended that a condition be attached to require submission of a scheme demonstrating compliance with policy R7 and the associated 'Low and Zero Carbon Buildings' supplementary guidance.

### **Drainage**

The Council's Roads Projects Team have considered the content of the submitted Drainage Impact Assessment (DIA) and accepted that the proposed arrangements, though non-standard, are acceptable subject to agreement with Scottish Water, and have been accompanied by the necessary calculations to demonstrate that there is no significant risk of flooding. Taking account of concerns raised by the Council's Roads Projects Team, the proposed scheme of surface water drainage can be the basis for this approval, but in the event that pedestrianisation does not occur, the Council, acting as Roads Authority, would not agree to those works, and a condition can allow for the applicants to provide a revised scheme of surface water drainage, to be agreed prior to commencement of works, to be subsequently implemented prior to occupation.

The Council's Flooding Team has noted that they have no further comments, provided Scottish Water do not object to the proposal. Similarly, SEPA advise that Sustainable Urban Drainage Systems (SUDS) would be encouraged rather than discharging surface water to a combined sewer, and recommend consultation with Scottish Water to establish that there is available capacity in the public sewer. Scottish Water has stated that they have no objection to the proposed development, but have highlighted that the applicant may be obliged to contribute towards works to the local network prior to being allowed a connection. This is not a matter for this application and the applicant will be required to address this directly with Scottish Water. A condition requiring submission and agreement of a site-specific Construction Method Statement, as suggested by SEPA, could be attached to any consent granted.

Drainage proposals are considered to be satisfactory, and have not resulted in any objections from the relevant consultees. The submitted information demonstrates that the proposed system would have sufficient capacity to avoid any increased risk of flooding post-development. Flooding and pollution during construction can be avoided through the use of a condition requiring submission of a Construction Method Statement, as recommended by SEPA. Taking these points into account, the proposal is considered to accord with the relevant provisions of policy NE6 (Flooding and Drainage) of the ALDP and the associated 'Drainage Impact Assessment' supplementary guidance.

### **Developer Contributions and Strategic Transport Fund**

Whilst it has now been established that the Council's powers as roads authority would allow for the progression of a pedestrianised civic space on Broad Street without any formal grant of planning permission, and that the detail of those proposals should be treated as illustrative in consideration of the current application, it has nevertheless been considered that the significant financial commitment made by the applicant to enhancement of the public realm via the envisaged civic space and the associated public realm enhancements within the former St Nicholas House site is such that it would be unreasonable to impose further financial obligations. In the event that Broad Street pedestrianisation does not go ahead, the public realm works within the site are themselves sufficient to outweigh any payable developer contributions.

The proposed development is required to make a contribution to the Strategic Transport Fund, as highlighted in the Roads Projects Team's response. This can be secured via a planning agreement, with consent issued on conclusion of a suitable agreement.

In securing such public realm enhancements, the proposal can accord with the provisions of policy I1 (Infrastructure Delivery and Developer Contributions) and the associated Infrastructure and Developer Contributions Manual, adopted as Supplementary Guidance to the ALDP. In securing payments towards the STF, the proposal will demonstrate accordance with supplementary guidance to the Strategic Development Plan, entitled 'Delivering Identified Projects Through A Strategic Transport Fund'.

## **Other Matters Raised in Representations and at Public Hearing**

Many of the issues raised in representations and at the public hearing, including those relating to the impact of pedestrianisation, design matters, car parking, air quality, noise impact, tree removals and retail policy considerations have been addressed earlier in this report through assessment against the relevant provisions of the development plan. Outstanding issues are considered as follows:

### Consultation

Whilst one of the functions of a Pre-Application Consultation Report is to set out how an applicant has responded to any matters raised during pre-application consultation, an applicant is not obliged to make those changes, with any application for planning permission to be determined on its merits. The manner in which the applicants have presented information in the submitted Pre-Application Consultation Report is considered to accord with the requirements of the relevant regulations, and is understood to be an accurate reflection of the consultation undertaken and the responses received. This report has been made publicly available on the Council's website.

### Impact on existing retail uses

The acceptability of new retail uses relative to the zoning of this site has been discussed earlier in this report. Representations have raised concerns over the potential for new retail uses to result in an adverse impact on existing retail uses at nearby locations, such as Union Street and George Street. The approach to consideration of retail uses set out in Scottish Planning Policy and the Aberdeen Local Development Plan is based around encouraging retail uses to defined retail centres of a size appropriate to their catchment. As this site involves the siting of retail and restaurant uses within the City Centre, the first-tier retail location serving a regional catchment, it is consistent with the 'town centre first' policy advocated in SPP, and it is not necessary for the applicant to demonstrate a 'need' for those uses, as a competitive market will respond to demand. Nevertheless, the recent Aberdeen and Aberdeenshire Retail Study has identified demand for a significant level of retail floorspace across the city. Whilst this is not an official policy document, it represents the most current assessment of unfulfilled retail demand, and supported preparation of the ALDP Main Issues Report. It is noted also that retail uses on Union Street benefit from an additional level of policy protection, which encourages the retention of existing retail uses.

### Alternative proposals

It is noted that several representations expressed support for alternative developments, however the planning authority is obliged to make its determination based on the proposal put forward, subject to any changes an applicant may make voluntarily. Whilst comments relating to vacancies on Union Street are noted, the planning authority does not have powers to set rents in privately owned commercial premises as an incentive to prospective tenants.

### Other

The motivations of the Council and the applicants in submitting this application are not a material consideration in assessment of the proposal on its own merits. As has been mentioned previously, pre-application consultation is a statutory requirement. The planning authority's role in assessing the merits of a development proposal and making a recommendation based on the provisions of the development plan and any other material considerations is entirely separate from the Council's interest in the development as landowner. Difficulties experienced in viewing large files on the Council's website are acknowledged, and additional efforts were made to sub-divide large documents into more readily downloadable sections. Whether the site is held in the common good is not a matter for consideration by the planning authority, and whilst it is understood that the status of the land and any restrictions applying to the sale of common good assets warrant consideration by the Council, this will not be discussed further as part of this assessment of the proposal's planning merits.

### **Matters Raised by Community Council**

Issues raised by the City Centre Community Council in its written response and at the public hearing are largely addressed in the 'Design and Scale', 'Impact on Conservation Area and Setting of Listed Buildings' and 'Setting Within Landscape' sections of this report. Points relating to the Council's sale of the land do not constitute a material consideration in the assessment of this application for planning permission, and it has been established in this report that works relating to the closure and pedestrianisation of Broad Street do not require planning permission and therefore are not for consideration as part of this assessment. That support had been expressed for alternative proposals of a lesser scale is noted, however the planning authority's assessment is based on the merits of the current proposal only. Comments in support of additional hotel rooms in the City Centre are noted. Comments in relation to the enlivening of spaces through the use of lighting are noted, and a condition attached to any consent can secure submission of a lighting strategy, to be agreed with the planning authority. The drawings submitted indicate the presence of a water feature within the pedestrianised civic space, though it has been established that the Council will take forward any proposal for that space separately from this planning application.

### **Conclusion**

In summary, the proposal is considered to represent an appropriate form of contemporary development for this city centre brownfield site, consistent with the visions set out in the Strategic Development Plan and the Aberdeen Local Development Plan. Its scale and massing demonstrate due regard for its surroundings, and would not result in detriment to the setting of the listed buildings within and surrounding the site, nor the character and appearance of the wider Union Street Conservation Area. The arrangement of the site has been influenced by the guidance set out in the relevant sections of the City Centre Development Framework and the associated Bon-Accord Quarter Masterplan, and is consistent with the aspiration for a mixed-use development which can present live and active frontages, making a positive contribution to the vitality and viability of the City Centre. Architecture and Design Scotland has been actively engaged in the design process, and the proposals have evolved positively as a

result of a series of workshops. The proposal has been designed to integrate with the Council's vision for a pedestrianised civic space on Broad Street, but is capable of being implemented independently. The development enhances pedestrian accessibility and involves the provision of new and enhanced public spaces within the development site. The proposal makes appropriate provision for vehicle and cycle parking within the site, and the Council's Roads Projects Team has indicated that proposed access and servicing arrangements are satisfactory, subject to appropriate conditions. The traffic modelling undertaken has demonstrated to the satisfaction of the Council's Road Projects Team that the local roads network can accommodate the additional traffic associated with the development.

In conclusion, the proposal is considered to accord with the relevant provisions of the development plan, and whilst the matters raised in representations and at the public hearing are noted, it has not been considered that any of those matters, or any other material considerations, would outweigh the provisions of the development plan. On that basis, it is recommended that members express a willingness to approve the application, subject to conclusion of a legal agreement to secure financial contributions towards the Strategic Transport Fund and to allow for developer contributions assessment to be revisited in the event that the envisaged civic space is not progressed. It is recommended that, on conclusion of such an agreement, planning permission be granted subject to the conditions set out below.

## **RECOMMENDATION**

**Willingness to approve subject to conclusion of a planning agreement to secure:**

- **appropriate financial contributions towards the Council's Strategic Transport Fund; and**

## **REASONS FOR RECOMMENDATION**

The redevelopment of this prominent brownfield site for a mixed-use scheme is consistent with the site's location and zoning as part of the City Centre Business Zone in the Aberdeen Local Development Plan (ALDP), and the site-specific guidance set out in the City Centre Development Framework supplementary guidance. The location of restaurant, retail and hotel uses within the development would make a positive contribution to the vitality and viability of the City Centre, reflecting its status as a first-tier retail location and consistent with the principles of policy C1 (City Centre Development), C2 (City Centre Business Zone and Union Street) and RT1 (Sequential Approach and Retail Impact) of the ALDP. The presence of a major office development within the City Centre is consistent with the aspirations of the Strategic Development Plan.

The development's scale and massing are considered to demonstrate due regard for local context, and it would make a positive contribution to its setting by providing enhanced access to and setting for Provost Skene's House, in accordance with policy D1 (Architecture and Placemaking). New and enhanced public spaces would be provided within the development, along with improved pedestrian linkages through the development, in accordance with policies D3 (Sustainable and Active Travel) and NE9 (Access and Informal Recreation) of the ALDP. The proposal is considered to preserve the setting of the adjacent listed buildings and the character of the wider Union Street Conservation Area, and would avoid obstructing established and important views of the City's townscape and landmarks, as required by policy D6 (Landscape). The proposal makes appropriate provision for car parking within the development, in accordance with the guidance set out in the Council's 'Transport and Accessibility' supplementary guidance, and it the submitted Transport Assessment has been found to demonstrate that the local roads network can adequately accommodate traffic generated by the development proposal, with the necessary mitigation measures.

Whilst it is acknowledged that an area of Urban Green Space would be affected, the proposal involves the provision of replacement green space of similar or better quality in the same location with improvements in accessibility, consistent with policy NE3 (Urban Green Space). Acceptable proposals for site drainage have been proposed, in accordance with policy NE6 (Flooding and Drainage), and agreement of mitigation measures during construction can avoid adverse impact on air quality, as required by policy NE10 (Air Quality). Agreement of a suitable Waste Management Plan, and a scheme detailing carbon reductions can secure compliance with policies R6 (Waste Management Requirements for New Development) and R7 (Low and Zero Carbon Buildings) and the associated 'Low and Zero Carbon Buildings' supplementary guidance.

The proposal is considered to demonstrate its compliance with Scottish Planning Policy's aims in relation to the promotion of town centres, supporting business and employment and valuing the historic environment, as well as those in relation to sustainable transport and active travel.

## **CONDITIONS**

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

(1) That no part of the development hereby approved shall be occupied or brought into use until such time as a 'service vehicles only' zone and associated resurfacing have been implemented around the junction of Flourmill Lane, Netherkirkgate, the development car park entrance and the exit out onto Broad Street, in accordance with a drawing submitted to and approved in writing by the planning authority, in consultation with the Council's Roads Projects Team - in the interests of pedestrian safety and the free flow of traffic.

(2) That the development hereby granted planning permission shall not be occupied unless the cycle storage facilities as shown on the approved drawings, or others subsequently approved in writing by the planning authority, have been provided - in the interests of encouraging more sustainable modes of travel.

(3) That no part of the development hereby approved shall be occupied or brought into use until such time as a scheme for the allocation of car parking to respective uses based on their floorspace has been submitted to and agreed in writing by the planning authority, in consultation with the Council's Roads Projects Team - in order to ensure that each occupying use has access to an appropriate level of car parking and compliance with the Council's 'Transport and Accessibility' supplementary guidance is maintained.

(4) That no development pursuant to this grant of planning permission shall be undertaken until a revised Framework Travel Plan, which takes into account all users/occupiers and includes the production of sample Travel Packs for the distinct user/occupier groups and the identification of mode share targets for the different users, along with aims and objectives for each - in order to encourage sustainable travel.

(5) That hotel and office uses shall not be brought into use until such time as an individual Travel Plan for each occupier has been submitted to and approved in writing by the planning authority, based on the Travel Plan Framework referred to in condition 4 and including a Travel Pack for employees and (for the Hotel) guests.

Retail and restaurant units may not be occupied until such time as a Travel Pack, submitted to and approved in writing by the planning authority, has been produced and distributed to staff, based on that produced for hotel staff.

- in order to encourage sustainable travel.

(6) That no development pursuant to this grant of planning permission shall be undertaken until such time as a dust management plan, detailing dust mitigation measures and controls, responsibilities and any proposed monitoring regime, has been submitted to and approved in writing by the planning authority, in consultation with the Council's Environmental Health officers. Thereafter, works shall be carried out in full accordance with the agreed dust management plan, unless otherwise agreed in writing by the planning authority - in order to mitigate adverse air quality impacts arising during construction.

(7) No development shall take place within the area indicated (in this case the area of the whole development) until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The programme of archaeological work will include all necessary post- excavation and publication work - in the interests of protecting items of historical importance as may exist within the application site.



(8) That no development pursuant to this grant of planning permission shall be undertaken until a site specific Construction Method Statements (CMS) has been submitted and approved in writing by the Planning Authority in consultation with SEPA (and other agencies as appropriate). Thereafter, all works on site must be undertaken in accordance with the approved CMS unless otherwise agreed in writing with the Planning Authority - In order to minimise the impacts of necessary construction works on the environment.

(9) That no development shall commence until such time as a detailed scheme of materials and finishes, including material samples, has been submitted to and approved in writing by the planning authority -in the interests of visual amenity and preserving both the setting of adjacent listed buildings and the character of the Union Street Conservation Area.

(10) that no buildings within the development shall be occupied unless a Waste Management Plan, including details of arrangements for the segregation, storage, collection and management of hotel, commercial and business waste, , have been submitted to, and approved in writing by, the planning authority, and thereafter has been implemented in full - in order to ensure compliance with policy R6 (Waste Management Requirements for New Development) of the Aberdeen Local Development Plan.

(11) that no buildings within the development hereby approved shall be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to the planning authority and subsequently approved in writing, 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'.

(12) that no buildings within the development hereby approved shall be occupied unless the scheme of drainage shown in the submitted Drainage Impact Assessment, drawing ref 95814/2001-A, or any other such scheme as has been submitted to and approved in writing by the planning authority prior to development commencing, has been implemented in full - in order to ensure surface water is appropriately managed.

(13) that no part of the development hereby granted planning permission shall be occupied unless details of suitable filtrated extraction systems, with any terminal point at the highest part of the building have been submitted to and approved in writing by the planning authority and that the said scheme has been implemented in full and is ready for operation - in order to avoid adverse impact arising from the release of odours.

(14) that all building services and fixed plant including fans, ventilation exhausts and inlets shall be designed to not exceed 40db LAeq outside nearby residential properties and an internal level of NR35 between the hours of 07.00 and 23.00

and NR25 at all other times with windows closed - in order to ensure appropriate noise levels within buildings.

(15) That no development shall commence until such time as 1:20 construction drawings, showing the detailing of points where there would be a change in the surface finishes (e.g. point where glazed sections of frontage meet granite-clad sections) have been submitted to and approved in writing by the planning authority - to ensure an appropriately high quality of detailing commensurate with the civic scale and setting of the proposal

(16) That no development shall commence until such time as an external lighting strategy for the site has been submitted to and approved in writing by the planning authority, and thereafter no building within the development shall be brought into use or occupied until such time as any agreed lighting measures have been fully implemented - in the interests of visual amenity.

(17) 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 Nos. PL-003-Rev A & PL-004-Rev B of the plans hereby approved or such other drawing(s) 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.

(18) That, unless otherwise agreed in writing by the planning authority, deliveries to the premises via heavy goods vehicles shall be restricted to 07.00 to 19.00 Mon-Sat and 09.00-19.00 Sun, in order to prevent any adverse impact on amenity as a result of deliveries and servicing occurring at unsociable hours.

(19) that no buildings hereby granted planning permission shall be occupied unless the areas of public open space and associated hard and soft landscaping as identified on Drawing No. TOWN566(08)5001-R03(or such other drawing as may be subsequently approved), excluding those works relating to the pedestrianisation of Broad Street, have been laid out in accordance with a scheme which shall be submitted to and approved in writing by the Planning Authority prior to commencement. No development pursuant to this planning permission shall take place unless such a scheme detailing the manner in which the open space is to be managed and maintained has been submitted to and approved in writing by the planning authority - in order to provide an appropriate setting for the surrounding buildings.

(20) That no buildings hereby granted planning permission shall be occupied unless appropriate measures have been implemented to mitigate localised wind conditions within the development site, in accordance with a scheme which has been submitted to, and approved in writing by the planning authority prior to commencement of development - in order to ensure that the environment within areas of public open space demonstrates due regard for localised wind conditions.

(21) that, notwithstanding their annotation as 'retail' on the submitted drawings, none of the ground-floor commercial units hereby approved within office buildings 01 and 02 shall be used other than for uses within Use Classes 1 (shops) or 3 (food and drink) of the Use Classes (Scotland) Order 1997 unless planning permission has been granted for a change of use of the unit; and

that at least 50% of that ground-floor commercial floorspace shall be used for purposes within Use Class 1 (shops) unless otherwise agreed in writing by the planning authority

- in the interests of securing an appropriate live and active frontage to the development, and maintaining an appropriate mix of uses which can contribute positively towards the vitality and viability of the City Centre as a first-tier retail location.

## **INFORMATIVES**

1. Environmental Health - recommend that construction works audible at the site boundary are restricted to the following - Mon-Fri 07.00-19.00; Sat 09.00-17.00; and Sun no noisy activities audible at boundary.

2. Informative: It is recommend that the CMS is submitted at least 2 months prior to the commencement of any works on site; this is to allow the necessary agencies sufficient time to fully review the mitigation proposals to avoid any potential delays to the project moving forward.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.