

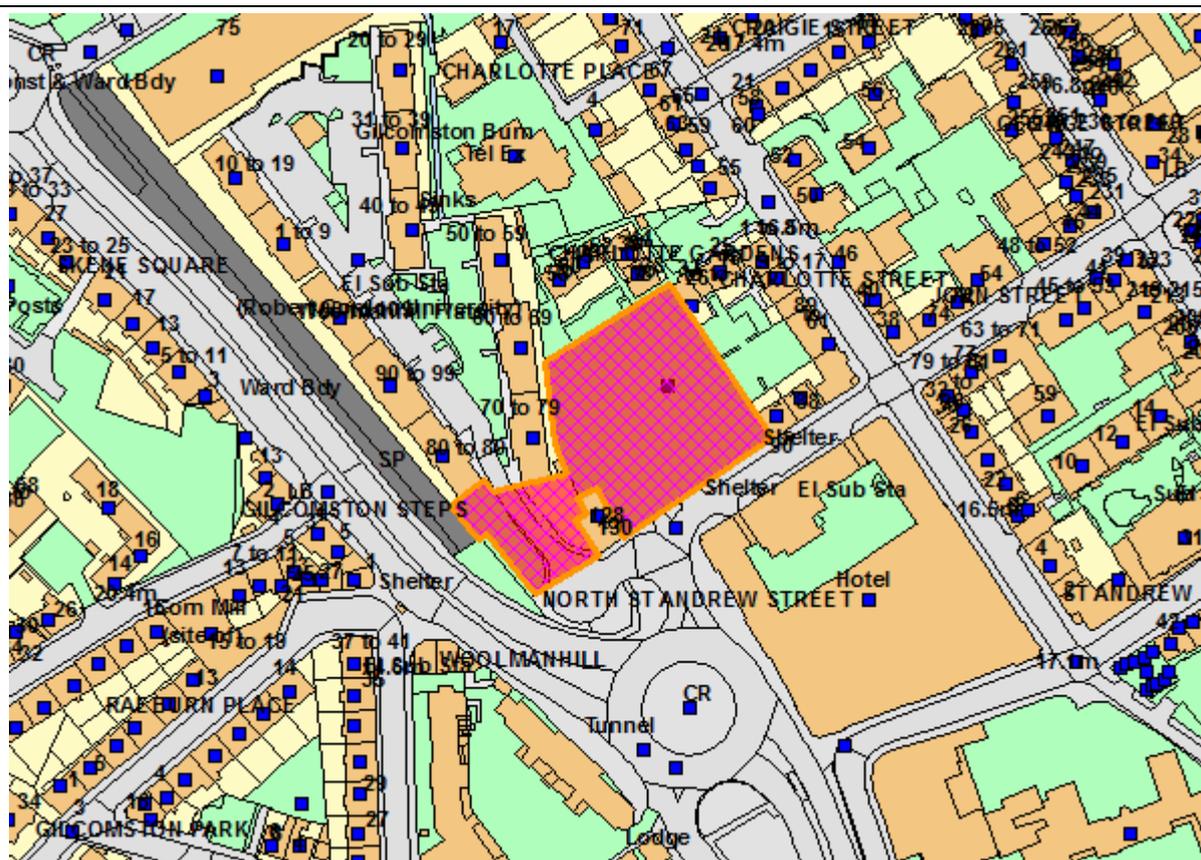


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 21st September 2023

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| Site Address: | 92-126 John Street, City Centre, Aberdeen, AB25 1LE |
| Application Description: | Erection of student accommodation (circa 383 beds) with associated infrastructure and landscaping |
| Application Ref: | 230514/DPP |
| Application Type | Detailed Planning Permission |
| Application Date: | 4 May 2023 |
| Applicant: | Levelling Up Real Estate Ltd |
| Ward: | George Street/Harbour |
| Community Council: | George Street |
| Case Officer: | Gavin Clark |



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RECOMMENDATION

Approve Conditionally and Subject to Legal Agreement

APPLICATION BACKGROUND

Site Description

The application site is located to the immediate north of the city centre boundary and incorporates a site extending to approximately 0.47 hectares on the northern side of John Street. The site is largely vacant and was previously occupied by since demolished 3 ½ storey tenement buildings, which had commercial uses at ground floor level. A single storey snooker club building occupied the east part of the site. The site has been cleared, lying vacant for around ten years. The main part of the application site is relatively flat and currently surrounded by hoarding on the perimeter. The application site also includes a small section of open hardstanding to the western side of the entrance to the existing Woolmanhill student accommodation.

The surrounding area contains a mixture of uses with residential flats of mainly four storeys in height located to the north and east, five storey student accommodation (Woolmanhill flats) located to the west and the three storey Sandman Hotel located to the south. Also prominent in the surrounding streetscape is the now vacant former Woolmanhill Hospital complex that lies to the west.

Relevant Planning History

Planning permission (Ref: 161427/DPP) was approved by the Planning Development Management Committee, following the conclusion of a legal agreement, in March 2017 for the erection of student accommodation (374 bed spaces) with associated infrastructure and landscaping. This permission was not implemented and has since expired.

Planning permission (Ref: 130579) was approved in October 2013 for a change of use and redevelopment to a Class 7 hotel (182 bedrooms) with associated food and beverage facility and associated parking, class 1 retail (375sqm). This permission was not implemented and has since expired.

An application (Ref: 090111) was withdrawn in October 2013 for a change of use to residential and development of 40 flats with associated parking. In addition, planning permission (Ref: A6/1811) was approved following an appeal in December 2009 for a change of use to residential & development of 50 no flats. This latter permission was not implemented and has since expired.

APPLICATION DESCRIPTION

Description of Proposal

The proposal seeks detailed planning permission for the erection of student accommodation with associated infrastructure and landscaping. The proposed development incorporates a “U” shaped building footprint orientated around a central courtyard area. The proposal comprises a range of building heights and would be 7 storeys in height fronting onto John Street (approximately 26.5m total height), 6 storeys in height within the eastern section of the site and 5 storeys in height along the northern boundary (approximately 16m total height). The proposal includes a range of setback elements to provide elevational interest. The highest part of the building is proposed as a ‘tower’ feature in the south east corner of the site. The main frontage of the building would be onto John Street, where an active frontage is proposed through the location of the main entrance and egress, and communal activity spaces. The internal courtyard area would be a shared amenity space for residents.

A variety of external materials are proposed include grey brick, a metal cladding (colour to be agreed via condition), dark grey curtain walling, glazing and a variety of doors at ground floor level.

In terms of access and parking, the main pedestrian and vehicular access to the site would be taken from John Street, pedestrian access on the southern building frontage and vehicular access from the west side of the site. The proposals would also include the provision of seven parking spaces. Five would be located at the western edge of the site with one of these utilised for EV charging and two further spaces would be adjacent to the courtyard and be utilised for disabled parking/ drop off. The proposals would also provide 140 secure cycle parking spaces along the eastern edge of the site. A number of hedges would be planted through the development, and eleven trees are shown on the landscaping plan.

Amendments

The proposals have been revised since the original submission to take on board design amendments suggested by the Planning Service. This included alterations to the frontage of the building to create a more “active” frontage, amendments to the height of the ground floor elements, alterations to the courtyard layout, alterations to the western elevation, amendment to the location of parking spaces, alterations to the “tower” element on the southern elevation, alterations to the window design on the southern elevation and clarification/ amendment to the materials proposed throughout the development.

Further information was also submitted to address comments from consultees including a revised Flood Risk Assessment, further information on waste and cycle parking facilities and clarification on the levels of Developer Obligations sought.

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=RTYWUMBZJ1B00>

- Indicative Student Management Plan – May 2023
- Pre-Application Consultation Report – May 2023
- Phase 1 Desk Study – May 2023
- Planning Statement – May 2023
- Planning Sustainability Statement – May 2023
- Drainage Assessment – May 2023
- Transport Statement – May 2023
- Noise and Vibration Survey Assessment – May 2023
- Design and Access Statement – Addendum – July 2023
- Flood Risk Assessment – July 2023
- Daylight and Sunlight Analysis Report – July 2023

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it is a Major Development, subsequently the proposals fall out with the Scheme of Delegation.

Pre-Application Consultation

The applicant undertook statutory pre-application consultation. The first public consultation event took place on the 8th February 2023, with the second event taking place on the 29th March 2023. Both of these events took place at Aberdeen Central Library, with both consultations lasting for two weeks after drop in events to allow for further questions, and submission of feedback forms.

Regular consultation also took place with the Community Council and a presentation was provided to George Street Community Council on the 11th April 2023. Local Councillors and neighbouring properties were also advised of the consultation events.

The applicant presented to the Council's Pre-Application Forum on the 20th April 2023. The presentation and accompanying PowerPoint slides provided an overview of the site location and history; the planning context of the site; the pre-application consultation and engagement timelines and community feedback worked into the design; key features of the development; site appraisal and contextual analysis and the overall vision of the proposed development. Councillors in attendance had the opportunity to indicate any initial issues they would like the applicants to consider and address in the submission of the planning application. The feedback from this meeting was worked into the design proposals where possible.

CONSULTATIONS

Police Scotland – provided some general guidance noting that the site is in a low crime area and that due consideration should be given to crime reduction measures. They have suggested liaison with the police service prior to proceeding with the development and an informative can be added to the consent in this regard.

ACC - Roads Development Management Team – have no objection to the proposals following the submission of amended plans. Their response will be discussed in greater detail in the evaluation section of this report.

ACC - Developer Obligations – advised that contributions are required toward healthcare facilities (£132,595) and open space provision (£42,053).

ACC - Environmental Health – have provided various comments in relation to noise, air quality and dust management. Their response will be discussed in greater detail in the evaluation section of this report.

ACC – Contaminated Land – have reviewed the Desk Study Report and generally agree with the conclusions and recommendations. They did disagree with the assertion that human health risks can be discounted and asked that the proposed geo-environmental investigation (which would form a condition of the permission) takes account and builds on the information previously obtained.

ACC - Structures, Flooding And Coastal Engineering – have no objections to the proposal following the submission of a revised Flood Risk Assessment. Their response will be discussed in greater detail in the evaluation section of this report.

ACC - Waste and Recycling – have no objection following the submission of amended plans. Their response will be discussed in greater detail in the evaluation section of this report.

Scottish Water – unable to confirm if there is sufficient capacity at the Invercarnie Water Treatment Works and suggest that the developer contact them directly. Confirm that there is

sufficient capacity at the Nigg Waste Water Treatment Works. They also provided some general guidance on their assets in the surrounding area and confirmation that they will not accept any surface water connections into the combined sewer system.

Scottish Environment Protection Agency – note that the site lies within the SEPA Future Fluvial Flood Plain and that parts of the site lie within the SEPA Surface Water Flood Map. In particular, it is indicated that there may be potential for surface water flooding between the Gilcomston Burn open channel to the north and John Street. They supported the Flooding team's requirement for further assessment on the source of flooding and provided recommendations on how these assessment could take place. SEPA also confirmed that if colleagues in flooding were content with the revised information there would be no further requirement to consult them on the proposals.

Archaeology Service (Aberdeenshire Council) – note that the application site falls within an area which has been subject to an archaeological evaluation in 2014 (undertaken by CFA Archaeology Ltd) which revealed no surviving archaeological features or artefacts of significance, and as such confirmed that they had no further comment to make in this instance.

George Street Community Council – no response received.

REPRESENTATIONS

Two representations were received, both objecting to the application. The matters raised can be summarised as follows:

1. The first representation was generally content with the proposed development but requested a change to the northern boundary to remove the proposed timber fence and replace it with a brick wall or similar at a height of 1.8m;
2. The second representation raised concerns regarding the height of the building, and the potential for overshadowing properties in the surrounding area. The comment also disagreed with the applicant's comment that the proposals would be a legible "marker" when viewed from distance along Denburn Road.

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 areas.

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 3: Biodiversity
- 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 22: Flood risk and water management
- Policy 24: Digital infrastructure
- Policy 27: City, town, local and commercial centres

Aberdeen Local Development Plan (2023)

The following policies are relevant –

- Policy WB2: Air Quality
- Policy WB3: Noise
- Policy NE4: Our Water Environment
- Policy D1: Quality Placemaking
- Policy D2: Amenity
- Policy D3: Big Buildings
- Policy D4: Landscape
- Policy D6: Historic Environment
- Policy R2: Degraded and Contaminated Land
- Policy R5: Waste Management Requirements for New Development
- Policy R6: Low and Zero Carbon Buildings, and Water Efficiency
- Policy H2: Mixed Use Areas
- Policy H7: Student Accommodation Developments
- Policy I1: Infrastructure Delivery and Planning Obligations
- Policy T2: Sustainable Transport
- Policy T3: Parking
- Policy CI1: Digital Infrastructure

Interim Aberdeen Planning Guidance

Aberdeen Planning Guidance is Interim Planning Guidance. The documents hold limited weight until they are adopted by the Council. The weight to be given to Interim Planning Guidance prior to its adoption is a matter for the decision maker. The following guidance is relevant –

- Air Quality
- Noise
- Materials: External Building Materials and Their Use in Aberdeen
- Student Accommodation
- Transport and Accessibility

- Flooding, Drainage and Water Quality
- Big Buildings
- Waste Management Requirements for New Development
- Resources for New Development
- George Street Masterplan (Draft)

EVALUATION

Principle of Development

Policy H2 (Mixed Use Areas) of the ALDP 2023 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 direct 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 terms of the above, student accommodation can be considered to be a quasi-residential use, with the main differences being the temporary, typically annual basis of the tenancies and shared communal facilities (kitchen, living areas and associated facilities). In this case, the surrounding area contains a mixture of uses, including hotels, residential and business uses and for the reasons detailed below is not considered to have an adverse impact on the character or appearance of the surrounding area, nor on the function of any of the above mentioned uses. It is also noted that the provision of student accommodation on site, on a similar scale to that which is proposed, was previously found to be acceptable in 2017 and the redevelopment of the site for such purposes would be acceptable in principle when considered against Policy H2 of the ALDP 2023 and for the further reasons detailed below.

Policy H7 (Student Accommodation Developments) of the ALDP 2023 advises that *“proposals for new Student Accommodation development will be supported in principle where: the location is accessible by means of walking, cycling, wheeling and public transport to the university or college facilities; the proposals offer appropriate facilities; in particular providing an appropriate level of amenity space, refuse/ recycling storage space and secure bike storage facilities; and there will be no significant adverse impact to the amenity of the surrounding area.”*

The application site is located immediately adjacent to the defined city centre boundary and is accessible via varying modes of transport, being close to a number of bus routes, being within easy walking distance of the city centre and providing on site amenity space and storage facilities for a large number of future occupants. The proposals also provide facilities including communal areas, study areas and appropriate waste facilities. As is discussed later within this report the proposals also have no adverse impact on the amenity of the surrounding area and would therefore be in compliance with Policy H7 of the ALDP 2023.

The site is also adjacent to the Draft George Street Masterplan area, which as a draft Council strategy to guide the development and investment in the area was approved by Council for consultation in December 2022 and the Finalised Draft Masterplan is to be presented to Council on or before December 2023. The Vision of the Draft Masterplan is *‘George Street Connected! – The ‘local’ Neighbourhood: a vibrant, creative and inclusive city centre community at the heart of reinvention’*. The site is identified within the Draft Masterplan as an adjacent redevelopment opportunity and it is considered that the redevelopment of this site for student accommodation would accord with the aspirations of the Draft Masterplan by making a positive contribution to the vibrancy and vitality of the George Street area by increasing the number of residents in the area by c374 students, as well as bringing staff and visitors to the area.

Interim Aberdeen Planning Guidance (APG) in relation to Student Accommodation is also considered to be of relevance to this application. This states that the following points must be considered: the development meets an identified need for the type of development proposed; it should be in a location that is easily accessible to higher education by sustainable transport modes; it should be designed to have no adverse impact on the amenity of the surrounding area; layout standards and facilities within developments are of a high standard and the development has an appropriate management plan in place.

In this regard, as the applicants have scoped the market and considered that such a development would be beneficial for the area. Information contained within the supporting statement, which demonstrates that there is an overriding need for additional student accommodation options within the city, with circa 22,000 full time students in the city and only circa 8,500 purpose built student accommodation beds. The site is also easily accessible to Union Street, which in turn provides links to both Aberdeen University and Robert Gordon's University. The site is also within walking distance of the North East Scotland College and Aberdeen University. For the reasons detailed elsewhere in this report, the proposals would have no adverse impact on the character and amenity of the surrounding area, would provide study and communal areas as well as sufficiently large bedrooms and other associated facilities. A draft management plan forms part of the current application, which is found to be acceptable. A final management plan would be controlled via a suspensive condition. The proposals are therefore in accordance with the Interim APG on Student Accommodation.

Layout, Siting and Design

Policy 14 (Design, quality and place) of NPF 4 states that "Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale" and "Development proposals will be supported where they are consistent with the six qualities of successful places: healthy, connected pleasant, distinctive, sustainable, adaptable" while Policy D1 (Quality Placemaking) of the ALDP 2023 advises that "*all development must ensure high standards of design, create sustainable and successful places*", and also reiterates the Scottish Government's six qualities of a successful place

In regards to the above, it is noted that a similarly sized and designed building was previously accepted for the site, although this permission was never implemented and has since expired. The proposed development proposes to utilise a number of materials, with brick for the main elevations along with elements of glazing and cladding and a tower feature which would sit more centrally within the site, aligned to the townscape of North St Andrew Street, and therefore provide an attractive focal point to the building when viewed from its main thoroughfares. The building has been designed with due consideration for its surrounding context, with the use of a variety of storey heights, setbacks and a tower focal feature. The Planning Service have suggested the insertion of a planning condition requiring large scale sample panels of each external material to ensure their appropriateness for the building, when viewed in context.

There were concerns noted with regard to the design of the proposed parapet, and how this element would look in reality; the design is however a requirement of the Noise Impact Assessment to limit the noise of the plant and was therefore an essential part of the proposal. This element is therefore considered to be acceptable in this instance.

The building is considered to promote healthiness, is well connected, would be distinctive in its design, would be sustainable and adaptable and would therefore meet the six qualities of successful places. There would be no conflict with either Policy D1 of the ALDP 2023 or with Policy 14 of NPF4.

Policy D2 (Amenity) of the ALDP 2023 advises 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”*.

In this regard, it is noted that such a large building has the potential to have an adverse impact on the surrounding area, in particular the residential properties which are located to the west and north. It is noted that the proposals would impact on the levels of daylight and sunlight receipt and would introduce a level of overlooking which is not currently present (given the vacant brownfield nature of the site). The scope of these impacts is considered to be acceptable, with appropriate window to window distances and setbacks between the proposed building and those found in the surrounding area.

In addition, further information was submitted to ensure that all users of the building would receive acceptable levels of amenity, this including the provision of larger windows, the provision of larger internal communal amenity spaces and the provision of further daylight and sunlight analysis to ensure that the proposed courtyard area would receive appropriate levels of daylight. The amended and supporting information that has been submitted is considered to result in an acceptable level of amenity for occupants.

It should also be noted that the refuse and cycle facilities would be well integrated into the site, the development would utilise low and zero carbon technologies (controlled via condition) and that external lighting has been designed to ensure no light pollution into the surrounding area. Noise and air quality has also been considered (and is addressed below).

As a result of the above evaluation, there would be no conflict with Policy D2 (Amenity) of the ALDP 2023.

Policy D3 (Big Buildings) of the ALDP 2023 advises that *“big buildings must be of a high quality design which complements or improves the existing site context and that the most appropriate location for big buildings is within the city centre and its immediate periphery”*.

In this case, it is noted that the development is for the erection of an up to 7 storey building, which would represent a “big building” under the aforementioned policy. As discussed above, it has been concluded that the building has been designed with due consideration for its context, of a high quality design and sits on the immediate periphery of the defined city centre boundary. Consideration of the proposed building’s silhouette contribution to the city centre skyline, as well as views from key locations within the city centre, have been considered and are included within the supporting information and are found to be acceptable. The proposal is therefore in compliance with Policy D3 of the ALDP 2023.

Policy D4 (Landscape) of the ALDP 2023 advises that *“important views of the city’s townscape, landmarks and features when seen from busy or important publicly accessible vantage points such as roads, railways, recreation areas, and path networks and particularly from the main city approaches (gateways) will not be adversely affected by development.”*

In this case, the applicants have submitted various documents and photomontages of the development as proposed, showing the development from a number of viewpoints including the key view from the Denburn Viaduct looking northwards toward the site. These documents also indicate that the Bastille building, which is located to the rear of the Woolmanhill flats, would still be visible and the proposed building would not block the views of any other significant buildings within the city. There would be no conflict with Policy D4 of the ALDP 2023.

The site also sits adjacent to the boundary of the City Centre Conservation Area, which covers John Street itself and the buildings on its south side. Policy D6 (Historic Environment) of the ALDP 2023 seeks development that *“protects, preserves and enhances Aberdeen’s historic environment”*. This is similarly echoed in Policy 7 (Historic assets and places) of NPF4. The proposal involves an up to seven storey student accommodation development in an area that has a variety of uses and architectural styles, and diversity of building heights and forms. The design of the building is considered to be appropriate for its context and would make a positive contribution to the urban streetscape in this location for the reasons detailed above and would therefore have no significant impact on the character of the adjacent City Centre Conservation Area. The proposals are therefore in line with Policy D6 of the ALDP, nor with Policy 7 of NPF4.

Policy 9 (Brownfield, vacant and derelict land) of NPF4 advises 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. Given that the proposal relates to such a brownfield site, which would see the construction of student accommodation on a long term vacant site, the proposals would comply with Policy 9 of NPF4.

Policy 15 (Local Living and 20 minute neighbourhoods) of NPF 4 advises: *“development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods.”* The proposal is in close proximity to the city centre and has ample access to amenities within a 10 minute walk of the application site. The amenities of the George Street area, which functions as a neighbourhood centre as well being part of the city centre are also located in close proximity to the site. There would be no conflict with Policy 15 of NPF4.

Transport and Accessibility

Policy T2 (Sustainable Transport) of the ALDP 2023 provides various guidance and seeks to *“minimise traffic generation, increase accessibility, encourage public transport and provide relevant infrastructure”* within the application site. Policy T3 (Parking) of the ALDP 2023 discusses matters such as parking within development and electric vehicle infrastructure. Policy 13 (Sustainable transport) of NPF4 provides similar guidance and advises that development will be supported where it has been designed in association with sustainable travel, provides direct links to local facilities, will be accessible by public transport, provide electric vehicle charge points, provide safe and convenient cycle parking and consider the needs of all users, as well as mitigate the impact of development on local transport routes.

In terms of walking, it is the site is considered to be in a highly accessible location, being a four minute walk from North East Scotland Colleges’ Gallowgate Campus and 23 minutes from Aberdeen University. In terms of cycling, it is noted that a number of dedicated cycle storage facilities are to be provided, the 140 spaces proposed exceed those required (128) and are considered to be acceptable. Implementation of such would be controlled via condition. It is concluded that the site is considered good for all modes of sustainable and active travel, such as walking, wheeling and cycling.

In terms of public transport, it is noted that a bus stop sits immediately adjacent to the site and the site is also within walking distance of the city centre, which provides access to regular bus

services to both universities. It is also proposed to upgrade the bus stops which sit immediately adjacent to the site and a condition is proposed in this regard, the upgrades will be either via a financial contribution or physical upgrades themselves, which are to be agreed with the Public Transport Unit. It is concluded that the site is considered good from a public transport perspective. A residential travel pack would also be required as a condition of the planning permission.

In terms of parking, it is noted that the proposals are for 4 parking bays, 2 disabled bays and 1 EV charging bay. The standard bays are to be available for staff only, with the disabled bays also utilised as a drop off facility at the beginning and end of term time only. The site is also within a controlled parking zone and any inappropriate parking would be enforced accordingly. A Vehicle Management Plan has also been submitted by the applicant and accepted by colleagues in Roads Development Management.

The proposals have been reviewed by colleagues in Roads Development Management, who have raised no objection following the submission of amended plans. A condition has also been inserted to ensure that the required bus stop upgrades are completed prior to the occupation of the development. The proposal would accordingly be in compliance with Policy 13 of NPF4 and Policies T2 and T3 of the ALDP 2023.

Flooding, Drainage and Water Quality

Policy 22 (Flood risk and water management) of NPF 4 advises that “development proposals will: not increase the risk of surface water flooding to others, or itself be at risk. manage all rain and surface water through sustainable urban drainage systems (SUDS), presume no surface water connection to the combined sewer; seek to minimise the area of impermeable surface, provide a connection to the public sewers and create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure”.

Policy NE4 (Our Water Environment) of the ALDP 2023 advises that development will not be supported on sites where there would be an increased risk of flooding both within and outwith the site, that adequate provision should be made for the maintenance of watercourses and would not require the construction of new or strengthened flood defences. In addition, there is a requirement for a Flood Risk Assessment, foul drainage and water connection to the public sewerage system and that all new developments are required to incorporate Sustainable Urban Drainage Systems (SUDS) to manage surface water.

In relation to the above, a Flood Risk Assessment (FRA) and various documents in relation to site drainage have been submitted in support of the planning application. Colleagues in the Flood Prevention Unit (FPU) and SEPA requested the submission of further information to demonstrate that the new development would not be at flood risk from a potential blockage of an existing rubbish/ debris screen at the nearby Gilcomston Burn.

An updated FRA was submitted which noted that the site had a 0.1% chance of flooding, that the levels of the existing roads would convey any floodwater away from the site, that there was a 0.1-0.5% chance of surface water occurring on the pre-development site and that the proposed surface water system would contain flows generated by a critical 200 year storm, subject to maintenance. Colleagues in FPU also noted that the discharge rate of the new development to the nearby watercourse was agreed.

The above conclusions were considered to be acceptable and colleagues in the FPU raise no objection to the proposal, this resulted in colleagues in SEPA not requiring further consultation on the proposals. A condition will be inserted to ensure that the development is carried out in

accordance with the recommendations of the FRA which in turn would ensure compliance with Policy NE4 of the ALDP 2023 and with Policy 22 of NPF4 along with any relevant guidance.

Waste Management

Policy 12 (Waste) of NPF4 advises that *“development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.”* Policy R5 (Waste Management Requirements for New Developments) of the ALDP 2023 advises *“all new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate”*.

The proposals relate to a vacant site, where there would be no scope for re-use or removal of any materials in order to facilitate the development. The applicants have also provided an amended “bin store plan” which shows 12 general waste containers, 25 mixed recycling containers and three food waste containers. Access to such would be taken directly from John Street. The proposals have been subject to consultation with colleagues in Waste Management, who following the submission of the revised plans confirmed their acceptability, with access to the bin store provided directly from John Street. The proposal is therefore considered to have provided sufficient space for the storage of waste facilities, which in turn would ensure compliance with Policy 12 (Waste) of NPF4, Policy R5 (Waste Management Requirements for New Development) of the ALDP 2023 and with its associated Interim Aberdeen Planning Guidance: Resources for New Development.

Developer Obligations

Policy I1 (Infrastructure Delivery and Planning Obligations) of the ALDP 2023 advises that in order to *“create sustainable communities, development must be supported by the required infrastructure, services and facilities to deliver the scale and type of developments proposed.”* In this regard, the proposal has been subject to consultation with colleagues in Developer Obligations, who have advised that contributions are required toward healthcare facilities (£132,595) and open space provision (£42,053). The applicants have agreed to these contributions, payment of which would be subject to a legal agreement. The provision of such would ensure compliance with Policy I1 of the ALDP 2023 and its associated guidance: Planning Obligations.

Air Quality

Policy WB2 (Air Quality) of the ALDP 2023 advises 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 with the Planning Authority”*.

In terms of air quality, the proposals have been assessed by colleagues in Environmental Health, who noted that the site is located approximately 500 metres to the west of the nearest Air Quality Management Area (AQMA) on East North Street, and consider that there would be no adverse impact as a result of the development. The response also considered vehicle movements associated with the proposal, and also noted that due to the nature of development proposed there would also be no adverse impact on air quality.

In addition, it is noted that occupants of the surrounding residential properties could be exposed to dust during each phase of works. Colleagues in Environmental Health have therefore requested the submission of an Air Quality Dust Risk Assessment and Dust Management Plan. Both of these could be controlled via an appropriately worded planning condition. Subject to this, there would be

no conflict with Policy WB2: Air Quality of the ALDP 2023 or its associated Interim Aberdeen Planning Guidance: Air Quality.

Noise

Policy WB3 (Noise) of the ALDP 2023 advises that *“in cases where significant exposure to noise is likely to arise from development, a Noise Impact Assessment (NIA) will be required as part of a planning application.”*

In terms of noise, an Noise Impact Assessment (NIA) was submitted in support of the proposals, which has also been assessed by colleagues in Environmental Health. They have accepted the report and the proposed development, provided the noise mitigation measures proposed are installed, which include glazing and trickle ventilators, a 3 metre high parapet wall, a restriction on the number of Air Source Heat Pumps and the installation of sound absorbing materials. Compliance with the NIA will be controlled via an appropriately worded planning condition, which would ensure compliance with Policy WB3: Noise of the ALDP 2023 and its associated IAPG: Noise. An informative will also be added in relation to the hours of construction.

Contaminated Land

Policy R2 (Degraded and Contaminated Land) of the ALDP 2023 requires that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use. In this case, the applicants submitted a Desk Study Report that recommended that a full geo-environmental assessment be carried out, road and pavement designs should be considered and testing for the water mains should be carried out. This can be controlled as a condition of the planning permission. They also requested that further assessment of this aspect be included within the geo-environmental assessment. Subject to this, the proposal would be in compliance with Policy R2 of the ALDP 2023.

Tackling the Climate and Nature Crises, Climate mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate mitigation and adaptation) of NPF4 requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Policy 3 (Biodiversity) of NPF4 requires proposals for local development to include measures to conserve, restore and enhance biodiversity, proportionate to the nature and scale of development.

The proposed development, which relates the redevelopment of a city centre brownfield site would ensure that the site and the wider area are more sustainable in meeting local needs, occupants are able to utilise local transport routes and the building would be subject to the highest sustainability standards to ensure compliance with Policies 1 and 2 of NPF4. The proposed development is small-scale to a certain extent and although it does not offer the opportunity for meaningful biodiversity gain, areas within the site are to be planted with hedges and a small number of trees are to be planted throughout the development and the proposals are considered to be acceptable and in line with Policy 3 of NPF4.

Low and Zero Carbon Buildings

Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) of the ALDP 2023 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. The policy also requires all new buildings to use water saving technologies and techniques. Conditions can be attached requiring details to be submitted demonstrating that the buildings would comply with these requirements.

Digital Infrastructure

Policy CI1 (Digital Infrastructure) of the ALDP 2023 advises that *“all new commercial development and residential development where five or more units are proposed will be expected to have access to high-speed communications infrastructure.”* Whereas Policy 24 (Digital Infrastructure) of NPF4 advises that: *“development proposals that incorporate appropriate, universal, and future-proofed digital infrastructure will be supported.”*

The site within an urban area adjacent to the city centre boundary, and a check of the OFCOM website confirms that the area has access to standard, superfast and ultrafast broadband. A condition would also be added to the consent to ensure that the student accommodation is provided access to these facilities. Subject to the above the proposals would comply with Policy CI1 of the ALDP 2023 and Policy 24 of NPF4.

Matters Raised in Representations

One representation was generally content with the proposed development but requested a change to the northern boundary to remove the proposed timber fence and replace it with a brick wall or similar and a height of 1.8m. *Response: the boundary treatments, as proposed (being timber fencing), are considered to be acceptable, and a brick wall is not seen an essential requirement.*

A further representation raised concerns regarding the height of the building, and the potential for overshadowing properties in the surrounding area. This submission also disagreed with the applicant’s comment that the proposals would be a legible “marker” when viewed from distance along Denburn Road. *Response: the height of the building, along with the impact on neighbouring properties has been discussed elsewhere in this report. The design and scale of the building is considered to be appropriate in this instance.*

RECOMMENDATION

Approve Conditionally & Subject to Legal Agreement

REASON FOR RECOMMENDATION

The proposed building has been designed with due consideration for its context and would have no adverse impact on the character or amenity of the surrounding area, being of an appropriate size scale and design, with the proposed use as student accommodation considered to be acceptable within this mixed use setting. All relevant technical considerations have been resolved, or can be controlled via appropriately worded planning conditions. The proposal is therefore in accordance with Policies 1: Tackling the climate and nature crises, 2: Climate mitigation and adaptation, 3: Biodiversity, 7: Historic assets and places, 9: Brownfield, vacant and derelict land and empty buildings, 12: Zero waste, 13: Sustainable transport, 14: Design, quality and place, 15: Local living and 20-minute neighbourhoods, 16: Quality homes, 22: Flood risk and water management, 24: Digital infrastructure of National Planning Framework 4 and with Policies WB2: Air Quality, WB3: Noise. NE4: Our Water Environment, 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, H7: Student Accommodation

Developments, I1: Infrastructure Delivery and Planning Obligations, T2: Sustainable Transport, T3: Parking and CI1: Digital Infrastructure of the Aberdeen Local Development Plan 2023.

CONDITIONS

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

(02) MATERIALS

That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved, including large scale sample boards of the proposed brick and all elements cladding and window detailing, along with further details of the design features to both the bin store and office building at ground floor level has been submitted to, and approved in writing by the planning authority and thereafter the development shall be carried out in accordance with the details so agreed.

Reason - in the interests of visual amenity.

(03) PARKING/ CYCLE PARKING AND BIN STORAGE IN ACCORDANCE WITH APPROVED PLANS

That the development hereby approved shall not be occupied unless the car parking, cycle parking and bin storage areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. 12483-HFM-B1-XX-DR-A-02 010 P02 and 12483-HFM-B1-XX-DR-A-02 051 P03 of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval.

Reason - in the interests of public safety and the free flow of traffic and to ensure that the site is adequately serviced.

(04) AIR QUALITY DUST RISK ASSESSMENT

That no development shall take place (including site stripping or service provision) unless an Air Quality (Dust) Risk Assessment for the construction phase of development has been submitted to and approved in writing by the Planning Authority. Such risk assessment shall be carried out by a suitably qualified consultant in accordance with the Institute of Air Quality Management document "Guidance on the Assessment of Dust from Demolition and Construction 2014". Thereafter development shall be carried out in accordance with the approved plan.

Reason: in order to control air pollution from dust associated with the development in accordance with Policy WB2: Air Quality of the Aberdeen Local Development Plan 2023.

(05) DUST MANAGEMENT PLAN

That no development (including site stripping or service provision) shall take place unless a Dust Management Plan for the construction phase of development has been submitted to and approved in writing by the planning authority. Such management plan shall specify dust mitigation measures and controls, responsibilities, and any proposed monitoring regime. Thereafter development (including demolition) shall be undertaken in accordance with the approved plan.

Reason - In order to control air pollution from dust associated with the construction of the development in accordance with Policy WB2: Air Quality of the Aberdeen Local Development Plan 2023.

(06) NOISE IMPACT ASSESSMENT COMPLIANCE

That the development hereby approved shall not be occupied unless the noise mitigation measures have been installed in accordance with the conclusions and recommendations set out in the approved Noise Impact Assessment (Sandy Brown Limited (Reference: 23119-R01-B, Version B Date: 28 Apr 23) and evidence of this installation has been provided to, and agreed in writing by, the Planning Authority. For avoidance of doubt this should include the following:

- a) Section 7.1, table 6 and associated figure 7 regarding glazing and trickle ventilators.
- b) Section 7.3.1 regarding provision of the rooftop 3 metre high parapet wall.
- c) Section 7.3.1 regarding the number of Air Source Heat Pumps limited to 6 units.
- d) Section 7.3.3 and Compliance with the octave band centre frequency data for plant (super Low Noise Unit) WSA-N-YSC4 EN, Lw (dB) contained within table 7, lining of parapet with a suitable sound absorbing material and noise levels from any ventilation louvres grilles etc associated with the proposed heating plant room should not exceed NR 50 at 3 m distance.

Once installed the mitigation measures shall be retained in perpetuity.

Reason: in the interests of amenity and to ensure compliance with Policy WB3: Noise of the Aberdeen Local Development Plan 2023.

(07) FULL FIBRE BROADBAND

That the development hereby approved shall not be occupied unless a scheme for the provision of a full fibre broadband connection to the building has been submitted to and approved in writing by the planning authority. Thereafter the scheme shall be implemented as approved and all rooms within the student accommodation provided with a full fibre broadband connection.

Reason – in order to provide all flats with access to high-speed communications infrastructure, in accordance with the requirements of Policy CI1 (Digital Infrastructure) of the Aberdeen Local Development Plan 2023 and Policy 24 (Digital infrastructure) of National Planning Framework 4.

(08) LOW AND ZERO CARBON

No development shall take place unless a scheme detailing compliance with the Council's Resources for New Development Guidance has been submitted to and approved in writing by the Planning Authority. Thereafter no units shall be occupied unless the recommended measures specified within that scheme for that unit for the reduction of carbon emissions have been implemented in full.

Reason - to ensure that the development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Interim Planning Advice: Resources for New Development.

(09) FLOOD RISK ASSESSMENT COMPLIANCE

That the development hereby approved shall not be occupied unless carried out in full accordance with the conclusions and recommendations set out in the approved Flood Risk Assessment (Fairhurst Reference: 152031 - FRA 02 ISS 03 Date 2nd June 2023) and evidence of this compliance has been provided to, and agreed in writing by, the Planning Authority.

Reason: to ensure that the site can be adequately drained and to ensure that the site is not susceptible to flooding.

(10) GREEN TRAVEL PLAN

That the development hereby approved shall not be occupied unless there has been submitted to and approved in writing by the Planning Authority a detailed Green Transport Plan, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets.

Reason - in order to encourage more sustainable forms of travel to the development.

(11) STUDENT MANAGEMENT PLAN

That prior to the occupation of the development hereby approved, a student management plan shall be submitted to and approved in writing by the Planning Authority and the use shall be undertaken in accordance with the details so approved and shall be so maintained. The management plan shall include details on health and safety standards and procedures; maintenance and repairs; environmental quality; landlord and tenant relationship; student welfare; anti-social behaviour and disciplinary procedures; and administration and compliance procedures.

Reason - To ensure a satisfactory standard of accommodation is provided and in the interests of the amenity of the area.

(12) GEO ENVIRONMENTAL ASSESSMENT

Prior to the commencement of the development hereby approved, a Geo-Environmental Assessment, which follows the conclusions and recommendations of the submitted Desk Top Survey (Ref: 152031 01), shall be submitted to and approved by the Planning Authority. For avoidance of doubt, the survey shall also include an assessment on human health risks.

Reasons – to ensure that the site remains suitable for human occupation.

(13) BUS STOP UPGRADES

That prior to the occupation of the student accommodation hereby approved, details of bus stop upgrades to the existing facilities on John Street shall be submitted to and approved in writing by the Planning Authority. Prior to the discharge of this condition, confirmation shall be sought from the Council's Public Transportation Unit that such upgrades are acceptable, or are not required. Thereafter the agreed works shall be implemented in accordance with an approved scheme and implemented prior to occupation.

Reason: to ensure that the development would have access to more sustainable modes of transportation.

ADVISORY NOTES FOR APPLICANT

1. In order to protect amenity of the occupants of the neighbouring residences from noise produced as a result of demolition, site/ground preparation works and construction works operations creating noise which is audible at the site boundary should not occur outside the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 13:00 on Saturdays. No works shall be undertaken on a Sunday.
2. The developer should liaise with the Police Scotland Architectural Liaison Officer service at each stage of development, for the purpose of designing out crime using the principles of Crime Prevention through Environmental Design (CEPTED).
3. The applicant should could “Secured by Design” awards and Police Scotland have recommended that the development should achieve the Police SBD award.