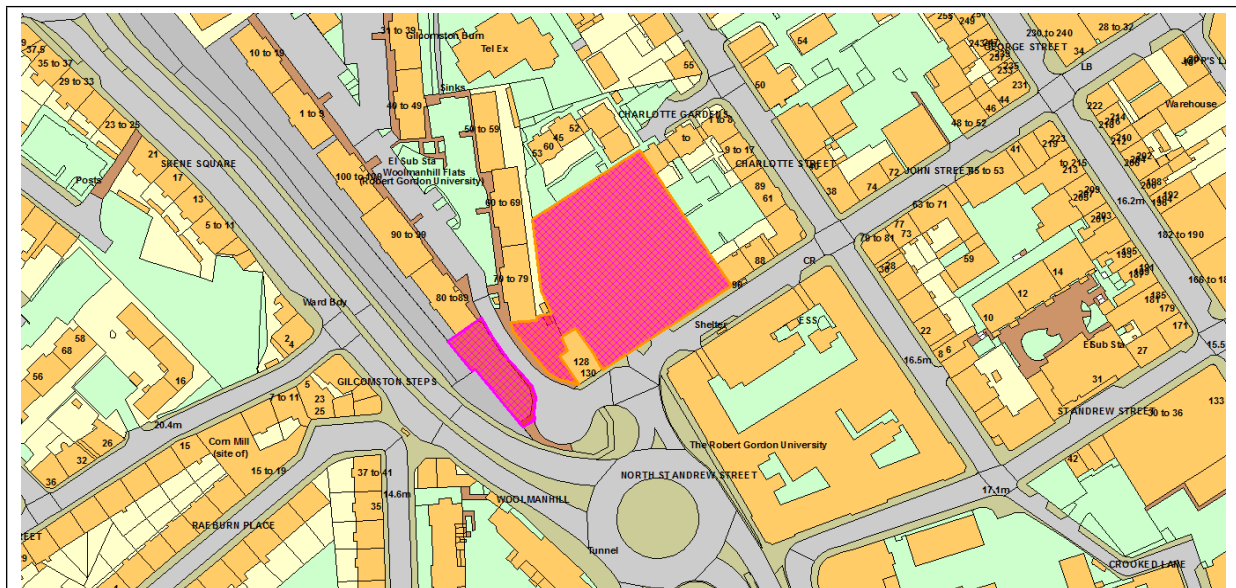


Planning Development Management Committee Detailed Planning Permission

161427/DPP: Erection of student accommodation (374 bed spaces) with associated infrastructure and landscaping at 92-126 John Street, City Centre, Aberdeen, AB25 1LE

For: Downing Students (Aberdeen) Limited Partnership Incorporated

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|--------------------|--|
| Application Date: | 3 October 2016 |
| Officer: | Andrew Miller |
| Ward: | George Street/Harbour |
| Community Council: | George Street |
| Advertisement: | Project of Public Concern (Bad Neighbour) – height exceeds 20 metres |
| Advertised Date: | 12 October 2016 |
| Committee Date: | 9 February 2017 |



Location Plan

RECOMMENDATION: Approve conditionally but to withhold consent until an agreement has been put in place to secure developer obligations of £3,291.00 towards the upgrade of open space in the city centre.

SITE DESCRIPTION

The site comprises a largely vacant plot of land on John Street adjacent to the Woolmanhill Halls of Residence of Robert Gordon University. The site includes the Lumsden Security Locksmith premises and areas previously occupied by now demolished tenement buildings, with commercial uses at ground floor and the former

Ambassador Snooker Club. There is also a smaller separate part of the site adjacent to the turning area to the south of Woolmanhill Halls of Residence.

The surrounding area contains a mix of uses, with residential flats of mainly 4 stories in height to the north and east, Woolmanhill Halls of Residence to the west and the vacant Robert Gordon University building to the south.

RELEVANT HISTORY

| Application Number | Proposal |
|--------------------|--|
| 160879 | Proposal of Application Notice for Student Accommodation, ancillary facilities and associated infrastructure. |
| 130579 | Detailed Planning Permission for 182 Bedroom Hotel with one retail and one food drink unit at ground floor granted 9 October 2013. |
| A6/1811 | Detailed Planning Permission for 50 flats refused by Planning Committee 6 August 2008, appeal to Scottish Government DPEA allowed 3 December 2009. |

DESCRIPTION OF PROPOSAL

Detailed Planning Permission is sought for the erection of student accommodation (comprising 374 bed spaces) with associated parking, access and landscaping.

The development would be shaped in a U around a central courtyard serving as outdoor amenity space. The building would comprise 7 storeys fronting to John Street, though there would be an 8 storey tower element to the south western corner of the development (closest to the Woolmanhill Roundabout). To the rear, the height of the development reduces to 6 storey along the eastern wing, with a further reduction to 5 storey on the rear (northern) wing.

SUPPORTING DOCUMENTS

All drawings and supporting documents listed below can be viewed on the Council's website at <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OEBBMGBZGXQ00>.

PRE-APPLICATION CONSULTATION

The proposed development was subject to pre-application consultation between the applicant and the local community, as required for applications falling within the category of major developments as defined in The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009.

The applicant submitted a Proposal of Application Notice (PoAN) on 1 July 2016. Copies of this were also sent to ward members for George Street and Harbour, as

well as George Street and Rosemount and Mile End Community Councils. As part of the PoAN, the applicant undertook a public consultation event at Aberdeen Central Library on 17 August 2016, with publicity in the Evening Express on 8 August 2016. Posters publicising the event were placed on public notice boards within the local area (e.g. Catherine Street Community Centre), with direct invitations sent to community councils and ward members. Leaflets were also provided to all properties within a 50 metre proximity of the site.

The public consultation event was attended by 11 members of the public, along with a representative of George Street Community Council. Only two feedback questionnaires were completed, both of which expressed support for the development of the site and were complementary of the general design. One representation supported the scale of the development to the rear (northern and eastern wings) along with proposed boundary treatment to the north. Concerns about overlooking were raised, as well as the attraction of seagulls to flat roofs.

A presentation was given to George Street Community Council on 13 September 2016. Questions were raised on the need for student accommodation, the height of the building and its relationship with adjacent buildings, particularly to the north and east. Concerns about seagulls nesting on building roofs was raised, as was the issue of car parking provision and students parking elsewhere.

In responding to the feedback, the developer reduced the scale of the proposed tower element from 11 storey to 8, and removed a standalone block to the west of the development. The window to window distance between the proposed development and adjacent residential flats was not amended, though the applicant stated that the separation distance is considered to be sufficient.

Comments on the impact of nesting seagulls have also been considered, with the applicant stating that any nesting will be managed to ensure neighbours and residents of the student accommodation are not affected by the noise of nesting gulls.

Relative to concerns about car parking, the applicant proposes to provide 7 disabled and staff parking spaces at the development and will not provide parking for students (apart from disabled and staff parking). The applicant has stated that the tenancy agreements for residents will state that there will be no use of cars by students. Drop-off/pick-up at changeover times will be managed, with disabled/staff parking and servicing areas being utilised.

CONSULTATIONS

| Consultee | Comments Made |
|----------------------------|---|
| Developer Obligations Team | Contributions (£3,291.00) sought towards open space. |
| ACC - Waste Strategy Team | Specification of bins required and storage space provided. Informative notes on bins provision provided. |
| Scottish Water | No response received. |

| | |
|---|---|
| ACC - Roads Development Management Team | No objection subject to the following conditions being placed: <ul style="list-style-type: none">• Restriction of parking to visitors and disabled residents.• No entitlement to parking permits for residents.• Cycle parking provision (125 spaces)• Travel Pack. |
| Police Scotland | No response received. |
| ACC - Environmental Health | Requirement for Noise Impact Assessment to be undertaken – to be dealt with by condition. |
| ACC – Contaminated Land | Condition requiring mitigation measures identified in contaminated land report recommended. |
| ACC - Flooding And Coastal Protection | No objection to development, subject to conditions requiring surface water treatment and discharge rate to Gilcomston Burn to be agreed. |
| Network Infrastructure Ltd. Rail | No objections to proposed development subject to conditions/advisory notes relative to the following: <ul style="list-style-type: none">• Protective fencing for railway• Buffer between planting and railway (to prevent leaves on tracks)• Any changes in ground level being agreed with Network Rail. |
| George Street Community Council | <p>Object to the proposed development on the following grounds:</p> <ul style="list-style-type: none">• Height of development, particularly close to Charlotte Gardens and Woolmanhill Flats with a resultant loss of light and privacy.• Flat roofed areas will be left without any consideration to control of seagulls and pigeons. <p>Happy that there are areas that can be utilised for changeover days and deliveries/refuse and that substantial boundary wall would be re-instated for security measures and privacy.</p> |

REPRESENTATIONS

4 representations have been received (3 objections and 1 neutral comment). The matters raised can be summarised as follows:

1. Existing student accommodation creates noise in the area – this will get worse with proposed development.
2. Proposal is too dense, with too many floors and little open space.
3. The development is too bulky compared with adjacent buildings.
4. Landscaped area (to west) is nothing other than a bit left over after roads and planning decisions and is not a good solution.

5. North block should be reduced from 5 storeys to 4 to tie in with adjacent flats.
6. North boundary should be reduced from 7 to 8 metres in height.
7. Flat roofs should not be used for recreation/roof garden.
8. Anti-seagull netting should be introduced on flat roofs.
9. Development will be 22 metres from adjacent flats to the north, thus would result in a loss of privacy.
10. There should be no impact on restrictions to loading/unloading to adjacent businesses.
11. Potential overlooking into adjacent commercial premises.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because George Street Community Council has objected and the application is recommended for approval, accordingly the proposal falls out with the Council's Scheme of Delegation.

PLANNING POLICY

Aberdeen Local Development Plan 2017

H1: Residential Areas
D1: Quality Placemaking by Design
D3: Big Buildings
D5: Our Granite Heritage
CI1: Digital Infrastructure
T2: Managing the Transport Impact of Dev
I1: Infrastructure Delivery & Planning Obligations
R7: Low and Zero Carbon Buildings

OTHER RELEVANT MATERIAL CONSIDERATIONS

Planning history of the site, in particular 130579 (erection of hotel).

EVALUATION

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

The main considerations in this instance relate to the principle of the development, its design and siting, the impact on existing neighbouring uses; and servicing of the student accommodation (parking/drainage etc.).

Principle

The application site lies within in an area designated as a residential area in the Aberdeen Local Development Plan 2017. Associated policy H1 states that new development will be approved in principle if it does not: constitute over development; have an unacceptable impact on the character and amenity of the surrounding area; or result in the loss of valuable and valued areas of open space. Development should also comply with Supplementary Guidance.

Student accommodation can be considered to be a quasi-residential use, with the main differences being the temporary (usually yearly basis) of the tenancies and shared communal facilities (kitchens, living/common rooms and laundry). In this case the surrounding area contains a mix of uses, with “mainstream” residential to the north and east, student accommodation to the west and a hotel (under development) to the south.

The site itself is brownfield land and previously contained a tenement flats with commercial uses at ground floor level and snooker club. These uses were demolished in 2014 following the granting of consent for a hotel on the site. Scottish Planning Policy (SPP) advocates the redevelopment of brownfield land and urban renewal.

In this instance it is considered that the principle of the redevelopment of the site for student accommodation would be acceptable, particularly as it is adjacent to established student halls (Woolmanhill). The proposals are therefore considered to accord with policy H1 in this respect.

Design and Siting

Policy D1 contains a number of criteria which seeks to ensure that all new development is designed at a level suitable for its context. Policy D3 (Big Buildings) also seeks to ensure that big buildings are of a high quality design and states that the most appropriate location for such buildings are in the city centre and its periphery.

The proposed building would be relatively large, reaching a maximum height of 23 metres in the tower element. As described above, the proposed building would be arranged in a U-shaped footprint, around a courtyard area, which would be open to the west.

Looking at each wing, the southern wing would form the frontage of the building to John Street, and would have a height of approximately 19 metres. The first five storeys would follow the established building line on John Street, with the top stories being set back by 1 metre. It would be 2 metres taller than the adjacent buildings but is broadly in line with the massing of the consented hotel on the site. The use of different materials and set-back, along with the provision of the slightly taller tower element together would break up the visual massing of the frontage of the building, enabling it to blend in with the surrounding area. When compared with the height of the former Robert Gordon’s building to the south, overall it would be slightly taller in height however the height itself would not be out of keeping with this city centre

location where larger buildings of this sort can be expected. The tower element of the building would create a feature element marking the end of John Street as well as creating a new distinctive landmark in this area, particularly in views from the Denburn Valley (at Rosemount Viaduct and Union Bridge). Bearing the foregoing in mind it is considered that the development would make a positive and attractive contribution to the cityscape of Aberdeen City Centre.

The eastern block would reduce in height to 6 storeys and at 16.8 metres this would match that of the consented hotel. The building line of this element would be set back by 8.5 metres from the boundary with flats to the east (John St/Charlotte Street), offering a buffer area between the boundary and greater separation to the neighbouring flats. The height of the northern block would reduce further to 5 storeys at 14.1 metres for the main body of the building, although there would be a small set back 6th storey taking the maximum height to 16.8 metres. The siting and massing of these two wings are considered to be compatible with the adjacent flats to the west.

Relative to the external finishes of the building, the elevations would be finished largely in brick – which would be varied in colour but referencing the traditional granite finish of buildings in the city, along with a mix of grey and white cladding panels. These materials are considered to be complementary to the context and appropriate in this particular location. A condition to require samples to be provided for approval is recommended.

Externally, open space would be provided in a central courtyard. The external amenity space provision would be 4m² for each resident. An analysis of recent student accommodation developments around the city centre demonstrates that this compares favourably with other developments, exceeding the figures of recently consented developments (e.g. Powis Place, Causewayend and Triple Kirks).

Overall, it is considered the design and siting of the student accommodation would be suitable for its context in terms of massing and finish, and would comply with the requirements of policies D1 and D3 of the ALDP.

Impact on Surrounding Area/Residents

Given the scale of the development, and under the requirements of policy H1, development should not result an adverse impact on the amenity of neighbours in terms of overshadowing/loss of daylight or loss of privacy.

In support of the application, the applicant undertook a sunpath analysis to assess the impact of the development on neighbouring properties as well as the provision of sunlight to the amenity space proposed as part of this development. This demonstrates that the impact upon neighbouring amenity space would accord with BRE (Building Research Establishment) guidelines. 46 percent of the proposed amenity space within the development, would receive 3 hours or more of direct sunlight in the winter months, rising to 70% in the summer months. The impact on the neighbouring properties relative to the granted hotel consent is less, on account of the smaller footprint and set back position of the rear wing of the proposed development when compared with the hotel.

Relative to impact on neighbouring flats, a daylight assessment report was undertaken to assess the impact of the development on the neighbouring properties, as well as the rooms of the proposed development. The 6 “worst” affected neighbouring properties (to the north in Charlotte Gardens) would see a reduction in Vertical Sky Component of 10%, which given the circumstances of the dense urban location, is considered acceptable in this instance and is similar to the existing situation of many flats throughout Aberdeen City Centre.

An assessment on the provision of daylight to the rooms within the proposed development was also undertaken. This demonstrated that 97% of the windows passed the standards for the average daylight factor, with those that failed focused on the first floor area, notably to the front of the building. Of the 13 windows that failed, 5 of these failed marginally by just 0.1%. Taking account of the BRE guidance, which allows for flexibility in historic city centre locations, it is considered the development will offer suitable levels of daylight to resident students.

In responding to the application, the Council’s Environmental Health (EH) section have not objected but consider that some noise mitigation might be required. With that in mind EH have requested that a noise impact assessment be undertaken to ascertain the impact of the development on the surrounding area. A condition requiring this to be undertaken is recommended, along with any required mitigation measures.

Roads/Parking

The development has come forwards as a low car parking development, with parking proposed for disabled residents and staff. The provision of no parking for residents (excluding disabled residents) is considered acceptable in this location, given its proximity to public transport, the City Centre with all its amenities as well as its close proximity to North East Scotland (Aberdeen) College. Roads Development Management has raised no objections to the development, subject to conditions requiring a travel plan to be prepared and cycle parking provision.

Drainage

The site would be connected to the public water supply and foul drainage in the area. Although Scottish Water did not respond to the consultation request, the connection to the network is acceptable in principle, under the terms of policy NE6. With regard to surface water drainage, the site would be drained via a cellular storage tank to the culverted Gilcomston Burn. The applicant has demonstrated through a DIA that this approach is the most suitable for the site in terms of SuDS principles. The Council’s flooding team raised no objections to the development. In light of this, it is considered the proposals accord with the requirements of policy NE6.

Developer Obligations

In this instance, the Developer Obligations team have identified that there is a need to contribute to the provision of open space in the city centre, with a contribution of £3,291.00 sought. Funds would be utilised towards the upgrade of Union Terrace Gardens, which can be justified due to the increase in residents living and making

use of the Gardens which is the closest public open space to the proposed development.

Matters Raised by Community Council

In respect of the matters raised by the Community Council, these are outlined as follows, with a response to each point below.

- *Height of development, particularly close to Charlotte Gardens and Woolmanhill Flats with a resultant loss of light and privacy.*

It is considered the impact of the development on the surrounding area is acceptable, noting the consideration above under Design and Siting and the various supporting information provided with the application. It is noted that the impact of the development would be slightly less than that of the consented hotel.

- *Flat roofed areas will be left without any consideration to control of seagulls and pigeons.*

The applicant has stated in supporting information that this will be managed in the interests of the amenity of neighbours and residents of the proposed development.

Matters Raised in Representations

In respect of the matters raised in representations, these are outlined as follows with a response to each point below:

1. *Existing student accommodation creates noise in the area – this will get worse with proposed development.*

It is not considered that the introduction of student accommodation would result in significant levels of noise, however the requirement for a Noise Impact Assessment has been highlighted by Environmental Health and will be conditioned as part of this consent.

2. *Proposal is too dense, with too many floors and little open space.*
3. *The development is too bulky compared with adjacent buildings.*
4. *Landscaped area (to west) is nothing other than a bit left over after roads and planning decisions and is not a good solution.*
5. *North block should be reduced from 5 storeys to 4 to tie in with adjacent flats.*

Consideration to points 2 - 5 is given to the design, massing and siting above under Design and Siting.

6. *North boundary should be reduced from 7 to 8 metres in height.*

A condition is recommended requiring details of the boundary treatment to be provided via condition.

7. *Flat roofs should not be used for recreation/roof garden.*

The use of the flat roofs of the building for amenity space does not form part of this submission, with no access proposed to these areas as part of the application.

8. *Anti-seagull netting should be introduced on flat roofs.*

The applicant has stated in supporting information that this will be managed in the interests of the amenity of neighbours and residents of the proposed development.

9. Development will be 22 metres from adjacent flats to the north, thus would result in a loss of privacy.

This distance exceeds the minimum 18 metre standard for separation between windows.

10. There should be no impact on restrictions to loading/unloading to adjacent businesses.

The proposed development includes service access to the side of the development.

11. Potential overlooking into adjacent commercial premises.

Overlooking to commercial premises is not considered to be a planning issue

RECOMMENDATION: Approve conditionally but to withhold consent until an agreement has been put in place to secure developer obligations of £3,291.00 towards the upgrade of open space in the city centre.

REASONS FOR RECOMMENDATION

The redevelopment of the site for student accommodation is considered to be a suitable use compatible with neighbouring land uses and is designed, sited and serviced in a way that would maintain the amenity of the surrounding area and represent a positive enhancement of the townscape that makes good use of highly accessible, vacant and unsightly city centre brownfield land. Accordingly, the proposals are considered to accord with relevant policies of the Aberdeen Local Development Plan 2017.

CONDITIONS

1. External Material Finishes

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

Reason: in order that further evaluation can be given to the material finishes of the building, details of which are lacking from the proposals.

2. Landscaping and Amenity Space

That the landscaping scheme hereby approved (namely drawing numbers 16047_HW_200 REV E02, 16047_L_200 REV E02, 16047_SW_200 REV E02 – or such other drawings as may be agreed in writing with the planning authority), shall be implemented in prior to the first use of the development

hereby approved (excluding any planting which shall occur no later than the first planting season following completion of the development)

Reason: in order to ensure the external amenity space and associated landscaping are provided timeously.

3. Refuse Storage

That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority.

Reason: in order to ensure the development is served by suitable refused provision, preserve the amenity of the neighbourhood and in the interests of public health.

4. Cycle Storage

That the development hereby granted planning permission shall not be occupied unless a scheme detailing cycle storage provision for 125 cycles in a secure, lockable facility has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme.

Reason: in the interests of encouraging more sustainable modes of travel.

5. Noise Impact Assessment

That no development pursuant to this planning permission shall take place unless there has been submitted to and approved in writing for the purpose by the Planning Authority an assessment of the noise levels from the development on the nearest noise sensitive premises, unless the planning authority has given prior written approval for a variation. The assessment shall be prepared by a suitably qualified independent noise consultant and shall:

- be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note;
- identify the likely sources of noise; and
- indicate the measures to reasonably protect the amenity of the occupants of the noise sensitive premises from all such sources of noise that have been identified.

The development shall not be occupied unless the said measures have been implemented in full

Reason: in the interests of residential amenity.

6. Boundary Treatment

That no development shall commence unless a scheme of boundary enclosures for the site has been submitted to and approved by the Council (as planning authority). The scheme shall include provision of a 1.8 metre high trespass proof fence in areas adjacent to the railway line. Thereafter the boundary treatment shall be provided and completed prior to the use of the building commencing.

Reason: in order that further consideration can be given to the boundary treatment of the development, details of which are lacking from the submission, and in order to ensure this is delivered timeously.

7. Contaminated Land

The development shall be not be occupied unless

- any long term monitoring and reporting required in the approved scheme of contamination (Report on Site Investigations, John Street, Aberdeen, Mason Evans, November 2015) or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken; and
- a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out,

unless the planning authority has given written consent for a variation.

The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning authority that verifies that the remedial works have been carried out in full accordance with the remediation plan, unless the planning authority has given written consent for a variation.

Reason: to ensure that the site is suitable for use and fit for human occupation.

8. Drainage

That no development shall commence unless details of the following surface water drainage matters have been submitted and agreed with the Council (as planning authority):

- Confirmation that the discharge rate to the Gilcomston Burn during a 1:200 year flood event does not exceed 10 litres per second; and
- A scheme for the provision of 2 levels of treatment of surface water drainage.

Thereafter the development shall be implemented in accordance with those details unless otherwise agreed in writing with the Council.

Reason: to ensure the development is served by a suitable level of surface water drainage and in the interests of flood prevention.

9. Student Accommodation

The development hereby approved shall not be leased other than by students enrolled on full-time or part time further or higher education courses in Aberdeen unless otherwise agreed in writing with the planning authority.

Reason: that the form of the development and its associated infrastructure is only suitable for student accommodation.

10. Travel Plan

That prior to first occupation of the units or completion of the development (whichever is the soonest), a travel plan shall be submitted to and approved by the Council (as Planning Authority). The travel plan shall include (but is not limited to):

- Information on the restriction of parking to residents (e.g. wording of tenancy agreement on “No Car” provision).
- A scheme for the management of parking on site (for staff and disabled students).
- Details of a travel pack to be provided to students, which identifies sustainable travel in light of the “No Car” parking provision on the site.

Thereafter the measures identified in the travel plan shall be implemented in accordance with the approved plan.

Reason: in the interests of sustainable travel.

11. Railway Works

No development shall commence unless written evidence has been submitted to and approved by the Council (as Planning Authority) to demonstrate that the applicant/developer has provided and submitted details of all changes in ground levels, laying foundations and operation of mechanical plant in proximity to the Aberdeen-Inverness rail line for approval by Network Rail's Asset Protection Engineer.

ADVISORY NOTES FOR APPLICANT

Contaminated Land

Localised hotspots of benzo(a)pyrene and asbestos will be excavated and removed to a suitable licensed waste disposal facility, or re-used on-site beneath hardstanding or buildings, (not in landscaped or garden areas). Waste transfer notes should be retained for presentation to the planning authority.

There is a large stockpile of demolition material stored in the central area of the site. If this material is to be disposed of, it should be disposed to a suitable waste disposal

facility and all waste consignment notes should be retained for presentation to the planning authority.

If materials are to be imported for use in the landscaped areas, these require to be tested to demonstrate their suitability. Testing should be undertaken at a rate of 1 sample per 500m³ for a range of common contaminants of concern.

Roads

Residents will not be eligible to apply for on-street parking permits.

Railways

Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.