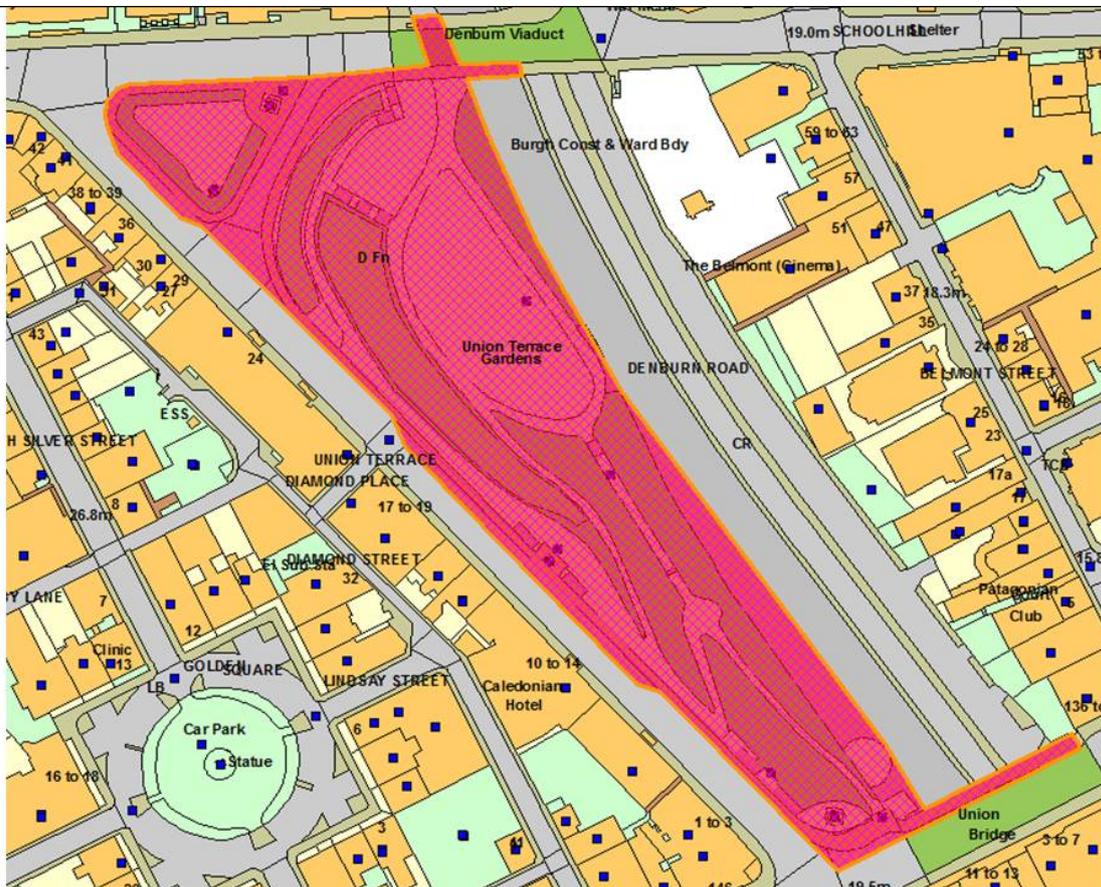


Site Address:	Union Terrace Gardens, Union Terrace, Aberdeen,
Application Description:	Alterations and extension to gardens, including: restoration and renovation of structures/ statues and toilets; development of buildings containing exhibition, retail, café and community hub space; provision of improved access, including raised walkways and regrading northern gardens; tree works; and associated infrastructure and engineering works
Application Reference:	170497/DPP
Application Type	Detailed Planning Permission
Application Date:	4 May 2017
Applicant:	Aberdeen City Council
Ward:	Mid Stockton/Rosemount
Community Council	City Centre
Case Officer	Sepideh Hajisoltani



1. RECOMMENDATION

Approve Conditionally

2. APPLICATION BACKGROUND

Site Description

The application relates to a sunken public park (c.1.6 hectares) in Aberdeen city centre, known as 'Union Terrace Gardens'. Historically used as 'Bleaching Greens' in the 1700s, various phases of transition and transformation saw it opened to the public as a Victorian Garden in 1878.

The gardens are bounded to the: north by Rosemount Viaduct; south by Union Street; east by the Aberdeen-Inverness railway line and the Den Burn; and to the west by Union Terrace. It is also surrounded by prominent listed buildings, including: His Majesty's Theatre; Aberdeen Art Gallery; the former Triple Kirks; former St Nicholas Congregational Church; 1-3 Union Terrace; and 146 Union Street.

The gardens themselves are Category 'B' listed and set within the Union Street Conservation Area. The listing covers all built elements of the gardens, including: arcades; balustrades; and the public toilets.

The topography sees steep embankments framing more level functional public spaces. Access to and within the site is currently restricted by stairs and steep gradients to footways, making the Gardens largely inaccessible to wheelchair users. There are a number of mature trees across the gardens and a floral crest depicting the city's coat of arms on a slope in the northern part.

Relevant History

In 2010-11 a £140 million "City Garden Project" was subject to an international design competition. The preferred scheme involved raising the level of the Gardens to street level and developing the spaces below, and was to be supported by £50 million funding from Sir Ian Wood. This scheme was narrowly supported by a public referendum (45,301/41,175) in early 2012, but subsequently not progressed following a Council decision in August that year. This scheme was never subject to a formal planning submission.

More recently local and international street artists undertook a graffiti art project to the interior walls of the arcades.

The space has also been previously used for temporary events such as the Christmas Market and the Spectra Festival.

170052/ESC	Request for EIA Screening Opinion from the Planning Authority in relation to the extension of the existing arboretum: formal and community gardens; renovation of existing buildings and listed buildings: creation of exhibition space, retail outlets: cafe/community hub: provision of improved access arrangement and regrading northern gardens: associated infrastructure and engineering works	Decision Date: Feb 2017 Status: EIA not required.
170496/LBC	Listed Building Consent for various alterations, extensions, repairs and demolition works to: arches, balustrades, public toilets and associated structures, including statues	Submitted in May 2017 Status: Pending decision

3. APPLICATION DESCRIPTION

Description of Proposal

It is proposed to: restore key heritage features; introduce new architectural interventions; undertake extensive landscaping works (including tree removal/ other arboricultural works and replacement tree planting); provide associated infrastructure; and undertake various engineering works to redevelop and re-profile the gardens. These include the following interventions:

Raised walkways:

Three raised walkways would provide new access opportunities to the Gardens. Whilst differing in their scale and intended function, they are visually linked in terms of aesthetic form and material.

Walkway-1, located to the south of the Gardens and providing ramped access from Union Street. A section of the Granite wall on Union Bridge would be removed to create the entry. The minimum usable width is 3m, to cater for non-motorised users of all abilities. The design of this walkway has been refined during the course of this application, to reduce potential for impact on any future development of the adjacent railway.

Walkway-2, situated off Union Terrace, close to the proposed 'Burns Pavilion'. This would create a viewing platform, set below the level of the street and into the Gardens, which could also be used as a flexible events space.

Walkway-3, halfway between the Burns Pavilion and proposed 'Rosemount Pavilion', again below the level of Union Terrace. It would project out from the steep slope and into the gardens, again providing a viewing platform/ smaller events space.

Finishing materials for all three walkways would be a 'copper' alloy cladding and railings, with surface decking transitioning into adjacent paved surfaces being resin-bound aggregate complemented with granite trim.

Union Terrace Building and the Victorian Toilets:

The initial submission proposed a glazed pavilion wrapping around the gent's toilet, directly behind the existing granite balustrades and statue at the junction of Union Street and Union Terrace. However after a process of re-design the building was moved north along Union Terrace and the design, scale and form of the building were also revised to refine the design and its relationship with the existing streetscape.

This pavilion, the largest of three new buildings, would be a focal point of the south-west corner of the gardens. It is proposed that it would be used for Class 3 (Food and Drink i.e. café/restaurant) purposes over two levels. It would also connect, via a glazed link, to the existing refurbished Gents and Ladies Toilets at a lower level. Within the toilets existing features, including urinals and tiles, would be conserved as elements within a new bar space. The internal layout of the upper level and high level of glazing allows for views across the gardens. The overall height is approximately 6.1m, when considered from Union Terrace street level, and 12.4m where it rises from the Gardens, whilst the footprint extends to 148sqm.

External finishes would see: a pre-cast post and beam 'frame', containing large scale aggregates; perforated steel panels as part of the roof structure; a glazing system with a 'bronze' aluminium finish externally and timber internally.

A number of the existing granite balustrades and the staircase to the Gents toilets would be removed, to visually open up and enhance the public realm. This would also extend the public realm surrounding the Edward VII statue at the junction of Union Street and Union Terrace.

Burns Building:

The Burns Pavilion (footprint of c.100sqm), centrally positioned behind the Robert Burns Statue off Union Terrace. A lift would provide access to the arcades, where suitably graded access to the lower gardens would be available. The building would accommodate a mixture of uses: at Union Terrace level, flexible information and gallery space; whilst the arcade level would contain a café and publicly accessible toilets.

Again this building has been subject to a process of redesign, and reduction in mass, with the architectural theme reflecting that of the Union Terrace Building described above.

Rosemount Plaza and Pavilion, Wallace Statue and Armorial Railings:

A plaza would be formed, as a street level extension to the Gardens, containing a water feature (which can act a stage when drained) within which the Wallace statue would be situated and hard and soft landscaping and new tree planting, and the smallest of the three pavilions with seating area. A number of existing trees would be removed in this area.

The Rosemount Pavilion would be set on one level and have a footprint of c.78sqm, and is designed, orientated and in alignment with the other two pavilions – again reflecting the bay design and heights of their upper/ street level form. It would be used as a coffee shop, or small café/ bar.

The statue would not be moved, but would be set within a water feature, which would incorporate lighting for the statue and additional feature lighting. The water would be able to be drained, to allow use as events space, such as: to allow wreath laying for the annual 'Wallace 700' Commemoration ceremony.

The armorial railings are to be reused onsite in a re-imagined way around some of the new landscaping features.

Amphitheatre:

The removal of the existing slip road from Rosemount Viaduct to Union Terrace would facilitate the extension of the gardens into Rosemount Plaza. As a result space would be available to ease the gradient and facilitate a winding pathway into the gardens. This path would incorporate 280 linear metres of bench seating facing into the gardens, towards the 'central lawn'. This amphitheatre is indicated to accommodate between 1460 and 860 people, depending on the type of event. A running water channel, fed by rainwater, is to be incorporated into the design of the path. Integral seating and lighting will be incorporated into sections of retaining walls.

The Central Lawn:

A large grassed area (c.2,500sqm), just north of the gardens centre would act as the primary events space, it would be some 250sqm larger than that existing. There would be a 450sqm area of hardstanding immediately to the north-east, allowing for 'set-down' of event equipment.

Archway Galleries:

Whilst there would be full retention of the arched Arcade façades that run along the length of the Gardens, recessed elevations would be incorporated into the voids to create a mixture of accommodation. Those which are to be glazed could be flexible exhibition space; others would be clad (or partially clad) and provide space for: plant; storage for events; and seating and bikes.

Granite Staircase:

The existing granite staircase, in the northern part of the garden, would be dismantled and rebuilt in a realigned position. This would incorporate it as a new axis feature and alternative access route, within the amphitheatre, to the lower gardens. As a result of the change in gradient, although the existing granite walls and copes are to be reused, the wall height will reduce by one block course.

Granite Balustrades:

Wide scale structural improvement, reinstatement and repair of the existing balustrades would take place. Additionally areas of balustrade would be removed at the northern end of the gardens, around the plaza, and on Union Street and Union Terrace - to allow for extension of the Gardens and significantly improved access arrangements.

Play Area:

Play equipment is to be installed, providing formal facilities for families and children.

The Floral Crest:

The existing 'Bon Accord' Floral Crest would be relocated within the amphitheatre space, allowing for the associated regrading of this slope and introduction of the winding pathway.

Mary Slessor Memorial:

The memorial would be retained within an 'Arboretum' area, close to its current location, but repositioned to align with new paths.

Lighting:

Various lighting features are proposed at: Rosemount plaza; the Amphitheatre; steps; Arcades; raised walkways and pathways; and as part of the new buildings. Also proposed is a 'halo of light' feature, comprising rings attached to support poles. This light feature could have fixed and also interchangeable elements, allowing for adaptation to different themes or events.

Union Terrace:

Localised widening of the footway at the Burns statue entrance; disabled parking; new tree planting; and provision of seating and cycle racks, are all proposed for Union Terrace. However, much of these works do not in themselves require planning permission.

Community Building:

A flexible community facility is to be provided within the 'arboretum' area, adjacent to the railway line.

Union Bridge Barrier:

The initial submission included a suicide deterrent measure on Union Bridge; however this element was subsequently removed. However, the applicant has continued discussions

with the planning authority and Historic Environment Scotland and other stakeholders. Separate applications for such a barrier have been submitted on 12 March 2018.

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/simpleSearchResults.do?action=firstPage>

- Design and Access Statement (5442-LDA-00-XX-RT-L-9004- Rev B)
- Planning Supporting Statement
- Planning Supporting Statement: Addendum to support amended design submission
- Conservation Statement
- Conservation Statement Addendum (5442-LDA-00-XX-RT-Z-9006)
- Arboriculture Impact Assessment (5442-LDA-00-XX-RT-L-9001)
- Outline Landscape Specification (5442-LDA-00-XX-RT-L-9002)
- Planning: Consultation Summary (5442-LDA-00-XX-RT-L-9005)
- Overall Benefits of the Proposals
- Biodiversity Enhancement Plan
- Ecology Survey Report (9056-R-APPR-19112016)
- Bat Survey
- Outline Maintenance and Management Plan (5442-LDA-00-XX-RT-L-9003)
- Drainage Assessment (REP 0001- Issue 2)
- Geotechnical and Geo-Environmental Desk Study Report (251807-00)
- Utilities Report
- Lighting Structure (ARP/SDR/ 005- Rev 0)
- Scheme Design Report - Walkway Structure 1 (ARP/AIP/001- Draft 2)
- Scheme Design Report - Walkway Structure 1 (ARP/SDR/001- Rev 0)
- Scheme Design Report - Walkway Structure 2 (ARP/SDR/002- Rev 0)
- Scheme Design Report - Walkway Structure 3 (ARP/SDR/003 – Rev 0)

4. Pre-Application Consultation

Following a series of individual stakeholder sessions, held by the applicant throughout September and October 2016, public engagement ran between 2nd and 9th December 2016 at the Christmas Market on Union Terrace. An online consultation was published through the Council's Citizen Space portal, and printed copies of the consultation document distributed locally.

A total of 1417 responses were received: 1298 responses online via the portal; and 119 in 'hard copy'. The 119 hard copies included 48 from pupils of Harlaw Academy and Robert Gordon's College.

The submitted Planning Consultation Summary includes a breakdown of responses, indicating that views were positive overall. Of the six defined measures, particularly high ratings were: improvements to accessibility (95% positive), improving facilities (94%), and safety (89%). Comments were also positive in relation to: heritage features (81% positive), preserving the green space (78%) and creating events space (70%).

5. Re-notification and Re-consultation

In response to representations received during the planning consultation period, refinements were made to the initial proposal in November 2017. Due to the nature of these changes neighbours and stakeholders were re-notified/ re-consulted, and an updated press advert published.

6. Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the proposal has attracted more than 5 valid and timeously made representations objecting to, or expressing concern about, the proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

Of these representations 5 are in support, 24 object, and 1 is neutral in content.

CONSULTATIONS

Developer Obligations Team – Advise the wider community benefits of this proposal do not warrant additional developer contributions, given the enhancement of this community space.

ACC - Waste Strategy Team – No objection. Comments received in relation to the requirement for a condition controlling details on: waste and recycling, storage and collection for commercial developments.

ACC - Roads Development Management Team – No objection. Acknowledge that, while the location is central and highly accessible from a wide area, the Gardens themselves are currently not and that the proposal seeks to rectify this by incorporating a number of additional and amended access routes.

Advise of the requirement for conditions relating to alterations to Union Terrace (including disabled parking, new bus stops and delivery bays for commercial units). Also confirm that no contribution would be required towards wider Road Network improvements.

ACC - Flooding and Coastal Protection – No objection. Comments received in relation to the requirement for a condition for installation of Sustainable Urban Drainage Systems (SUDS) measures.

ACC - Environmental Health – No objection. Request conditions relating to: submission of Noise Impact Assessment(s) detailing the specific noise sources of proposed uses within new buildings, and implementation of relevant noise mitigation measures; as well as submission of a ventilation assessment, and implementation of odour control measures.

Aberdeen International Airport – No objection from an aerodrome safeguarding perspective, including to revised building designs.

Historic Environment Scotland – No objection. However, suggest that a greater range of visualisations showing the proposals in relation to the setting of 'A' listed buildings should be submitted.

Network Rail Infrastructure Ltd. – No objection. This position followed an initial holding objection; due to the requirement to assess technical issues relating to 'Walkway 1' and associated encroachment over Network Rail owned land potentially required to double track this part of the Aberdeen – Inverness Line. Such assessments took place and the revised scheme addresses this issue through the repositioning of this walkway.

Police Scotland – No objection. Advise that the general layout appears good, from a Crime Prevention Through Environmental Design (CEPTED) perspective, and highlight safety concerns within the park due to its darkness at night.

Royal Society for The Protection of Birds Scotland – No comments.

Scottish Environment Protection Agency (SEPA) – No objection. This followed an initial objection due to a lack of information on the potential to de-culvert the Denburn. Subsequently further information on this was provided and SEPA confirmed withdrawal of their objection. However, they request conditions regarding implementation of 'green measures' (for example green roofs, rain water harvesting/ sustainable water use measures and use of native plant species) on site.

Scottish Water – No objection. Request advisory notes are attached to any planning permission.

Transport Scotland – No objection.

Archaeology Service for Aberdeenshire, Moray, Angus, and Aberdeen City Councils – No objection. Request a condition requiring a photographic survey.

REPRESENTATIONS

Thirty representations have been received, summarised as follows:-

Support:

1. Upgrading the gardens is welcomed.
2. Pruning of existing trees would allow more light in the gardens.
3. Independent businesses could be encouraged to occupy the arches to create social activity and liveliness.
4. The amendments to the proposal, particularly the changes to the design of the buildings at Union Street and the Burns Statue, are welcomed.

Neutral:

5. The garden should be upgraded whilst there is an oil industry in the city.
6. The current layout of the Gardens is loved by many.
7. The existing status of the garden is an embarrassment to the city.
8. As much grass and green space as possible should be kept.
9. An equally elegant granite sculpture of Robert Burns own coat of arms should be commissioned.
10. The tree area with wild planting should be maintained to an impeccable standard to make it photogenic.
11. The previous scheme to raise the garden and double the area available to the public by extending over the railway and dual carriageway could have been explored.

Objection:

12. The application should have been publicised properly so people could have their say.

13. There has been no major public engagement for this application.
14. There has been only a 1 week window in December for consultation with general public.
15. The Victorian toilets should be restored and reinstated.
16. Existing structures should not be torn down and replaced at great expense.
17. The Floral display should be retained in its current form and location.
18. There is no need for lift(s) and new buildings and they are not keeping with the gardens.
19. There is no need for retail use within the Gardens.
20. There is no need for further restaurants as the city is in a serious down-turn.
21. Proposed works should be limited to maintenance and improved lighting.
22. The visual impact of the proposal will detract from the surrounding areas.
23. There would be negative impact and intrusion with regards to views within the Gardens, as a result of the raised walkway.
24. Construction of a building/ lift shaft directly behind the Burns Statue will overpower the statue and lead to the loss of the iconic photogenic view through the trees to the Cowdray Hall across the Denburn.
25. Buildings along Union Terrace would block the vista and the panoramic view of the buildings and skyline.
26. The water feature to surround the listed statue would have a negative impact on the setting of the statue.
27. That the buildings would look best backing on to the railway line with a horizontal walkway across to the rear of Robert Burns Statue.
28. The proposed buildings would block the light from the Union Terrace path and into the gardens.
29. The proposal should include a protection barrier on Union Bridge.
30. The heraldic granite coat of arms could be incorporated within the balustrade on Union Terrace, either to the left or right of the Burns Statue.
31. The water feature proposed around the Wallace Statue would diminish access to the plinth and the inspirational messages engraved there and will also hinder, probably prevent, hanging of the annual memorial wreath.
32. Rubbish would be thrown into the water feature and it would require maintenance.
33. The water feature around the statue would have an impact on maintenance of the statue.
34. Lack of sufficient information.
35. All green areas should be left with grass.
36. The water feature could attract unsocial behaviour, as it could be seen as a paddling pool.
37. Concerns about cyclists sharing the new paths (raised walkways) and that the gardens cannot be child/dog friendly, whilst also accommodating cyclists.
38. Concerns over safety within the gardens, advise of the need for Police Scotland to be consulted in relation to lighting and CCTV arrangements.
39. The water spilling about from the water feature would be a hazard to walkers especially in winter. The water feature could be a health and safety hazard in the centre of town particularly with so many bars and clubs in the area.

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.

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.

National Planning Policy and Guidance

- Scottish Planning Policy (SPP)
- Creating Places

Aberdeen City and Shire Strategic Development Plan (2014)

Aberdeen Local Development Plan (2017)

- Policy D1: Quality Placemaking by Design
- Policy D2: Landscape
- Policy D4: Historic Environment
- Policy D5: Our Granite Heritage
- Policy NC1: City Centre Development - Regional Centre
- Policy T2: Managing the Transport Impact of Development
- Policy T3: Sustainable and Active Travel
- Policy T5: Noise
- Policy NE3: Urban Green Space
- Policy NE5: Trees and Woodland
- Policy NE6: Flooding, Drainage & Water Quality
- Policy NE9: Access and Informal Recreation
- Policy R6- Waste Management Requirements for New Development
- Policy R7- Low and Zero Carbon Buildings, and Water Efficiency

Supplementary Guidance and Technical Advice Notes

- Stone cleaning
- Landscape
- Transport and Accessibility
- Flooding, Drainage and Water Quality
- Green Space Network and Open Space
- Natural Heritage
- Natural Environment Supplementary Guidance

Historic Environment Scotland: Managing Change in the Historic Environment

- Accessibility
- Boundaries
- Demolitions

- External Fixtures
- Engineering Structures
- Setting
- Gardens and Designed Landscapes
- New Design in Historic Setting

EVALUATION

National Policy Considerations

Scottish Planning Policy (SPP)

SPP expresses four planning outcomes, which explain how planning should support the vision of SPP.

These are:

1. A successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.
2. A low carbon place – reducing our carbon emissions and adapting to climate change.
3. A natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.
4. A more connected place – supporting better transport and digital connectivity.

Aberdeen City and Shire Strategic Development Plan (2014)

This recognises we must face up to the challenges and grasp the opportunities ahead to be able to maintain and improve the attractiveness of the region as a place to live, visit and do business. It sets out a vision for a successful and sustainable future.

Stated aims are to:

- Provide a strong framework for investment decisions which help to grow and diversify the regional economy, supported by promoting the need to use resources more efficiently and effectively; and
- Take on the urgent challenges of sustainable development and climate change.

To support these main aims, the plan also aims to:

- Make sure the area has enough people, homes and jobs to support the level of services and facilities need to maintain and improve the quality of life;
- Protect and improve our valued assets and resources, including the built and natural environment and our cultural heritage;
- Help create sustainable mixed communities, and the associated infrastructure, which meet the highest standards of urban and rural design and cater for the needs of the whole population; and
- Make the most efficient use of the transport network, reducing the need for people to travel and making sure that walking, cycling and public transport are attractive choices.

Aberdeen Local Development Plan (2017)

The Aberdeen Local Development Plan (ALDP) has been prepared within the framework of the aforementioned SPP and Aberdeen City and Shire Strategic Development Plan (ACSSDP) and as such its policies worded so as to take account of those documents, as such the assessment of the proposals within the materiality of all three documents is undertaken below.

Policy D1: Quality Placemaking by Design

D1 advises that development must incorporate high standards of design and have a strong and distinctive sense of place. Additionally proposals should also be distinctive, welcoming, safe and pleasant, easy to move around, adaptable and resource efficient.

Historic Environment Scotland Guidance on 'Accessibility' states that quality of access for all people is a fundamental aim of the Scottish Ministers' policy (HESPS). HESPS sets out an inclusive approach, that: people of all levels of physical, mental and sensory ability should have the opportunity to access, experience and enjoy the historic environment on an equal basis. It recognises that improved accessibility can have numerous benefits for the historic environment, in particular its contribution to the use and viability of historic buildings and places. It also considers that with careful thought and planning, improved physical access to most elements of the historic environment can usually be achieved through reasonable adjustments, without harming the character and appearance of the historic building or place.

In this context Union Terrace Gardens were identified in Aberdeen City Councils City Centre Urban Realm Strategy as being underutilised and perceived as unsafe, particularly that the current disabled access was limited and undesirable. This proposal seeks to: significantly improve accessibility and create better pedestrian links through the gardens; and reduce the visual dominance of the railway, as viewed from the gardens; and introduces new uses and structures into the gardens. The applicant has stated that creating accessible routes and lift access to the Gardens has been a key driver in determining the revised layout for the Gardens.

In this instance, the proposed design, scale and massing of buildings have been revised in response to consultation feedback, in order to further protect and enhance the surrounding heritage assets and Listed Buildings.

Historic Environment Scotland Guidance on 'New Design in Historic Setting' highlights the importance of the scale of new design and states that consideration should be given to: the surrounding scale, hierarchy and massing of existing built form. On this matter the scale and mass of the new buildings are considered to have an appropriate relationship with their surrounding urban context. The height of the three proposed buildings particularly relate to the established first floor datum of the existing buildings along Union Terrace. The clearly related design concept of this 'family of buildings' proposed along Union Terrace have been informed by the history of local trams and their character and identity associated with the area. The relationship of solid to void on the proposed buildings also creates permeability through buildings, when seen from Union Terrace, and allows a relationship with the gardens beyond.

The newly defined (glazed) event spaces created within the arcades would maintain the visual permeability into, and out of, these arches and would attract visitors into the gardens.

It is considered that the proposed materials for the three buildings are of a high quality and that, subject to conditions, the use of colour, texture and pattern of materials would be appropriate. Related to this, the proposed bronze finish for the raised walkways exterior cladding creates a visual link with the recent additions to the Art Gallery's rooftop extension, with which there will be a visual connection. In terms of proposed materials for path surfacing, two types have been proposed: natural stone paving; and resin-bound aggregate complemented with granite trim. The stone will predominantly be within the Upper Gardens area; whilst resin-bound aggregate paths will pass through the lower landscaped areas. This clear and limited palette of surfacing will allow the Gardens to be easily navigable. The agent has confirmed that there has been ongoing dialogue with stakeholders, including the Disability Equity Partnership and the Bon Accord Access

Panel, to ensure that the proposed materials address issues and concerns with regard to accessibility.

As there is a requirement that new design should consider and respond to the layers of history associated with the site. The agent has acknowledged that there is scope to reference history, traditional industry or historical events in the paving and seating walls – such as through inscriptions. As these elements of interpretation will be developed in the technical design stages, a condition will be attached to this decision for approval of further details in this regard.

It is noted that the proposal would have an impact on the views to the gardens from Union Street, Union Terrace and Rosemount Viaduct. These views are currently interrupted by large canopies of mature trees and the application would clearly introduce change by removing a number of these trees, providing new landscaping, and introducing new design features.

In this regard, although the proposed replacement tree planting includes a number of large trees, it is acknowledged that the current scale of canopy cover would be reduced, at least for a period of time after implementation of the scheme and before such planting becomes established and mature. However, it is considered that proposal would not, in the long term, have a significant detrimental impact on visual amenity of the gardens and the proposed landscaping and contemporary design features would introduce additional elements of interest into the gardens.

In terms of siting of the buildings it is considered that moving the Union Terrace building further to the north, than was originally proposed, maintains the important panoramic view from the south-west into the gardens and beyond to the listed buildings on Belmont Street.

It is thus considered that the design of the proposal is appropriately high quality in compliance with Policy D1.

Policy D2: Landscape

D2 requires that new development be informed by existing landscape character, topography and existing features to sustain local diversity and distinctiveness, including natural and built features such as existing boundary walls and other features of interest. Developments should also provide hard and soft landscape proposals that are appropriate to the scale and character of the overall development and should conserve, enhance or restore existing landscape features.

In considering this, the amended proposal would see three zones within the Gardens based on their existing and potential landscape characters:

- 1- **The Upper Gardens**- providing the primary interface and transition space between the Gardens and the surrounding cityscape, by drawing the Gardens up and out to the level of the surrounding streets. These include the new buildings to attract and provide for a significant number of visitors.
- 2- **The Green**- comprising open lawn and events space.
- 3- **The Arboretum**- an area supplemented by new non-native tree planting creating a wider species variety.

It is considered that the proposal sufficiently complies with policy D2, in that it creates new architectural features of quality within enhanced views with appropriately designed hard and soft landscaping across the gardens. Most existing built features, including the Floral Crest, would be retained. However, it is recognised that the constraints associated with the existing landscaping, topography and some architectural features have proven difficult to resolve, in the context of delivering the stated vision of the proposal: i.e. delivering transformational change; preserving the

unique green space qualities of the garden; and respecting heritage. However, the overall scheme seeks to balance all these matters, with a view to finding a proportionate and sustainable outcome. It is considered that this balance has been satisfactorily achieved.

Policy D4: Historic Environment

D4 seeks to protect, preserve and enhance the historic environment in line with Scottish Planning Policy, HESPS and the Supplementary Guidance and Conservation Area Character Appraisals and Management Plan. Scottish Planning Policy (SPP) and Historic Environment Scotland Statement (HESPS) both seek to ensure the special interest of listed buildings and character of conservation areas are preserved or enhanced. In this instance the detailed assessment of the interventions to various parts of the listed gardens will be considered fully in the assessment of the Listed Building Consent application, which accompanies this planning application.

Notwithstanding the above, there remains a policy presumption within D4 in favour of the retention and reuse of listed buildings and buildings within conservation areas, where they contribute to the character, which is considered to be addressed by the proposals. In this regard the development is considered to be of a high quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings, conservation area and historic gardens. Thus the scheme is considered appropriate.

Since its construction in the 19th century, the ongoing development in and around Union Terrace Gardens means that the area accommodates many rich and significant historical assets. These assets play an important role in experiencing and understanding the history of both the Gardens and Aberdeen itself. The scheme now proposed has an architectural concept of the buildings having a notion of reversibility, and minimal intervention, to protect the historic assets. The proposal supports the physical in situ preservation of all statues. Clearly the works will enhance the existing heritage feature within the Gardens by:

- Repairing the existing granite balustrading to the perimeter of the Gardens. These Balustrades are important elements in defining the character of the listed Gardens and the character of the conservation area and contribute to the sense of place.
- The Wallace Armorial Railings would be retained on Rosemount Plaza. These railings and their relationship with the Wallace statue are important elements of the character of this area.
- Reinstating the granite stairway as a central part of the new accessible route into the Gardens from Rosemount Viaduct and reusing the existing granite steps, walls and coping materials as part of the new interventions. This addresses the advice given by HES, in that the new work and the historic fabric would be integrated to provide improved access.
- Retaining the existing statues to the edges of the Gardens, giving them a new, enhanced setting.
- Creating new interventions within the arches via 'lightweight structures' that express the heritage fabric of the Gardens.
- Using lighting to celebrate heritage features such as the arches, monuments and viaduct.
- Restoring the Victorian Gents and Ladies Public toilets, that were added to the Gardens in 1892 and were remarkably luxurious for their time.

Other works in relation to relocation of certain heritage assets such as: the Floral Crest, heraldic granite coat of arms; removal of a section of the granite wall on Union bridge, a number of Balustrades and the relocation of the Wallace Railings would allow provision of unassisted and dignified physical access for all, without a significant detrimental impact on the character of the listed elements of the gardens and Union Street Conservation area.

Restoration and reuse of the derelict Victorian Toilets will remove an important 'B' listed building from the Buildings at Risk Register and new use will be introduced to the archways, through the sensitive use of glazing and lighting to increase activity and visitors to the Gardens.

In the round it is considered that the proposed alterations and adaptations of the historic fabric complies with policy D4, in that it would see satisfactory steps taken to mitigate any adverse impacts of the development; and, where preservation has not been possible, that recording of the original form will take place. It is also considered that the works would not impact negatively on the character of the listed elements of the garden and their special interest and would contribute to the main character of the gardens and the wider surrounding area.

Policy D5: Our Granite Heritage

Throughout Aberdeen the Council seeks the retention and appropriate re-use, conversion and adaption of all granite features, structures and buildings, including setted streets, granite kerbs and granite boundary walls.

Proposals to demolish any granite building, structure or feature, partially or completely, that is listed or within a Conservation Area will not be granted Planning Permission, unless the Local Authority is satisfied that the proposal to demolish meets the HESPS tests for demolition:

- Importance of the building;
- Condition of the building;
- Economic viability of reusing the building; and
- Wider Public benefits.

In order to improve the access and from the entrance to the walkways, the proposal seeks to remove sections of granite wall on Union Bridge. The steps to the Gents toilets and a number of balustrades would be removed on the south-west corner to open up the public realm and the access to the gardens. Balustrades to the north-west corner of the site will also be removed as part of the extension of the garden to again further improve accessibility.

In terms of the importance of these elements, it is noted that they all form part of the category 'B' listing of the Gardens and all have the same statutory protection. It is also noted that the Gents toilets are included in the Buildings at Risk register and their restoration has been identified as a key element in the project. In terms of visual appearance, the balustrades are in good condition; however the majority of them require repair and reinforcement. Cost has not been highlighted as a critical factor in delivering the proposal; however the wider public benefits of the scheme can be used to justify the demolition of the above mentioned elements.

The agent has confirmed that recycled granite would be used in the project wherever practical.

Accordingly it is considered that the proposal is in accordance to policy D5.

Policy NC1: City Centre Development - Regional Centre

Development within the city centre must contribute towards the delivery of the vision for the city centre as a major regional centre as expressed in the City Centre Masterplan (CCMP) and Delivery Programme. As such the city centre is the preferred location for community, cultural and other significant footfall generating development serving a city-wide or regional market.

Proposals for new commercial leisure, community, cultural and other significant footfall generating development shall be located in accordance with the sequential approach.

In addition rejuvenation of the Union Terrace Gardens relates to the Denburn Valley 'Intervention Area' which is one of the 22 physical projects, among 49 projects, that together will deliver the masterplan strategy which aims to achieve the vision of "A city centre for a global city" with the purpose of "Energising the city centre to deliver prosperity and quality of life for all". The Masterplan report indicates that the focus is that a revitalised Union Terrace Gardens establishes itself as a key destination.

It is considered that the proposal directly contributes to this CCMP vision by enhanced connections, restoration of historic features and contemporary interventions with the intent to create a more accessible, enticing and vibrant city centre destination.

In terms of uses proposed and NC1, the site being within the city core fits with the wide range of appropriate uses, including sequential test considerations.

Policy T2: Managing the Transport Impact of Development

T2 requires that, commensurate with the scale and anticipated impact, new development must demonstrate that sufficient measures have taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

Given the location of the site, and proximity to Union Street, the site clearly has good access to public transport. Union Terrace itself is a key corridor for local and regional bus and coach journeys. Otherwise, it is anticipated that the proposal would have little negative impact on road network, although the closure of the left turn link from Rosemount Viaduct will result in all vehicles needing to utilise the main junction. Other interventions on Union Terrace do not form part of this application. One bus stop would be lost in the stopping-up of this slip-road. A planning condition can be attached requiring submission of further details of new bus stops on Union Terrace.

The applicant has confirmed that all matters pertaining to Union Terrace including full details of disabled parking spaces and delivery bays for commercial units will be addressed in a separate application and a suspensive planning condition can address the timing and details associated.

The applicant has also clarified that vehicular access to the Gardens, beneath the Denburn Viaduct, will be restricted to essential servicing, such as general park maintenance. Regular servicing will be undertaken from the upper level, directly from Union Terrace.

Policy T3: Sustainable and Active Travel

T3 requires that new developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and that the internal layout of developments must prioritise walking, cycling and public transport penetration.

In these respects the proposal seeks to improve the accessibility by creating new accessible routes right to the lower level of the Gardens from: Rosemount Viaduct, Union Terrace and Union Street, all in order to improve the destination potential of this public space. This objective is also a key priority of the wider City Centre Master Plan.

Cycle parking is included at several locations – outside the Burns Event building, beside Rosemount Viaduct junction; two locations in the north, within the gardens themselves; within the Archways; and staff cycle parking within the Union Terrace Pavilion. The distribution of cycle parking (82 spaces over 6 locations) is considered adequate.

It is also noted that the minimum width of 3m for the raised walkway from Union Street would allow 'share with care' use for cyclists and pedestrians.

It is thus considered that the proposal is in full compliance with policy T3.

Policy T5: Noise

In cases where significant exposure to noise is likely to arise from development, a Noise Impact Assessment (NIA) will be required as part of a planning application.

In this case the site is located in a busy city centre location and within a context where various events already take place; however there are a number of hotels in the vicinity that could be impacted from plant associated with the proposed commercial premises in the proposed buildings. However, the precise nature of the uses to be undertaken within the buildings, and any associated plant requirements are at this stage unknown. However, a NIA could identify related potential impacts and recommend noise attenuation measures and a number of conditions requiring this can be attached to the consent.

Policy NE3: Urban Green Space

NE3 states that permission will not be granted to 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 and sport. The application is in full compliance with policy NE3, in that the main use of the site as a public park would be retained.

Policy NE5: Trees and Woodland

NE5 presumes against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation.

In addition any new buildings and services should be sited so as to minimise adverse impacts on existing or proposed trees. Appropriate measures should also be taken for the protection and long term management of existing trees and new planting, both during and after construction.

Where trees may be impacted by a proposed development, a Tree Protection and Mitigation Plan will be required to be approved before any development activity commences.

In this instance the site currently contains 75 trees. Initially the proposals indicated the removal of 46 individual trees (across categories A, B and C, 70% within the upper two categories), plus a group of uncategorised self-seeded trees. Thus 23 trees were to be retained.

A detailed assessment of arboriculture impacts has been carried out by the Council's arboricultural planner. He has advised that a further 12 trees should be considered at risk, because there is not sufficient detail to have confidence that these could be retained as a result of the works proposed. In the event that these 12 can be retained this would result in retention of 23 trees and the loss of 52. However, if the detailed design demonstrates that construction impacts cannot be mitigated and the 12 'at risk' trees have to be removed, the maximum number removed from the site would be 64 – leaving 11 of the original specimens.

The proposal would result in a reduction in the current number of tree species present in the gardens from 17 to 8. However it should be noted that it is proposed, within the landscape mitigation strategy, that an overall increase in tree numbers from the original 75 would result. With this new tree planting, the proposal will result in an increase in tree species to 27. This figure

being in the event that all trees deemed at risk are required to be removed and that the tree planting proposals are undertaken as outlined.

As such, it is clear that the proposal is contrary to policy NE5, in that it would result in significant loss of existing trees on site (between 52 and 64 of the current 75 trees). However, there requires to be consideration of the overall benefits of the proposed scheme, and whether the associated material considerations would outweigh the policy conflict. It is also important to note that the applicant has stated that they are seeking to retain the maximum possible number of trees, while delivering the vision for transformational change within the Gardens.

In this context the main objectives of the transformational vision for Union Terrace Gardens are:

- Respecting the existing elements of landscape character, heritage, views and topography.
- Renewing the physical and cultural connection to the city centre.
- Reactivating the associated public space to create vibrant urban spaces.
- Reimagining the physical space through interventions, which reflect the cultural and emotional memories of the place.

However, it has become clear that in redesigning Union Terrace Gardens to achieve these objectives that there have been a number of unique design challenges, such as the existing site levels and topography, restricted space and poor accessibility.

Throughout the design process, the applicant has sought to take a balanced approach in order to meet all of the required elements and so as to ensure a safe and inviting Union Terrace Gardens, with improved facilities and access for all.

Within the current proposals, existing trees have been retained where possible – although such opportunities have been limited by other competing requirements. Overall, while a relatively large proportion of the existing trees are required to be removed, a larger number of new trees are proposed as part of a comprehensive re-landscaping scheme.

This proposed new tree planting, in the most part is specified as large, ‘early mature’ specimens (5 x 9-12m, 21 x 7-9m, 24 x 5-7m, and 19 x 3.5-4.25m) that will provide some immediate impact. 38% of the replacement trees will be over 7m. However, it is acknowledged that there will inevitably be some short-term effects on the character of the gardens and surrounding streets, particularly during construction phases. However, on completion, and as establishment occurs, the long-term character of the gardens will remain that of a city centre park filled with large trees.

As a result of this significant tree replanting, over time local amenity will be vastly improved by the proposals, through a varied park filled with appropriate hard and soft landscaping – which includes a wide range of tree species providing significant visual interest and cover within a reimagined city park. All of which tie together the wider aims of the Union Terrace Gardens project and sits within the framework of the City Centre Masterplan.

Additionally the removal of some of the existing trees increases amenity of the gardens, by facilitating access to the widest possible number of citizens and visitors via the formation of walkways that are accessible by wheel chairs, prams and push chairs . Importantly the amenity and climate change mitigation value of the removed trees themselves is not lost, but enhanced by the proposed new trees. Furthermore visitors will be able to readily and easily access an amenity containing more trees of a greater variety.

In respect of landscape character, local amenity and climate change adaptation and mitigation the proposal for the revitalised Union Terrace Garden, in the longer term would represent a significant improvement on that which presently exists.

In conclusion, despite the significant short term impact on trees, which is contrary to NE5, the longer term environmental and public benefits would outweigh this short term adverse impact.

Policy NE6: Flooding, Drainage & Water Quality

NE6 does not permit development if it would increase the risk of flooding. As such the design aims to minimise surface water run-off, by retaining large areas of permeable surfacing/ soft landscaping. Where areas of additional hardstanding are introduced, the design looks to offset the loss of any green space with the provision of SUDS features as detailed below:

- a) Porous finishes are proposed within the amphitheatre and lower garden paths;
- b) A dry swale is proposed adjacent to the vehicular entrance from the north (Denburn Viaduct) and the main area of hard standing;
- c) The Burns Event and the Union Terrace Event Buildings will incorporate green roof systems;
- d) Run off from the buildings could also be harvested for irrigation purposes with this non potable water used to irrigate the lawns and planting during their establishment, this can be controlled via suitable conditions; and
- e) Natural soakaway/French drains are proposed adjacent to footpaths in the Arboretum and within the Central lawn

It is considered that subject to conditions for implementation of the identified SUDS features, the proposal would be in full compliance with policy NE6.

Policy NE9: Access and Informal Recreation

New development should not compromise the integrity of existing or potential recreational opportunities, including general access rights to land and paths. This includes any impacts on access during the construction phase of a development. On this latter matter the applicants should provide detail on how public access and safety will be maintained during construction, for example through temporary diversion. Otherwise the access and recreation value of the gardens will be enhanced as a result of the development.

Policy R6 – Waste Management Requirements for New Development

All new developments should have sufficient space for storage of general waste, recyclable materials and compostable wastes where appropriate. Indicative details are provided in this regard, however details can be controlled via suitable conditions attached to any consent, requiring further details/ information on waste management. Waste Services have no objection to the proposal.

Policy R7 – Low and Zero Carbon Buildings, and Water Efficiency

All new buildings in meeting building regulations energy requirements, must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions. Compliance with this requirement will be demonstrated by the submission of a low carbon development statement secured by a suitable condition.

Other Matters Raised in Representations

Items 1-4 are in support of the application. In relation to item 3, the applicant has confirmed that discussions have taken place with local universities in relation to using the Arcades as exhibition space for students.

Items 5-7 are neutral in their context and refer to the timing of the project and current status of the application site.

Item 8 refers to the retention of green space. It is noted that 'a preserved and enhanced green space' has been one of the six priority themes of the project. The landscape proposals have been described and discussed above.

Item 9 relates to a suggestion for a new sculpture; however this is out with the scope of this project and does not form part of the proposals.

Item 10 refers to a maintenance matter which is not a material planning consideration in the determination of this application.

Item 11 refers to a different scheme muted for the gardens in 2010. However, this application requires to be assessed on its own merits having regard to the development plan and other relevant material considerations.

Items 12-14 refer to the public consultation and representation period. Details of the public consultation and representations periods have been covered in section 4 of this report and have complied with statutory requirements.

Item 15 refers to restoration of the listed toilets and is discussed above, but will be assessed separately in terms of the application for Listed Building Consent.

Items 16-17 refer to the impact of the proposal on existing structures and features. In this regard the suitability of the proposal in terms of design and impact on the historic environment and granite heritage has been assessed against policies D1 and D5 above.

Items 18-20 refer to the proposed uses within the new buildings. In this regard it is considered that the proposed uses are complementary for a city centre public park. It is also noted that the proposed lift provides disabled access to the site and improves accessibility. It should also be noted that the operator of the Burns Building would manage the use of the lift and also the public toilets within the building.

Item 21 refers to the scope of project. It should be noted that this application requires to be assessed on its own merits having regard to the development plan and other relevant material considerations.

Items 22-25 refer to material planning considerations which have been covered in the assessment above.

Item 26 refers to the impact of the proposal in the setting of listed buildings and monuments. This is a material planning consideration and has been discussed in the evaluation section of this report. More detailed assessment will also take place in association with the consideration of the related application for Listed Building Consent.

Item 27 relates to an alternative location for the proposed buildings. However, again it should be noted that this application requires to be assessed on its own merits having regard to the development plan and other relevant material considerations.

Item 28 refers to the impact of the proposal on natural light in the lower level of the garden. In this regard the proposals would overshadow a section of the garden, however it is noted that this area is currently overshadowed by large canopies of existing trees. Accordingly the proposal would not result in any significant detrimental loss of daylight at lower levels of the garden or any habitable rooms of residential property.

Item 29 refers to a protection barrier on Union Bridge and that the proposal should incorporate this. However, that element of proposal was been removed from this application. However the applicant had engaged in formal pre-application discussions on detailed design of a protection barrier and has submitted separate applications on 12 March 2018.

Item 30 relates to a suggestion for an alternative location for the Heraldic coat of arms. However, the proposed location, at lower level of the garden, is considered to be acceptable when assessed on its own merits having regard to the development plan and other relevant material considerations.

Item 31 relates to the water feature around Wallace Statue. On this matter the applicant has confirmed that the water feature will be able to be drained to allow wreath laying for the annual Wallace 700 Commemoration Ceremony. Site visits have also confirmed the orientation and position of the statue in relation to the water feature would allow the messages on the plinth to be easily read.

Items 32-33 again relate to potential maintenance issues which are not material planning considerations.

Item 34 relates to a perceived lack of sufficient documents submitted in support of this application. However, it is considered that across the life of the application sufficient information has been submitted to give the proposals due consideration against all relevant matters. It should also be noted that certain planning conditions are recommended to address outstanding information in relation to further assessments, design details, construction methods and tree protection plans. This approach is considered appropriate.

Items 36-39 refer to health and safety matters. It should be noted that the proposal have been assessed by Roads Development Management Team and also Police Scotland and no concerns have been raised in these regards.

Full regard has been given to all concerns raised in representations, but neither do they outweigh the position as detailed above, nor do they justify further amendment to the plans or refusal of the application.

Equality Act 2010

Under section 149 Equality Act 2010, a public authority must in the exercise of its functions have due regard to the interests and needs of those sharing the protected characteristics under the Act, such as age, gender, disability and race (the Public Sector Equality Duty – PSED). It is considered that the proposal has due regard to ‘advance equality of opportunity’, by removing disadvantages associated access to this public park by introduction of measures designed to allow access to all

(particularly lifts and appropriately level pathways) from Union Street, Union Terrace and Rosemount viaduct.

Delay in Determination beyond Statutory Period

The application was submitted in May 2017, however for various reasons it went through a process of re-design and requests for the submission of further information. Continuous and ongoing discussion with the applicant and their agent has seen a progression timelines agreed towards the presentation of this application at today's Planning Development Management Committee.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed design, scale, form and materials of the architectural interventions are of high quality. The proposal would retain and reuse the listed elements of the garden in compliance with SPP and relevant Historic Environment Scotland documents and will contribute to the character of the conservation area by enhanced accessibility and creating a vibrant city centre destination. The proposals would also directly contribute towards the vision of the Aberdeen City Centre Masterplan.

However there are some policy conflicts, with the development proposed being contrary to the provisions of policy NE5 (Trees and Woodlands) in that the proposal would result in significant loss of existing trees on site. However it is considered that the overall public and environmental benefits of the proposed scheme would, in the longer term, outweigh the policy conflict.

Overall the proposal is considered to appropriately comply with Scottish Planning Policy and the Aberdeen City and Shire Strategic Development Plan (2014).

Subject to conditions, the proposal would sufficiently comply with the provisions of the following policies of the Aberdeen Local Development Plan (2017): D1 (Quality Placemaking by Design), D2 (Landscape), D4 (Historic Environment), D5 (Our Granite Heritage), NC1 (City Centre Development – Regional Centre), T2 (Managing the Transport Impact of the Development), T3 (Sustainable and Active Travel), T5 (Noise), NE3 (Urban Green Space), NE6 (Flooding, Drainage and Water Quality), NE9 (Access and Informal Recreation), R6 (Waste Management Requirements for new Development) and Policy R7 (Low and Zero Carbon Buildings and Water Efficiency), as well as the associated Supplementary Guidance and Technical Advice Notes.

Full regard has been given to all concerns raised in representations, but neither do they outweigh the policy position and material considerations as detailed above, nor do they justify further amendment to the plans or refusal of the application

CONDITIONS

1) Photographic Survey

No demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures on the application site has been submitted to and approved in writing by the planning authority. All external and internal elevations of the buildings and structures together with their setting and any unusual features shall be included. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.

Reason – To ensure that a historic record of the building is made for inclusion in the National Monuments Record for Scotland and in the local sites and Monuments Record.

2) Further Details on Tree Retention

That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing by the planning authority further detailed construction drawings for all the trees identified to be retained: as highlighted in green and amber on drawing no. 5442-AIA-004 (Existing and Proposed Tree Planting).

Reason- in order to ensure protection of trees onsite during the construction of the development.

3) Tree Protection

That no development shall take place unless a detailed tree protection plan has been submitted to and approved in writing by the Planning Authority and thereafter any recommended measures specified within that plan shall be implemented in full. Such plan should acknowledge the detailed construction methods proposed/ required and associated risks to existing trees.

Reason - in order to ensure adequate protection for the trees onsite during the construction of the development.

4) Removal of Trees

That the removal of trees, as agreed in terms of conditions on this permission, shall only take place outside the bird nesting season (that being mid-March until the end of August), unless otherwise agreed in writing with the planning authority.

Reason – In the interests of preserving wildlife.

5) Public Access during Construction

That no development shall take place unless further details on temporary measures for public access and safety during construction has been submitted to, and approved in writing by the planning authority.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason - in the interest of public access and safety.

6) Bus Stop Improvement

That none of the hereby approved uses, within the new buildings and enclosed areas within the arched arcades, shall take place unless a scheme detailing the design of and means of delivery for new bus stops serving Union Terrace has been submitted to and approved in writing by the

planning authority. Thereafter such use of these buildings and enclosed areas shall not become operational until the bus stops are installed in accordance with the details as so agreed, unless otherwise agreed in writing by the planning authority.

Reason - in order to encourage the use of public transport to the site and ensure the safety of pedestrians.

7) Disabled Parking Bays on Union Terrace

That none of the hereby approved uses, within the new buildings and enclosed areas within the arched arcades, shall take place unless a scheme detailing the disabled parking bays on Union Terrace are submitted to and approved in writing by the planning authority. Thereafter such use of these buildings and enclosed areas shall not become operational until the bays so approved are available for use in accordance with the details as so agreed, unless otherwise agreed in writing by the planning authority.

Reason - in order to ensure the safety of pedestrians.

8) Delivery Bays on Union Terrace

That none of the hereby approved uses, within the new buildings and enclosed areas within the arched arcades, shall take place unless a scheme detailing the delivery bays for vehicles serving the commercial units on Union Terrace are submitted to and approved in writing by the planning authority. Thereafter such use of these buildings and enclosed areas development shall not become operational until the bays so approved are available for use in accordance with the details as so agreed, unless otherwise agreed in writing by the planning authority.

Reason - in order to ensure the safety of pedestrians.

9) Play Equipment

That prior to commencement of the development, a scheme detailing the play equipment to be provided within the Gardens shall be submitted to and approved in writing by the planning authority.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason- in the interest of visual amenity

10) Community Garden

That prior to commencement of the development, a scheme detailing the interventions associated to the community garden and any associated building(s) shall be submitted to and approved in writing by the planning authority.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason- in the interest of visual amenity

11) Re-use of Granite Downtakings

That no development shall take place unless further details are submitted on how granite downtakings associated with the hereby approved development, are to be reused within the wider scheme, unless otherwise agreed in writing with the planning authority.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason: In accordance with Policy D5 – Our Granite Heritage

12) Inscriptions on Surfacing and Steps

That no development shall take place unless a detailed scheme setting out proposals of historic referencing on surfacing and steps, including detailed drawings, has been submitted to and approved in writing by the Planning Authority.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason- in the interest of visual amenity and to respond to the layers of history associated with the site.

13) Lighting Feature

That no development shall take place unless further details the 'halo of light' feature (including the suspended ring and support poles) has been submitted to and approved in writing by the Planning Authority.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason - in order to preserve visual amenity.

14) Lighting Mitigation Plan

That no development shall take place unless a lighting assessment/ mitigation plan, to address any potential impacts on wildlife, for the scheme of lighting proposed (based on the BCT Interim Guidelines for artificial light and wildlife) has been submitted to and approved in writing by the Planning Authority. The assessment should include the type of light used in all light sources (Spectral composition), whether use of directional lighting is proposed and where and whether some dark periods are to be provided in operation of the lights.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason - in order to balance the impact on ecosystems and control light pollution and reduce lighting energy consumption.

15) Building Materials

That no development pursuant to the planning permission hereby approved shall be carried out unless samples of all external materials and finishes associated to all built development, including but not limited to: buildings; walkways; paths; stairs; railings; and infill to the arched arcades have been submitted to, and approved in writing by the planning authority.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason - in order to protect the visual amenities of the area.

16) Environmental Noise Control

That prior to the commencement of any use, within the new buildings along Union Terrace, a noise impact assessment (s) shall be submitted to and approved in writing by the Planning Authority.

This assessment should:

- a) Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note;
- b) Identify the likely sources of noise associated with the proposed development;

- c) Detail the noise mitigation measures to reduce noise from the likely noise sources to an acceptable level to reasonably protect the amenity of the occupants of the existing neighbouring residences; and
- d) The methodology for the noise assessment should be submitted and agreed in writing with Aberdeen City Council Environmental Health Service in advance of the assessment.

Such use(s) shall not thereafter commence unless the mitigation measures thereby approved have been implemented in their entirety.

Reason – in the interests of protecting the amenity of neighbouring properties.

17) Environmental Odour Control

That no cooking activities (including: oven cooking; boiling; stewing; grilling/broiling; deep fat frying or shallow frying) shall take place in any of the buildings hereby approved unless a Local Extract Ventilation System (LEV) has been installed and is operational in the premises, all permitted activities relating to hot foods must be limited to appropriate means of re-heating and hot holding precooked products only.

Reason – In the interests of protecting amenity of local residents and to remove the risk of malodour from cooking activities.

18) Local Extract Ventilation

Where any use is to commence inclusive of a commercial food service, where a Local Extract Ventilation (LEV) system is to be installed to remove food cooking odours and fumes, the following are required:

- a) A suitable extract ventilation assessment by a competent person, to establish the necessary air extraction flow rate based on the proposed cooking activities, the necessary specification of the LEV equipment and mitigation measures required to effectively; filter, neutralise extract and disperse cooking fumes produced at the premises. The assessment should be carried out in accordance with relevant standards, for example the DEFRA document Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems and associated references.
- b) The details of this assessment and its findings must be submitted to, and approved in writing by the planning authority, in the form of a suitable report by a competent person to the satisfaction of this Service. This report must fully demonstrate the minimum design specification of the LEV equipment and cooking odour/fume control measures and their effectiveness.

Such commercial food services shall not become operational until such time as the LEV system thereby approved has been installed and is operational in the premises.

Reason – in the interests of protecting the amenity of neighbouring properties.

19) Implementation of Green Measures

That no development shall take place until a schedule of the green measures that will be implemented on site (for example green roofs, rain water harvesting/ sustainable water use measures, use of native plant species) have been submitted to, and approved in writing by the planning authority, in consultation with SEPA. Thereafter such measures shall be and implemented in full, in respect of the elements of development to which they relate.

Reason - to ensure adequate protection of the water environment and contribute to and enhance the natural environment.

20) Sustainable Urban Drainage Systems

That the development hereby approved shall not come into public use unless the Sustainable Urban Drainage Systems have been installed according to the Drainage Assessment (Ref: REP 0001- Issue 2). The said scheme should have a discharge of 40 litres per second or less to the Denburn in a 0.5% probability rainfall event.

Reason - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

21) Low and Zero Carbon Buildings and Water Efficiency

That the new buildings and enclosed areas within the arched arcades hereby approved shall not be brought into use until a scheme detailing compliance with the Council's 'Resources for New Development' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme have been implemented in full.

Reason - 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'.

22) Waste Management

That none of the hereby approved uses, within the new buildings and enclosed areas within the arched arcades, shall take place unless provision has been made within the application site for refuse storage and disposal in accordance with a detailed scheme including: the total number of waste bins, their sizes and collection arrangement by the business waste contractor, which has been submitted to and approved in writing by the planning authority.

Reason - in order to preserve the amenity of the neighbourhood and in the interests of public health.

ADVISORY NOTES FOR APPLICANT

1- Network Rail :

Uncontrolled drainage towards the railway may have a direct impact on the reliability and frequency of the rail transport in your area.

All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. (Any Sustainable Urban Drainage Scheme should not be sited within 10 metres of railway infrastructure and should be designed with long term maintenance plans which meet the needs of the development).

The railway can be a dangerous environment. Suitable barriers must be put in place by the applicant to prevent unauthorised and unsafe access to the railway.

If not already in place, the applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. We recommend a 1.8 metre high 'rivetless palisade' or 'expanded mesh' fence. Network Rail's existing boundary measure must not be removed without prior permission.

The proximity and type of planting proposed are important when considering a landscaping scheme. Leaf fall in particular can greatly impact upon the reliability of the railway in certain seasons. Network Rail can provide details of planting recommendations for neighbours.

Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary.

Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

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.

The developer must contact our Asset Protection Engineers regarding the above matters, contact details below:

Network Rail Asset Protection Engineer
151 St. Vincent Street, GLASGOW, G2 5NW
Tel: 0141 555 4087
E-mail: AssetProtectionScotland@networkrail.co.uk

- 2- The applicant is advised that the removal of the slip road on Union Terrace would require a stopping up order. The applicant should contact Doug Ritchie (DRitchie@aberdeencity.gov.uk) in this regard.
- 3- For the avoidance of doubt the planning consent hereby granted does not give or imply the granting of consent for any advertisement on the approved buildings and structures. If such advertisements do not benefit from deemed advertisement consent, a separate application for express advertisement consent should be submitted. For further advice please contact the planning authority.
- 4- For the avoidance of doubt the planning consent hereby recommended does not give or imply granting of consent for cleaning of any of the buildings with abrasive, chemical or high pressure water method above 50 p.s.i. For further advice please contact the planning authority.
- 5- Any CCTV system installed should be monitored and registered with the Information Commissioner's Office (ICO) to be compliant with current legislation including the Data Protection and Human Rights Acts. Further information can be obtained at the ICO website at www.ico.gov.uk to assist with this compliance.