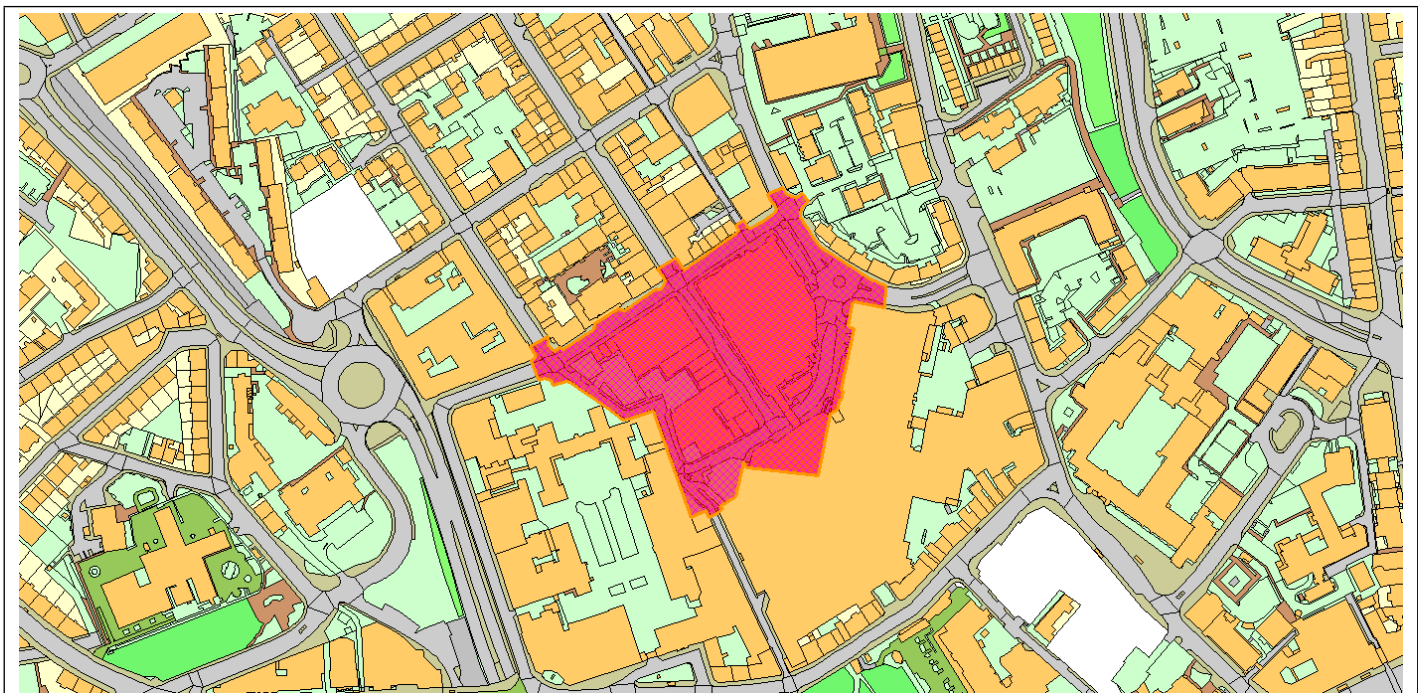


Planning Development Management Committee

Report by Development Management Manager

24 August 2017

| | |
|---------------------------------|--|
| Site Address: | Bon Accord Centre, George Street, Aberdeen, AB25 1HZ |
| Application Description: | Mixed use development comprising Class 1 (Shops), Class 2 (Professional services), Class 3 (Food and drink), Class 4 (Business), Class 7 (Hotels), flats, serviced apartments, access, services and all ancillary development and associated demolitions |
| Application Reference: | 170353/PPP |
| Application Type | Planning Permission in Principle |
| Application Date: | 3 April 2017 |
| Applicant: | Aberdeen Shopping Centre Ltd. C/o BMO Real Estate Partners |
| Ward: | George Street/Harbour |
| Community Council | City Centre |
| Case Officer: | Andrew Miller |



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RECOMMENDATION

Approve conditionally but withhold issue of consent until means of securing developer obligations and affordable housing is agreed.

APPLICATION BACKGROUND

Site Description

The site covers approximately 24.5 ha taking in an area north of the Bon Accord Centre to St Andrews Street, west to Crooked Lane/Harriet Street and east to Loch Street/Berry Street/. The southern boundary is formed by the rear of the Bon Accord Centre. The site incorporates the John Lewis store and commercial and residential property on the western side of George Street as well as the streets listed above. The site contains a category C listed building (119 – 125 George Street). Union Street Conservation Area is to the west of the site.

Relevant Planning History

| Application Number | Proposal |
|--------------------|---|
| 161080/ESC | Screening opinion to assess whether an Environmental Impact Assessment required. |
| 161104/PAN | Proposed major development: Mixed-use development comprising Class 1 (Shops), Class 2 (Professional services), Class 3 (Food and drink), Class 4 (Business), Class 7 (Hotels), Class 11 (Leisure), flats, serviced apartments, student accommodation, access, car parking, services and all ancillary development, providing up to approximately 10,000 sq.m of additional floorspace (subject to consultation / confirmation). |

APPLICATION DESCRIPTION

Description of Proposal

Planning permission in principle is sought for a mixed-use development comprising: retail; professional services (banks, solicitor's offices, etc.); food and drink; business (offices etc.); hotel; leisure; flats; and serviced apartments with associated access and infrastructure including public realm works.

The development would be split into three distinct blocks:

- Block D1 would be located on Loch Street, in the location of the former soup kitchen now housing Jo Malone. As part of the development of this block, Jo Malone would be moved north, closer to the entrance to the Loch Street car park of the Bon Accord Centre. Indicative massing provided with the application shows five storey of development in this area.
- Block D2 comprises the former Co-op supermarket, Santander Bank, Balaclava Bar, and two other smaller vacant retail units.
- Block D3 would cover areas of car parking and yard space adjacent to Crooked Lane, along with 3 retail units at 38-42 St Andrew Street.

The application proposes a floor space of approximately 8,500 sq metres with up to 170 bedspace hotel and 50 residential flats.

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=ONOK4BBZJVZ00>.

The following documents have been submitted in support of the application –

- Transport Assessment
- Air Quality Impact Screening
- Design and Access Statement
- Flood Risk Assessment
- Planning Policy Statement
- Pre-Application Consultation Report
- Daylight Impact Assessment Report
- Built Heritage Statement
- Utility Search Report
- Noise Impact Assessment

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it has received nine objections and falls out with the Council's Scheme of Delegation.

CONSULTATIONS

Historic Environment Scotland –

No comments to make in respect of impact on neighbouring A listed Robert Gordon's College.

ACC - Roads Development Management Team –

Revised Transport Assessment provided demonstrates the number of trips generated can be accommodated within the existing transport infrastructure in the surrounding area and car parking provision. Provision of cycle parking, new pedestrian areas and upgrades to traffic signals in Crooked Lane Area to be conditioned. £20,000 contribution towards maintenance of signals required.

ACC - Environmental Health –

Air quality impact screening provided sufficiently demonstrates that a detailed air quality impact assessment is not required.

The Noise Impact Assessment provided with the application is sufficient and mitigation measures identified should be implemented, though further assessment will be required in respect of the impact of any proposed fixed plant and equipment required as part of the development.

ACC - Flooding and Coastal Protection –

No comments received.

Scottish Environment Protection Agency –

No objections, subject to conditions being placed requiring SuDS details to be provided as well as ensuring finished floor levels are at least 0.6 metres above the 200 years flood level.

ACC - Housing Strategy & Performance –

Affordable housing should be provided at a rate of 25% for any residential development, which would equate to circa 12 units provided on site. If a Registered Social Landlord (RSL) were to take this forward, then they would wish to have sole ownership of a block of flats. If this is ultimately not possible or there is no interest from a RSL then delivery as Low Cost Home Ownership would be appropriate.

Developer Obligations Team –

Contributions for development with no residential element would be limited to core paths (£5,928.75) and open space (£2,916.56) totalling £8,845.31. With residential, a greater level of contributions would be required. Based on 50 units, this would form:

- 12 onsite affordable units (covered above under housing);
- £21,080.00 towards the reconfiguration of Gilcolmstoun Primary School;
- £10,540.00 towards the reconfiguration of Aberdeen Grammar School;
- £12,500.00 towards the Beach Leisure Centre;
- £20,081.49 towards core paths;
- £9,906.25 towards open space; and
- £51,150.00 towards the provision of additional capacity at existing city centre healthcare facilities.

TOTAL = £107,257.74 plus 12 onsite affordable units.

ACC - Waste Strategy Team –

Advisory notes on waste requirements for new residential development provided.

Police Scotland –

Advice for applicant to be considered in detailed design in interests of crime and terrorism prevention – to be incorporated as advisory notes.

Scottish Water –

No comments received.

Aberdeenshire Council –

No objections.

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 Developments) (Scotland) Regulations 2009. The consultation involved:

- the submission of a Proposal of Application Notice to the Council on 8 July 2016;

- notification of the proposals to the public and stakeholders (advertisement in local press, posters in surrounding area and notification to neighbouring properties);
- presentations to both George Street and City Centre Community Councils;
- invite only previews to key stakeholders and neighbouring properties/businesses;
- two public meetings in the Bon Accord Centre (18 August 2016 and 27 October 2016); and
- a presentation to Aberdeen City Council Pre-Application Forum on 27 October 2016.

The comments received have been addressed by the applicant as follows:

- A number of comments received related to specific design matters, which cannot be incorporated at the PPIP stage, and cognisance of these comments will be taken consideration of as the project progresses.
- Student accommodation and car parking was removed from the description of the development.
- Further consideration has been given to the retentions of 41-43 Loch Street within the Design and Access Statement.
- Massing of development to Crooked Lane have been reduced and analysis undertaken in respect of Daylight/Sunlight.
- Positioning of the canopy and subsequent impact on neighbouring dwellings will be given further consideration at further detailed stage.
- Proposed servicing arrangements were given further consideration in the Transport Assessment provided with the application.
- Consideration has also been given to ensuring permeability through the site remains, along with improvements to the general public realm of the area.

REPRESENTATIONS

10 representations have been received – 9 objections (4 from neighbouring properties including Robert Gordons College) and 1 comment of support from Aberdeen Inspired (Aberdeen City Centre Business Improvement District organisation).

The main issues raised in the objections can be summarised as follows:

1. Large scale development is not necessary in the city as the current time.
2. Loss of historic street front at 36-42 St Andrew Street.
3. Negative affect on character and layout of George Street.
4. Possible loss of the “Soup Kitchen” building – it should either be retained or relocated.
5. Soup Kitchen should be retained in current location, not relocated.
6. Alterations to historic Crooked Lane have no consideration to the conservation of the area.
7. No thought into accommodating existing forms of development in Block D2, e.g. floor to ceiling heights have no regard to existing 18th century architecture in place.
8. Sheer mass of Block D2 is out of keeping with the city’s character.
9. Pedestrian bridges/skyways between Bon Accord Centre and John Lewis/Block D2 are an out of date idea.
10. Concerns about access arrangements to Jopp’s Lane and St Andrew Street and subsequent impact on bus routes.
11. Impact on smaller retailers in the area.
12. Huge impact on daylighting standards in the surrounding area.
13. New hotel will cause noise pollution.
14. Loss of privacy to neighbouring properties.
15. Any canopy over George Street will cast a shadow over neighbouring flats.

16. No thought regarding human traffic as well as no understanding or relationship with surrounding architecture.
17. Further fragmentation of George Street, which previously connected through to Market Street.
18. Pavement from Loch Street to Crooked Lane would only be 4 metres wide.
19. Upgrading of Crooked Lane will impact on the operation of the school (drop off and pick up of pupils by car, as well as pupil).
20. Potential impact of development on setting of Category A listed building at Robert Gordons College.
21. Development of hotel does not accord with opportunity site designation for retail.
22. Disruption to surrounding area as a result of construction process.

The main issues raised in the letter of support can be summarised as follows:

23. Proposal is entirely in keeping with the strategic direction of the Aberdeen City Centre Masterplan.
24. Proposed development meets with the core objectives of Aberdeen Inspired, which essentially looks to see increased footfall and dwell time in the city centre. This ambitious project will achieve this and enhance the area of the city centre in general which is welcomed.

The following comments received are not material and cannot be taken into consideration in the determination of the application:

- What will happen to the centre once it has had its day and is vacant? (The future occupation of the centre is not a material planning consideration.)
- Possible loss of 131 George Street. (This building does not form part of the application).
- Block D1 would be best removed and shops added and ground floor in the existing shopping centre. (The application as submitted has to be determined and possible alternative scenarios cannot be considered as part of this application).

MATERIAL CONSIDERATIONS

Legislative Requirements

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.

National Planning Policy and Guidance

Scottish Planning Policy

Aberdeen City & Shire Strategic Development Plan

Aberdeen Local Development Plan (2017)

OP102: George Street/Crooked Lane
NC2: City Centre Retail Core and Union St
NC1: City Centre Development - Regional Centre
D1: Quality Placemaking by Design
D2: Landscape
D3: Big Buildings
D4: Historic Environment
D5: Our Granite Heritage

NC4: Sequential Approach and Impact
I1: Infrastructure Delivery and Planning Obligations
T2: Managing the Transport Impact of Development
T3: Sustainable and Active Travel
T5: Noise
H5: Affordable Housing
NE6: Flooding, Drainage & Water Quality
R6: Waste Management Requirements for New Development
R7: Low and Zero Carbon Build & Water Efficiency

Supplementary Guidance and Technical Advice Notes

Hierarchy of Centres

Other Material Considerations

City Centre Masterplan
Aberdeen City and Aberdeenshire Retail Study 2013

EVALUATION

Principle of Development

The application site lies in the City Centre Retail Core and wider City Centre, as defined in the Aberdeen Local Development Plan 2017 (ALDP). Both policies NC1 – City Centre Development – Regional Centre and NC2 – City Centre Retail Core and Union Street, advocate the city centre as the preferred location for retail, leisure, office, hotel and other significant footfall generating development.

In terms of specific opportunities within the ALDP, part of the site is identified as an opportunity site. OP102 (George Street/Crooked Lane) covers a 0.96ha area bounded by St Andrew Street to the north, George Street to the east, Loch Street to the south and Crooked Lane to the west. The designation identifies an opportunity for retail development forming part of an expansion to the Bon Accord Centre and linkages to John Lewis.

Scottish Planning Policy advocates a sequential approach to development that generates significant levels of footfall (e.g. retail, leisure), as is adopted in the ALDP (city centre first approach), but does state that the mix of land uses should be appropriate to support the vibrancy, vitality and viability of the city centres. This is echoed at a regional level within the Aberdeen City and Shire Strategic Development Plan 2015 (SDP).

The Aberdeen City Centre Masterplan (CCMP) is a material consideration in the determination of the application. It identifies a number of aspirations for the city centre, including enhancement of retail offering. One of the projects within the CCMP (Project CM07 – Bon Accord Centre) identifies the scope of expansion of the Bon Accord Centre to the north (in area covered by OP102 in ALDP).

The city centre location, along with specific designations, means the nature and overall principle of the proposed development would accord with the principles of city centre and retail policy at a national, regional and local level.

Retail Capacity in Aberdeen

As discussed under Principle above, Aberdeen City Centre is seen as the preferred location for development that generates significant footfall. Retail provision forms a significant part of this proposal and is the main land use that policy at a local, regional and national level seeks to protect and enhance within city centres. As this is the preferred location for such uses, it is not considered that any detailed assessment of the impact of the development other centres is necessary.

The Aberdeen City and Aberdeenshire Retail Study 2013 identifies additional capacity for retail floor space of 30,000 sq metres in the city centre in order to promote long term growth of the city centre's role as the regional centre for Grampian. The figures in this study should not be seen as definitive as retail provision is constantly changing (including increases in online retailing). In addition the study itself is 4 years out of date and was compiled during a period of sustained economic growth in the region that has since fallen due to the low oil and gas price. Nonetheless, the provision of additional retail floor space as part of this development will go some way in addressing the deficiency identified in the retail study, in an appropriate city centre location.

Design and Siting

As the application is for Planning Permission in Principle, much of the detail would be considered under further applications (Approval of Matters Specified in Conditions). Nonetheless, general parameters (indicative development envelopes) have been provided in support of the application, along with indicative images within the Design and Access Statement. Overall, the scale of the development would be much larger than the buildings to be replaced.

Block D1 (Loch Street) would see development of up to 5 storey between John Lewis and the Bon Accord Centre, on the site of the pedestrian link bridge and the former "Soup Kitchen." The development of the block would result in the enclosure of this part of Loch Street, with an indicative pend maintaining pedestrian permeability. The creation of the new pend, along with new units fronting to George Street, would enable the creation of active frontages and bring a degree of animation to what is at present a relatively sterile streetscape.

Whilst not listed or located within a conservation area, it is noted from the meeting of the Pre-Application Forum of 27 October 2016 that there is desire for the former Soup Kitchen to be retained. In support of the application, the applicant undertook an options appraisal on the potential scenarios for the building. The preferred option was identified as the relocation of the building further north on Loch Street, closer to the roundabout with Berry Street. This is considered acceptable in principle, though a condition requiring submission of a detailed scheme for its relocation and rebuilding is recommended.

Block D2 would see a significant increase in height from the single/two storey units to six storey, however the context of the site offers opportunities for such a scale of development. Redevelopment of this site would also result in a significant improvement in the quality of the built environment in the area, with the existing buildings being merely functional, of poor quality and no architectural merit. The indicative layout provided shows retail at ground and 1st floor levels, with a hotel on the upper four storeys, though part of the ground floor would need to accommodate front of house activities for the hotel. An indicative concept within the Design and Access Statement provided with the application shows this on the elevation to Crooked Lane, which would be suitable in principle and ensures prime frontages to George Street would be within an active use.

Block D3 would see the redevelopment of sites to Crooked Lane and St Andrew Street, as well as improvements to Crooked Lane itself to enable two-way traffic (to access service yard and continue traffic flow one way from Harriet Street). The indicative parameters show a "zig-zag" of footprint along Crooked Lane, with small pockets of land to the front that could be utilised as small seating areas/plazas with active frontages at ground floor.

Indicative plans within the Design and Access Statement show a glazed roof section between block D2 and D1/John Lewis. This would provide a degree of environmental enclosure but would remain very much an outdoor space. Along with the provision of improved public realm, as well as enhancements at Loch Street (adjacent to entrance of the multi-storey car park), the proposed public realm enhancements are considered to be acceptable in principle.

In respect of policy D1 of the ALDP, whereby all development should be designed to a high standard, the indicative building parameters and overall layout is considered to comply with its requirements. Again, the detailed design of the buildings would be considered under a further application.

Historic Environment

Scottish Planning Policy and Historic Environment Scotland Policy Statement both seek to preserve and enhance the special interest of listed buildings. In this case, the site is adjacent to a Category B listed tenement building to the north at 119-125 George Street, and on the opposite side of Crooked Lane is the Category A listed Robert Gordon's College building. Consideration must therefore be given to the impact of the development on the setting of the historic assets. Although in principle, the indicative massing of the proposed units is not considered to result in an adverse impact upon the setting of Robert Gordon's College and its key views, nor the setting of the adjacent Union Street Conservation Area. The setting of 119-125 George Street will be enhanced in comparison to the existing development on the site (former Co-op supermarket). Further consideration to the suitability of the detail of the proposed buildings in the context of the historic environment will be given at a later stage.

Impact on Surrounding Area

The indicative parameters provided with the application have enabled analysis of the impact of the development on the surrounding in terms of any loss of daylight and sunlight. A Daylight Impact Assessment provided found that the percentage of windows adjacent to the site that would receive a level of daylight within BRE guidelines was 75% and the percentage of windows that would receive sufficient sunlight under the same guidance was 90%. It should be noted that the BRE standards are designed for new, sub-urban development in mind and a degree of flexibility should be provided within dense, historic city centres.

Another factor to be considered is the relatively open aspect of the Crooked Lane area of the site, which is largely occupied by areas of ground level car parking, and as such any change in the massing of the site (of a similar scale to the established built form of the surrounding area) will result in a loss of daylight and sunlight to neighbouring buildings. The analysis provided identifies that the assessment was carried out on the indicative massing, which would be a worst case scenario for any proposed development and there would likely be opportunities for the impact of the development to lessen as further detailed designs come forward.

Access and Parking

No parking would be provided as part of the proposed scheme, though a small service yard that would be located to the rear of Block D2 and D3 accessed from Crooked Lane with the potential to accommodate a small area of parking is shown. The provision of no additional parking will help to reduce the number of trips generated by the development, encouraging use of active and public transport. The closure of Loch Street would also make the area more pedestrian friendly in comparison to the current arrangement.

The subsequent rearrangement of Crooked Lane to accommodate service vehicles for the Bon Accord Centre would require sufficient space for HGVs to enable access and egress. This would

open up Crooked Lane to two way traffic though this would be for access to the service yard only. A condition requiring a scheme for upgraded signalling is recommended.

Roads Development Management raised no objections to the proposals, though requested that provision be made for cycle facilities and upgraded traffic signalling.

Pollution

In support of the application, a screening assessment provided with the application demonstrates the proposals do not meet the criteria against which an Air Quality Impact Assessment should be submitted and it can therefore be anticipated that the proposed development will have an insignificant impact on local air quality.

Relative to noise pollution, policy T5 requires creates a presumption against development that generates noise to the detriment of neighbouring noise sensitive properties, unless a Noise Impact Assessment identifies there will be no adverse impact or suitable mitigation measures can be implemented. A Noise Impact Assessment provided with the application identifies the likely sources of noise from the development and noise in the surrounding area that may impact upon the residents in the proposed flats. It identifies a number of mitigation measures that should be implemented to ensure the amenity of proposed residents is not adversely affected by noise, as well as a requirement for further assessment of proposed plant/building services for the proposed development. Conditions ensuring these requirements are implemented are recommended.

Flooding

Policy NE6 states that all development at risk of flooding will not be permitted. The site lies within an area that is identified by SEPA as being at risk from fluvial (rivers, burns etc.) flooding from culverts in the surrounding area. These are for several sections of the Gilcomston Burn, with flood risk arising from backed up culverts, which may overflow and run down George Street towards the site. The Flood Risk Assessment provided with the application concludes that to mitigate against flood risk from this source, finished floor levels should be set at a level of at least 600 mm above the 1 in 200 year flood event. SEPA, in responding to their consultation request, agree with this and have requested that a condition be placed requiring this to be undertaken.

Risk from pluvial (surface water) identifies that there may be a risk of flooding from surface water in the site. In order to mitigate against this, surface water treatment should incorporate drainage measures to mitigate against any risk from pluvial flooding up to levels of a 1 in 200 year flood event, plus 20% betterment over existing surface water flows. These details will be required as part of detailed drainage schemes designed at a later detailed stage.

The proposed conditions, along with subsequent requirements for drainage, are considered to mitigate against the risk of flooding to the site and thus the proposals are considered to comply with the requirements of policy NE6.

Affordable Housing

Residential development of approximately 50 flats has been identified as part of the proposals. As with all housing applications, consideration needs to be given to the provision of affordable housing, in line with the requirements of policy H5 – Affordable Housing. This policy requires housing development to contribute 25% of the total number of units as affordable housing. In this respect, 12 units would have to be affordable. As the application is in principle, there is no specific detail of the proposed layout of the residential accommodation, nor a specific number of units. To this end, it is recommended that this application be subject to a legal agreement requiring

affordable housing to be delivered in line with an agreed scheme that reflects the aspirations of the Council's Housing Service response (onsite provision or low cost home ownership).

Developer Obligations

Policy I1 – Infrastructure Delivery and Planning Obligations seeks to ensure development mitigates its impact on infrastructure, facilities and services. In support of this application, two scenarios were analysed, one with residential the other without. Contributions for development with no residential element would be limited to core paths (£5,928.75) and open space (£2,916.56) totalling £8,845.31. With residential, a greater level of contributions would be required. Based on 50 units, this would form:

- 12 onsite affordable units (covered above under housing);
- £21,080.00 towards the reconfiguration of Gilcolmstoun Primary School;
- £10,540.00 towards the reconfiguration of Aberdeen Grammar School;
- £12,500.00 towards the Beach Leisure Centre;
- £20,081.49 towards core paths;
- £9,906.25 towards open space; and
- £51,150.00 towards the provision of additional capacity at existing city centre healthcare facilities.
- £20,000.00 towards maintenance of new traffic signals created as part of this scheme.

TOTAL = £127,257.74 plus 12 onsite affordable units.

In order to secure the developer obligations attributed to this development, it is recommended to withhold issue of consent to secure the obligations.

Heads of Terms of any Legal Agreement

The heads of terms of any legal agreement entered into relative to this application will be limited to securing developer obligations, as outlined above, and ensuring any affordable housing provided on site is retained as such.

Matters Raised in Representations

In respect of the matters raised in the representations received, these can be outlined as follows:

1. Large scale development is not necessary in the city as the current time.

The site has been identified for development and ultimately market forces will dictate the provision of retail land in the city centre.

2. Loss of historic street front at 38-42 St Andrew Street.

Numbers 38-42 St Andrew Street would be lost as a result of the development, however these are not considered to be of historic significance and appear to be recent additions.

3. Negative affect on character and layout of George Street.

The impact of the development on the surrounding area is considered above under Design and Siting.

4. Possible loss of the "Soup Kitchen" building – it should either be retained or relocated.

The relocation of the building is the applicant's preferred approach, a condition requiring its relocation and rebuild is to be placed.

5. Soup Kitchen should be retained in current location, not relocated.

The applicant could demolish the building with no requirement for planning consent, therefore the retention of the building cannot be forced. The preferred option of its relocation on Loch Street is seen as a suitable compromise to enable the development of the shopping centre whilst retaining the building (albeit reconstructed.)

6. Alterations to historic Crooked Lane have no consideration to the conservation of the area.

Alterations to Crooked Lane are considered to be necessary to facilitate the development of the area, and would bring a degree of vibrancy to the eastern side of the Lane on what is currently a relatively sterile and uninteresting streetscape.

7. No thought into accommodating existing forms of development in Block D2, e.g. floor to ceiling heights have no regard to existing 18th century architecture in place.

8. Sheer mass of Block D2 is out of keeping with the city's character.

9. Pedestrian bridges/skyways between Bon Accord Centre and John Lewis/Block D2 are an out of date idea.

In respect of points 7,8 and 9, the siting and design of the building (in terms of the information available at the in principle stage) is considered to be suitable, as is considered above under Design and Siting. Again further detail will be considered at a later stage.

10. Concerns about access arrangements to Jopp's Lane and St Andrew Street and subsequent impact on bus routes.

Access arrangements on Jopp's Lane and St Andrew Street will remain unchanged as part of this scheme, therefore there will be no impact on bus services.

11. Impact on smaller retailers in the area.

The provision of retail capacity in Aberdeen is discussed above under Retail Capacity in Aberdeen.

12. Huge impact on daylighting standards in the surrounding area.

13. New hotel will cause noise pollution.

In respect of points 12 and 13, the impact of the development on the surrounding area is considered under Impact on Surrounding Area above.

14. Loss of privacy to neighbouring properties.

15. Any canopy over George Street will cast a shadow over neighbouring flats.

In respect of points 14 and 15, specific details will come at a later date, though the specification of the flats, including window positions and subsequent separation distances will be considered at a later detailed stage, as well as the position of any canopy and subsequent impact on neighbouring residential uses.

16. No thought regarding human traffic as well as no understanding or relationship with surrounding architecture.

The need for permeability through the development has been considered, with increasing pedestrian priority and new servicing arrangements seeking to improve the quality of the public realm.

17. Further fragmentation of George Street, which previously connected through to Market Street.

The development proposes to retain existing pedestrian routes on George Street and the surrounding area, and makes provision of large ponds that will not impede permeability of pedestrians in the area.

18. Pavement from Loch Street to Crooked Lane would only be 4 metres wide.

The provision of 4 metre wide pavement is considered to offer a sufficient space and scale for movement of pedestrians in the area, compared with the relatively exposed nature of Loch Street at present.

19. Upgrading of Crooked Lane will impact on the operation of the school (drop off and pick up of pupils by car, as well as pupil).

Crooked Lane and Harriet Street are covered by double yellow lines on either side, and should not be used for parking or drop off/pick up.

20. Potential impact of development on setting of Category A listed building at Robert Gordons College.

The impact of the development on historic assets has been considered above under Historic Environment.

21. Development of hotel does not accord with opportunity site designation for retail.

Whilst the site is identified for retail, which does form part of the development, there is recognition that a mix of uses is necessary to ensure viability of the scheme along with ensuring an appropriate mix of development in the area.

22. Disruption to surrounding area as a result of construction process.

A degree of disruption is inevitable during the construction process of any development, however it is not a basis on which to refuse a development as this will be for a limited period. Any interruption to roads and pavement would need to be agreed with the Councils Traffic Management section.

The following comments of support are noted:

23. Proposal is entirely in keeping with the strategic direction of the Aberdeen City Centre Masterplan.

24. Proposed development meets with the core objectives of Aberdeen Inspired, which essentially looks to see increased footfall and dwell time in the city centre. This ambitious project will achieve this and enhance the area of the city centre in general which is welcomed.

Time Limit Direction

In light of the scale of the development, and additional process requirements (such as stopping up orders), it is considered reasonable that the following direction be applied to this recommendation of approval:

Notwithstanding the terms of section 59(2)(a)(i) of the Town and Country Planning (Scotland) Act 1997, application for Approval of Matters Specified in Conditions (AMSC) must be made to the Council as Planning Authority no later than the following basis:

1. That in the case of any matter specified in conditions attached to the planning permission in principle, application for approval of matters specified in conditions must be made before:-
 - a. that expiration of 5 years from the date of the grant of planning permission in principle; or
 - b. the expiration of 6 months from the date on which an earlier application for such approval for the same matters was refused; or
 - c. the expiration of 6 months from the date on which an appeal against such refusal was dismissed; whichever is the latest, and
2. That the development to which permission relates must be begun not later than whichever is the later of the following dates:-

- a. the expiration of 5 years from the date of grant of planning permission in principle; or
- b. the expiration of 2 years from the final approval of the matters specified in conditions or in the case of approval on different dates the final approval of the last such matter to be approved.

RECOMMENDATION

Approve conditionally but withhold issue of consent until means of securing developer obligations and affordable housing is agreed.

REASON FOR RECOMMENDATION

The proposed development would provide additional retail floor space, supported by a mix of other high-footfall generating uses that would enhance the vitality and viability of this area of Aberdeen City Centre, in line with the requirements of Scottish Planning Policy, the Aberdeen City and Shire Strategic Development Plan 2015 and the Aberdeen Local Development Plan 2017.

As a material consideration, the proposal would comply with the principles contained within the Aberdeen City Centre Masterplan.

CONDITIONS

1. Details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations as set out in the directive associated to the applied time period for the phased implementation of the hereby approved development. No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval.

Specified matters:

- a. Phasing - Details of the phasing of development;
- b. Levels - Details of existing and proposed site levels, relevant to the extent of development sought/particular phase, including cross sections;
- c. Access - Details setting out all proposed means of pedestrian, cycle and vehicular access to the development, including vehicle turning areas and upgrades to Harriet Street, Crooked Lane and Loch Street. For the avoidance of doubt, these details shall also include surfacing materials, relevant to the extent of development sought/particular phase;
- d. Layout/Siting - Details of the layout and siting of the proposed development, including all buildings, ancillary structures, storage areas for waste and recyclables and hard and soft landscaped areas, relevant to the extent of development sought/particular phase;
- e. Design/ Materials - Full details of the design, external appearance and finishing materials of any proposed structures, relevant to the extent of development sought/particular phase;
- f. Boundaries - Details of proposed boundary treatments, whether permanent or temporary (particularly the interfaces between phases or undeveloped parts of the site) , relevant to the extent of development sought/particular phase;

- g. Low and Zero Carbon Technologies - Details of proposed measures to reduce carbon dioxide emissions , relevant to the extent of development sought/particular phase;
- h. Landscaping - Details and specification for hard and soft landscaping, including, relevant to the extent of development sought/particular phase:
 - 1. walls, fences, gates and any other boundary treatments;
 - 2. the type and location of new trees, shrubs and hedges;
 - 3. a schedule of plants to comprise species, plant size and proposed number/density, relevant to the extent of development sought/particular phase;
- i. Services - Details of existing and proposed services such as cables, pipelines, substations, relevant to the extent of development sought/particular phase;
- j. Lighting – A scheme of external lighting, including details of light fittings and predicted coverage, relevant to the extent of development sought/particular phase;
- k. Other items – Details of artefacts and structures including street furniture, lighting columns and fittings, and play equipment, relevant to the extent of development sought/particular phase;
- l. Noise - A scheme for protecting the occupiers of sensitive properties, from traffic and industrial noise, relevant to the extent of development sought/ particular phase.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

- 2. Phasing Plan – Further to Condition 1 (a) - Prior to the commencement of development a phasing plan (including provision of canopy and street surfacing/landscaping as indicated in design and access statement hereby approved) shall be submitted for approval in writing of the planning authority. The development shall be implemented in accordance with this phasing plan unless otherwise agreed in advance in writing with the planning authority. Each phase of the development approved shall not commence until applications for AMSC relevant to each phase have been approved in writing in respect of that phase.

Reason: In order to ensure the development progresses within an agreed phasing programme in a timeous manner.

- 3. Maximum Floorspace – The maximum net. additional floorspace (Gross Floor Area - GFA) to be constructed pursuant to the development hereby approved for each hereby approved use class shall be limited to: 8,500m² (within Classes 1 – Retail, 2 – Professional Services, 3 – Food and Drink and 4 – Business); and a maximum of 50 residential flats and 170 rooms (Class 7 – Hotels)

Reason: To limit the extent of the development to that considered within the supporting Transport Assessment and in order to achieve an appropriate scheme mix consistent with the aims and policies of the Aberdeen City Local Development Plan.

- 4. Maximum Building Envelopes – Unless otherwise agreed in writing, the maximum extent of development (excluding plant and minor deviations to be agreed with the planning authority) shall be contained within the envelopes (showing footprint and massing of development) indicated on the drawings approved as part of this application.

Reason: To ensure the overall scale of the development does not exceed the parameters as indicated on the approved.

5. Mix of Uses – That the mix of uses across the development blocks shall be in accordance with those specified in section 4.1.3 of the Transport Assessment hereby approved and their location in accordance with the parameters identified within the Design and Access Statement hereby approved, unless otherwise agreed in writing with the Planning Authority.
Reason: To limit the extent of the development to that considered within the supporting Transport Assessment and in order to achieve an appropriate scheme mix consistent with the aims and policies of the Aberdeen City Local Development Plan.
6. Finished Floor Levels – Further to Condition 1 (b), the finished floor levels of the development shall be at a minimum 0.6 metre above the 1 in 200 year flood level, as defined by SEPA, unless another more appropriate freeboard is agreed in writing with the Council (as Planning and Flood Prevention Authorities) and SEPA.
Reason: To protect people and property from the risk of fluvial flooding.
7. 41 Loch Street – No development on Block D1 shall commence unless a detailed scheme for the relocation of 41 Loch Street has been submitted to and approved by the Planning Authority. Thereafter, the relocation and subsequent rebuild of 41 Loch Street shall be completed for use prior to the first occupation of any part of Block D1.
Reason: In order to ensure the relocation of 41 Loch Street takes place in a suitable and timely manner.
8. SuDS – No development on any particular phase shall commence unless details of sustainable drainage/treatment of surface water (SuDS) for said phase is submitted for the written approval of the Planning Authority, in consultation with SEPA. All work shall be carried out in accordance with the approved scheme, which shall be developed in accordance with the technical guidance contained in CIRIA SuDS Manual (C753) and should incorporate source control. That particular phase shall not be occupied unless the SuDS measures for said phase are completed and ready for use.
Reason: In order to ensure the development is served by a suitable scheme for the disposal of surface water.
9. Construction Environment Management Plan – No development shall commence unless a site specific Construction Environment Management Plan (CEMP) has been submitted and approved in writing by the Planning Authority in consultation with SEPA, SNH or other agencies as appropriate. All works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority.
Reason: In order to minimise the impacts of the necessary construction works on the environment.
10. Cycle Parking/Hub – Prior to the commencement of development a scheme of cycle parking provision, including a 'cycle hub' shall be submitted to and approved in writing by the Planning Authority. Short term cycle parking should be available at all entry points to the development hereby approved. The Cycle Hub shall incorporate: CCTV; Lighting; Secure, covered cycle parking; Lockers; Bike Repair Station; Vending machine for bike related products; Litter bins; and Seating. Prior to the first use of any additional car parking hereby approved, such improvements as detailed in the approved scheme shall be implemented in full.
Reason: In order to ensure a suitable level of cycle parking is provided as part of the scheme and to encourage sustainable travel.

11. Traffic Signals – Prior to any development commencing, a scheme for the provision of traffic signals associated with the upgrade to Crooked Lane, as indicated in drawing number 104522/1/GL/01 hereby approved, shall be submitted to the planning authority. Thereafter the development shall be implemented in accordance with the details approved, unless otherwise agreed in writing with the planning authority.

Reason: In order to ensure a suitable arrangement for traffic signalling is provided, in the interests of road safety.

ADVISORY NOTES FOR APPLICANT

Phasing

For the avoidance of doubt, the numbering attached to the blocks provided as part of this Planning Permission in Principle are for identification only and is not indicative of the sequence of phasing of the development.

Asbestos

Due to the nature of some of existing buildings, it is also recommended that a buildings asbestos survey is undertaken by an appropriately qualified person, of all buildings to be demolished, prior to their demolition. Any asbestos materials will require to be removed by a licensed carrier to an appropriate waste management facility

Police Scotland

The area in which the site is located has a high level of crime, though this is due to high level of footfall, popularity and importance of the site and the crimes in question are minor (shoplifting, public order offences and road traffic offences).

Due consideration should be given to pedestrian routes which should be open and direct, to maximise the opportunity for natural and formal surveillance (CCTV).

Careful consideration should also be given to the high level of pedestrian permeability within and around the development, to create a hostile environment to potential offenders. Similarly, clear and legible signs age should be used to promote that permeability and manage movement around the site but prevent members of the public from entering restricted areas.

Due consideration should be given to the location and design of any seating areas, to avoid having groups of people congregating in the wrong areas. Seating areas should ideally have a high level of natural surveillance or formal surveillance via a CCTV system.

Such a CCTV system may act as a deterrent and offer protection from crimes and offences but may also be needed to provide facial recognition evidence of same for Court purposes, all of which should be considered within the context of an Operational Requirement. These considerations should also include coverage of seating areas as mentioned above, any other potential congregation points, parking areas, and pedestrian and vehicular access points. Considerations should also include the maintenance of the CCTV system.

Lighting will be of great importance in developments such as this one. The uniformity of the spread of good quality white lighting will provide the best colour rendering and help with avoiding dark spots. This too can help with reducing the fear of crime. Any lighting system used should support the use of a CCTV system.

On the matter of building shells, recesses exceeding a 600 mm depth should be avoided to prevent the creation of hiding places for potential offenders. Due consideration should also be given to toughened or laminate glass for ground floor or easily accessible windows.

Consideration should be given regarding traffic calming measures in the vicinity. No Hostile Vehicle Mitigation is deployed on site, and as other parts of the site include multi-storey car parks adjacent to the curtilage of the buildings, doing so for this addition, would be difficult to justify. Lighting should be designed to provide sufficient supportive lighting to any CCTV and this will be designed in conjunction with same through the use of Operational Requirements to identify site requirements.

Construction materials should be appropriate to the current terrorist threat level, be robust and as resistant to ballistics and explosives as practicable, while still fitting in with the architecture of the city.

In addition to glazing at ground level being laminated glass, the glazing facing on to public areas should be covered by anti-shatter film.

Any HVAC plant should be placed on the building roofs, and would recommend that these be well protected from unauthorised access. Any additional CCTV provision should fit in with and support current systems and again an Operational Requirement should be developed to ensure any new system meets user needs. Any CCTV provision should be supported and enhanced by the lighting regime.

Any alarms installed should again fit with existing systems and again, an Operational Requirement would be recommended. Staff currently on site are well trained regarding security matters and in responding to security matters. This should continue and additional buildings should be included in updated response plans.

The developer should liaise with the Police Scotland Architectural Liaison Officer service at each stage of the development, for the purposes of designing out crime using the principles of Crime Prevention Through Environmental Design (CEPTED).

Aberdeen City Council – Waste Services

Waste provision requirements for 50 flats is as follows:

- 5 x 1280l General waste bin
- 5 x 1280l Recycling container
- 1x Food waste container per bin store
- All residents will receive a kitchen caddy, biobags and associated information for their food waste.

The following costs will be charged to the developer:

- Each 1280l bin costs £413.60 each
- Each food waste costs £514.49 each

No garden waste will be provided for flat residences as it is assumed grounds will be maintained as part of a service charge for the building and undertaken by a commercial contractor. Residents waste and commercial waste require to be segregated thus either requiring a separate bin store or a bin store divided to keep it separate

General Points:

- Bins need to be stored within a dedicated area (bin store).
- Bin storage areas are to be located at the entrance to buildings avoiding the end of car parks where possible and allowing it to be located near the collection point on the main road.
- The distance from the bin stores to the kerb should preferably be no greater than 7m and be free of obstacles.
- Bin stores should be located less than 30m from any property
- The entrance to a bin store should be a minimum of 150cm unobstructed access to allow adequate space to provide more movement space for the collection of recycling and waste bins. Any entry gate cannot prohibit bin movement.
- Each of the 1280l communal bins serving the 50 flats will require a space of 128cm (width) x 100cm (diameter) x 145cm height and a minimum of 10cm is required between each bin for movement.
- The communal food waste bin will require a paved area of 80cm x 80cm each with unobstructed access to the front of 60cm to allow bin to be emptied.
- The store must enable ease of use for manoeuvring the wheeled bins and a concrete or slabbed base should be provided in the bin store. Enough space must be provided for individual bins to be manoeuvred without need to remove other waste and recycling bins therefore should be of adequate size to house these containers.
- No excess should be stored outwith the containment provided. Information for extra waste uplift is available to residents at either www.aberdeencity.gov.uk/wasteaware or by phoning 03000 200 292.
- Reversing of the collection vehicle is unacceptable due to health and safety provisions and a turning circle or hammer head should be provided at all dead end roads.
- A path of 0.5m minimum width should be provided to the vehicle collection point which is level with bin stores. Pathways to the collection vehicles should be free of obstacles with provision of a slope should there be any gradient; so that any containment can be easily moved to the kerbside on collection days. Pathways should be suitably paved to allow bins to be moved safely. Collection crews should not need to manoeuvre bins around parked cars to avoid any damage.
- There must be a drop down kerb at the bin store to allow access as well as at the road access. Yellow lines will deter parked vehicles restricting collection vehicles.
- Lock block surfaces to be minimised as these can be damaged by collection vehicles. All road surfaces must be suitable for heavy vehicles.
- If the bin store will be locked, 5 Keys must be provided to each store where locks differ, to ensure access for different collection crews and for the Recycling Officer to monitor contamination. These can be dispatched in due course to the Waste Team.

Developers must contact Aberdeen City Council using the above details a minimum of two months before properties will be occupied. Bins must be on site prior to residents moving into properties. A purchase order can be raised with Aberdeen City Council using the above details. We will provide guidance in purchasing the bins.