

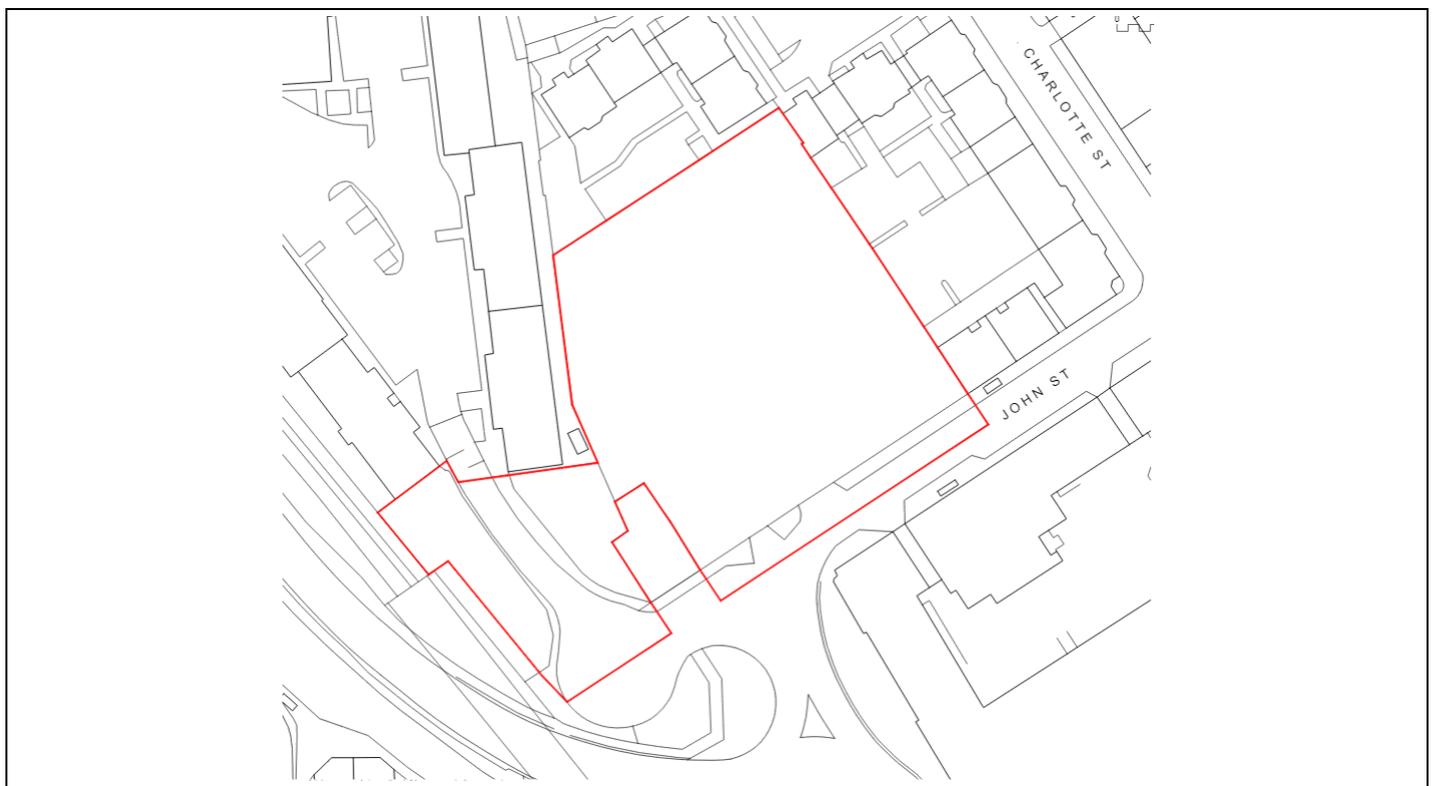


Pre-Application Forum

Report by Development Management Manager

Meeting Date: 20th April 2023

Site Address:	92-126 John Street, Aberdeen, AB25 1LE
Description of Proposal:	Proposed major residential or quasi-residential (sui generis) use - potentially flats, build to rent private rented accommodation, student housing, serviced apartments or a mix of these plus supporting facilities and infrastructure
Notice Ref:	221511/PAN
Notice Type:	Proposal of Application Notice
Notice Date:	14 December 2022
Applicant:	Levelling Up Real Estate Ltd
Ward:	George Street/Harbour
Community Council:	George Street
Case Officer:	Gavin Clark



RECOMMENDATION

It is recommended that the Forum –

- a) note the key issues identified;
- b) if necessary seek clarification on any particular matters; and
- c) identify relevant issues which they would like the applicants to consider and address in any future application.

APPLICATION BACKGROUND

Site Description

The application site comprises a largely vacant plot of land at the western end of John Street, adjacent to the Woolmanhill Halls of Residence of Robert Gordon University. The site was previously occupied by now demolished tenement buildings, with commercial uses at ground floor and the former Ambassador Snooker Club. The site does not include the Lumsden Security Locksmith premises sited at the end of John Street. There is also a smaller separate part of the site adjacent to the turning area to the south of Woolmanhill Halls of Residence and the Inverness railway line, which sits at a lower level.

The surrounding area contains a mix of uses, with residential flats of mainly four storeys in height to the north and east, Woolmanhill Halls of Residence to the west (five storeys) and the Sandman Hotel located to the south. The southern edge of the application site borders the northern edge of the City Centre Conservation Area, but the site is largely out with it. The application site lies adjacent to the City Centre boundary as defined within the Aberdeen Local Development Plan, the northern boundary of which is defined by the northern edge of the John Street roadway.

Relevant Planning History

- Planning permission (Ref: 161427/DPP) was granted in March 2017 for the erection of student accommodation (374 bed spaces) with associated infrastructure and landscaping. This permission has not been implemented and has since expired.
- Planning permission (Ref: 130579) was granted in October 2013 for the erection of a 182-bedroom hotel with one retail and one hot food unit at ground floor level. This permission was not implemented and has since expired.
- Planning permission (Ref: A6/1811) was granted on appeal by the Scottish Government in December 2009 for the erection of 50 flats. This permission was not implemented and has since expired.

Pre-Application Consultation

The Proposal of Application Notice for this application was submitted on the 14th December 2022, with the content of the document agreed with the Planning Service on the 4th January 2023. The first public consultation event was undertaken by the applicant's agents on 8th February 2023 within the Aberdeen Central Library Committee Room with the second consultation event taking place shortly afterwards. The details and results of this public consultation will require to be the subject of a Pre-Application Consultation Report to form part of any subsequent planning application.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission would be sought for a major residential or quasi-residential (sui generis) use - potentially flats, build to rent private rented accommodation, student housing, serviced apartments or a mix of these plus supporting facilities and infrastructure.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation area.

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1: Tackling the climate and nature crises
- Policy 2: Climate mitigation and adaptation
- Policy 7: Historic assets and places
- Policy 9: Brownfield, vacant and derelict land and empty buildings
- Policy 12: Zero waste
- Policy 13: Sustainable transport
- Policy 14: Design, quality and place
- Policy 15: Local Living and 20-minute neighbourhoods
- Policy 16: Quality homes
- Policy 18: Infrastructure first
- Policy 19: Heating and cooling
- Policy 21: Play, recreation and sport
- Policy 22: Flood risk and water management
- Policy 24: Digital infrastructure
- Policy 27: City, town, local and commercial centres

Aberdeen Local Development Plan (2017)

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 five years after the date on which the current plan was approved. The ALDP is beyond this five-year period.

The following policies are relevant –

- D1: Quality Placemaking by Design
- D2: Landscape

- D3: Big Buildings
- D4: Historic Environment
- I1: Infrastructure Delivery and Planning Obligations
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T4: Air Quality
- T5: Noise
- H2: Mixed Use Areas
- H3: Density
- H4: Housing Mix
- H5: Affordable Housing
- NE4: Open Space Provision in New Development
- NE6: Flooding, Drainage and Water Quality
- R6: Waste Management Requirements for New Development
- R7: Low and Zero Carbon Buildings, and Water Efficiency
- C11: Digital Infrastructure

Proposed Aberdeen Local Development Plan (2020)

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. All the recommendations within the Report have been accepted and the modifications made to the PALDP were agreed by Full Council on 14 December 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on the relevance of these matters to the application under consideration.

The following policies are relevant –

- WB2: Air Quality
- WB3: Noise
- D1: Quality Placemaking
- D2: Amenity
- D3: Big Buildings
- D4: Landscape
- D6: Historic Environment
- R2: Degraded and Contaminated Land
- R5: Waste Management Requirements for New Development
- R6: Low and Zero Carbon Buildings, and Water Efficiency
- H2: Mixed Use Areas
- H3: Density
- H4: Housing Mix and Need
- H5: Affordable Housing
- H7: Student Accommodation Developments
- I1: Infrastructure Delivery and Planning Obligations
- T2: Sustainable Transport
- T3: Parking
- C11: Digital Infrastructure

Supplementary Guidance (SG)

- Big Buildings
- Planning Obligations
- Affordable Housing
- Transport and Accessibility
- Air Quality
- Noise
- Flooding, Drainage and Water Quality
- Resources for New Development

EVALUATION

Principle of Development

The site is designated as H2 (Mixed Use Areas) in the Aberdeen Local Development Plan (as well as Policy H2 (Mixed Use Areas) of the proposed Aberdeen Local Development Plan which would likely be the document against which the development is fully assessed), which advises that *“applications for development or change of use within Mixed Use Areas 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 addition to the above, Policy 9 (Brownfield, vacant and derelict buildings) of NPF4 encourages, promotes and facilitates the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. It goes on to advise that *“Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.”*

Policy 15 (Local living and 20-minute neighbourhoods) of NPF 4 seeks to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

Layout, Siting and Design

Issues of siting and design will need to be considered against Policy D1 - Quality Placemaking by Design and Policy D2 – Landscape of the ALDP (and therefore Policies D1: Quality Placemaking, D2 (Amenity) and D4 (Landscape) of the Proposed Aberdeen Local Development Plan. Policy D1 requires all development to have high standards of design and have a strong and distinctive sense of place which considers the context of the surrounding area and will be required to offer opportunities for connectivity which take into account the character and scale of the development. Developments that contribute to placemaking will help sustain and enhance the social, economic, environmental and cultural attractiveness of the city. Proposals will be considered against six essential qualities: distinctive, welcoming, safe and pleasant, easy to move around, adaptable and resource efficient.

Policy D2 (Amenity) (which is a new policy) of the Proposed Aberdeen Local Development Plan also seeks that *“development will be designed to: make the most of any opportunities offered by the site to optimise views and sunlight through appropriate siting, layout and orientation; ensure that occupiers are afforded adequate levels of amenity in relation to daylight, sunlight, noise, air quality and immediate outlook; ensure that occupiers are afforded adequate levels of amenity in relation to daylight, sunlight, noise, air quality and immediate outlook; have a public face to the*

street to ensure natural surveillance, and active street frontages; ensure that refuse and recycling facilities, cycle storage, low and zero carbon technology, plant and services are sensitively integrated into the design; ensure that external lighting minimises light spillage into adjoining areas and the sky.”

Similar to the above, Policy 14 (Design, quality and place) of NPF4 seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. Policy 16 (Quality homes) also seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

It is also noted that no details of the design of the development have been submitted to date, therefore Policy D3 (Big Buildings) may be of relevance (as would Policy B3 (Big Buildings) of the Proposed Aberdeen Local Development Plan). This advises, amongst other things that *“Big buildings must be of a high-quality design which complements or improves the existing site context. A proposal’s relationship with its context must be demonstrated by using a design statement that includes: an analysis of the context; an illustration of its visual impacts through a series of sequential views; an analysis of micro-climatic impacts; area connectivity; the use of high-quality materials, craftsmanship and detailing with low maintenance implications.”*

The application site lies adjacent to the City Centre Conservation Area, where Policy D4 (Historic Environment) would apply (as would Policy D6 (Historic Environment) of the Proposed Aberdeen Local Development Plan. This policy advises amongst other things that *“high quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings, conservation areas and historic gardens and designed landscapes, will be supported.”* In addition, Policy 7 (Historic assets and places) of NPF 4 seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

Density

In terms of the density of development, Policy H3 (Density) advises that *“the City Council will seek an appropriate density of development on all housing allocations and windfall sites. All residential developments over one hectare must: meet a minimum density of 30 dwellings per hectare (net). Net dwelling density includes those areas which will be developed for housing and directly associated uses, including access roads within the site, garden ground and incidental open space; have consideration of the site’s characteristics and those of the surrounding area; create an attractive residential environment and safeguard living conditions within the development; and consider providing higher densities in the City Centre, around local centres, and public transport nodes.”* Policy H3 (Density) of the Proposed Aberdeen Local Development Plan offers differing advice to the above and states that *“For all residential developments over one hectare, the net density of new development is generally sought at no less than 50 dwellings per hectare. This is to achieve efficient use of land in terms of the scale and layout of the site and its context. Higher densities are expected within the city centre, in and around town centres, public transport nodes and on brownfield sites”*.

In addition to the above, Policy 4 (Housing Mix) advises that *“housing developments of larger than 50 units are required to achieve an appropriate mix of dwelling types and sizes, in line with a masterplan, reflecting the accommodation requirements of specific groups, in particular families, older people and people with particular needs.”* Similar advice and guidance is provided within Policy H4 (Housing Mix and Need) of the Proposed Aberdeen Local Development Plan.

Developer Obligations

Development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed. Where additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities. The level of infrastructure requirements and contributions will be outlined by the Council, through the Developer Obligations Assessment and will relate to the development, in line with Policy I1 - Infrastructure Delivery and Planning Obligations and associated guidance. Similar guidance is also provided within Policy I1 (Infrastructure Delivery and Planning Obligations) of the Proposed Aberdeen Local Development Plan.

In addition to this, Policy H5 (Affordable Housing) advises that *“Housing developments of five units or more are required to contribute no less than 25% of the total number of units as affordable housing.”* The development is not anticipated to be eligible for the affordable housing contribution waiver as it lies just out with the defined city centre boundary. Similar advice is provided within Policy H5 (Affordable Housing) of the Proposed Aberdeen Local Development Plan.

Transport Impacts

With regards to sustainable and active travel, Policies T2 - Managing the Transport Impact of Development and T3 - Sustainable and Active Travel will be used to assess the development. Policy T2 requires all new developments demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel. A Transport Statement will be required to support the proposal as would a Travel Plan. Parking requirements are also outlined in the Transport and Accessibility Supplementary Guidance.

Policy T3 requires new developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport. The internal layout of developments must prioritise walking, cycling and public transport penetration. In addition, links between residential, employment, recreation and other facilities must be protected or improved for non-motorised transport users, making it quick, convenient, and safe for people to travel by walking and cycling. With regards to this proposal, links to the site should be looked at from the surrounding road networks. In addition, Policy 13 (Sustainable transport) of NPF 4 seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. Similar guidance is also provided within Policies T2 (Sustainable Transport) and T3 (Parking) of the Proposed Aberdeen Local Development Plan.

Flooding, Drainage and Water Quality

Policy NE6: Flooding Drainage and Water Quality ALDP aims to manage and reduce flood risk by ensuring that new development does not take place on areas susceptible to flooding and incorporates appropriate and sustainable surface water management measures. A Flood Risk Assessment may be required to support the development. Similar advice is also provided within Policy NE4: Our Water Environment) of the Proposed Aberdeen Local Development Plan.

Furthermore, a Drainage Impact Assessment (DIA) will also be required to support the proposal. The DIA should detail how surface water and wastewater will be managed. Surface water drainage associated with development must: be the most appropriate available in terms of SuDS; and avoid flooding and pollution both during and after construction.

In addition to the above Policy 22 (Flood risk and water management) of NPF4 seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

Other Technical Matters

Policy 1 (Tackling the climate and nature crises) seeks to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis and when considering all development proposals significant weight will be given to the global climate and nature crises.

Policy 2 (Climate mitigation and adaptation) of NPF4 seeks to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. It also advises that *“development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible; development proposals will be sited and designed to adapt to current and future risks from climate change; development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.”*

All new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. Flatted developments will require communal facilities that allow for the separate storage and collection of these materials. The commercial/retail aspect of the development shall include recycling facilities, where appropriate. Details of storage facilities and means of collection must be included as part of a planning application for any development which would generate waste as per the requirement of Policy R6 - Waste Management Requirements for New Development. Similar guidance is also provided within Policy R5 (Waste Management Requirements for New Development) of the Proposed Aberdeen Local Development Plan.

Policy 12 (Zero waste) of NPF4 also seek to ensure that *“development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including: provision to maximise waste reduction and waste separation at source, and measures to minimise the cross contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.”*

Policy R2 (Degraded and Contaminated Land) advises that The City Council require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use. Given the former use of the site it is likely that a contaminated land assessment. Similar requirements are also provided within Policy R2 (Degraded and Contaminated Land) of the Proposed Aberdeen Local Development Plan.

In terms of low and zero carbon, buildings must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through low and zero carbon generating technology. With regards to water efficiency, all new buildings are required to use water saving technologies and techniques. This is a requirement of Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency and details should be submitted with any application or would be requested via condition. Similar information is also provided within Policy R6 (Low and Zero Carbon Buildings, and Water Efficiency) of the Proposed Aberdeen Local Development Plan.

Policy CI1 – (Digital Infrastructure) of the Aberdeen Local Development Plan requires all new residential and commercial development to have access to modern, up-to-date high-speed communications infrastructure, with similar guidance provided within Policy CI1 (Digital Infrastructure) of the Proposed Aberdeen Local Development Plan. Policy 24 (Digital

infrastructure) of NPF 4 seeks to encourage, promote and facilitate the rollout of digital infrastructure across Scotland to unlock the potential of all our places and the economy.

NECESSARY INFORMATION TO SUPPORT ANY FUTURE APPLICATION

As part of any application, the applicant has been advised that the following information would be required to accompany any formal submission –

- Pre-Application Consultation Report
- Flood Risk Assessment and/ or Drainage Impact Assessment
- Construction Environment Management Plan
- Transport Assessment/ Statement
- Travel Plan
- Landscape Scheme and Maintenance Plans
- Low and Zero Carbon Buildings and Water Efficiency Statement
- Affordable Housing Delivery Strategy
- Waste Strategy/ Management Plan

RECOMMENDATION

It is recommended that the Forum –

- a) note the key issues identified;
- b) if necessary seek clarification on any particular matters; and
- c) identify relevant issues which they would like the applicants to consider and address in any future application.