

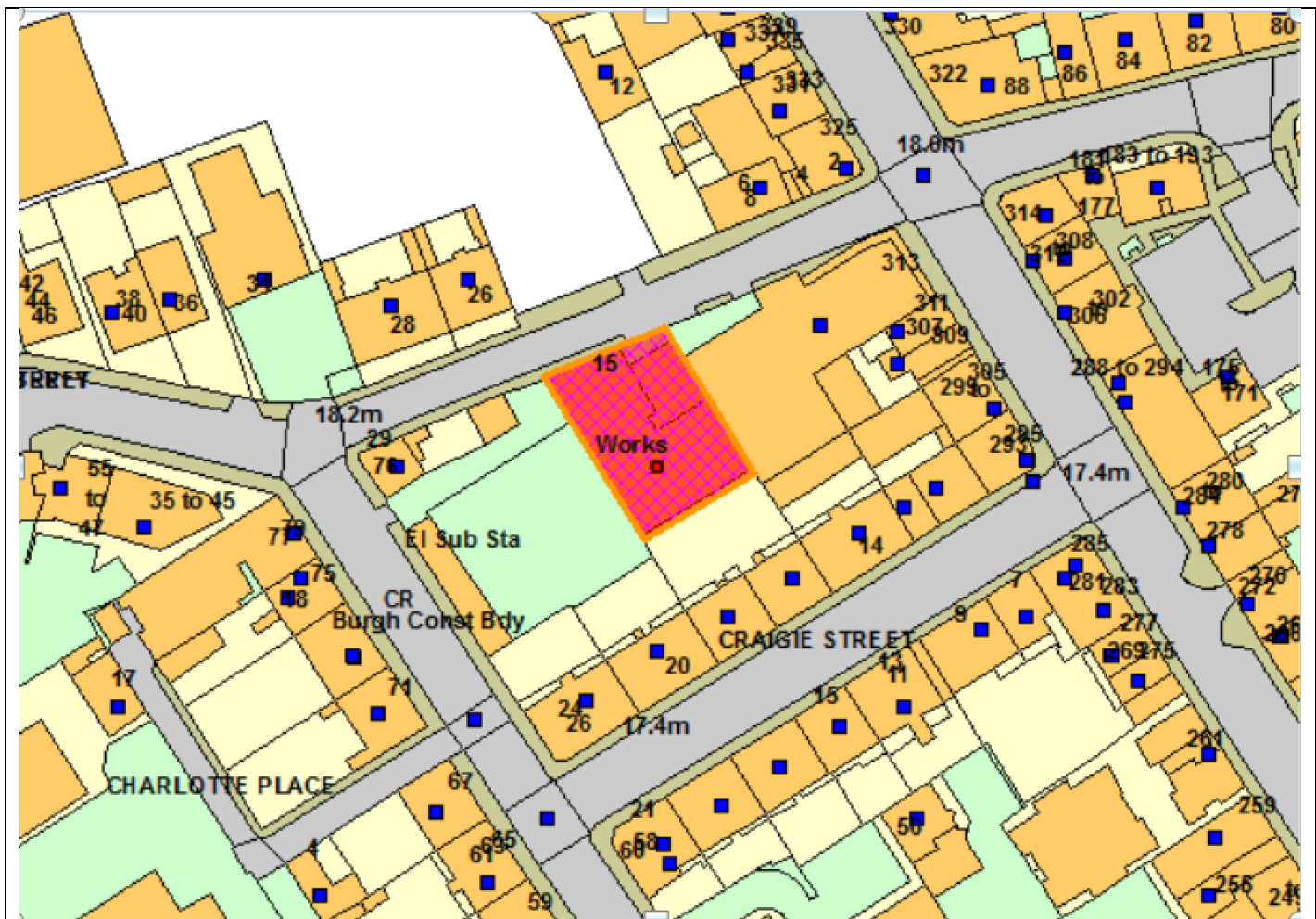


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 17 February 2022

<b>Site Address:</b>	Scottaspress, 15 Maberly Street, Aberdeen, AB25 1NA
<b>Application Description:</b>	Redevelopment of an existing site for erection of 17 residential flats over 4 storeys including demolition and all associated works
<b>Application Ref:</b>	210697/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	18 May 2021
<b>Applicant:</b>	Aberdeen Capital Investment Ltd.
<b>Ward:</b>	George Street/Harbour
<b>Community Council:</b>	George Street
<b>Case Officer:</b>	Robert Forbes



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## RECOMMENDATION

Approve Conditionally & Legal Agreement

## **APPLICATION BACKGROUND**

### **Site Description**

This vacant site is located within a mixed-use area within the City Centre boundary. It currently accommodates a substantial granite building of 19th century origin and was previously used as a printer's workshop and associated external yardspace. The granite building occupies the entirety of the western half of the site and has a slate clad centre apex pitched roof. It has a dressed granite frontage with string course and window margins and gable feature. The side elevations are constructed of coursed granite blocks. The eastern section of the site is occupied by more modern buildings including an open fronted portal framed shed / yard fronting onto Maberly Street. A vehicle access gate defines the eastern edge of the site at the street boundary and there is no footway at this point. Maberly Street is a relatively narrow road which carries a high volume of through traffic.

The site is bound by Maberly Street to the north, with 3 storey Victorian tenement and the derelict Broadford Works directly opposite facing the site. To the east is a single storey commercial unit and a retail unit. There are 3½ storey traditional tenements fronting onto Craigie Street to the south, the rear of which face directly onto the site. To the west lies an electrical substation, associated yard and residential properties.

### **Relevant Planning History**

Application Number	Proposal	Decision Date
182151/DPP	Erection of 16 flats over 4 storeys with associated car parking	05.04.2019 Status: Withdrawn
190982/DPP	Redevelopment of an existing site for erection of 10 residential flats over 3 storeys including demolition and all associated works	04.11.2019 Status: Withdrawn
200621/DPP	Redevelopment of an existing site for erection of 17 residential flats over 4 storeys including demolition and all associated works	10.12.2020 Status: Refused

An appeal against the refusal of the above planning application was submitted to the Scottish Ministers and was dismissed in April 2021. The decision notice is available via the link below:

<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=121398>

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Redevelopment of the site to provide 17 flats over 4 floors. Other than one 2 bedroom flat on the top floor, the flats would be 1 bedroom units. All flats would be accessed via a communal entry from the street. The top floor flats would be largely contained within the proposed roof-space, utilising zinc clad box dormers with flat roofed sections on the rear and west elevation elevations. No car parking is proposed. Cycle parking and bin storage would be provided within a ground floor storage area at the east end of the site. The proposed building would occupy in excess of 50% of the site and would have a high percentage of single aspect flats (with windows either solely facing the street or the rear garden). The building would have a continuous built frontage to the street with no setback, reflecting the pre-existing building line. A communal open space area and some small private garden areas would be provided for residents at the rear of the site, although the communal garden would be significantly shaded by buildings and boundary walls. The existing

granite boundary walls would be reduced in height to 3m. The rear wall of the proposed building would be 8m from the existing rear wall of the site at its closest point, with the rear wall of the western section being 17m from the rear wall.

External materials would include natural (re-used) granite and some zinc cladding to infill sections and the dormer on the frontage and natural slate on the pitched roof sections. The rear and side elevations would be largely finished in smooth beige render. Grey painted timber framed doors and windows are proposed. Synthetic membrane would be used on the extensive sections of flat roofs but this would not be visible from ground level.

Notwithstanding the statement in the supporting Planning Statement submitted with the planning application that “all of the proposed flats would be provided as affordable housing, with negotiations for these to be purchased by a Registered Social Landlord underway” the applicant has now advised, via his agent, that he wishes the affordable housing waiver to be applied, whereby none of the proposed flats will be categorised as, or delivered as affordable homes, but instead the development will be comprised solely of mainstream flats.

### **Amendments**

In agreement with the applicant, the following amendments were made to the application:

- Revised layout/elevations relative to the original proposal and the submission of a revised noise assessment

### **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=QTAULVBZJT700>

- Planning Statement;
- Design Statement;
- Site Investigation / Risk Assessment;
- Drainage Strategy and Flood Risk Assessment (FRA);
- Noise Impact Assessment (NIA);
- Walk to school Report.

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because in excess of 5 objections have been received and the local Community Council object.

### **CONSULTATIONS**

**ACC - Housing** – This development is included within the Strategic Housing Investment Plan for delivery as 100% affordable housing. A RSL has been identified to purchase the units from the developer. The proposed mix meets housing need and demand. The site falls within the affordable housing waiver zone.

**ACC - Schools Estates Team** – The proposed site falls within the school catchment areas for Aberdeen Grammar School and Skene Square School. Given that the proposal is for largely one-bedroom flats, it is not expected that this development will have any significant impact on pupil numbers or the pupil capacities of these schools.

**ACC - Waste and Recycling** – No objection. Advise that provision of waste / recycling bins at the

site is required. No garden waste will be provided for flat residences as it is assumed grounds will be maintained as part of a service charge for the building and undertaken by a commercial contractor.

**ACC - Developer Obligations** – No objection. Advise that financial contributions are required for, healthcare facilities (£6,001), open space (£1,903) and community facilities (£19,016).

**ACC - Environmental Health** – No objection subject to implementation of noise mitigation measures in order to protect the amenity of prospective residents due to road noise and the adjacent electrical substation.

**ACC - Roads Development Management Team** – No objection on parking, road safety, servicing, or traffic generation grounds. Express concern regarding the existing footway on Maberly Street and request that this is upgraded. Advise that the extent of cycle parking is acceptable but request further details. Advise that there will also be a requirement for car club contributions in order to address the lack of car parking on site. No drainage concerns.

**ACC - Contaminated Land Team** – No objection. Recommend that a condition is imposed to address potential contamination due to the previous industrial use of the site.

**ACC – Flooding** – No objection subject to implementation of SUDS measures.

**Scottish Water** – No objection. Advise that there is sufficient wastewater treatment capacity at Nigg.

**George Street Community Council** – Advise that affordable city centre housing and granite retention / re-use is welcome but raise the following concerns and consider that there would be an adverse impact on the amenity of existing residents:

- Inadequate community engagement;
- Overdevelopment of the site;
- Inadequate provision of on site car parking, including disabled parking and EV charging;
- Inadequate bin storage provision;
- Inadequate pedestrian / wheeled access / egress due to restricted pavement width;
- Shading of footpath / street by the building. Request that building line is set back from the street;
- Potential disturbance to occupants of ground floor flats due to proximity of pavement (need for nuisance prevention measures to windows / doors);
- Loss of granite from west boundary;
- Obstruction of light to gardens and flats on Craigie Street;
- Structural stability concerns due to poor ground conditions;
- Need for connection to the district heating network.

## **REPRESENTATIONS**

11 objections have been received raising the following concerns:

- Overdevelopment of the site (excessive building height / footprint / density);
- Overshading / overlooking / loss of sunlight / daylight to adjacent residential premises;
- Traffic management impact, including servicing / delivery arrangements;
- Increased car parking pressure / lack of parking;
- Absence of electric vehicle charging;
- Lack of need for more flats;

- Loss of granite building and boundary wall on south boundary;
- Loss of private views from adjacent flats;
- Unsuitable ground conditions / contamination;
- Potential overspill refuse / waste impact on street;
- Security / boundary treatment;
- Alternative commercial use of site more appropriate;
- Potential use as “Airbnb”;
- Noise impact on proposed residents / conflict with adjacent substation site;
- Impact on adjacent garden ground;
- Inappropriate materials;
- Site not identified in local plan or related urban capacity study for development;
- Conflict with planning policy (ALDP policies H1: Residential Areas H2 Mixed-Use Areas, H4 Housing Mix, D1 Quality Placemaking and D5 Our Granite Heritage. Proposed 2020 LDP: H1 Residential Areas, H2 Mixed Use Areas, D1 Quality Placemaking, D2 Amenity, D5 Landscape design, D6 Historic Environment, D7 Our granite Heritage, D8 Windows and Doors, LR1 Land Release Policy);
- Inappropriate design.

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

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

### **National Planning Policy and Guidance**

Scottish Planning Policy 2014 (SPP) expresses a presumption in favour of development that contributes to sustainable development.

### **Strategic Development Plan**

The current Aberdeen City and Shire Strategic Development Plan 2020 (SDP) was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

### **Local Development Plan**

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. The extant local development plan [Aberdeen Local Development Plan 2017 (ALDP)] is now beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 has been submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed. Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, should be given to paragraph 33 of the Scottish Planning Policy (2014) which states:

“Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.”

The following ALDP policies are relevant –

Policy H2 - Mixed Use Areas  
Policy H3 - Density  
Policy H5 - Affordable Housing  
Policy D1 - Quality Placemaking by Design  
Policy D2 - Landscape  
Policy D5 - Our Granite Heritage  
Policy NC1 - City Centre Development – Regional Centre  
Policy I1 - Infrastructure Delivery and Planning Obligations  
Policy T2 - Managing the Transport Impact of Development  
Policy T3 - Sustainable and Active Travel  
Policy T5 - Noise  
Policy NE4 - Open Space Provision in New Development  
Policy NE6 - Flooding, Drainage and Water Quality  
Policy R2 - Degraded and Contaminated Land  
Policy R6 - Waste Management Requirements for New Development  
Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency  
Policy CI1 - Digital Infrastructure

### **ALDP Supplementary Guidance (SG) and Technical Advice Notes (TAN)**

Harmony of Uses  
Landscape  
Flooding, Drainage and Water Quality  
Green Space Network and Open Space  
Resources for New Development  
Noise  
Transport and Accessibility  
Planning Obligations  
Materials (TAN), March 2020

### **Proposed Aberdeen Local Development Plan 2020 (PALDP)**

The PALDP was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and it has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The PALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The ALDP will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case-by-case basis. In relation to this particular application, the policies in the PALDP substantively reiterate those in the ALDP. The following policies are relevant: H2- Mixed Use Areas; D1- Quality Placemaking; D2 Amenity, D5 Landscape design, D6 Historic Environment, D7 Our granite Heritage, R7- Renewable & Low Carbon Energy Development; R8- Heat Networks.

### **Other Material Considerations**

City Centre Masterplan (CCMP)

## **EVALUATION**

### **Principle of Development**

The delivery of residential development on a disused brownfield site within the built-up area of the city which is accessible by public transport accords with the SPP presumption in favour of development that contributes to sustainable development. Although the SDP forms part of the Development Plan, the proposal is of a scale and nature that does not result in strategic or cross boundary impacts and does not therefore require to be assessed against the SDP.

The site is both located within the City Centre boundary and within a mixed-use area, as such Policies NC1 - City Centre Development – Regional Centre and H2 - Mixed Use Areas apply. The City Centre Masterplan (CCMP) is also a material consideration.

Policy NC1 advises that 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 CCMP and Delivery Programme. A key aim of the CCMP is to increase the level of residential units within the city centre. The proposed development would have no impact on any existing retail or office units and given that the proposal would provide flats, the development is considered to be in compliance with Policy NC1 and the CCMP, although the site lies outwith the city centre boundary identified in the CCMP. Compliance with ALDP Policy H2, and wider topic-based policies is addressed below.

### **Residential Amenity**

ALDP policy H2 advises that applications for new development must take into account the existing uses and character of the surrounding area and avoid undue conflict with the adjacent land uses and amenity. Where new housing is proposed, a satisfactory residential environment should be created which should not impinge upon the viability or operation of existing businesses in the vicinity. In the case of this application site, Maberly Street is largely residential, however other uses, such as retail units, a dance studio, public houses and take-aways, amongst others, can be found on the surrounding streets. The proposal would therefore result in no change to the overall character of the area and there are considered to be no insurmountable conflicts of use.

ALDP Harmony of Uses SG states:

“Whilst it is reasonable to expect an adequate level of residential amenity, urban centres are lively and vibrant places and those who live there should not expect that the amenity would be comparable of that of a purely residential area.

Developers proposing residential developments in the city centre must be mindful of the location of licensed premises and noisy uses. Appropriate measures, such as more stringent noise attenuation, may need to be undertaken as part of any such development in order to maintain an acceptable level of residential amenity.

Proposals for new residential development or conversion of existing premises to residential use will only be allowed in parts of the city centre where a suitable residential amenity will be secured.”

As mentioned within Policy H2, aspects of amenity require careful consideration for any new development and issues such as overlooking, impact on privacy and overshadowing have all been highlighted through representations. In this instance the application is sited within a mainly residential area and therefore the use will have a neutral impact on the surrounding properties given they will fall within the same use class. While it is noted that this development is in close proximity to neighbouring residential properties to the north and south, this is expected given the site’s City Centre location. In terms of the proposed design solution, it is considered that such impacts are minimised to an acceptable level, given the need to maintain a level of amenity for the

future occupants of the proposed flats. In terms of overlooking and privacy, windows facing north are separated from windows of the closest residential properties by a public road, while those facing south would be set back from the existing boundary wall by around 9m meaning that a window-to-window distance at the closest point (relative to the flats to the south) in excess of 20m is achieved. Although the window arrangement on the rear elevation proposes extensive use of glazing, such that there would be potential overlooking neighbours to the south from upper floor flats, no balconies are proposed, and such overlooking would be at an acceptable distance.

While it is appreciated that the front part of the proposed development would be taller than the existing building (around 600mm higher), given its urban location, and the reduced footprint relative to the existing building, there would be no substantive impact on surrounding properties in terms of sunlight, daylight or overshadowing. The flatted development along Craigie Street is to the south of the site and therefore will not be affected by any loss of sunlight or overshadowing. The impact on the commercial premises to the east and west would not be a concern. Any impact on the private garden area to the west would only be early in the morning, as such it is considered that there would be no significant adverse impact. While the area to the north would be affected by loss of daylight and overshadowing, this encompasses the public road and the south-eastern area of the derelict Broadford Works site. Therefore, existing residential amenity to the north will not be affected by this development. Any temporary impacts on amenity associated with demolition (e.g. dust / noise generation) could be addressed by use of condition. Overall, it is considered that the current levels of daylight and sunlight will not be adversely impacted upon and there are no concerns that overshadowing will impact on any existing residential amenity.

With regards to the amenity of the proposed development, a NIA has been submitted due to the site proximity to neighbouring commercial premises and other noise sources (e.g. substation and traffic). The NIA recommends noise attenuation measures to windows in order to address this matter and the additional noise impact created due to the proximity of an electrical substation site. The assessment has been reviewed by the Council's Environmental Health Service, who find the assessment and mitigation measures identified in the document to be appropriate. Such mitigation measures outlined in that assessment can be addressed by condition.

The Landscape Supplementary Guidance advises that individual flats shall be designed to make the most of any opportunities offered by the site to optimise views and sunlight. In this case, while some of the flats are single aspect either looking to the north or the south, all living space/ bedrooms within the proposed flats have windows sufficient for letting daylight into the building. In terms of outlook, the flats to the rear will look onto the amenity space, while the flats to the front will overlook Maberly Street and Broadford Works beyond. The deep floorplate of part of the proposed building is considered to be particularly challenging as this has resulted in single aspect flats and restricted potential for natural ventilation and sunlight penetration to the flats, which is not considered to be a highly sustainable solution. There is a tension with PALDP Policy D2 because not all units have a public face onto the street and the single aspect units to the front don't have a private face onto an enclosed garden or court. However, the development would have a public face to the street which would provide surveillance and an active street frontage. It would also have a private face to an enclosed courtyard / garden and residents would all have access to an external seating area. This tension does not therefore warrant refusal. There is no ACC design standard or policy which specifically precludes use of single aspect flats and it is recognised that the design of flatted developments in constrained urban sites is challenging. It is accepted that the occupants of the ground floor north facing flats fronting Maberly Street will have a particularly poor level of amenity due to their proximity to / intervisibility with the pavement and road and lack of any private garden ground or scope for screening.

Due to the position of the building adjacent to the street there would be no opportunity for intervening screening / soft landscaping at the site frontage and occupants of the flats at the frontage would be exposed to road / street noise. This is a situation which is common in central



urban areas. However, the single aspect nature of the flat layouts and the narrow nature of the pavement along the site frontage presents an additional amenity challenge in this instance. The Community Council has identified a relevant concern that occupants of the ground floor flats could be affected by disturbance such as anti-social behaviour (e.g. knocking of windows / doors). Whilst it is agreed that setting the building back from the street would address this concern, it is considered desirable from a design perspective to respect the existing building line. The design of the development has been amended such that the proposed westmost ground floor flat would have a dual aspect and its bedroom window would be located on the rear elevation. Whilst the proposed single aspect ground floor flat would have a particularly restricted amenity, the applicant has declined to amend the development to address this concern. However, the overall level of amenity is considered acceptable given the site's City Centre location.

Significant usable external amenity space would be provided for residents on site (around 240m square metres in total). Although this space would not be public and would not fully achieve the expectations of policy NE4, this is not unusual in a city centre development where sites are generally constrained. Access to open space is particularly challenging as there is limited provision of public open space within the wider area. The nearest significant open space area is Union Terrace Gardens, which is currently being redeveloped. However, it is considered that this deficiency / policy tension can be addressed by securing financial contribution for enhancement of open space outwith the site as requested by the developer obligations consultee.

Overall, it is considered that the level of residential amenity currently experienced by neighbouring properties would not be adversely impacted as a result of this development. It is also considered, with the aid of mitigation measures, that significant adverse impact on the development from neighbouring properties or conflict with adjacent uses is unlikely to occur. It is recognised that residents would benefit from ready access to the many amenities and facilities available within the city centre (including the urban realm and other uses such as retail and commercial uses and healthcare facilities). Subject to imposition of suitable conditions, the proposal would therefore accord with Policies H2 and T5 and related guidance.

## **Design**

It is recognised that a design statement has been submitted in attempt to justify the design solution relative to policy D1 and the design of the scheme has been significantly amended in attempt to address design concerns (e.g. re-use of granite). Whilst in terms of policy D5, the retention and re-use of the building in its existing form is desired, the principal of redevelopment of the site for residential use has previously been accepted. It is recognised that no alternative proposals for re-use / conversion of the building have been submitted. Furthermore, the form of the existing building does not make it readily convertible to residential use due to the large floor plates and position of walls on the site boundaries. The building has no statutory protection, due to being unlisted and located outwith a conservation area.

The scale (height) and frontage treatment of the proposed building is considered to be appropriate for its built context and would be a suitable addition to the street scene. It is recognised that the massing / footprint, form and detail of the scheme raises significant challenges which is reflected by the objections. It is considered that a dual aspect flatted development of reduced footprint / gable width would be a preferable and more sustainable design solution, resulting in increased separation with existing flats and increased garden ground. However, this would result in a significant reduction in density / numbers of flats which would not accord with the densification objective of ALDP policy H3. The proposal requires to be determined as proposed on the basis of its compliance with relevant design policy and guidance and other relevant material consideration, including the appeal decision. The previous proposal was not refused on the basis of overdevelopment and there has been no intervening change in planning policy since the appeal decision.

The proposal has been amended to address the concerns regarding the limited re-use of granite from the doughtaking of the existing building as expressed in the previous refusal and appeal decision. It is considered that the revised design solution proposed achieves the objective of finishing the north elevation and visible north ends of the east and west elevations in granite recycled from the site. It is therefore considered to satisfy the objective of ALDP policy D5.

The other materials proposed are considered appropriate for the development and its context. Whilst a small element of zinc cladding is proposed on the front wall, this is considered appropriate in order to highlight the transition between the retained (western) section of the building and the re-used granite which would be used to face the eastern section of the frontage. Whilst smooth render is proposed on the rear and part of the side elevations, in contrast with historic residential developments which are constructed in natural granite, these elements would not be visible or prominent from any public place. The use of slate clad pitched roofs on the visible sections of the roof is particularly welcome and in keeping with the context.

### **Granite Reuse**

With regard to retention and re-use of granite the Materials TAN states:

“Existing local granite contributes to Aberdeen’s identity and distinctive sense of place. All existing granite should be valued, retained and re-used;

- Where new developments require granite to be taken down, as much of the down-takings as possible should be re-used in the new development;
- The retention and re-use of existing granite is also more sustainable than the introduction of new materials.”

In order to comply with policies D1 and D5 and related Materials TAN, amendment of the scheme was requested such that granite down-takings are used on the entire north elevation and more substantively used on the return sections of the east and west elevations which are visible from the street. The agent has agreed to this request. Granite would also be retained / reused on the boundary walls.

### **Transport Impacts**

Policies T2 - Managing the Transport Impact of Development and T3 - Sustainable and Active Travel advise that new developments should provide sufficient measures to minimise any traffic impact that may occur as a result of the development. Likewise, new developments should maximise opportunities for sustainable development and should be accessible by a range of transport modes.

In this case the development is located within the City Centre and does not provide any car parking spaces. The site is readily accessible by other modes of transportation such as walking, cycling and buses, due to its central location, with regular bus services nearby on George Street and other streets. In addition, the site would be close to the City’s bus and train stations. The submitted Walk to School report demonstrates that the site has good access to nearby schools and states that no network interventions are required. It has been reviewed and accepted by ACC Roads officers. In light of this, given the central location of the development and the variety of transport modes that can be used to access the site, the proposal is considered acceptable in terms of relevant transport policy.

Lack of parking provided within the site has been raised as a concern in the objections received for this application. However, the Planning Authority are promoting car parking free developments within the City Centre to encourage sustainable development in accordance with the objectives of alleviating issues such as traffic congestion and climate change, by discouraging car use and

incentivising modal shift. Given the central location of the site, it is likely that the development would result in low car usage, relative to more peripheral locations. In addition, given that the site lies within one of the Council's Controlled Parking Zones, on-street car parking in such areas is regulated. It is recognised that future occupants of the site may be entitled to apply for parking permits for neighbouring streets within this zone, thereby increasing on-street car parking pressure. This is an area where there is already an overprovision of parking permits issued to residents and thus reliance solely on the car club is not ideal. However, this would unlikely have a significant impact on existing parking pressure and does not in itself warrant refusal on safety grounds. Use of developer contributions towards implementation and use of the city car club is recommended in this case in order to reduce such on-street parking pressure. It is recognised that there is limited prospect of the Broadford Works development being implemented in the near future, or related car club spaces being provided there. However, there remains potential that on street car club spaces will be provided in the area and residents would have access to existing facilities. Prospective occupants would also have the potential use of both Chapel Street and Denburn Multi-storey car parks, although these are both over 1km from the site, so not highly convenient. ACC Roads Development Management Team are satisfied that no parking is provided within the site in principle. As such, it is considered that there would be no substantive grounds for refusal of the application on the basis of car parking pressure or transport generation or planning policy. As no car parking is proposed, there would be no conflict with ACC transport guidance regarding EV charging and it would not be feasible to provide this.

It is noted that ACC Roads Development Management do not object to the proposal on the basis of traffic generation and have raised no specific public or road safety concerns in relation to vehicle traffic generation, servicing and delivery requirements, but acknowledge the need to upgrade footway access. It is noted that the proposal would result in a betterment in terms of road / public safety by securing the removal of the existing vehicle access into the site, thereby avoiding vehicles reversing across the footway onto Maberly Street.

With regards to cycle parking, this would be acceptably located within the building at ground floor level and within the rear external area, accessed from Maberly Street. One space would be provided per flat, which is in compliance with the requirements outlined in the Transport and Accessibility Supplementary Guidance. Although further details of provision are required, this can be addressed by condition.

In light of the above the proposal is considered to comply with Policy T2 and T3 of the Aberdeen Local Development Plan 2017 and its associated guidance, subject to conditions regarding pedestrian access and cycle provision. The development would be acceptable in terms of traffic generation and in terms of assessment against relevant planning policy regarding transport. The requirement for car club contributions to address the absence of off-street parking can be secured via a Legal Agreement.

### **Drainage / Flood Risk**

The site is located within an area identified in the SEPA flood risk maps as being at medium risk of fluvial (river) flooding. It is understood that this relates to the nearby Gilcomston Burn, as opposed to any river. The burn is culverted and lies 85m to the west of the site at its closest point. It passes underneath a nearby housing development located to the west of Charlotte Street which was constructed in the 1990s. There have been no recorded / historic flooding incidents affecting the site or its immediate vicinity. The submitted drainage strategy and FRA indicates that the flood risk to the development is low and recognises that SUDS would be required within the site but that no mitigation measures are required outwith the site. Given that the site is already fully developed, it is considered that the development would not increase flood risk elsewhere. Indeed, the introduction of new green spaces within the site would lessen the likely rate of surface water discharge from the site relative to the existing situation, such that it would be beneficial. Whilst the submitted drainage strategy relates to a previous iteration of the development which included car

parking and has been superseded, the design and delivery of SUDS on site can be addressed by suspensive condition, in accordance with the objective of ALDP policy NE6 and related SG. It is therefore considered that the level of flood risk affecting the site does not warrant refusal, although it is recognised that the requirement for SUDS may constrain the external landscape design.

### **Other Technical Matters**

The design of the entry to the building has been amended to address concerns regarding its usability and attractiveness for occupants. The external entrance door / screen would be recessed 500mm from the pavement and the internal corridor width has been increased to 2m, thereby creating in effect a 2m space for pedestrians at the entrance point and increasing the space for manoeuvring at the entry / exit point. This is considered acceptable and raises no public safety concerns.

Whilst no connection to the district heating network is proposed, this is not a requirement of current planning policy / guidance. Proposed policy R8 within the PALDP states that heat networks are encouraged and supported. Such heating systems are desired in terms of sustainable design. However, the applicant has declined to amend the development to enable such connection and no network currently exists connecting to the site. As guidance referred to in this policy (i.e. Aberdeen Planning Guidance regarding Heat Networks and Energy Mapping) has yet to be published, the weight which can be afforded to that policy is limited. It would not therefore be reasonable to refuse the development on the basis that no connection to a heat network is proposed.

The revised bin store location and capacity is considered to comply with the expectations of ALDP policy R6 and related guidance. Adequate waste storage and suitable access would be provided on site as requested by the ACC Waste Service.

Provision of on-site renewable energy and water saving technology can be required by suspensive condition in accordance with the objective of ALDP policy R7. As the site lies within the city centre it is assumed that there is adequate existing phone reception and digital infrastructure such that no mitigation measures or new infrastructure is required to demonstrate compliance with ALDP policy C11.

### **Other Matters Raised in Objection**

It is noted that the site is not specifically identified as an opportunity site for development within the adopted or proposed local plans and proposed policy LR1 is not applicable in this case. However, not all windfall sites are included within such plans. This does not preclude the potential for residential development, which requires to be assessed against relevant planning policy. The acceptability of the development relative to ALDP policies D1, H2 and related concerns regarding design amenity, impact on neighbouring uses and overdevelopment / design concerns are assessed above. Road safety and transport / parking concerns are assessed above. Although no mix of dwelling types / sizes is proposed, as the proposed development is under 50 units, there is no conflict with policy H4. As the site does not lie within a H1 area it does not require to be assessed relative to that policy. The technical matters of contamination, noise and refuse provision and related policy compliance are addressed above. Although it is alleged that there is a lack of demand for housing, this is contradicted by ACC housing service and affordable housing guidance and there remains a requirement to address the expectations of the city centre masterplan. As the proposal is not for Airbnb accommodation or other alternative commercial uses, it cannot be assessed as such. Lack of need for more flats is not a justifiable reason for refusal. Contamination concerns can be addressed via a site investigation / remediation strategy. As the development would not encroach onto adjacent garden ground, there would be no loss of such gardens and the reduced boundary wall height would improve the amenity of such land. The detailed treatment of the boundary walls and related security concerns can be addressed by condition. Impact on private views is not a material planning consideration. As the site does not lie within a conservation area and does not relate to a listed building it is considered that policies D6 Historic

Environment, D8 Windows and Doors are of limited relevance in this case.

Whilst the Community Council has expressed concern regarding the capacity and design of the bin store, the relevant Waste Service consultee has no concerns regarding the proposal. It is considered that the location of the store within the building would be convenient for both residents and for uplift via the street. Details of its ventilation can be secured by condition in order to preserve the appearance of the building frontage. Granite from the west elevation would be reused on the new frontage of the building. It is accepted that the height of building would result in additional shading of the public pavement and road, but this is not considered to warrant refusal. Structural stability concerns of the building would be addressed by Building Standards and are not a planning consideration in this case. Adequate neighbour notification has been undertaken in accordance with the statutory requirements. As the development is not a major proposal, there was no requirement for pre-application consultation or additional community engagement measures in this case.

### **Proposed Aberdeen Local Development Plan**

In relation to this particular application, other than policy D2 and R8, the policies in the Proposed Aberdeen Local Development Plan 2020 (PALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is acceptable in terms of both Plans for the reasons previously given. The tensions with proposed policies D2 and R8 are addressed above and do not warrant refusal.

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

In order to address the matters raised by the developer obligations consultee, any approval would require to be deferred pending the conclusion of a legal agreement with the Council. Such agreement would be required to address contribution requirements towards healthcare facilities (£6,001), open space (£1,903), community facilities (£19,016) and car club contributions (£6,800). The agreement would also be required to restrict the timescale for implementation of the development or address the provision of affordable housing (see below)

### **Time Limit Direction**

The application lies within the boundary of the city centre affordable housing waiver and thus potentially exempt from affordable housing requirements. As the applicant seeks permission for entirely mainstream housing, the development would be required to begin within 12 months of the date of the decision notice. As such, a time limit direction or related legal obligation may be applied to any grant of permission. The applicant has confirmed that the waiver should apply and thus a 1 year permission would apply in this instance.

### **RECOMMENDATION**

Approve Conditionally & Legal Agreement

### **REASON FOR RECOMMENDATION**

The delivery of residential development on a disused brownfield site within the built-up area of the city which is accessible by public transport accords with the presumption in favour of development that contributes to sustainable development as set out in Scottish Planning Policy 2014.

The development is considered to be appropriate for this mixed-use area, whilst meeting the aims of the City Centre Masterplan and will have no adverse impact on the amenity of the area in terms of scale, siting, noise, overlooking, or overshadowing. As such, the development complies with Policy NC1 – City Centre Development – Regional Centre, Policy H2 - Mixed Use Areas, Policy D1 - Quality Placemaking by Design, Policy H3 – Density and Policy T5 – Noise within the Aberdeen City Local Development Plan 2017 (ALDP). Whilst there will be a loss of a traditional

granite building, it is considered that there is sufficient reuse of granite within the site for the development to be acceptable in terms of Policy D5 - Our Granite Heritage. Contributions are being sought and secured via a legal agreement in line with Policy I1 - Infrastructure Delivery and Planning Obligations. While no parking is provided for within the site, the site is in an excellent location for a variety of sustainable modes of transport as such the application is in full compliance with Policy T2 - Managing the Transport Impact of Development and Policy T3 - Sustainable and Active Travel. Whilst insufficient amenity space is being provided within the site, compensatory contributions are being sought for the enhancement of nearby City Centre open spaces and the development is in a good area to provide access to these. Such contribution is required in order to address the objective of Policy NE4 - Open Space Provision in New Development. Connection to public infrastructure is proposed and is acceptable and suitable drainage measures can be provided. While necessary mitigation measures are required to ensure there is no risk of contamination for future occupants, these will be conditioned, as such the proposal complies with Policy NE6 - Flooding, Drainage and Water Quality and Policy R2 - Degraded and Contaminated Land. Appropriate waste provision is being provided within the site. An energy / water efficiency statement will be required to be submitted via condition and the development is in a suitable location to provide modern digital connections. Therefore, the proposal complies with Policy R6 - Waste Management Requirements for New Development, Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency and Policy C11 - Digital Infrastructure.

Overall, the development is considered acceptable when assessed against all relevant policies of the Aberdeen Local Development Plan 2017 and applicable Supplementary Guidance Planning Obligations, Transport and Accessibility, Flooding, Drainage and Water Quality, Green Space Network and Open Space, Resources for New Development. The proposal would be compliant with the equivalent zoning and topic-based policies in the Proposed Aberdeen City Local Development Plan 2020 (PALDP). Although there would be tension with PALDP policies D2- Amenity and R7 – Heat Networks, this is not considered to warrant refusal. All concerns raised through submitted representations have been addressed and there is no material consideration which warrant refusal in this instance.

## **CONDITIONS**

### **1.Noise Assessment Mitigation Measures**

The flats hereby approved shall not be occupied unless the specific noise mitigation measures have been installed in complete accordance with the Noise Impact Assessment carried out by AVAL (ref. 91407 rev. D) dated 12 Jan 2022, or such other mitigation measures as may be agreed in writing with the Planning Authority. The measures once installed, shall be retained in perpetuity. Reason: In the interests of the residential amenity of occupants.

### **2.Dust Management Plan**

No works in connection with the development hereby approved (including demolition) shall take place unless a Dust Management Plan has been submitted to and approved in writing by the Planning Authority. Any mitigation measures highlighted within this plan shall be implemented and retained in full for the duration of the demolition process.

Reason: In the interests of existing residential amenity.

### **3. Contaminated Land**

No works in connection with the development hereby approved (other than the demolition of the existing buildings) shall commence unless an investigation of the site has been undertaken in accordance with Planning Advice Note 33 'Development of Contaminated Land' and BS 0175:2011+A2:2017 - 'Investigation of Potentially Contaminated Sites – Code of Practice' and a report of that investigation has been submitted to and approved in writing by the Planning Authority. The investigation report shall include the following:

1. an investigation to determine the nature and extent of contamination;

2. a site-specific risk assessment;
3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed; and
4. verification protocols to demonstrate compliance with the remediation plan.

Where it is determined by the site investigation report that remediation of the site is required no works in connection with the development hereby approved (other than the demolition of the existing buildings) shall commence unless a remedial scheme has been submitted to and approved in writing by the planning authority. The development hereby approved shall not be brought into use unless the approved scheme of remediation has been carried out in its entirety and a validation report has been submitted to and approved in writing by the planning authority. Any areas of hardstanding, clean cover or other such barriers within the application site boundary that are included within the approved scheme of remediation and are required to break one or more pollutant linkages shall be permanently retained as such and shall not be disturbed without the prior written approval of the planning authority.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

#### 4.Surface Water Drainage

No development shall take place pursuant to this permission unless the proposed surface water drainage system for the site has been submitted to and approved in writing by the Planning Authority. This shall include details of surface water SUDS measures and associated maintenance measures as required on site. The building hereby approved shall not be occupied unless the approved surface water drainage system has been implemented in full and is permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

#### 5.Landscape and Amenity Space

No development pursuant to the planning permission hereby approved shall take place unless a detailed scheme of landscaping and amenity space for the site has been submitted to and approved in writing for the purpose by the Planning Authority. This scheme shall include details of the proposed grassed / herbaceous areas, areas of any tree/shrub / climbing planting including details of numbers, densities, locations, species, sizes, stage of maturity at planting and establishment / protection measures and management arrangements. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any planted areas which within a period of 5 years from the completion of the development, are removed or become seriously damaged shall be replaced in the next planting season with others of an extent and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority.

Reason - In the interests of protection of the amenity of the area and ensure a suitable landscape treatment and amenity for occupants.

#### 6. Carbon Neutrality / Water Saving

No development shall take place pursuant to this permission unless an Energy and Water Saving Statement for the building has been submitted to and approved in writing by the Planning Authority. The Energy Statement shall include the following items:

- a) Full details of the proposed water efficiency measures and renewable technologies to be incorporated into the development;
- b) Calculations using the SAP or SBEM methods which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy R7 of the Aberdeen Local Development Plan 2017.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy and Water Saving Statement. The carbon and water reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions and water efficiency required in Scottish Planning Policy and Policy R7 of the Aberdeen Local Development Plan 2017.

#### 7. Cycle Store

No development shall take place pursuant to this permission unless details of secure cycle storage for occupants has been submitted to and approved in writing by the Planning Authority. The flats hereby approved shall not be occupied unless the cycle storage facilities as shown on drawing no. 3359 PL-05 C, or such other drawings as may be approved, have been provided and are demonstrated to be secure/lockable, via submission of such details.

Reason: In the interests of encouraging more sustainable modes of travel and the objective of ALDP policy T2.

#### 8. Granite Re-use

No development shall take place pursuant to this planning permission, nor shall any demolition works commence, unless a scheme for the sensitive dismantling, storage and subsequent re-use on site of granite walling within the site has been submitted to and agreed in writing by the planning authority. Thereafter, the development shall be implemented in complete accordance with the approved scheme.

Reason: In order to secure appropriate re-use of granite within the development in accordance with the expectations of ALDP policy D5 and sustainability objectives.

#### 9. Boundaries

No development shall take place pursuant to this planning permission, nor shall any demolition works commence, unless a detailed scheme for the retention and alteration of the existing granite boundary walls has been submitted to and approved in writing by the Planning Authority. The development hereby approved shall not be occupied unless such scheme as may be approved and the plot / boundary enclosures as shown on drawing 3359 -18, or such other drawing as may be approved in writing by the Planning Authority have been implemented in their entirety, unless otherwise agreed in writing.

Reason: In the interest of visual and residential amenity / privacy and to ensure a satisfactory finish of the development.

#### 10. Construction Details

No development shall take place pursuant to this planning permission unless construction details of the proposed dormer windows; rainwater goods; external vents / ducts; entrance recess; the proposed zinc / blank infill panels and the window / door reveals on the building facades, including detailed cross sections demonstrating the relationship with masonry, have been submitted to, and approved in writing, by the Planning Authority. For the avoidance of doubt all ventilation pipes and services shall be directed to the rear of the building / roof and any interventions on the granite façade shall be minimised. Thereafter the development shall be carried out in accordance with the details so agreed.

Reason: In the interest of visual amenity and to ensure a satisfactory finish of the development

#### 11. Pedestrian Access

No development shall take place pursuant to this planning permission unless a detailed scheme for the removal of the existing redundant site access and footway reinstatement at the site frontage has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, the existing granite kerbs shall be reused.

Reason: In the interests of encouraging more sustainable modes of travel and the objective of



sustainable development and ALDP policy T2.

### 12. Bin Storage

The flats hereby approved shall not be occupied unless provision has been made within the application site / adjacent premises controlled by the applicant for refuse disposal and recycling facilities in accordance with a scheme which has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt such storage shall include suitable ventilation and wash down / drainage facilities.

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

## **ADVISORY NOTES FOR APPLICANT**

### 1. DIRECTION UNDER SECTION 58(2) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997:

Aberdeen City Council hereby directs that this planning permission will lapse on the expiration of a period of 1 year from the date of this decision notice, unless the development is begun within that period.

### 2. Noise from Site/Ground Preparation and Construction Works

In order to protect the amenity of the occupants of existing nearby residential properties, any development works at the proposed development (including site/ground preparation, demolition, and construction) causing noise beyond the site boundary should not occur outside the following hours:

- i. Monday to Friday 0700 hours to 1900 hours
- ii. Saturday 0800 hours to 1300 hours

This is in line with Aberdeen City Council guidelines.

### 3. Travel Plan

The building hereby approved shall not be brought into use unless a Travel Plan for occupants has been submitted to and approved in writing by the Planning Authority. The Travel Plan shall encourage sustainable means of travel and shall include mode share targets. It shall identify measures to be implemented, the system of management, monitoring, review, reporting and duration of the incorporated measures designed to encourage modes other than the private car. The building shall not be brought into use unless the measures set out in its the approved Travel Plan have been implemented in full.