



# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 21 June 2018**

**Site Address:**

Land adjacent to Rubislaw Quarry, Hill of Rubislaw, Aberdeen, AB15 6XL

**Application Description:**

Residential development (across ten storeys and three basement levels) consisting of 299 private flats, gym, function room, public heritage bistro, promenade, car parking and amenity space

**Application Ref:**

180368/DPP

**Application Type**

Detailed Planning Permission

**Application Date:**

14 March 2018

**Applicant:**

Carterra Private Equities

**Ward:**

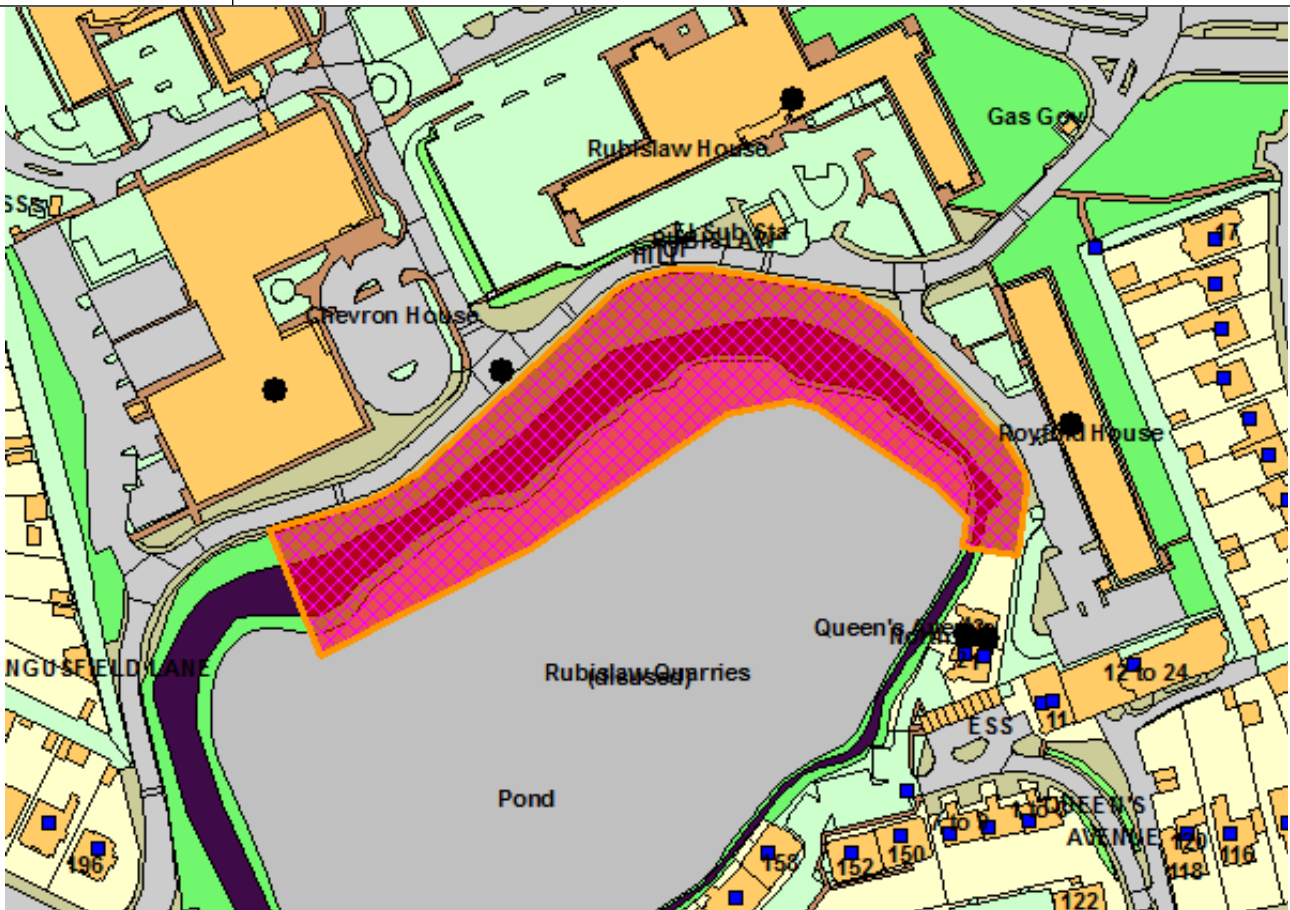
Hazlehead/Ashley/Queens Cross

**Community Council**

Queen's Cross and Harlaw

**Case Officer:**

Matthew Easton



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## RECOMMENDATION

Approve subject to conditions and withhold the issuing of consent until a legal agreement has been entered into to secure affordable housing contributions and developer obligations relating to primary and secondary education, core paths, open space and healthcare.

## APPLICATION BACKGROUND

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### Site Description

The site is situated on the southern edge of the Hill of Rubislaw office park and comprises the land adjacent to the northern edge of the disused Rubislaw Quarry, which is now filled with water.

The land is undeveloped and comprises mostly scrub vegetation and bare ground. A small area at the western end of the site is covered by broadleaved semi-natural woodland (protected by Tree Preservation Order No.134), which continues out-with the site around the entire north west, west and south west edges of the quarry. It is fenced off with no public access due to the proximity to the quarry edge. A hedgerow runs along the length of the site boundary shared with the office park.

There is no public access to any of the quarry site and public views into the site are very limited. The quarry edge on the north side largely comprises a rocky cliff face with areas of vegetation and the whole quarry site is designated as a Local Nature Conservation Site.

To the immediate north is the Hill of Rubislaw office park, featuring large offices buildings between three and five storeys high, set within car parks and surrounded by areas of woodland. Chevron House, Rubislaw House face the site with H1 (including Pure Gym) and Marathon House beyond. To the east is Royfold House, beyond which are homes situated on Royfold Crescent. Situated on the south east edge of the quarry are homes on Queen's Road, Queen's Avenue and Queen's Avenue North. Woodland covers the south west and northwest edges of the quarry.

### Relevant Planning History

- Outline planning permission (97/1300) for a six-storey office (three levels of office space and three of parking) with 326 parking spaces was approved in July 1998. The consent was not implemented and expired in July 2001.
- Outline planning permission (98/1814) for offices and 86 flats and 226 parking spaces was approved in March 2001. The building was predominately five storeys with a tower reaching seven storeys. The consent was not implemented and expired in March 2004.
- Details of reserved matters (A1/0439) relating to 98/1814 were approved in July 2001. The number of flats increased to 107, the office space was reduced, and 162 parking spaces were now proposed. The consent was not implemented and expired in July 2004.
- The outline planning permission granted in March 2001 was 'renewed' in September 2005 (A5/0742). The consent was not implemented in expired in March 2009.
- Detailed planning permission (A6/0478) for 116 flats, food and drink use and 207 parking spaces was approved in August 2006. The building was predominately five storeys, with a nine-storey tower. This consent was partially implemented and is still live and capable of being completed.
- Detailed planning permission (P121692) for a five-storey office building was approved in July 2014. The consent was not implemented and expired in July 2017.
- Detailed planning permission (P140788) for a Granite Heritage Centre was granted in December 2015. The centre was proposed on a separate site located on the south side of the

quarry. It was to include a heritage museum, restaurant/bar and conference suites, with views over the quarry. Despite obtaining planning permission, the prospects of the heritage centre proceeding seem unlikely after an application to vary the title conditions, which prevent its construction, was rejected by the Land's Tribunal for Scotland in January 2018.

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

Detailed planning permission is sought for the erection of a mixed use residential led development of 299 flats and public bistro.

The development is proposed as a 'build to rent' (BTR) scheme whereby the applicant would retain ownership and control of the entire development and manage its day-to-day operation. Individual units would be self-contained and separately let to residents, with communal facilities and on-site amenities integrated as part of the development. The different components of the development comprise –

- 299 flats (comprising 9 studio apartments, 198 one-bed apartments, 86 two-bed apartments and 6 three-bed apartments)
- Residents' gym (not open to the public)
- Residents' function room, a communal recreational facility for residents to meet, which would also be available for event hire.
- Class 3 food and drink use (164m<sup>2</sup> GFA) located on the ground floor. Described as a 'heritage bistro', the premises would be open to the public and would contain a permanent exhibition displaying material from the quarry, as well as a photographic history.
- A public walkway adjacent to the building and along the edge of the quarry, providing public access to the quarry edge and allowing views across over the water.
- Three levels of basement parking with a total of 332 car parking spaces, accessed via two ramps, broken down as follows –
  - 318 car parking spaces allocated to the flats (including 3 car club spaces). Parking would be communal to all flats and unallocated; and
  - 14 car parking spaces allocated to the food and drink use.
- 30 motorcycle spaces (28 for residents and 2 for the bistro) and 125 cycle spaces (120 for residents and 5 for the bistro)

The proposal would take the form of one building modelled into three peaks with valleys between. The building would be between four and ten storeys, reaching a maximum of 32.8m above street level. It would be constructed from modules arranged to create a chequerboard pattern being either solid or glass. The following materials are proposed –

- Masonry-based off-white textured material for the white cladding panel.
- Glazed floor to ceiling window units

- Spandrel glass panels to visually match the floor to ceiling windows when viewed obliquely or with no backlighting.
- Granite at the ground floor where the amenity spaces protrude from the glazed public areas. This will be part of the theme for the bistro, showcasing granites in various textures and finishes to the public viewing/walk way areas.
- Dark coloured powder coated aluminium panels.
- The external building envelope would see colour controlled with any incidental colour added to the elevation by blinds / blind boxes behind glazing rather than on the facade itself.

## 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=P5HGE3BZJRR00>

- Badger Survey (*not available online*)
- Drainage and Flooding Assessment
- Design and Access Statement
- Environmental Walkover Survey
- Ground Investigation Report
- Landscape Design Framework
- Landscaping and Visual Impact Assessment
- Planning Statement
- Pre-application Consultation Report
- Sustainability Statement
- Transport Statement
- Tree Survey

## CONSULTATIONS

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**ACC - Environmental Health** – The proposed development is adjacent to an existing Air Quality Management Area (AQMA). Although the concentrations of NO<sub>2</sub> and PM<sub>10</sub> in the surrounding road network are currently not exceeding the annual mean concentrations, the introduction of 332 additional car parking spaces, associated traffic and the construction of the development has the potential to adversely affect air quality in the immediate vicinity of the site and the wider area. It is therefore recommended that an air quality impact assessment is carried out. The assessment should consider the impact on existing residents as well as the potential exposure levels of occupants of the new properties on Hill of Rubislaw. Measures to reduce any potential air quality impacts should be considered.

A noise impact assessment will be required to ensure that the noise criteria can be achieved. It is noted that there will be fixed plant within the development including individual air source heat pumps which may be a noise source which could impact on the amenity of existing nearby residences as well as the residents of the proposed development.

**ACC - Flooding and Coastal Protection** – No objection, providing the conditions proposed by SEPA are attached to any consent granted.

**ACC - Roads Development Management Team – No objection.**

Local bus services can be found on both Queens Road and Anderson Drive, with direct links into the city centre and alternatively out to the west of the City into Aberdeenshire. Bus stops are located within 400m of the site, which is this distance considered to be readily walkable. The applicant's commitment to implement or provide financial contribution to upgrade the existing bus stop on south side Queen's Road is noted. This upgrade promotes the use of alternate transport and contributes towards justification for reduced number of parking provision within the development.

Based on the above the proposed development would require a maximum total of 463 parking spaces, however it is noted that this proposal is for only 332 parking spaces. The applicant proposes to provide 1 parking space per studio/1-bedroom flat, which would reduce the parking requirements by 96 car parking spaces. It has been agreed that if mitigatory measures (car club spaces, upgrading of the bus stop, provision of a travel plan and agreement that residents have one car per flat) were to be implemented, that this provision would be considered acceptable.

Due to the Scottish Government initiative for almost complete decarbonisation of road transport by 2050, new residential developments are required to provide electric vehicle charging points. The minimum requirement for a development of this size is for 2 spaces for both 'Active' and 'Passive' provision. Clarification on where the electric charge unit will be situated, and appropriate markings is required to be submitted.

30 motorcycle parking spaces is proposed which is below the required 38 spaces based on 1 space per 8 flats and 1 space per 300m<sup>2</sup> for the bistro. However, I can confirm that a reduced provision would be accepted.

The revised percentage impact assessment provided by the applicant shows a 1.8% impact increase on the strategic network, as this is below the 2% threshold on the congested network we do not require any further assessment.

A Travel Plan and residential travel pack is required to be created by the applicant in support of this application, a framework on how this would be created has been provided and is accepted.

**ACC - Waste Strategy Team –** Initial concerns with waste arrangements have been resolved through amendments to building layout (removal of chute system, inclusion of separate store for commercial element of building and rationalisation of bins stores).

**Developer Obligations Team –** Affordable housing contributions of £4,111,250 and other developer obligations of £360,390 towards primary education, secondary education, open space, core path network and healthcare are required (these are discussed in more detail later in the report).

**Queen's Cross and Harlaw Community Council –** Object to the proposal and raise the following issues with the proposal –

1. It is inappropriate for it's context, would be a prominent and inappropriate feature on the city skyline and represents overdevelopment. Higher density development should be in the city centre.
2. It does not respect the historic environment and does not have an appropriate level of granite features included;

3. It is not accompanied by the necessary infrastructure and facilities to support a larger community;
4. The site is a Local Nature Conservation Site where badgers have been sighted. Badgers must be protected.
5. Trees were removed prior to the tree survey being undertaken.
6. There is a risk of flooding from discharging surface water from the development into the quarry.
7. There would be a shortfall in car parking leading to parking problems in the area. Additional traffic associated with the development would exacerbate traffic problems.
8. It is assumed a noise impact assessment would be required but one does not appear to have been submitted.
9. There should be a public hearing due to the number of objections.

**Scottish Environment Protection Agency** – Concerns had been raised that the development could potentially increase the flood risk to the existing residential development on the southern rim of the quarry by increasing the volume or rate of surface water discharged into the quarry. SEPA also had concerns regarding the risk to the development from the rising water levels within the quarry.

The applicant has provided a site section which helps to demonstrate the levels of the site in context with the existing development. The lowest level of the proposed development is around 2.4m above the current water level in the quarry. However, the sections also show that the lowest level of the proposed development is around 0.78m lower than southern rim. It has been agreed by all parties that the water level in the quarry is rising, but SEPA appreciate that this is an 'unusual' case and that the potential risk to the development from the rising level would be relatively slow, i.e. years rather than hours/days. Therefore, SEPA have less concern that the occupants of the proposed development would be "caught unaware" or impacted by a sudden flood event. Dewatering of the quarry had previously taken place at the request of the Council who had concerns regarding the flood risk to the existing residential development. Although from the information SEPA hold, the pump and outfall appear to be under private ownership, we understand that in their role as Flood Risk Management Authority, the Council have powers to reduce water levels in emergency situations. A management plan to control the water level in the quarry would not only benefit the proposed development but would benefit the existing residential development. Considering the nature of the risk at this site SEPA consider that no new development should commence until a robust management plan for controlling the water level in the quarry has been agreed by Aberdeen City Council, Scottish Water, and all other relevant parties. SEPA request that this is secured by condition.

Currently all surface water on site drains into the quarry. Originally a like-for-like discharge of surface water into the quarry was proposed, and SEPA understand that all neighbouring developments at the quarry have a historic agreement to allow this. However, the applicant has now revised the surface water drainage proposals, and there is to be a 50% reduction in discharge to the quarry with the remainder attenuated and discharged into the existing surface water sewer. We appreciate that this would create a betterment to the current situation. While the details of the connection to the sewer would not be a matter for SEPA to comment on, as the surface water drainage has flood risk implications then no development should take place until the arrangements

for the connection to the sewer has been reviewed and agreed by the Council and Scottish Water. SEPA request that this is secured by condition.

If the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases.

It has been confirmed that the development will connect to a new foul sewer within the Hill of Rubislaw. The applicant should liaise with Scottish Water to discuss the foul drainage connections.

**Scottish Natural Heritage** – This proposal will affect badgers. SNH advise that the compensation laid out in the Species Protection Plan is suitable. If the Council are minded to approve this application, it must be satisfied that the requirements for a species licence under the *Protection of Badgers Act 1992* are likely to be met. If not, there is a risk of the applicant being unable to make practical use of the planning permission or committing an offence. This advice is based on the following information –

- The number of badgers affected by the proposal will be small.
- A suitable compensatory sett will be provided at an appropriate distance from the current sett and from the proposed development.
- It will be ascertained that the badgers have found the artificial sett before they are excluded from the original sett.

If the Council approve this application, even with the mitigation set out in the species protection plan, a licence from SNH will still be required by the applicant before they can proceed with the development. Based on the information currently available to us, it is likely that a licence would be granted. (*Since this consultation response was received, a license has been granted by SNH.*)

**Scottish Water** – No objection. There is currently sufficient capacity in the Invercarnie Water Treatment Works and the Nigg Waste Water Treatment Works.

**Transport Scotland** – Does not propose to advise against the granting of permission

## **REPRESENTATIONS**

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373 letters of representation have been received (369 letters of objection, 3 letters of support and 1 neutral letter). The matters raised can be summarised as follows –

### **Objections**

#### Quarry

1. The quarry is an icon of Aberdeen, being the source of much of Aberdeen's granite and said to be the largest man-made hole in Europe. It therefore has high heritage, civic, historic and cultural value, which the development does not respect. The site is unique and should not be developed for flats.
2. The Council should support the proposed Granite Heritage Centre instead (application reference 140788). There should be a visitor centre instead and public access to the quarry, so the public can appreciate the quarry's heritage.
3. The heritage bistro which would form part of the development is not of sufficient scale to support tourism.

### Design

4. The proposed development is out of scale with its surroundings and represents significant overdevelopment. It would fail to comply with Policy D3 (Big Buildings) of the local development plan.
5. The proposed development is out of character with the local area and its design is highly inappropriate, oppressive and overpowering.
6. The proposed use of concrete, glass and steel is inappropriate for the area. Granite should be used to reflect the history of the quarry.
7. Due to its height and location at the crest of a hill, the building would be seen from afar, and represent an intrusion on the skyline. The development does not comply with Policies D2 (Landscape)
8. There is a lack of green space included as part of the development, with the entire site consumed by the building.

### Amenity

9. The development would lead to extra noise and disturb existing residents.
10. Views for existing residents would be adversely affected.
11. The privacy of existing residents would be negatively affected.
12. The development would overshadow the surrounding area.
13. Residential use is not compatible with offices.

### Natural Heritage

14. The development would be detrimental to wildlife. Badgers have been seen at the quarry and would be affected. The ecological survey doesn't mention foxes, owls or sparrow hawks which frequent the area.
15. Woodland and shrubs within a Local Nature Conservation Site would be removed.
16. Trees were removed prior to the application being submitted.

### Economic

17. The housing rental market would be overwhelmed with additional units, affecting landlords in the area. There are many vacant properties in the city. There is therefore no demand for further residential accommodation
18. An Economic Impact Assessment should be submitted to support the application.
19. The value of nearby homes would be negatively affected.
20. Aberdeen's economy needs to diversify into tourism.



21. The proposed gym and bistro are superfluous as there is a gym within the business park and plans for the Granite Heritage Centre.

#### Transport

22. The development would result in additional traffic, increasing pressure on the surrounding road network.

23. There would not be enough parking as residents are likely to have more than one car. There is already overspill parking from the Hill of Rubislaw offices.

24. The development would affect access and egress to the offices within the business park.

#### Drainage

25. The water level in the quarry is continually rising and regular pumping is required to prevent properties from being flooded. No further surface water should be allowed to be discharged into quarry.

26. Dumping spoil into the quarry may well cause problems with flooding of the quarry environs

#### Other

27. Increased levels of traffic would lead to impact on air quality

28. The development should take place elsewhere in Aberdeen.

29. There have been previous applications for redevelopment and none have been taken forward.

30. The development would set a precedent.

31. Payment of contribution by the applicant towards affordable housing to ACC may lead to suggestions of impropriety.

32. Construction would create disturbance, safety risks with increased traffic, heavy plant and equipment. Construction contractors would cause parking problems.

33. Neighbour notification was not received

34. If the site is developed, there is a risk that people will fall into the quarry resulting in death.

35. Expectation that the heritage bistro would not be delivered.

36. Constructing into the granite could affect the stability of the quarry.

37. There would be a detrimental impact on community services such as schools and health facilities due to the increased population.

38. The site is not zoned for housing.

39. Further public consultation is required.

40. The construction of flats which would provide views over the quarry for their occupants would be at the expense of the public.

### **Support**

41. The development represents £68 million of foreign investment in Aberdeen.

42. The architecture is great

43. Visitors would have the opportunity to use the heritage café.

## **MATERIAL CONSIDERATIONS**

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### **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 (June 2014)
- Planning Delivery Advice: Build to Rent (September 2017)

### **Aberdeen Local Development Plan (2017)**

- D1: Quality Placemaking by Design
- D2: Landscape
- D3: Big Buildings
- I1: Infra Delivery & Planning Obligation
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T4: Air Quality
- T5: Noise
- H1: Residential Areas
- H3: Density
- H4: Housing Mix
- H5: Affordable Housing
- B1: Business and Industrial Land
- NE1: Green Space Network
- NE3: Urban Green Space
- NE4: Open Space Provision in New Development
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- NE8: Natural Heritage
- NE9: Access and Informal Recreation
- R2: Degraded & Contaminated Land
- R6: Waste Management Requirements for New Development
- R7: Low & Zero Carbon Build & Water Efficiency

- C11: Digital Infrastructure

## Supplementary Guidance and Technical Advice Notes

- Affordable Housing
- Air Quality
- Big Buildings
- Harmony of Uses
- Landscape
- Natural Heritage
- Noise
- Planning Obligations
- Resources for New Development
- Transport and Accessibility

## EVALUATION

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### Principle of Development

The principle of developing this site is long-established and dates back to 1998 when a large-scale office building was approved. In the intervening period, further consents have been approved and have expired, except for a consent (A6/0478) for residential and office use approved in August 2006. A limited amount of work on that proposal was started but not continued. These works were sufficient to constitute a commencement of development and as a result, the planning permission remains valid indefinitely. This, along with the previously approved applications, establishes the principle of development and is a material consideration in the determination of this application.

The site is within an area zoned for residential use under Policy H1 (Residential Areas) (*issue 38 in representations*). The policy states that proposals for new development and householder development will be approved in principle if it (i) does not constitute over development; (ii) does not have an unacceptable impact on the character and amenity of the surrounding area; (iii) does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010; and (iv) complies with Supplementary Guidance (Taking each of these in turn –

#### (i) Overdevelopment

In terms of overdevelopment, it is necessary to consider the building's scale, massing and form. As well as considering this against the context of the site, this needs to be considered against the consented scheme approved in 2006 as it could still be fully implemented.

It is acknowledged that the building is large, both in terms of its length and its height, therefore the provisions of Policy D3 (Big Buildings) and the associated supplementary guidance applies. The policy indicates that big buildings are most appropriately sited in the city centre and its periphery. Hill of Rubislaw is well established as a location for large buildings, both in terms of what exists and what has been consented over the years. The site forms the northern edge of the former quarry, which in itself is large in scale, with its body of water and wider tree setting forming a foreground and context to the proposal. Therefore, the site is considered appropriate for a large building.

The building would more or less occupy the entire application site. Normally this would not be considered acceptable, as areas of open space would be required to accompany the building,

traditionally in the form of areas of grass or gardens. However, as required by supplementary guidance, in this case the building provides extensive areas of public realm, including small landscaped public squares between the three elements of the proposal and walkways along the former quarry edge which would be publicly accessible as a destination. These elements would provide the opportunity to allow public access to the quarry edge for the first time and would provide sufficient outdoor amenity for residents. Other elements such as parking have also been satisfactorily accommodated under the building. Consequently, the fact the development covers much of the site, is not in itself a negative characteristic and its amenity is considered to be satisfactorily designed into the proposal (*issue 8*).

The maximum height of the 2006 scheme is 29.94m from street level, representing the tower part of the development, whereas the remainder is predominantly 17.70m high. The proposal would achieve a maximum height of 32.8m, on the western most peak, with the middle peak being 29.6m and the eastern peak 26.4m. It is accepted the building would be substantially taller than the consented scheme. However, this height is not consistent across the building, with the massing broken up by the stepped profile of the peaks and valleys, reducing the impact of its apparent size. The massing of the building is further reduced by the large pends between ground and third floor level and the non-linear nature of the building, which wraps around the edge of the quarry rather than being one extensive mass. Therefore, whilst undoubtedly a tall building, its scale and massing would be successfully lessened by its modelled form.

#### (ii) Character and Amenity of the Surrounding Area

With any large new development within an urban area there is the potential for the character and existing residential amenity to be changed. This could be visual impact or in terms of the way the development interacts with current uses in relation to disturbance or availability of daylight, overshadowing and privacy.

##### *Local Visual Impact*

As required by the Supplementary Guidance on Big Buildings, the applicant has carried out a Landscape and Visual Assessment to consider the landscape and visual impact on the proposal. It has considered several key receptors and the impact upon them because of the proposal.

The character of the area to the immediate north is the Hill of Rubislaw office park featuring large offices buildings between three and five storeys high, set within car parks. The office park would be where the highest visual impact would occur as the building would be immediately adjacent. However, when considered against the characteristics of the office park and the buildings within it, such an intervention would not be significantly unusual. Visually this area would have a low sensitivity to change, given its office use and the associated visual receptors largely being people in their place of work. Again, matters relating to daylight, overshadowing and privacy are of less concern due to the area being a place of work but nonetheless any impact is not considered to be significant due to the form of the building being lower near the existing offices and the sufficient distance between other buildings at its higher points.

The areas to the west, south and east are largely residential, predominately featuring large, detached granite-built houses set within gardens and tree lined streets. The more contemporary flatted development at Kepplestone, features four towers, the highest of which is seven storeys.

From the local area the site is generally well enclosed and screened by other building and trees and topography around the Hill of Rubislaw. However, given the height of the building, it will be visible from several points in the surrounding area including some homes. Being residential properties, the sensitivity of these receptors would be high. Each of these areas is considered

below. The significance of the visual effect is categorised as minor, moderate, major-moderate or major.

- The building would be visible from several homes on Rubislaw Den South to the north west, from a distance of some 180m. The building would be visible above the top of Rubislaw House and through the gap in trees where the road into Hill of Rubislaw meets Anderson Drive. The impact is considered moderate due to the existing view already including buildings within the business park and the busy trunk road with associated infrastructure such as railings and traffic lights. Trees between the site and the homes would provide some screening all year round but especially in the summer months. The impact is considered moderate in the long term.
- To the south of the quarry, views would be obtained from Queen's Road and Rubislaw Park Road facing north, at a minimum distance of around 160m. The embankment and trees along the southern edge of the quarry would provide screening, but less so in the winter months. The stepped nature and general shape of the building would minimise its visual impact. If the Granite Heritage Centre were to be constructed, the character of this area would be substantially changed and would block views of the new building from some homes but make it more visible from others. The impact from the proposed building would be moderate in the long term.
- Angusfield Avenue / Angusfield Lane – The view is of low scenic quality, with the lane and retaining wall around the quarry visible in the foreground and Chevron House in the mid-distance. Domestic buildings such as sheds and garage are prominent in views from the rear of homes on Angusfield Avenue, which are approximately 100m away from the proposed building. Due to the existing character of the view, the impact of the building visually would be moderate, reducing to minor in future as trees continue to grow and provide more screening.
- The building would be highly visible from the homes on the south side of the quarry. The foreground for those at the quarry edge of vegetation and the quarry water surface, with medium-distance views of vegetation on the opposite side of the quarry and the office buildings at Hill or Rubislaw. The building would be in full view with no intervening screening. However, there would still be some distance between the existing properties and the new building and the outlook would remain open across the surface of the quarry. The impact would be major-moderate in the long term. It should be noted however that any impact from previously approved schemes and the live scheme would be similar in that the view will become that of a large building. There would however be differences in their appearance.

Otherwise the site is well enclosed and unlikely to be particularly visible in the local area due to the topography.

#### *Wider Visual Impact*

The building would also be seen from more distant views throughout the city, which the applicant has also considered in their assessment (*issue 7*).

- From the A90 adjacent to Kincorth, around 3km away, as motorists approach the city from the south, open views towards the site are available. Any change in the view would be negligible when considered against the large area of the city and its skyline which would be visible.
- On the approach to the site from the north on North Anderson Drive, approximately 0.7km away, the introduction of the building would be a prominent feature on the skyline in the far distance, however, the building would sit below the skyline and would frame Seafield House and Rubislaw House which come into view when approaching the site.

- From Harlaw Playing Fields at Cromwell Road, approximately 0.9km away, the proposed building would sit above the existing residential flatted blocks at Kepplestone but would be at this point be a distant feature, with the impact being considered moderate.
- From the road leading to Dobbies Garden Centre, Lang Stracht (around 2.8km away), the development would only be seen as a distant feature on the horizon, set against the built form, topography and changing skyline of the city. Tall buildings, such as the numerous residential tower blocks and office buildings are not uncommon on the city's undulating skyline. The impact would be negligible.

### *Daylight, overshadowing and privacy*

The building is a sufficient distance away from existing residential properties for there to be no impact in terms of availability of daylight or impacts from overshadowing. Similarly, the distance between buildings is significantly further than the standard 18m window to window distance used to determine whether there would be any impact on privacy, when buildings are directly opposite one another. The closest residential property effectively sits alongside the new building and any windows that do face one another would be around 30m apart and at an oblique angle. Those on the south side are approximately 140m away (*issues 10, 11 and 12*).

The office buildings are around 20-25m away from the north elevation of the flats. There would be a degree of overshadowing and overlooking from the flats. However, given that the use of the offices is as a workplace rather than residential, the sensitivity to these factors would be low, with the issue not being of significance.

### *Disturbance*

The predominately residential use of the development is very unlikely to introduce any noticeable level of disturbance to existing residential properties, largely due to urban nature of the surroundings, the distance between the existing homes and that the proposed development is also a residential use. The food and drink element is small scale and a sufficient distance from residential properties to make any disturbance negligible.

Residential use is regarded as compatible with office use, as any disturbance generated by the offices is likely to be limited to vehicles coming and going at relatively low speeds and which would not be unusual beside residential properties. The peak morning and evening periods may be busy with traffic entering and leaving the office park, but other times would be fairly quiet (*issue 13*).

In summarising matters (i) and (ii), the building is considered to have been designed with a silhouette which brings interest to the skyline and which uses its scale, massing and form to minimise its visual impact, despite its size. The character and amenity of the surrounding area would also be maintained, and any change of note would be in local views from a small number of limited locations, where the impact would be moderate (*issue 4 and 5 and Community Council issue 1*)

### (iii) Does Not Result in the Loss of Valuable and Valued Areas of Open Space.

The site forms part of the Hill of Rubislaw Local Nature Conservation Site and is designated as Green Space Network. The quarry and its surroundings function as an isolated green space which although not directly linked to other green spaces, provides benefits in term of biodiversity and landscape value within an urban area.

The value of the application site to these wider designations however is limited as it largely comprises dense scrub, a species poor hedgerow, bare earth and an area of semi-natural broadleaved woodland. Throughout the period since it closed, there has been no public access or views into the site, lessening its value as open/green space. It must also be recognised, as already discussed, that the principle of developing the site has been established for some time. Therefore, the loss of the site as designated open space, whilst not desirable, is not considered to be significant.

This loss must also be balanced against the positive aspects of the proposals relating to open space. A major benefit of the proposal is the walkway which would provide free public access to the quarry edge, enhancing the value of the quarry and the public's ability to interact with it. The provision of this public access is welcomed and considered a positive aspect of the proposal (*issue 40*). The proposals would also feature areas of hard and soft landscaping around the buildings, including 38 new trees, and planter beds with a wide range of native grasses, shrubs and hedges. In addition to this, a contribution of £27,213.60 towards improving open space at Hazlehead Park would be secured to support several projects by the Friends of Hazlehead Group.

To summarise, the loss of the open space has already been accepted. Its loss is not desirable but is not significant and on balance the introduction of public access and a high quality hard and soft landscaping scheme results in a neutral impact in terms of open space.

#### (iv) Complies with Supplementary Guidance

There are a range of supplementary guidance documents that apply to this development. Compliance with each SG is discussed in the relevant section of the report, but in general it is considered that the proposal follows the requirements of the relevant SG.

To conclude matters in respect of Policy H1, the proposal is considered to comply with the requirements of the policy. The building is not considered to represent overdevelopment or to have an unacceptable impact on the character and amenity of the surrounding area. The building would sit comfortably within the site, due to the surrounding topography and landscape and through the careful design of its scale, massing and form. The amenity impacts on surrounding residential properties are largely restricted to a visual impact, which would be moderate from a limited number of locations, but otherwise negligible or nil. Although open space would be lost, the opening of the site to public use and provision of high quality public realm and landscaping would result in a neutral impact.

Moving onto other matters relating to the principle of development –

#### Economic Considerations / Rental Market

Concerns have been raised that the housing rental market would be overwhelmed with additional units, affecting landlords in the area. It is also suggested that there is no demand for further residential accommodation. Although 299 additional flats would be a significant number of flats, the planning system does not operate to protect private interest. Guidance from the Scottish Government on build to rent schemes (BTR) identifies the benefits of such schemes, such as complementing existing housing delivery models and helping to increase the overall rate of delivery of housing. BTR can provide high-quality, purpose-built rented accommodation that can enhance the attractiveness of the city, for new and different developers and long-term investors at scale. It can also support labour market mobility by providing homes for people moving into the area for work. It is important that a range of rental options are available in the city and this development would contribute towards that aim (*issues 17 and 19*).

There is no requirement for residential development to provide an economic impact assessment (*issue 18*).

### Granite Heritage Centre

A separate proposal for a Granite Heritage Centre to be located on the south side of the quarry was granted detailed planning permission in December 2015 (ref: P140788). The centre was to include a heritage museum, restaurant/bar and conference suites, with views over the quarry. Despite obtaining planning permission, the prospects of the heritage centre proceeding seem unlikely after an application to vary the title conditions, which prevent its construction, was rejected by the Land's Tribunal for Scotland in January 2018.

A significant number of representations express a preference for the heritage centre over the proposed residential development of this application. The approval of this residential application however would not prejudice the heritage centre proceeding. Being on different sites and on opposite sides of the quarry, with approximately 120m between them, both developments could in theory be built. It is also suggested in representations that a heritage centre should be built on this site instead of the proposed development. In respect of both these matters, the planning authority is required to consider only the application before it. Refusal of the application based on a preference for other schemes, one of which appears to have little prospect of proceeding and the other which is non-existent, is unlikely to be competent or defensible at appeal (*issue 2 and 21*).

### Quarry Heritage

Many representations refer to the value placed on the quarry in terms of its history and the significant role it has played in the development of Aberdeen through the widespread use of granite quarried there. The feeling of many is that the site is unique and should not be developed, or if it is to be, it should be a development celebrating the quarry. Despite this, the quarry does not benefit from any statutory designations such as being a scheduled monument, conservation area or world heritage site for example (*issue 1*). In response to this, as outlined earlier in the report, the principle of development on the northern edge of the quarry has been established for some 20 years.

The relatively small size of heritage bistro is questioned in representations and it is suggested that it would not support tourism sufficiently. However, the primary use of the development is residential and although officers have encouraged a public use to be incorporated into the development, which the applicant was receptive to, there is no policy requirement to do so. The public walk ways and landscaping will allow access to view the former quarry, which is a prospect not currently available and unlikely to be through any other projects (*issues 3 and 20*).

### **Layout, Design and Amenity**

The general aspects on the proposal's scale, design and massing have already been discussed in relation to the building's impact on the surrounding area. More specifically, there is a requirement to ensure that the proposed building adheres to other good design principles, set out by Policy D1 (Quality Placemaking by Design).

The proposal's architectural design is unique to the site and has been informed by its surroundings. Although unashamedly different from typical flatted developments in Aberdeen, this is welcomed as it provides distinctiveness and adds interest to the city's built environment. The site, as described earlier, due to being relatively enclosed, provides an opportunity for a different approach to development, without adversely impacting upon the character of the surrounding area.



The architectural modules from which the building would be constructed, would create a chequerboard pattern of 'in' and 'out' modules and a rhythm across the facades. This 'in' and 'out' arrangement would create a textured effect adding interest to the building in near. In terms of materials, the building would be predominately finished in masonry-based off-white textured panels, with contrasting grey window frames and spandrel panels. Granite would feature at ground floor level around the public areas. The office buildings at Hill of Rubislaw are constructed from a variety of materials such as stone, concrete and glass, so the materials proposed would not be incongruous with the area. They are considered acceptable in principle and a condition has been attached requiring the precise materials to be specified and samples provided (*issue 6 and CC2*).

Raised planters would be incorporated into the private terraces associated with the flats, featuring shrubs and grasses adding further visual interest and diversity across the proposals. Species appropriate to the climate and tolerant to either sunlight or shade would be used depending on the orientation of the planters.

There is a mixture of flat sizes, allowing a variety of household sizes to occupy the development. All units on the quarry side of the development would generally face south or south west, ensuring they benefit from direct sunlight and an excellent outlook. Those on the business park side generally face north or north east. There are thirteen single aspect flats looking north on either the ground, first or second floors, which represents 4.35% of the 299 total. Whilst not ideal in terms of outlook, this is a small amount of the overall total and difficult to avoid. Those that are north facing on the floors above would benefit from being high enough to enjoy distant views. All other flats are either south facing or feature a dual aspect. Many of the flats would also benefit from their own private terrace, which are built into stepped form of the building. The terraces would feature planters to allow greenery to be added to the development.

The proposal would have an active street frontage with double height glazing for the public and communal areas on both the north (office park) and south (quarry) sides. This would animate and integrate the proposal by allowing the activity inside to be seen outside, as would the use of terraces and areas of glazing at upper levels. The public spaces provide pedestrians with priority, leading to the walkways at the quarry edge which are easily accessible and overlooked to ensure natural surveillance. Inclusive access for those with disabilities has been incorporated into the design with the provision of ramps and stair lifts. Beneath the ground floor and walkway would be three storeys of parking built into the quarry rock face. A green living wall is proposed to screen the parking levels and tie the building into the remaining vegetation.

Five waste and recycling stores would be located at ground floor, allowing access for residents and for collection by refuse vehicles. The waste storage for building cores 5 and 6 would be located adjacent to core 4, resulting in the furthest away residents having to walk around 80m to the nearest waste store, further than the recommended 30m in the SG. Notwithstanding, it would not be possible to have a store any closer as it would then not be possible for collection vehicles to access it. The food and drink element would have its own store.

In summary, it is considered that the development has been thoughtfully designed in response to its context and would create a successful place with a distinctive architectural character, taking account of the criteria in Policy D1 (Quality Placemaking by Design).

## **Noise**

There is the potential for residents to be affected by externally mounted air source heat pump which are proposed on the roof. As the equipment is yet to be specified a condition has been attached requiring a noise assessment to be submitted which considers the likely impact and if

necessary proposes mitigation measures such as enhanced glazing. Otherwise, it is not considered that the uses themselves would cause any noise nuisance (*issue CC8*)

## **Accessibility, Traffic and Car Parking**

### Accessibility

The site is within the built-up area and is well connected to other residential and employment areas. Footway routes and crossing facilities are suitably located on Queen's Road and Anderson to facilitate pedestrians. To enhance pedestrian access a new section of footpath would be created on the south side of Hill of Rubislaw to Queen's Road, a condition has been attached requiring a detailed scheme to be submitted. Queen's Road is served by several bus routes which link the city centre to the west end of the city and settlements beyond such as Westhill and Kingswells. Bus stops for these services are located within 400m of the site which is considered reasonable walking distance. The applicant has agreed to fund the upgrading of the existing bus stop on the south side of Queen's Road near the Hill of Rubislaw. Overall it is considered the site is well positioned in terms of accessibility.

### Impact on Road Network

Vehicular access to the Hill of Rubislaw is via two signal-controlled junctions, one at Queen's Road and one at Anderson Drive. The following junctions have been assessed by the applicant as part of their transport statement and reviewed by the Council's roads officers (*issue 22, 24 and CC7*).

- Anderson Drive (A90) / Hill of Rubislaw signal controlled junction – During the AM and PM peak periods the junction appears to operate very efficiently with queuing on all approaches effectively managed through the current signal settings. Queuing on all approaches is generally rolling in nature and clearing, in most instances, within every green phase. Analysis shows that in both the AM and PM peak the junction would still operate within capacity.
- Queen's Road (B9119) / Hill of Rubislaw signal controlled junction – The junction presently operates effectively and with the addition of the development would operate in the AM and PM peaks without any increase in queuing. This is an improvement over the previously approved office scheme which saw the junction operate over capacity.
- Anderson Drive (A90) / Queen's Road (B9119) roundabout junction – the junction currently operates over capacity during the AM and PM peak periods. With the addition of the development, in the AM peak queuing increases on the Anderson Drive approach but stays the same on other approaches. In the PM peak there is a marginal increase (less than 2%) in delays. However, the expected opening of the AWPR in Autumn of this year is expected to lead to increases in capacity on Anderson Drive, which the above traffic analysis has not taken account of. With this increase in capacity and the impact being less than 2%, the situation is accepted and no further analysis or mitigation required.

### Parking

The Transport Accessibility SG sets out the Council's guidance on the provision of car parking. The car parking figures for both the residential and commercial development are applied as maximums, with lower levels accepted where accessibility is good and other measures to reduce private car usage are in proposed.

In the outer city zone, a maximum of 1.5 spaces per flat is permitted, resulting in a maximum possible provision for the residential element of 448 spaces. In this instance it is proposed to provide 318 spaces for 299 flats. This includes three Co-Wheels car club spaces and cars would be provided and be made available to residents and the wider public. Each is considered to be the equivalent of seventeen parking spaces (total of 51) and are anticipated to reduce the number of residents who would own their own car. All the residential spaces would be communal and unallocated, ensuring they are used to their full capacity, rather than sitting unused if a resident does not own a car. It would also be part of a tenant's lease that they could not park more than one car at the development. A residential travel pack would be provided to residents which would provide a package of measures aimed at promoting more sustainable travel choices and reducing the use of the private car.

A further fourteen car parking spaces allocated to the food and drink use which is in accordance with the guidance in terms of the proposed floor space. The total number of spaces proposed is therefore 332. This number of spaces, when considered against the accessible location and measures such as the car club, is considered reasonable for the nature of the development and are acceptable to the Roads Development Management Team

As already outlined it is considered that the site is readily accessible by public transport and within walking distance of various places of work and services. The level car parking proposed has been reviewed by the Council's roads officers and is considered acceptable (*issue 23 and CC7*).

## **Drainage**

It is proposed that surface water run-off from the building roof area would be drained via downpipes to stone filled filter trenches at ground level. 50% of the building roof area would discharge via underground storage at a restricted rate to the existing surface water sewer (to be agreed with Scottish Water) and 50% of the building roof area would discharge via gravity drains to the basement level. Flows will then discharge via a separator to the outfall which would discharge into the existing quarry water body. All other areas of the site will be covered by the building roof area. A sluice and weir control would be installed to provide an overflow to the Scottish Water sewers which would limit the maximum level of water within the quarry during extreme weather. It is anticipated that the natural drainage regime will manage the water levels.

Concerns had been raised that the development could potentially increase the flood risk to the existing residential development on the southern rim of the quarry by increasing the volume or rate of surface water discharged into the quarry. There are also concerns regarding the risk to the development from the rising water levels within the quarry. However, the proposed surface water arrangements would create a betterment to the current situation in terms of the amount of water which would discharge to the quarry, as 50% would now be directed to the surface water sewer. The arrangements have been reviewed by SEPA and the Councils flooding team and found to be acceptable in principle. Conditions have been attached requiring a detailed scheme to be submitted.

SEPA have also advised that they have less concern that the occupants of the proposed development would be "caught unaware" or impacted by a sudden flood event, due to the slow rate at which the water in the quarry rises. However, SEPA recommend that a management plan to control the water level in the quarry would not only benefit the proposed development but would benefit the existing residential development. A condition has therefore been attached requiring such a plan to be submitted (*issues 25, 26 and CC6*).

Foul water from the development would discharge to a new sewer, which would tie into the existing Scottish Water foul sewer. This arrangement is acceptable, and a condition has been attached ensuring that a sewer connection is made.

## Natural Heritage

Policy NE8 (Natural Heritage) and the associated SG requires that development should seek to avoid any detrimental impact on protected species through the carrying out of surveys and submission of protection plans describing appropriate mitigation where necessary.

### Protected Species

A phase one habitat survey as well as a further badger survey have been carried out by the applicant

- Badgers, a protected species under the *Protection of Badgers Act 1992*, were identified as being affected by the development. Due to the sensitivities surrounding the species, further details of the survey and its findings cannot be disclosed publicly as to do so would be potentially harmful to the badgers' safety and wellbeing. It can however be confirmed that a mitigation plan has been submitted which has been reviewed by Scottish Natural Heritage (SNH) and is considered suitable. SNH have also issued a licence allowing the mitigation measures to be undertaken (*issue 14 and CC4*).
- In the UK all wild birds, their nests and eggs, are protected by law. Although the quarry has in the past been home to birds of prey (Peregrines, Kestrels and Fulmars), none were noted during the survey and the potential of the quarry to be suitable for such birds is now low due to the increased water level in the quarry which has reduced the extent of the cliff ledges.
- Most of the site is unsuitable for breeding birds, with most of the dense scrub cleared. However, the along the sides of the quarry and in the east, it is sufficiently thick to support breeding birds. A variety of birds were noted during the survey. To avoid disturbance or destruction of any nests, the site should be checked by an ecologist 24-hours before any construction commences to ensure there are no breeding birds present.
- There were no indications of invasive or injurious species detected on the survey.

### Trees

It is proposed to remove a total of 34 trees. These trees are predominately sycamore, ash, whitebeam, cherry, birch and elm and vary in height from between 7m to 15m. At the western end of the site, 15 of these trees are protected by Tree Preservation Order No.134, which covers this small area of the site and the wider area of woodland on the north west, west and southern edges of the quarry. The remaining 19 trees are at the eastern end of the site and are not protected. The removal of trees would be contrary to Policy NE5 which states that there is a presumption 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. Notwithstanding, the loss of all but one of these trees has already been consented in previous approvals. Although the trees contribute to the character of the immediate area, they have limited value in the wider area. To compensate for their loss, tree planting is proposed throughout the public areas surrounding the building, with the indicative landscape plans showing new 39 trees. A condition has been attached requiring tree protection measures to be implemented to ensure protection of the remaining trees to the west (*issue 15*)

It was reported shortly after submission of the application that trees had been removed from the site prior to the application being submitted. Having investigated the alleged removal of trees at the site it would appear that this largely involved removal of undergrowth rather than mature trees. Officers are satisfied that no breach of planning control occurred and that no removal of protected trees occurred (*issue 16 and CC5*).

It is considered that sufficient measures would be in place to ensure that natural heritage interests are protected.

## **Air Quality**

Policy T4 (Air Quality) states that development proposals which may have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed and agreed.

The proposed development is adjacent to the Anderson Drive Air Quality Management Area (AQMA). Although the concentrations of NO<sub>2</sub> and PM<sub>10</sub> in the surrounding road network are currently not exceeding the annual mean concentrations, the introduction of additional traffic additional car parking spaces, associated traffic and the construction of the development has the potential to adversely affect air quality in the immediate vicinity of the site and the wider area. It is therefore recommended by Environmental Health officers that an air quality impact assessment is carried out. A condition has been attached requiring an assessment to be submitted and if necessary a set of mitigation measures to be implemented. These could include measures to minimise the need to travel by the private car, supporting the car club or providing green infrastructure (*issue 27*).

## **Affordable Housing / Developer Contributions**

### Affordable Housing

In accordance with the Affordable Housing Supplementary Guidance, the equivalent of 74.75 units are required to be provided as affordable housing. Normally a registered social landlord (RSL) would take control of a block of units and manage them as affordable housing, however due to the expected high maintenance costs and difficulty in sub-dividing the building to allow an RSL to take control of part of it, it has been determined that rather than onsite provision, a commuted sum would be the most appropriate option. The sum of £4,111,250 is therefore required, based on the prime area rate of £55,000 per unit.

### Developer Obligations

To mitigate against the impact of the development on community infrastructure, financial contributions are sought to make the development acceptable, calculated in accordance with the adopted Planning Obligations Supplementary Guidance and advice from relevant Council services (*issue 31, 37 and CC3*). The applicant has agreed to these contributions, which would be secured by a legal agreement.

- Factoring this development into the 2015 roll forecasts for Hazlehead Primary School would result in the school exceeding capacity by 2020 by a maximum of 15 pupils. To reconfigure the school to increase capacity a contribution of £39,525.00 is sought.
- For Hazlehead Academy the development results in the capacity being exceeded by seven pupils, therefore to allow reconfiguration a contribution of £18,445.00 is sought.

- The development would include a residents' only gym and the Rubislaw Playing Fields have capacity, therefore no contributions towards sports and recreation have been sought. A condition has been attached requiring the gym to be provided.
- No response was received from Council services regarding community facilities therefore no contributions have been requested.
- A contribution of £73,358.40 is sought towards Core Path 27 (Den of Maidencraig to Anderson Drive). As this development will have an additional impact a contribution is required towards the upgrade of this path, which is currently worn granite dust path which is beginning to become boggy in places. The contribution will be utilised to replace the existing path to suitable standards to accommodate the anticipated additional users as a result of this development.
- A contribution of £27,213.60 towards enhancing open space at Hazlehead Park is sought.
- Great Western Medical Practice and Hamilton Medical Practice would serve the development and as both facilities are currently operating beyond working capacity a contribution of £201,848.00 is sought to create additional capacity. The scale of this development is such that should it proceed then both practices would be unable to accommodate through internal re-configuration and would need to consider expansion.

## **Sustainability**

Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) requires all new buildings to meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology in accordance with the associated supplementary guidance. In order to meet these requirements, the following is proposed –

- Building fabric will exceed minimum requirements and accredited construction details used to reduce unwanted heat loss / thermal bridging.
- Air tightness testing will be carried out to reduce unwanted air infiltration.
- All fixed light outlets will be LED high efficiency type.
- Ventilation systems will utilise heat recovery.
- Heating systems will be decentralised and utilise heat-pump technology to reduce carbon emissions.
- Enhanced controls will be used to reduce unnecessary energy consumption.

A condition has been attached requiring final calculations demonstrating compliance to be submitted.

Policy R7 also requires all new buildings to use water saving technologies and techniques. A statement has been submitted which identifies water saving measures which would achieve gold standard on the Building Standards Sustainability Label. A condition has been attached requiring the measures to be implemented.

## **Other Matters Raised in Representations**

Most matters raised in representations and Queen's Cross and Harlaw Community Council have been addressed above. Remaining issues are addressed below.

- Issue 19 – The impact which a development may have on house prices, whether negative or positive, is not a material planning consideration.
- Issue 26 – The title deeds of the site allow inert spoil from the site to be deposited via a chute into the quarry. The construction environmental management plan would determine if this method of disposing of spoil from the site is appropriate.
- Issue 28 – Whilst there may well be other sites in Aberdeen where flats could be developed, the planning authority are required to consider the application before it.
- Issue 29 – Whether previous permissions, not all of which have been submitted by this applicant, have been implemented or not is not relevant to the determination of this application.
- Issue 30 – Each application is considered on its own merits and each site, especially in this case, is unique. Therefore, it is unlikely that this would set a precedent other than for any future development on this site.
- Issue 32 – It is accepted that construction would be disruptive however this is inevitable with a large project. The building is proposed to be constructed using off-site fabrication of the components, allowing the build programme length and associated disruption to be reduced compared to traditional build methods. An informative note would be attached advising of the permitted working hours, with any complaints being investigated by the Council's Environmental Health service.
- Issue 33 – Neighbour notification notices was issued as per the requirements of the regulations. The list of notified neighbours includes Rubislaw House, the proprietor of which is the company which has suggested they were not notified. It would be for the building occupier to pass on the notice to the proprietor.
- Issue 34 – A glass safety barrier would be erected on the walkway to prevent anyone falling into the quarry. The barrier would be required to comply with any relevant building standards regulations.
- Issue 35 – A condition would be attached requiring the heritage bistro to be delivered.
- Issue 36 – The stability of the quarry during construction would be the responsibility of the applicant.
- Issue 39 / Community Council Issue 9 – The application did not trigger either of the two sets of criteria for holding a public hearing. The statutory public consultation (neighbour notification and press advert) was undertaken. The applicant also carried out a consultation event prior to submission of the application. A significant amount of representations has been received in response to the application, making it clear that the public were aware of it.

### **Heads of Terms of any Legal Agreement**

A legal agreement would be required to secure the payment of affordable housing and developer obligations outlined earlier in the report.

## RECOMMENDATION

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**Approve subject to conditions and withhold the issuing of consent until a legal agreement has been entered into to secure affordable housing contributions and developer obligations relating to primary and secondary education, core paths, open space and healthcare.**

## REASON FOR RECOMMENDATION

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The principle of developing this site is long-established and dates back to 1998 when a large-scale office building was approved. Subsequent application, including one that is still live and capable of being implemented, establishes the principle of development. In terms of Policy NE1 (Green Space Network) the value of the site to these wider designations however is limited as it largely comprises dense scrub, a species poor hedgerow, bare earth and an area of semi-natural broadleaved woodland. Throughout the period since it closed, there has been no public access or views into the site, lessening its value as open/green space.

It is important that a range of rental options are available in the city and the proposed introduction of a significant number of build-to-rent flats would contribute towards increasing these options. The building is not considered to represent overdevelopment or to have an unacceptable impact on the character and amenity of the surrounding area. The building would sit comfortably within the site, due the surrounding topography and landscape and through the careful design of its scale, massing and form. The 10-storey height is not consistent across the building, with the massing broken up by the stepped profile of the peaks and valleys, reducing the impact of its apparent size. The architectural modules from which the building would be constructed, would create a chequerboard pattern of 'in' and 'out' modules and a rhythm across the facades. This 'in' and 'out' arrangement would create a textured effect adding interest to the building in both near and distant views. Therefore, whilst undoubtedly a tall building, its scale and massing would be successfully lessened by its modelled form. From distant views, tall buildings, such as the numerous residential tower blocks and office buildings are not uncommon on the city's undulating skyline, with the introduction of the building having a negligible impact. The proposals are therefore considered to be in accordance with the provisions of Policy D1 (Quality Placemaking by Design), D2 (Landscape) and D3 (Big Buildings).

The amenity impacts on surrounding residential properties, considered through Policy H1 (Residential Areas) are largely restricted to a visual impact, which would be moderate from a limited number of locations, but otherwise negligible or nil. Although open space would be lost, the opening of the site to public use and provision of high quality public realm and landscaping would result in a neutral impact.

In respect of the separately proposed Granite Heritage Centre which already has planning permission, in determining this application, a preference to see another unrelated development proceed is not a material planning consideration. Both the proposed development and the heritage centre could proceed independently of one another.

The provision of the 'heritage bistro' within the development with a public walk way and landscaping will allow public access along the edge of the quarry for the first time and is welcomed, enhancing the value of the quarry and open space. Several trees would be removed to allow development; however, their loss has already been established through previous applications. New tree, grass and shrub planting would feature as part of the landscaping scheme for the public areas within the development. In this regard, the proposal is in accordance with



Policy D1 (Quality Placemaking by Design), D2 (Landscape) and NE9 (Access and Informal Recreation) and NE5 (Trees and Woodland).

In terms of transportation, the site and the requirements of Policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) is well located within the urban area and close to public transport routes. A sufficient level of parking has been provided and the impact on the surrounding road network considered to be minimal.

50% of the surface water from the site would be directed to the public sewer, whereas the remainder would be discharged to the quarry at a controlled rate, representing an improvement over the current situation as less water would be directed into quarry. SEPA and the Council's Flooding Team have confirmed with these proposals and it is expected that the requirements of Policy NE6 (Flooding, Drainage & Water Quality) would be met.

A mitigation plan has been submitted with respect to badgers and is considered acceptable, with a license for the activity granted by Scottish Natural Heritage, thereby complying with NE8 (Natural Heritage).

In accordance with Policy I1 (Infrastructure Delivery & Planning Obligations) and H5 (Affordable Housing), suitable developer obligations towards affordable housing, primary and secondary education, core paths, open space and healthcare, would be secured through a legal agreement.

## **CONDITIONS**

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### **(1) SURFACE WATER DRAINAGE**

No development shall take place unless a detailed scheme for surface water drainage and connection to the sewer, in accordance with the Drainage & Flooding Assessment (Issue 04 – June 2018) has been submitted to and approved in writing by the planning authority in consultation with SEPA and Scottish Water. Thereafter development shall be implemented in accordance with the agreed scheme.

Reason – to prevent any flooding and ensure adequate protection of the water environment from surface water run-off.

### **(2) QUARRY WATER LEVEL MANAGEMENT PLAN**

No development shall take place unless a scheme for the management of the water level within the quarry has been submitted to and approved in writing by the planning authority in consultation with SEPA and Scottish Water. Thereafter the management plan shall be implemented in accordance with the agreed details.

Reason – to ensure that the proposed development is not at risk of flooding from rising water levels in the quarry.

### **(3) FOUL WATER DRAINAGE**

No development shall take place unless confirmation has been received that Scottish Water will accept a connection to their sewer network from the development. Thereafter development shall be implemented in accordance with the agreed foul drainage scheme.

Reason – to ensure adequate protection of the water environment from foul water generated by the development.

#### (4) AIR QUALITY ASSESSMENT

No development shall take place unless an air quality assessment which considers the impact on existing residents as well as the potential exposure levels of occupants of the new properties on Hill of Rubislaw. Measures to reduce any potential air quality impacts should be considered. The approved mitigation measures shall thereafter be implemented in accordance with a timetable agreed with the planning authority.

Reason - to mitigate the impact of road traffic associated with the development on local air quality.

#### (5) NOISE MITIGATION SCHEME FOR NEW RESIDENTIAL PROPERTIES

No development shall take place unless a scheme of measures for the protection of the proposed residential properties has been submitted to and approved in writing by the planning authority.

The scheme shall ensure that internal noise level, assessed with windows open, within any flat shall not exceed the WHO Community Noise Guideline Value of LAeq 30dB within bedrooms for the night time period 2300-0700 and LAeq 50dBA within outdoor living areas for the day time period 0700-2300. Where necessary, the noise assessment shall specify mitigation measures required to achieve these levels. Thereafter no flat shall be occupied unless the mitigation measures relevant to that property have been implemented in accordance with the agreed scheme.

Reason – to ensure that residents of the development are adequately protected from excessive noise levels.

#### (6) DETAILED LANDSCAPING SCHEME

No development shall take place unless a detailed scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. The scheme shall be in accordance with the principles outlined in the Landscape Design Framework produced by Optimised Environments (ref: 171159\_OPEN\_HillRubi\_LDF-01) and include –

- (i) Existing landscape features and vegetation to be retained.
- (ii) The location of new trees, shrubs, hedges and grassed areas and water features
- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- (iv) The location, design and materials of all hard landscaping works including surfacing, walls, fences, gates and street furniture (including the public walkway)
- (v) a programme for the long-term management and maintenance of the hard and soft landscaping.

All soft landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason – To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area and to ensure that the landscaping is managed and maintained in perpetuity.

#### (7) PROVISION OF PARKING

No development shall take place unless a scheme for the phased provision of the vehicle, motorcycle and bicycle parking has been submitted to and approved in writing by the planning authority. The phasing scheme shall –

- (i) ensure that a level of vehicle, motorcycle and bicycle parking appropriate to the number of units is available on occupation of each part of the building.
- (ii) demonstrate when and where the bistro spaces, electric vehicle charging points and car club spaces would be provided.

Thereafter no unit within the building shall be occupied unless the parking associated with that unit and identified as such in the phasing scheme has been constructed, drained, laid-out and demarcated in accordance with drawings IBI-XX-ZZ-PL-A-100-0098 (Rev.2) and IBI-XX-ZZ-PL-A-221-0099 (Rev.2) or such other drawing approved in writing by the planning authority.

Parking areas shall not thereafter be used for any other purpose other than the purpose of the parking of vehicles ancillary to the development and use thereby granted approval.

Reason – to ensure public safety and the free flow of traffic.

#### (8) PROVISION OF PUBLIC AREAS AND WALKWAY

No development shall take place unless a scheme for the phased provision of the publicly accessible external parts of the development (including the quarry edge walkway and area noted as 'aspirational paving outside ownership boundary line' on the pavement adjacent to the site) has been submitted to and approved in writing by the planning authority.

Thereafter each section of such areas shall be made available to the public on completion of the corresponding part of the building.

Such areas will thereafter remain in use as publicly accessible space for the life of the development.

Reason – to ensure the delivery of elements of the development proposed to enhance the accessibility of the quarry open space.

#### (9) PROVISION OF FOOD & DRINK USE AND GYM

No development shall take place unless a scheme for the provision of the (i) food and drink unit; and (ii) gym parts of the development has been submitted to and approved in writing by the planning authority.

Thereafter each element shall be provided in accordance with the approved scheme.

Reason – to ensure the delivery of the amenities proposed for the development.

#### (10) EXTERNAL FINISHING MATERIALS

No development shall take place unless a scheme detailing all external finishing materials of the proposed building has been submitted to and approved in writing by the planning authority. Thereafter the development shall be finished in accordance with the approved scheme unless a written variation has been approved by the planning authority.

#### (11) EXTERNAL LIGHTING

No development shall take place unless a scheme of the external lighting for the building and its external areas has been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the approved scheme.

Reason – to ensure public safety.

#### (12) TREE PROTECTION SCHEME

No development shall take place unless a scheme for the protection of all trees to be retained on and out with the site (including the route of the pedestrian path to Queen's Road) during construction works has been submitted to and approved in writing by the planning authority. The tree protection scheme shall thereafter be implemented for the duration of the construction of the development unless otherwise agreed in writing with the planning authority.

Reason – to ensure adequate protection for the trees on site during the construction of the development.

#### (13) BADGER PROTECTION PLAN

No development shall take place unless the species protection measures contained within the Badger Survey (RQA-1805-BDS – 15 May 2018) have been fully implemented in accordance with the license granted by Scottish Natural Heritage.

Reason – to ensure that badgers are protected from development.

#### (14) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

No development (including site stripping, service provision or establishment of site compounds) shall take place unless a site-specific construction environmental management plan (CEMP) has been submitted to and approved in writing by the planning authority in consultation with SEPA.

The CEMP must include construction-phase and final SuDS supported by drawing(s) showing the location of the construction phase SuDS features; storage locations; pollution prevention and mitigation measures in place during construction e.g. spillage / chemical management and monitoring; emergency contacts to SEPA for pollution incidents and Invasive non-native species (INNS) management. The construction phase SUDS should be in compliance with the requirements of SEPA General Binding Rules 10 and 11 for the management of water run-off from a construction site to the water environment

Thereafter development shall be undertaken in accordance with the approved CEMP.

Reason – to minimise the impacts of necessary demolition / construction works on the environment

#### (15) WASTE STORAGE

No development shall take place unless a scheme for the phased provision of the waste storage areas has been submitted to and approved in writing by the planning authority.

Thereafter no unit within the building shall be occupied unless the waste storage area associated with that unit and identified as such in the phasing scheme has been constructed and is available for use in accordance with drawings IBI-XX-ZZ-PL-A-221-0099 (Rev.2) and IBI-WS-XX-PL-A-100-0103 (Rev.2) or such other drawing approved in writing by the planning authority.

Waste storage areas shall not thereafter be used for any other purpose other than the purpose of the storing waste generated by the development.

Reason – to ensure adequate waste storage provision and for the protection of public health.

#### (16) LOW AND ZERO CARBON BUILDINGS

The building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full.

Reason – to ensure the 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'.

#### (17) WATER EFFICIENCY MEASURES

No flat or commercial element of the building shall be occupied unless the water efficiency measures identified in section 5.0 of the Sustainability Statement (Issue 02) produced by KJ Tait Engineers have been installed and are available for use.

Reason – to help avoid reductions in river water levels, which at times of low flow can have impacts on freshwater pearl mussel, one of the qualifying features of the River Dee Special Area of Conservation (SAC).

#### (18) BUS STOP UPGRADE

No flat or commercial unit shall be occupied unless the bus stop located on the south side of approximately 40m east of Angusfield Avenue has been upgraded in accordance with a scheme submitted to and approved in writing by the planning authority.

Reason – to encourage the use of public transport and reduce dependency on the private car for travel.

#### (19) RESIDENTIAL TRAVEL PLAN

No flat shall be occupied unless a residential travel pack has been submitted to and approved in writing by the planning authority. The residential travel pack shall identify details of different travel options available in the area to discourage the use of the private car. The approved travel pack shall be supplied to each household on occupation of a flat.

Reason – to reduce dependency on the private car for travel.

#### (20) COOKING ODOUR CONTROL

The food and drink use shall not become operational unless a scheme of Local Extract Ventilation (LEV) for that use has been submitted to and approved in writing by the planning authority. The scheme must fully demonstrate the extent of the necessary ventilation equipment and the effectiveness of the associated cooking odour and fume control measures.

Reason – to ensure that residential properties are not adversely affected by cooking odours.

## **ADVISORY NOTES FOR APPLICANT**

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### (1) HOURS OF DEMOLITION AND CONSTRUCTION WORK

Unless otherwise agreed in writing with Aberdeen City Council Environmental Health Service ([poll@aberdeencity.gov.uk](mailto:poll@aberdeencity.gov.uk) / 03000 200 292), demolition or construction work associated with the proposed development should not take place out with the hours of 07:00 to 19:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays. No noisy work should be audible at the site boundary on Sundays.

Where complaints are received, and contractors fail to adhere to the above restrictions, enforcement action may be initiated under the Control of Pollution Act 1974.