

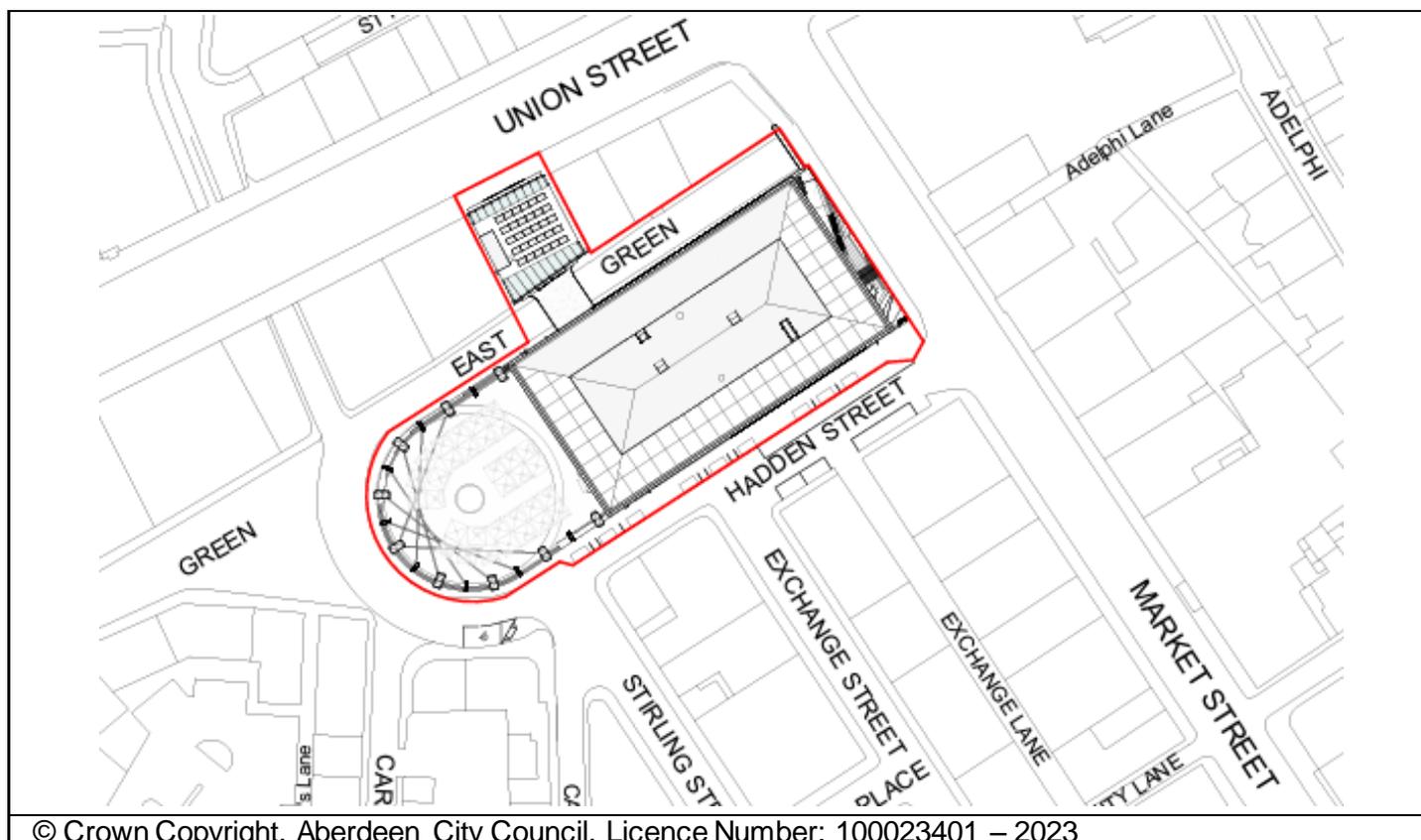


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 2 November 2023

Site Address:	Site of the former Aberdeen Market and 91-93 Union Street, Aberdeen, AB11 5PA
Application Description:	Replacement of Aberdeen Market (including redevelopment of 91-93 Union Street) with mixed use development including retail (class 1A), food and drink (class 3), leisure (class 11), and landscaping / public open space including proposed pedestrian link from Union Street to The Green, and associated works
Application Ref:	230704/DPP
Application Type	Detailed Planning Permission
Application Date:	14 June 2023
Applicant:	Aberdeen City Council
Ward:	George Street/Harbour
Community Council:	City Centre
Case Officer:	Matthew Easton



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application relates to the site of the former Aberdeen Indoor Market and British Home Stores (BHS) building, which is situated in the city centre between Market Street, Hadden Street, The Green and Union Street.

The site comprises two elements, the main site (0.30 hectares) upon which the Aberdeen Indoor Market was located and the smaller site (0.02 hectares) at 91-93 Union Street, which accommodated the entrance to the BHS shop from Union Street. A link bridge at the rear of and forming part of the building, which crossed East Green, connected the two elements.

The part of the building occupied by BHS became vacant in August 2016, with the rest becoming vacant in June 2020. The building was demolished in 2022 with the main part of the site now cleared. The two link structures which connected the market building across East Green to the BHS building on Union Street have also been removed, with parts of the concrete frame remaining.

The site is within the City Centre Conservation Area. Several buildings in the vicinity are listed, predominately category C and some category B.

Relevant Planning History

- Detailed planning permission (190312/DPP) for the demolition of the buildings which previously stood on the site and its redevelopment to form a mixed-use office-led development, landscaping, public realm, car parking and associated works, was approved by the Planning Development Management Committee in October 2020. This permission has not been implemented and expires in October 2025.
- Detailed planning permission (211517/DPP) was granted by delegated powers in May 2022 for the replacement of Aberdeen Indoor Market (including redevelopment of 91-93 Union Street) with mixed use development including retail (class 1), food and drink (class 3), leisure (class 11), sui generis (micro-brewery/public house) and landscaping/public open space including proposed pedestrian link from Union Street to The Green, and associated works. This permission has not been implemented and expires in May 2025.
- A conservation area consent (211176/CAC) for the demolition of the market building was approved in December 2021. Demolition commenced in March 2022 and was completed later in the year.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for construction of a two-storey mixed-use development containing an indoor market and food hall. It is envisaged as a flexible space which would comprise use class 1A (shops, financial, professional, and other services), class 3 (food and drink) and class 11 (assembly and leisure).

The proposed development would be divided into two buildings. The first is the two-storey main building accommodating the indoor market and food hall, which would be located on the eastern

part of the of the site of the former Aberdeen Indoor Market, adjacent to Market Street and Hadden Street. The second is a new entrance building at 91-93 Union Street, on the site of the former BHS building. An open bridge across East Green would be formed between the two buildings, providing a pedestrian route between Union Street and The Green area, through the buildings. The third element of the development is an external space which would occupy the western end of the site.

The proposal represents an evolution of the development approved in May 2022 under planning permission 211517/DPP. The applicant advises that after feedback from the public and engagement with the preferred operator of the development, further scheme refinement has been undertaken, resulting in the current application. The main changes between the two applications are summarised below –

- The large canopy covering the outdoor market area at The Green has been removed. Consequential alterations, have been made to the elevation of the building which would face The Green, including the introduction of a curved façade to The Green.
- The Market Street elevation has been altered to increase the amount of public realm and improve accessibility to the building.
- The 91-93 Union Street building would no longer contain a small retail unit at ground floor or other floor space at upper levels, it would continue to function as a route between Union Street and the Market building.
- The remaining concrete frame at 91-93 Union Street would now be removed, with the design of the glazed elevation revised and internal louvres no longer proposed.
- The internal layout of the market building has been refined as the design has progressed.
- The escalators and lifts are now fully within the building so that they would be protected from the weather year-round.

The redevelopment of the site is identified as a key project within the Council's City Centre Masterplan ("CCMP"). In combination with the proposals which are subject of this planning application, the Council are progressing a separate CCMP street-works project to enhance the public realm in surrounding area, known as 'The Market to Guild Street Phase One'. These works do not form part of this planning application. A full business case for the street-works project was agreed by Council in December 2022 and detailed design work is currently progressing.

Main Building

The new indoor market would be located within the upper level of the main building, with level access from Union Street (via an open bridge) and Market Street. It would contain be a range of small retail spaces, suited to single independent traders, together with space for occasional stalls. Also at the upper level would be a coffee shop & bar, with seating available indoors and on an external terrace which would overlook the new external space and The Green. A large central floor void between the upper and lower floors would provide a visual link between the two, with escalators and two lifts allowing for circulation.

The lower floor would accommodate a food hall, with ten kitchen units and a bar, surrounding a central seating area. The use of the space is envisaged as being flexible and would include a stage which could support a range of events. Sliding/folding doors would provide level access into a new external public realm space and allow for activity to spill outside. Back-of-house areas and

an internal service-bay for small vehicles would also be accommodated within the lower level, with vehicle access provided from East Green.

The exterior of the main building would have a contemporary appearance, being formed as a lightweight translucent glass structure with oversailing feature roof, extending into a projecting canopy over the public entrance space at Market Street and over the terrace facing The Green. The lower level facing The Green would take the form of a curved façade, formed from heavier architectural precast piers with glazing and sliding/folding doors between, to contrast with the lighter elements above.

The building would be finished in a range of materials, predominately a curtain wall glazing system with glass spandrel panels and vision panels, with a custom ceramic frit design (a process by which a glass enamel pattern is fused on the glass surface). Areas of granite rainscreen cladding, standard curtain wall glazing, and an aluminium panel pitched roof with plant-well would also feature.

91-93 Union Street

It is proposed to remove the concrete frame of the former BHS building at 91-93 Union Street but retain the concrete floor slab. A new building would be constructed which would have a single space within, covering the equivalent of the four-storey height of the building. The building would provide a pedestrian route from Union Street, across an open bridge into the new market building. The Union Street elevation would follow the existing building line and fenestration of the buildings along Union Street and would be finished in curtain wall glazing system, which would feature a geometric fritted design to articulate a five-bay façade, with areas of translucent and clear glass. The frit pattern on the glass would appear more solid in the day, and then more transparent at night when it is illuminated from behind by the internal light of the building.

External Public Realm Space

A new external public realm space would be created in the western remainder of the site. Feature totems in architectural metalwork and ornamental planting would define the edge of the space which would follow the curved boundary of the site with Hadden Street, The Green and East Green. This would allow free-flow access into the space between the totems and planting. The external space would include seating associated with the food hall and would provide the opportunity to host a wide selection of seasonal temporary markets and events.

6 Market Street

The granite shopfront at 6 Market Street which was removed at the time of demolition, would be rebuilt so that it could function as archways providing views between Market Street and East Green below.

Amendments

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

- Design of the Union Street elevation amended.
- Minor adjustments to internal layout.
- External TV screen removed from proposal.
- Adjustments to roof of 91-91 Union Street.

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=RVXTL3BZKBT00>

- Design and Access Statement
- Drainage Assessment
- Flood Risk Statement
- Geo-Environmental Desktop Study Report
- Heritage Statement
- Key Images
- Massing Studies
- Renewables and Low Zero Carbon Option Appraisal
- Transport Assessment
- Wind Comfort Assessment

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because six or more representations objecting to the proposals have been made.

CONSULTATIONS

ACC - Contaminated Land Team – The existing building has now been demolished and it is requested that evidence of appropriate asbestos survey and removal is provided to demonstrate that demolition works have not resulted in contamination of the site. The service looks forward to receiving the results of the post demolition, geo-environmental intrusive site investigation in due course.

ACC – Developer Obligations – Comparing the proposals to the previous application it is noted that there is a reduction in floor area, resulting in increased provision of outdoor open space as well as the improved linkages on and between Core Paths 102 (The Green) and 96 (Anderson Drive to Castlegate via Union Street). The revised proposals do not require any further additional mitigation in the form of contributions. This is on the basis that the development would be delivered as an enhancement to the core path linkages between Guild Street and Union Street through The Green and would provide enhanced open space compared to the previous proposals and what was historically on this now vacant site.

ACC - Environmental Health –

Odour Control – The premises does not appear to have a suitable commercial Local Extract Ventilation (LEV) system(s), which is considered necessary for removal and capture of cooking emissions to control odour and for food hygiene purposes. Currently the premises are therefore considered unsuitable for unrestricted class 3 (food and drink) uses due to non-compliance with relevant guidance, namely, the EMAQ guidance document 'The Control of Odour and Noise from Commercial Kitchen Exhaust Systems' with the risk of an adverse odour impact on neighbours and the vicinity.

Should the applicants opt for the installation of a suitable commercial LEV system to ensure the facility is capable of undertaking cooking activities, this service would request a suitable Odour

Impact Assessment (including a LEV needs assessment) by a competent person, in line with relevant guidance for example, the EMAQ guidance document 'The Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (or equivalent as suitably demonstrated) and associated references. Details of this assessment must be submitted for review, in the form of a suitable report to the satisfaction of the Environmental Health Service.

Environmental Noise Control – There are residential properties in the vicinity of the premises. Likely noise emissions from the development would include but are not limited to noise from any fixed plant, including any necessary LEV plant. An appropriate noise assessment by a suitably qualified noise consultant to predict the impacts of proposed noise sources on sensitive receptors and the necessary control measures is required.

These two matters can be addressed by the application of conditions.

ACC - Roads Development Management Team –

Walking and Cycling – Given the city centre location, both pedestrian and cycling accessibility is very good and sustainable. The site is surrounded by an existing network of adopted footpaths with safe and designated crossing facilities.

The new pedestrian route and entrance at ground level from Union Street into the new market, would allow the site to be readily accessible from all sides of the site. In this regard it is considered the site is highly accessible by foot around the city centre and the wider areas of the city.

There are shared bus and cycle lanes and 'National Cycle Route 1' which crosses the city centre, with both tying in with numerous other designated cycle routes across the city.

Public Transport – Any site should be within 400m of public transport provision, to encourage use of sustainable travel. Therefore, in this regard it is confirmed that given its city centre location it is readily accessible to multiple bus services on Union Street connecting across the city. Furthermore, the site lies within 400m of Aberdeen's local bus and train station, located to the south-west of the site.

Parking – The site is located in the city centre and lies within Controlled Parking Zone F. The proposal does not include any on-site parking provision, which is the same as the previously approved application. As the site lies within the heart of the city centre, is readily accessible to sustainable travel options as well as numerous public car parks, no on-site parking provision is considered acceptable and in accordance with council policies.

The initial proposal included the provision of one new disabled parking bay and two spaces indicated for Car Club / electric vehicle charging provision. The Car Club provision has been removed as such provision would not benefit the users of the site given the car would be subject to a two-way trips. If ACC were minded to provide a car club close to the site to serve local residents in future this could come as part of wider City Centre Masterplan street works.

New cycle stands shall be subject by surrounding street works project being undertaken by ACC. A suitable condition shall also be attached in this regard.

The location of staff cycle parking provision which is to be located within lower ground service area is acceptable. However, the volume of this remains unclear, if it is only six spaces provided or six spaces per 75 staff members, the provision of only six spaces seems too low and an increased

provision is sought. This requires to be updated or a suitably worded condition for an increased provision attached to and approval.

Furthermore, it is noted the site proposes the provision of three service vehicle spaces within the lower ground of the building.

Development Vehicle Access and Servicing – Access to the site is from Hadden Street at its junction with Market Street to the east and Guild Street to the south. However, given the site's general accessibility, proximity to sustainable transport means, lack of parking provision, it is envisaged car dependency of the site would greatly be reduced.

This leads to the confirmation that the single vehicular access proposed shall only be utilised for vehicles servicing the site. However, given the site is to include retail and eateries, it is sought for clarification if this proposed service area is to serve delivery vehicles also? If not, where do they propose to undertake this? A condition is required to be attached similar to that of the previous approved application.

The vehicular access to the site is located on the north side of the building and vehicles shall require to gain access via Hadden Street and then through East Green, which was the same as the previous application and original building. This also included vehicles requiring reversing upon the public road but given the proposal includes an internal service area, which would allow internal turning to allow access/egress in a forward gear, this is considered a betterment in terms of safety.

It is requested that the applicant provide further details on size of vehicles to be utilised and swept path analysis of such manoeuvres (including internal turning) in order to confirm this is acceptable.

Local Road Network – It is evidenced within the transport assessment that the proposed development would result in less traffic than that associated with the previously approved planning permission for an office development in 2009. It is confirmed that the proposal would create no notable impact or trips on the local road network, lending itself to be best visited by sustainable transport methods given the location of the site, therefore no mitigation is required.

Travel Plan Framework – The Transport Assessment (TA) provides an appropriate framework to create a successful Travel Plan, which outlines overarching aims/objectives and is considered acceptable.

Drainage – The Drainage Impact Assessment which is acceptable.

Archaeology Service (Aberdeenshire Council) – The detailed historical assessment contained within the Heritage Statement complements the Desk-Based Assessment previously completed in 2021 for this site. Both provide evidence of the archaeological potential of the site and its immediate vicinity given the location of the site within the medieval historic core of the city. The Heritage Statement in this instance has solely focused on setting impact considerations, with the below-ground archaeological implications not included. Following on from the initial discussions held in 2018 regarding the archaeological potential of the site, and the high potential for pockets of surviving archaeological material under the footprint of the former market building, it is recommended that should the application be approved a condition is applied requiring implementation of the programme of archaeological works.

City Centre Community Council – No response.

Police Scotland – No response.

Scottish Water – There is no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. This proposed development would be fed from Invercanie Water Treatment Works. There is currently sufficient capacity for a foul only connection in the Nigg Waste Water Treatment works. The applicant should be aware that Scottish Water are unable to reserve capacity at water and/or waste water treatment works for proposed developments. Once a formal connection application is submitted to Scottish Water and after full planning permission has been granted, Scottish Water will review the availability of capacity at that time and advise the applicant accordingly.

REPRESENTATIONS

Seven representations have been received, including from Aberdeen Civic Society and the North East Group of the Architectural Heritage Society of Scotland. The matters raised can be summarised as follows –

General Concept

1. The reduction in size is an improvement on the existing approved development.
2. Having seen the space opened up when the former Aberdeen Market was demolished; The Green should be left as an open space with pop up shops and cafes etc. A civic square on a human scale, as it was in the not too recent past. The visuals show the outdoor event space is far too cramped, but empty and forbidding when there is no event taking place.
3. The proposed activities appear to involve consumption of food and drink in an "international market", creating an all year round, corporately run "Christmas market". The demand is now for something more local for example the West End Farmers' market. The concept of an indoor shopping centre is outdated, as there is no longer a demand for retail as we used to know it, dominated by national chains. The idea of retail space in Union Street has been discredited with the recognition that any retail must be quite different from that in the recent past and that spaces in the street should be devoted to alternative uses.
4. Access through the building between Union Street and The Green should be available 24 hours a day. It appears to be a wasted opportunity if the access is closed at times of the day when business is not taking place.

General Design

5. The design concept of the building does not seem to have any relation to the Aberdeen city centre architecturally or otherwise, being based on buildings elsewhere. The design is inappropriate and disrespectful of Aberdeen's unique built heritage. The design should respect the local building tradition, both in architectural style and choice of materials, with a distinctly Aberdonian and Scottish flavour.
6. Guidance stipulates that the design of a building in non-granite materials in areas where granite predominates must be exceptional. This one is not. The material choices have no apparent relation to the adjacent buildings (or those in the immediate vicinity) on Union Street, north Market Street or The Green.
8. The massing, use of unsuitable materials (e.g., zinc), and blandness is too great a contrast with the surrounding buildings. The development is brutal with no humanity.

9. Concern that the openness of the walkway between the Union Street building and the main market building could discourage people from using it due to visibility from below.

Union Street Elevation

10. The Union Street façade makes no effort to address the facades of adjacent buildings. It is bland and breaks rhythm of the street. What is proposed will in effect be a glazed void in the block and will run counter to ACC's own conservation area policies for Union Street. It was hoped that the new building would restore the uniformity lost when the BHS store was built. There is nothing distinctly Aberdonian or 'Granite Mile' about the use of glass and metal and using them would inhibit the unifying effect of the use of granite on Union Street noted within the City Centre Conservation Area Appraisal.
11. The retained concrete structure of the BHS store in the earlier design has disappeared from the current proposal. This is disappointing, as it would have signalled a commitment to using embodied carbon in buildings to meet net zero targets.

Market Street Elevation

12. The facade to Market Street, could have been based on Archibald Simpson's lost Market Hall masterpiece.
13. The Market Street entrance shown may have been intended to be dramatic, but it is too stark and is too big a contrast with the adjoining buildings.
14. What is the point of a "public space" on a street plagued by a large amount of road traffic?

Hadden Street Elevation

15. The south elevation also contrast with the rhythm of streetscape is too much and too stark because of the large amount of glass.

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 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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 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 22 (Flood Risk and Water Management)
- Policy 23 (Health and Safety)
- Policy 24 (Digital Infrastructure)
- Policy 27 (City, Town, Local and Commercial Centres)
- Policy 28 (Retail)
- Policy 31 (Culture and Creativity)

Aberdeen Local Development Plan (2023)

The following policies are relevant –

- Policy C11 (Digital Infrastructure)
- Policy D1 (Quality Placemaking)
- Policy D5 (Landscape Design)
- Policy D6 (Historic Environment)
- Policy D7 (Our Granite Heritage)
- Policy I1 (Infrastructure Delivery and Planning Obligations)
- Policy NE4 (Our Water Environment)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy R6 (Low and Zero Carbon Buildings and Water Efficiency)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC1 (Vibrant City)
- Policy VC4 (City Centre and Retail Core)

The site identified by the ALDP as –

- being within the City Centre Retail Core.
- being within Opportunity Site OP110 (Heart of the City – City Centre Masterplan Intervention Area). This OP site includes *“redevelopment of Aberdeen Indoor Market for appropriate uses such as use class 1 (Retail), use class 3 (Food and Drink), and use class 11 (Assembly and Leisure), use class 6 (Houses) (sic), and use class 7 (Hotels and Hostels)”*.

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 –

- Flooding, Drainage and Water Quality
- Harmony of Uses
- Materials
- Noise
- Resources for New Development
- Transport and Accessibility
- Waste Management Requirements for New Developments

Other Material Considerations

- City Centre Masterplan (2015) – Project CM06: Aberdeen Indoor Market
- City Centre Masterplan Review (2021) – 12.9 (Aberdeen Market)
- City Centre and Beach Masterplan (2022) – 6.2.2 (Aberdeen Market)
- City Centre Conservation Area Appraisal

EVALUATION

Principle of Development

City Centre Policy

Policy 27 (City, Town, Local and Commercial Centres) of National Planning Framework 4 (“NPF4”) seeks to encourage, promote, and facilitate development in our city and town centres, recognising they are a national asset. This will be achieved by applying the Town Centre First approach to help centres adapt positively to long-term economic, environmental, and societal changes, and by encouraging town centre living. It aims to achieve centres that are vibrant, healthy, creative, enterprising, accessible, and resilient places for people to live, learn, work, enjoy and visit. It goes on to say that development proposals that enhance and improve the vitality and viability of city centres, including proposals that increase the mix of uses, will be supported. Similarly, Policy VC1 (The Vibrant City) of the Aberdeen Local Development Plan (“ALDP”) indicates that proposals for new development in the city centre, which support its vibrancy and vitality throughout the day and/or into the evening will be supported in principle.

The ALDP envisages the city centre as “a place where people can actively interact with one another; where shopping, working, living, sharing, playing and learning can co-exist while also allowing people to spend time in attractive, social, safe, and well-connected spaces. To ensure this happens, the introduction of a broader mix of uses to the city centre, alongside public realm and environmental improvements, should be considered to increase social interaction and bridge the gap between the day and evening economy by encouraging people to dwell for longer outwith traditional office or shopping hours. Creating a link between people and place encourages ownership and stewardship.”

The proposed market development represents a significant investment which seeks to regenerate part of the city centre by creating a new destination for residents and visitors to the city. A mix of uses is proposed which reflects the change in how city centres are used and the activities that take place within them. It would provide high quality space which would be flexible in its use and would allow for a range of activities to take place, both during the day and into the evening. It is

anticipated that it would increase footfall in the area, to the benefit of surrounding uses and the wider city centre, enhancing its vibrancy and its long-term viability. On that basis it is considered that the proposal is consistent with the ambition to promote resilient and vibrant city centres as expressed in Policy 27 of NPF4 and Policy VC1 of the ALDP.

Town Centre First Approach

Policy 27 (City, Town, Local and Commercial Centres) and Policy 28 (Retail) of NPF4 both require proposals to adhere to the Town Centre First approach to locating development (known previously as the 'sequential test'). This approach specifies that developments which generate significant footfall, including retail, commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces will be supported in existing city, town, and local centres, whereas those that are proposed elsewhere must demonstrate that they are acceptable in terms of their impact on city, town, local and commercial centres. These principles are also reflected by Policy VC4 (City Centre and Retail Core) of the ALDP, which states that the city centre is the preferred location for all retail, office, hotel, commercial leisure, community, cultural and other significant footfall generating development serving a city-wide or regional market.

The proposal is one which is covered by the Town Centre First principle. By virtue of being located within the City Centre Retail Core, the proposal is compliant with this aspect of Policy 27 (City, Town, Local and Commercial Centres) & Policy 28 (Retail) of NPF4 and Policy VC4 (City Centre and Retail Core) of the ALDP.

In summary, the proposal is consistent with the vision and planning policy for city centres contained within NPF4 and the ALDP.

City Centre Masterplan

Policy VC4 (City Centre and Retail Core) of the ALDP also requires that development within the city centre must contribute towards the vision for the city centre as a major regional centre as expressed in the City Centre Masterplan ("CCMP").

In turn, the CCMP describes how the range of projects within the CCMP linked to economy, environment and infrastructure aim to enhance the attractiveness and viability of the city centre core centred on Union Street, St. Nicholas, and the Merchant Quarter. In relation to the application site more specifically, the CCMP identifies the Aberdeen Indoor Market, St. Nicholas Centre, Trinity Centre, and Union Street as opportunities to create stronger complementary nodes that piece together a higher quality retail circuit, not only in terms of overall retail provision, but through an enhanced experience in terms of the diversity of retail (e.g., independent retailers), other complementary uses (e.g., food and drink) and improved public realm.

The CCMP considers the redevelopment of the Aberdeen Indoor Market site as a key outcome of the masterplan, which is emphasised by the identification of Project CM06 (Aberdeen Indoor Market). The CCMP considers the site to present a significant opportunity to introduce a mix of uses including retail that better addresses The Green and enhances the overall vibrancy and attractiveness of the area, including other uses such as residential.

The CCMP was reviewed in 2021 with the City Centre and Beach Masterplan being agreed by Council in August 2022. It expands on the concept of the market development and describes the ambition for it to be a *"destination venue and new attraction in the heart of the city centre featuring an international-style food and drink outlet promoting local produce and goods alongside continental style delicatessens and cafés. A key element of the new Market building will be to*

improve connectivity and accessibility between Union Street and the bus and rail stations at Union Square. Frontage will be created on Union Street and will incorporate the infrastructure and streetscape works programme. The design will feature a mixture of fixed indoor units of various sizes alongside event space for temporary and pop-up facilities allowing for increased variety and flexible to seasonal requirements. An external, multi-use event space would be provided to welcome different activities and uses at different times of the year. The overall development will provide opportunities to develop and grow local businesses, particularly within the key food and drink sector.”

In considering the proposal against the aspirations of the CCMP, the use classes applied for, covering retail; food and drink; and assembly and leisure, all provide the opportunity to support a mix of leisure and cultural activities. It is understood that the operator’s events plan for the development would envisage a wide range of activities taking place, including community events, comedy, live music, and DJs. Key cultural and occasional sporting events would also be shown in the external space. It is also envisaged that the indoor space could be reconfigured at quieter times during the day for wellbeing or community events.

The planning service is therefore satisfied that the range of uses proposed covers those envisaged by the CCMP and would ensure that a wide variety of tenants and activities could occupy the premises within the scope of any planning permission granted. The proposal is also lent support from Policy 31 (Culture and Creativity) of NPF4, which seeks to encourage, promote, and facilitate development which reflects our diverse culture and creativity, and to support our culture and creative industries.

Whilst the range of uses proposed is welcomed, Class 11 (Assembly and Leisure) is a wide-ranging use class and allows “for use as (a) a cinema; (b) a concert hall; (c) a bingo hall or casino; (d) a dance hall or discotheque; or (e) a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreation, not involving motorised vehicles or firearms.” Given that a discotheque (nightclub) would typically only be open during the late evening and early morning, it is not considered an appropriate use within a development which aims to increase daytime and evening activity within the area. Similarly, a casino is typically open in the evenings and throughout the night. Therefore, a condition has been attached limiting the consent to the other uses within class 11, which are more likely to provide an active frontage and activity during the daytime, contributing to the vitality and viability of the city centre.

It has been expressed through representations that there is a desire to avoid the creation of an ‘indoor shopping centre’ with chain stores and that what is offered must be different from existing retail provision, instead focussing on local businesses. In response, the planning authority cannot specify whether occupiers of the development are local or national businesses, or for example control whether goods sold are what might be considered artisanal, rather than mass produced. However, it is evident from the submitted proposals that the intentions of the Council as applicant and its appointed operator align with the aspirations of CCMP and it is considered that the proposals provide a significant opportunity to enhance the offering within the city centre (*issue #4 in representations*).

In summary, the proposal would create a new destination within the city centre which would be a focus of activity during daytime and evening. The proposal would contribute to the high-level vision of the CCMP and therefore be compliant with Policy VC1 and Policy VC4.

Other Matters Relating to the Principle of Development

Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 indicates 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. The site is vacant and therefore its redevelopment is supported by Policy 9.

The principle of the development is also lent support by the existence of planning permission 211517/DPP granted in May 2022. The concept of the development and design of the building bares strong similarities with what is now proposed and is essentially an amended version of that already approved. Notwithstanding, since that application was approved, the planning policy context has changed, with the adoption of National Planning Framework 4 and the Aberdeen Local Development Plan 2023.

The view has been expressed in representations that a building should not be built on the site, rather the entire site should be left as open space used for temporary pop-up shops and cafes. However, such an approach would be a missed opportunity to realise the benefits which the proposal could bring and would also be inconsistent with the aspirations of the ALDP and the CCMP. It should be borne in mind that the planning authority when considering a planning application must consider the proposal before it, the proposal's conformity with planning policy and other material considerations, rather than any alternative hypothetical project (*issue #2 in representations*).

Layout, Design and Contribution to City Centre and Public Realm

Policy 14 (Design, Quality and Place) of NPF4 encourages, promotes, and facilitates well designed development that makes successful places by taking a design-led approach and applying the Place Principle. Similarly, Policy D1 (Quality Placemaking) of the ALDP requires that all development must ensure high standards of design, create sustainable and successful places, and have a strong and distinctive sense of place which is a result of detailed contextual appraisal.

The site is located within the City centre Conservation Area and is surrounded by several listed buildings and therefore built heritage policies are also relevant. Policy 7 (Historic Assets and Places) of NPF4 seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. It goes on to say that development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the architectural and historic character of the area; existing density, built form and layout; and context and siting, quality of design and suitable materials. Policy D6 (Historic Environment) of the ALDP indicates that development must protect, preserve, and enhance Aberdeen's historic environment, including its historic fabric. These policies align with the statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

The CCMP seeks the redevelopment of the market to be replaced by a more contextually appropriate development of buildings and spaces. Key design criteria identified by the CCMP includes enhanced active frontages on Union Street, Market Street, Hadden Street and The Green; continued retail use at Union Street level; and a mix of retail, food and drink and leisure uses at Hadden Street level.

External Public Realm Space

The most significant change between the previously approved application and this proposal is the provision of a fully external area of public realm space which would occupy the western part of the site. It would comprise an open hard landscaped area, around 40m x 33m in a horse-shoe shape, following the curve of Hadden Street, The Green and East Green. As a comparison, the Castlegate is generally 85m x 43m and the main area of public space outside M&S on St Nicholas

Street is 31m x 26m. Being located where Correction Wynd, The Green, East Green, Carmelite Street, Carmelite Lane, Stirling Street and Hadden Street converge, it would represent a focal point for the area and extension of the open space which already exists in The Green. Architectural totems and ornamental planting would be positioned at intervals around the perimeter of the space to delineate it and to allow free flow pedestrian access between them and through the space as a whole. They would also be visible from the surrounding streets, acting as way-finding markers for those approaching the space.

The glazed west elevation of the new building would address the space and provide a live frontage, allowing for interaction between inside and outside activities, such as outdoor seating for the food hall. The space would form a new area of public realm within the city centre which would provide the opportunity to host a wide selection of seasonal pop-up markets and events, not only in the space itself but in conjunction with the wider public space within The Green.

The street layout of the area would not be altered by the new development. The curved form of the previous Aberdeen Indoor Market built in the 1970s, replicated the curve of the original building from the 1840s and so reflected the historic character of this part of The Green. The new development would also replicate this characteristic, with the edge of the external space identified by the totems and ornamental planting around the perimeter, following the curve of the previous building lines and the surrounding streets.

Concern is expressed in representations that the outdoor event space would be too cramped, but empty and forbidding when no events are taking place. In response, the visualisations of the external space submitted as part of the application show a range of potential activities taking place within it. However, they are only examples of what could take place. The planning and operation of individual temporary events will typically be beyond the remit of the planning authority, and it is expected any temporary markets or events taking place would be planned out by organisers to make sensible use of the space. In terms of the space when it is not in use, as noted previously, the Market Building itself would generate activity both in terms of activity directly associated with it and pedestrians using the route through it. Other uses that surround the site within The Green would also contribute activity. The size of the external space is considered reasonable given the scale of buildings which surround, and which would frame the space and streets immediately abutting it, preventing an impression of the space being vast. At a smaller scale, the space would be defined by the totems and ornamental planting which would also provide visual interest (*issue #2 in representations*).

In summary, compared to the previous application there would be a welcomed improvement in the provision of public open space. The concept and scale of the space is considered acceptable.

Main Building (Food Hall and Market Space)

The new building, sitting to the east of the external space, would be two storeys in height, significantly lower than the previous, now demolished Aberdeen Indoor Market building. The reduced height and less bulky nature of the proposal would allow the rear of the buildings on Union Street facing East Green to be appreciated, whereas the bulky and taller presence of the previous Aberdeen Indoor Market building made this difficult. This is welcomed and would enhance appreciation of the listed buildings and this part of the conservation area, enhancing the character and appearance of the conservation area in accordance with the statutory requirement.

The extensive use of glass and contemporary roof design would give the building a modern and lightweight appearance. This would contrast with the predominantly granite buildings surrounding it, allowing it to be readily understood as a confident and modern addition to the area. Indeed, the Council's guidance on the use of materials in new developments notes that glass can sit well

alongside a more solid material as a complementary addition, resulting in a contrast between material surfaces and colours. The opinion is however expressed in representations that the building should have a more traditional form and design. It is specifically suggested in relation to the Market Street elevation, that it should be based on the original Aberdeen Market designed by Archibald Simpson, which was present on the site between 1842 and 1971, being rebuilt in 1892 after a fire. Whilst there is a view that new buildings in historic settings should seek to replicate existing traditional buildings in design, appearance, and materials and this may be appropriate in specific circumstances, in general the contemporary approach is that new well-designed interventions in historic settings do not need to look 'old' to create a harmonious relationship with their surroundings. In this case it is considered the design and use of high-quality materials would provide a satisfactory visual distinction between old and new (*issues #3, #7, #8 and #12 in representations*).

Compared to the previous Aberdeen Indoor Market building which had little interaction with the surrounding streets, the proposed development would radically improve the connections between the building and its surroundings. Taking each of the building's four elevations in turn –

- The Market Street (east) elevation of the building would be set back from the street and feature an area of public realm in front of it which would provide access into the upper level of the building. The building elevation would feature a double height glass curtain wall, providing an active, welcoming frontage to the street and a clear view of the activity within. Continuous high-level clerestory glazing around the edge of the building, would allow high levels of light into the centre of the building. To either side of the glass curtain wall would be solid walls clad in glass with a custom ceramic frit design. This would provide visual interest and allow varying degrees of transparency, becoming internally illuminated at night. The final design of the ceramic frit, which would artistic input, would be subject of a condition.

To address the change in levels and sloping nature of the street, the public realm area on Market Street would feature steps as well as a gradually sloping step-free access from the street, as well as planting and areas for sitting. There is also the opportunity for tables and chairs to be provided as part of the food and drink uses. The opinion is expressed in representations that such opportunities on Market Street would not be worthwhile due to the high levels of road traffic. Notwithstanding, with the recent introduction of a bus gate, the level of traffic on the section of Market Street adjacent to the site has reduced and will become a pleasanter environment with the introduction of the Low Emissions Zone and use of more environmentally friendly vehicles (*issue #14 in representations*).

Concern is raised in representations that the Market Street elevation whilst intended to be dramatic, would be too stark and is too big a contrast with the adjoining buildings. However, whilst the elevation would feature a degree of grandness created by the full height glazed entrance, this is considered acceptable for what would be a public building. The public realm outside the entrance to the building would provide a human scale to this end of the building and provide space for people to dwell. The overall height of the building is lower than all buildings near it, many of which are listed, so whilst it would contrast with the predominately granite character of its surroundings, it would not necessarily overwhelm or compete with surrounding buildings. The setting of the listed buildings would be preserved (*issues #3, #7, #8 and #13 in representations*).

- The Hadden Street (south) elevation would principally comprise a large, glazed frontage featuring a curtain wall system with glass spandrels and vision panels and a continuation of the custom ceramic frit design. The sloping nature of Hadden Street would make it difficult to achieve open and active frontages onto most of the street whilst at the same time also achieving a workable internal arrangement. However, the end of the Hadden Street elevation

towards The Green would have full-height transparent glass, behind which the escalators and lifts would be located, forming part of the route between Union Street and The Green. This would provide an active frontage to the building and allow views in and out, assisting those navigating the route to orientate themselves before leaving the building and allow those heading towards Union Street to identify the route available within the building.

Concern is raised in representations that the south elevation, facing Hadden Street, contrasts with the rhythm of streetscape too much and is too stark because of the large amount of glass. However, the north side of Hadden Street does not feature any other buildings. The new building would sit on its own, with Market Street at the eastern end and The Green at the western end. Therefore, there is no rhythm for the new building to interrupt. It is accepted that the building more generally would contrast with its surroundings, due to the extensive use of different types of glass, however for the reasons explained above this is considered acceptable (*issue #7, 8# and #15 in representations*).

- The Green (west) elevation would face onto the external space and would feature a curved façade at lower level facing The Green, formed from architectural precast piers with glazing and sliding/folding doors between. Doors onto the external space would form the entrance to the building and the start of the route to Union Street through the building from The Green. This lower part would contrast with lighter appearance of the fully glazed element above at the upper floor where a terrace would be located, allowing for outdoor food and drink activity to take place overlooking The Green. The glazed elevation would provide a satisfactory link between the inside and outside of the development.
- The East Green (north) elevation of the building would mainly relate to the service areas of the building and therefore would have minimal active frontage compared to the other elevations. This is dictated by the requirement to accommodate such areas within the building and is considered acceptable and in keeping with the character of East Green, which at present is predominately used as a service lane for buildings on Union Street, but which does present an opportunity for re-purposing of basement space within the Union Street buildings. The East Green elevation would largely replicate the materials and design of the Hadden Street elevation with glazing featuring a ceramic frit design in the upper levels and the addition of granite cladding at ground floor.

91-93 Union Street

91-93 Union Street is located on the stretch between Market Street and Bridge Street. As identified by the City Centre Conservation Area Appraisal, many of the granite buildings on Union Street, including those on either side of the site, are plain and austere, being absent of any detailing beyond string courses & parapets, and featuring regular pattern of windows which provide a vertical emphasis to the building façades. This contrasts with other buildings on the street, such as public buildings, those originally designed as banks or those located at the corner of street junctions, which often feature more intricate detailing. The use of granite provides a uniform appearance to the neo-classical street.

The supporting concrete frame associated with the 1970s façade of 91–93 Union currently remains after the demolition of the building; however, it is proposed to remove it. The existing floor slab would be retained and reused as the floor within the new building. A new ground floor opening would be created across the width of the building, with a glazed façade above.

The view is expressed in representations that the frame should be retained in the interests of sustainability. Should it have been possible to integrate the frame into the proposed elevation design, its retention would be acceptable. However, the proposals as submitted include its removal. Given that it represents only a small element of the buildings that have already been demolished, its retention on the grounds of sustainability alone is not considered essential (*issue #11 in representations*).

Following amendments to the Union Street façade requested by the Planning Service, the scale, height, and proportions of the elevation would mirror that of the neighbouring buildings, respecting the rhythm, proportions, and massing of buildings on this stretch of Union Street. The top of the ground floor opening would correspond with that of the ground floors of the neighbouring units, which would help integrate the façade into the streetscape satisfactorily. Metalwork architectural gates would delineate the entrance to the building at ground level, with a canopy proposed above the opening at the fascia level of adjacent units. Canopies are generally not characteristic of Union Street and where they do exist, appear to have been added without a great deal of consideration as to how they integrate with the building to which they are attached, therefore detracting from the character of the building. However, in this case the canopy would have a relatively short projection and would function as a waypoint on the street scene, creating a welcoming frontage, identifying the pedestrian route to the market and the presence of the market beyond. By utilising a contemporary design, the canopy would read as a modern intervention in the streetscape and part of the new elevation and would not interrupt the formal appearance and rhythm of Union Street to any significant degree.

Above the ground floor opening and canopy, would be a glazed curtain wall featuring mullions and transoms to express the significant geometry of a 5-bay screen. The design concept is an abstract interpretation of the original 5-bay historic façade which existed prior to the 1970s. Panes of glass with an abstract geometric fritted design would be used to articulate the notional vertical “columns”, whereas clear glass would represent the windows between, which would allow views into the space behind. The frit pattern on the glass would appear more solid in the day, and then more transparent at night when it is illuminated from behind by the internal light of the building. The use of curtain wall glazing would contrast with the rest of this stretch of the street and would help to identify the building as a modern addition against the backdrop of the more traditional buildings. Despite this contrast, it would respect the elevational pattern seen on Union Street which comprises a regular fenestration pattern with vertical emphasis, often accompanied by columns which heighten this verticality, especially on the grander public buildings such as the Music Hall or Monkey House. The top of the elevation would feature detailing that would correspond with the cornice and parapet detailing on the neighbouring buildings, again respecting the character of the street.

Concern is raised in representations that the design of the Union Street façade makes no effort to address the facades of adjacent buildings, being bland and breaking rhythm of the street. Whilst the design of the façade originally submitted did lack interest, as considered above, the revised design is now considered to respond to its context in a satisfactory way which would contribute to the street-scene positively. The contemporary approach in the form of a complementary addition, which utilises design cues such as the bay rhythm, scale and proportion of the previous building and wider street, represents an honest and confident intervention and is considered acceptable. (*issue #10 in representations*).

The rear of 91-93 Union Street would be significantly enhanced through the introduction of new architectural elements to integrate it into East Green which features tall narrow buildings and a wide range of materials. At ground level, the area where the existing service yard is, which was dark and unpleasant, would be enclosed with a façade which would line through with those on either side, so it reads as a continuous street frontage. It would feature mottled grey brick and

doors to provide access into the service space behind. At first floor level the walkway between 91-93 Union Street and the new market building would sit, above which would be a curtain wall glazing extending the height of the elevation. It would feature a translucent geometric frit pattern like the Union Street elevation, but in a more abstract pattern, reflecting the less formal street elevation and back-lane features of East Green. The design of this façade is welcomed and would enhance the character of East Green.

New Pedestrian Route

Through the entrance to 91–93 Union Street a pedestrian route would lead through the building to an open bridge link over East Green, into the market space at that level (or through to the Market Street entrance), or down to the food and drink space on the lower floor, via escalators or a lift. Doors would then allow access into the external space which would have step free access into the surrounding street network. This would provide a convenient and predominately covered pedestrian route between Union Street and The Green. This feature is welcomed and in combination with separate public realm works proposed in the surrounding area, would provide an enhanced route for pedestrians traveling between Union Street and Union Square, the railway station and bus station.

The desire to see the route be available continuously 24 hours a day is expressed in representations. The applicant has advised that it is likely that elements of the market will be operational from between 07:00–08:00 through to midnight, with potential for extended hours for occasional indoor special events. Whilst during weekend nights when the city centre is busier there may be demand for the route up until 03:00-04:00, it is not expected that a significant number of pedestrians would otherwise use the route during a typical night. To require the building to be open throughout the night would place unreasonable operational and security burdens on the applicant and operator compared to any benefit that having continuous access may bring. Continuous opening is not required to make the development acceptable, and it is considered that the hours proposed are reasonable. Alternative pedestrian routes between Union Street and The Green area exist via Market Street, Correction Wynd and Back Wynd Steps (*issue #6 in representations*).

Concern however is raised in a representation that the openness of the walkway could discourage people from using it due to visibility from the lower level of the East Green. It is not however anticipated that the arrangement would present any particular problem for anyone using the bridge any more so than other common arrangements where there is a difference between levels, such as escalators or large windows in the upper floors of buildings (*issue #9 in representations*).

No. 6 Market Street

No. 6 Market Street was located between the Aberdeen Indoor Market and 73–79 Union Street (currently vacant and last occupied by Café Nero). It is thought that it is part of the original design for the Aberdeen Market by Archibald Simpson dating back to the 1840s. Although it had been altered, the shop front featured elements of original classical detailing including three arches which were beneath the modern shop sign. It is considered that the façade contributed to the character of the area and therefore through the previous planning permission it was agreed that it would be retained as part of the new development. The frontage has since been removed and is being stored so that it can be rebuilt. The proposal again is that it would frame a view from Market Street down onto East Green at the lower level, allowing appreciation of the change in levels between different parts of the city centre and views of the activity within The Green in the distance. The reuse of the granite supports Policy D7 (Our Granite Heritage) which seeks the retention and appropriate re-use, conversion and adaptation of all historic granite buildings, structures, and features.

Public Art

Policy 31 (Culture and Creativity) requires development proposals that involve a significant change to existing, or the creation of new, public open spaces will make provision for public art. Public art proposals which reflect diversity, culture and creativity will be supported. In this case, the totems, metal screen and custom ceramic frit glazing design are all expected to have artistic input into their final design and would therefore contribute to the enhancement of the public realm in accordance with this policy.

In summary, the provision of a new retail and leisure destination with improved interaction between the site and its surroundings, would dramatically enhance the urban environment. The contemporary design would sit comfortably alongside its surroundings, being a respectful yet confident intervention in city centre. In that regards it is considered that the proposal would preserve the character of the conservation area in accordance with section 64 of the listed buildings and conservation areas act; Policy 7 (Historic Assets and Places) of NPF4; and Policy D6 (Historic Environment) of the ALDP. The project would build on the streetscape and resurfacing works which were undertaken in The Green area between 2009 and 2014. These enhancements, alongside improvements to shopfronts and building fabric saw a step change in the perception of The Green area. The proposal, alongside further public realm improvements proposed for the area, represents the next step in terms of significantly improving what The Green and wider Merchant Quarter offers in its role as a key area that is actively used at the heart of the city centre, acting as a catalyst for further city centre regeneration.

Access, Parking and Transport

Policy 13 (Sustainable Transport) of NPF4 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. Furthermore, Policy T2 (Sustainable Transport) of the ALDP explains that proportionate to the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated. New developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, wheeling, cycling and public transport.

Accessibility

The site is in a highly accessible location, being located within the city centre, with both the bus and railway stations and the ferry terminal less than five minutes' walk away. Many of the city's bus routes pass within walking distance with stops of Union Street, Market Street and Guild Street, or terminate at the nearby bus station.

Parking

Policy 13 (Sustainable Transport) of NPF4 states that *“development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.”*

Similarly, Policy T3 (Parking) of the ALDP indicates that *“within the City Centre boundary the principle of ‘zero parking’ shall be applied with respect to all new development. Limited vehicle parking will only be permitted when demonstrated as necessary for the servicing/operation of businesses and buildings, and for customer drop off/pick up arrangements. Where possible, such parking should preferably be provided at basement level within buildings and not on ground or*

street level where this would be at the expense of an active frontage onto a public street, public space or private open space. The needs of disabled people will be considered for all proposals.”

No parking is proposed for customers, which was also the case for the Aberdeen Indoor Market and the application approved in May 2022. As described above, the site is highly accessible, therefore, a zero-parking development is considered acceptable. This would be in accordance with Project IN02 (City Centre Car Parking) of the CCMP, which seeks stricter parking standards within the city centre boundary and application of zero parking for new development. Fewer cars in the city centre brings benefits in terms of reducing traffic congestion, noise & air pollution and provides opportunities to increase and enhance city centre public realm by removing the focus on vehicles.

Blue badge parking spaces are available a short distance away on Correction Wynd and within The Green. A condition has been attached requiring one further space to be provided within the area, the location of which will be informed by the wider street works in the area.

Three spaces for service vehicles would be provided within the service area of the ground floor. This is considered acceptable for the size of the building. Larger service vehicles would be required to stop on surrounding streets. Recognising that the food and drink units within the development could attract home delivery vehicles, a condition is attached requiring consideration to be given to parking provision for such vehicles near the site. It is anticipated that this would be considered as in conjunction with the wider public realm works for the area.

Space for staff cycle parking would be provided within the service area of the building. Short-stay cycle parking for customers would be provided as part of the surrounding street works, with scope for stands to also be provided in the external area. A condition is proposed requiring details to be submitted and approved once quantity of stands and their locations have been finalised.

Vehicular Access and Traffic

With traffic directly associated with the development only comprising service vehicles, there would be an insignificant impact on the surrounding road network in terms of traffic and therefore no mitigation measures are required.

Amenity and Environment

Odours

Class 3 (Food and Drink) use would allow cooking of food on the premises, which brings the risk of nuisance to surrounding properties from associated odours. The Council's Environmental Health service have advised that a commercial local extract ventilation system ('LEV') would be required to control odours. The applicant is aware of the requirement and the building has been designed to accommodate such a system. A condition is therefore proposed which would require further details of a LEV system to be submitted and approved and thereafter for the system to be in place prior to the cooking of any food being undertaken.

Noise

Policy 23 (Health and Safety) of NPF4 states that development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely. Similarly, Policy T5 (Noise) of the ALDP states that there will be a presumption against noise generating developments being located close to noise sensitive developments, such as existing or proposed housing. It goes on to

say development within, or near to, Noise Management Areas will not be permitted where this is likely to contribute to a significant increase in exposure to noise, or a deterioration of noise conditions, in these areas. In this case, the proposed development is located within a Noise Management Area. Being a city centre location, the existing noise climate is dominated by city centre road traffic and noise associated with commercial and licensed premises.

The uses within the new development, being commercial in nature, are not considered to be noise sensitive in themselves, with the building fabric anticipated to provide sufficient mitigation against noise for the indoor activities proposed. Potential noise sources arising from the development itself are customers using the external terrace which would be located on the west elevation facing The Green; from the use of the external events area; and from mechanical plant associated with the building.

The surroundings area features public house uses including Cheerz Bar & Nightclub, the Market Arms, CASC and Old Kings Highway. Café 52 located on The Green also features an outdoor area. A similar situation exists at the Market Street end of the building, with a variety of licensed premises present, although background noise is higher due to Market Street being a main public transport route through the city centre.

The nearest residential properties are located to the south of the site, on Hadden Street, Exchange Street, Carmelite Street and The Green. At the weekend bars will generally be open until 01:00 whereas Cheerz is open to 03:00. Given this existing relatively noisy environment and numerous licensed premises present, it is considered the introduction of the terrace would not significantly change the noise characteristics of the area. Residents of the surrounding area will be accustomed to noise in the evening from licensed premises and general city centre activity and the external terrace is unlikely to change this to any significant degree. Notwithstanding, it is considered reasonable to restrict the use of the external terrace to 23:00 to minimise the potential for disturbance during the latter part of the evening and rest of the night.

In terms of the external space, it represents an expansion of the existing pedestrian space within The Green which is already used for outdoor events such as the Inspired Nights street food market and Aberdeen Jazz Festival. Sliding/folding glazed screens at the end of the building facing The Green would allow seating to spill out into the space. It is anticipated that events within the space would be held on an ad-hoc basis with appropriate licensing measures in place to control operational matters.

Mechanical plant would be accommodated mainly within the roof of the building and within the ground floor, facing East Green. It is recommended by Environmental Health officers that noise impact assessment is carried out to ensure any noise from such equipment is suitably mitigated against. A condition has been attached to address the matter.

In summary, it is not considered that the development would significantly alter the noise environment in this part of the city centre and its noise impact is considered acceptable in this regard, subject to further examination of the proposed mechanical plant.

Daylight, privacy, and overshadowing

There are residential properties in the vicinity and the new building could affect their amenity, specifically in terms of daylight, privacy, or overshadowing.

The new building would be no closer to surrounding buildings than the previous Aberdeen Indoor Market building, however it would generally be lower. Whilst it is acknowledged that there would be substantially more glazing than the most recent situation, nearby residential properties have no

private outdoor spaces, such as gardens, which would be overlooked. The ability to see one window from another does not constitute a reduction in privacy, especially within the city centre where buildings are located within close proximity to one another. It is not considered privacy would be unreasonably reduced.

The flats on Market Street and Exchange Street, facing onto the Market Street end of Hadden Street, would see their outlook enhanced compared when the previous Aberdeen Indoor Market building was present, as the blank façade of the market building has been removed, and a lower and more lightweight glazed structure would replace it. There would be no impact upon availability of daylight to these flats. The new building would have a smaller footprint than the previous building, being some 50m further away from the flats at Carmelite Street and Martin's Lane (which look out on to Hadden Street and The Green) than the previous building. These flats would benefit from a more open outlook over the external space, rather than having a building in very close proximity as was the previous arrangement.

The flats closest to the development are located at Stirling Street and Exchange Street, above the Market Arms and Cheerz, overlooking Hadden Street. The narrow width of Hadden Street at this point was likely to have had an impact on available daylight to these flats, due to the proximity and height of the previous market building. The new building would be slightly lower than the existing building so could enhance the availability of daylight for these flats.

In terms potential overshadowing, the building is located to the north of all surrounding residential properties and therefore the availability of direct sunlight to any properties would not be affected.

A large television screen originally proposed on the western elevation of the building has been removed from the current application.

In summary, for most residential properties in the area, the outlook and environment would improve and there would be no privacy, daylight, or sunlight issues.

Potential Contamination

Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 requires that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use. Policy R2 (Degraded and Contaminated Land) of the ALDP contains similar requirements.

A Geo-Environmental Desk Study has been undertaken by the applicant to determine the likelihood and nature of any contamination of the land. The presence of the building on the site prevents intrusive ground investigations being undertaken. The study therefore recommends that, post demolition, a geo-environmental investigation is carried out across the site to determine the ground conditions, to inform foundation design and to investigate any potential contamination. Environmental Health officers agree with this recommendation and a condition is recommended on any consent to secure the submission of a geo-environmental investigation.

Subject to further investigation through a geo-technical investigation it is concluded that the proposal would comply with Policy 9 of NPF4 and Policy R2 of the ALDP.

Microclimate

As the proposed new building features a more open area than the existing market, this presents a risk of some wind discomfort, particularly in the open external space. Additionally, construction of

large buildings can channel or re-direct winds potentially leading to an uncomfortable wind environment for pedestrians.

A micro-climate assessment has been submitted in support of the application and considers the wind microclimate on and around the site. Modelling software was used to analyse conditions with the site in its current state and after the proposed development, against the 'Lawson' criteria for pedestrian comfort or distress. These relate a wind speed which should not be exceeded for more than a given percentage of the time if the location of interest is to be deemed acceptable for activities such as sitting or strolling.

The results showed that wind conditions throughout the proposed development are acceptable, noting:

- All areas have wind comfort conditions suited to their expected use.
- There is no change of comfort conditions between existing and proposed developments.
- There are no wind safety exceedances throughout the site.

The favourable wind conditions are due to the shielding provided by the surrounding buildings and the similarity of the proposed development's height and geometry to the existing development. The assessment recommends that no wind mitigation measures are required to improve wind comfort. The findings of the assessment are considered acceptable with no further action required.

Waste Storage and Collection

Policy 12 (Zero Waste) seeks to encourage, promote, and facilitate development that is consistent with the waste hierarchy. Policy R6 (Waste Management Requirements for New Development) requires that all new developments should have sufficient space for the storage of general waste, recyclable materials, and compostable wastes where appropriate. A waste store would be provided within the service area at ground floor, accessed from East Green which is considered acceptable.

Flooding and Drainage

Drainage

Policy NE6 (Flooding, Drainage and Water Quality) states that surface water drainage associated with development must be the most appropriate available and avoid flooding and pollution, both during and after construction. It goes on to say that connection to the public sewer will be a prerequisite of all development where this is not already provided.

Foul flows from the building are proposed to discharge at the lower ground floor level to the existing combined sewer network which exists in the surrounding streets. The exact point of connection to the existing combined sewer is to be agreed with Scottish Water. Trade effluent will discharge via new gravity drains and a full retention separator to the foul drainage system.

Surface water run-off from the building roof would be drained via downpipes to the below ground drainage within the site, whereas run-off from the external events area would shed to drainage channels into the drainage system. Run-off would collect in a below ground surface water attenuation tank, which would drain at a restricted rate via an outlet control manhole, stone filled trench, gravity drains and disconnection chamber to the existing surface water sewer within Market Street. Again, the exact point of connection to the existing surface water sewer is to be agreed with Scottish Water.

The outline drainage proposals are considered acceptable. A condition is to be attached requiring a finalised scheme to be submitted and approved.

Flooding

In terms of flooding, 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. Policy NE6 (Flooding, Drainage and Water Quality) of the ALDP says development will not be permitted if it would increase the risk of flooding or it would itself be at risk of flooding. A Flood Risk Assessment ('FRA') has been submitted in support of the application and reviewed by the Council's flooding officers. The FRA considered the potential risk from coastal flooding, fluvial (river) flooding sewer flooding and surface water flooding.

- In terms of coastal flooding, the Upper Dock of Aberdeen Harbour is around 200m to the south, however due to the difference in levels between the harbour and the site there would be no risk of coastal flooding.
- The Den Burn and another minor water course are culverted beneath the city centre and represent a potential source of flooding. Software modelling has been used to consider the risk but does not show any flooding of the site from these sources.
- Overland flow of surface water has the potential to be an issue during extreme weather events. Whilst the topography of the surrounding area shows that flows would generally avoid the building, due to the constraints on achievable freeboard between street level and ground floor level of the building, the FRA recommends flood resilient doors/barriers should be used. A condition would be attached requiring details to be submitted.

In summary the flood risk at the site is low, with measures proposed to mitigate any residual risk of surface water flooding.

Archaeology

Policy 7 (Historic Assets and Places) of NPF4 requires that where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Similarly, Policy D6 (Historic Environment) of the ALDP indicates that developments that would adversely impact upon archaeological remains, of either national or local importance, or on their setting will only be permitted in exceptional circumstances, where there is no practical alternative site and where there are imperative reasons of over-riding public need.

The detailed historical assessment contained within the Heritage Statement complements the Desk-Based Assessment previously completed in 2021 for this site. Both provide evidence of the archaeological potential of the site and its immediate vicinity given the location of the site within the medieval historic core of the city. There is high potential for pockets of surviving archaeological material under the footprint of the former market building, and therefore in accordance with the recommendation from the Councils archaeology advisor it is proposed to attach a condition requiring implementation of the programme of archaeological works.

Climate Change and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires that when considering all development proposals, significant weight will be given to the global climate and nature crises.

All new buildings are required by Policy R6 (Low and Zero Carbon Buildings, and Water Efficiency Low and Zero Carbon Buildings) to demonstrate that a proportion of the carbon emissions reduction standard set by Building Standards will be met through the installation and operation of low and zero carbon generating technology. To meet the requirement, photovoltaic panels would provide are proposed on the roof of the main building as well as the Union Street building. A condition is attached requiring the finalised details of the panels and associated carbon emission reductions to be submitted.

Policy 3 (Biodiversity) of NPF4 requires development proposals to contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats, and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

The previous Aberdeen Indoor Market building covered the entirety of the application site and therefore there were no areas of green space or trees present. The biodiversity value of the site was, and post demolition still is very limited. The proposals include nine trees around the perimeter of the external events space as well as one further tree as well as planters at the Market Street entrance to the building. The introduction of trees in part of the city centre where there is limited tree cover is welcomed. Through the provision of the new planting, although limited, there would be an enhancement in biodiversity compared to the current situation.

Digital Infrastructure

Policy 24 (Digital Infrastructure) of NPF4 supports developments that would incorporate appropriate, universal, and future-proofed digital infrastructure. Policy C11 (Digital Infrastructure) of the ALDP expects all new commercial development to have access to high-speed communications infrastructure. The site is within an area where Superfast Fibre Broadband is available on the Openreach network. The roll-out of full fibre broadband by CityFibre is also planned for the area. It is considered that access to high-speed communications infrastructure would be available to the development.

Health and Safety

Policy 23 (Health and Safety) of NPF4 requires development proposals to be designed to consider suicide risk. There are no features apparent within the proposals which would increase the risk of suicide occurring.

Developer Obligations

In terms of Developer Obligations, the type of development would typically be due towards core paths and open space. However, the provision of the pedestrian route through the building between Union Street and The Green represents an improvement to the core path routes in this area of the city centre. The provision of the external events space which would be publicly accessible around the clock would also enhance the provision of open space within the city centre. Therefore, no developer obligations are required.

Other Matters Raised in Representations

It is suggested that the Council should look at what other cities and towns are doing to support regeneration. This is beyond the scope of considering an individual application, however the development of the CCMP included good practice and inspiration from other cities around the world (*issue #5 in representations*).

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

Both national and local planning policy seeks the regeneration of city centres such as Aberdeen City Centre which at a local level translated into the projects and aspirations contained within the City Centre Masterplan (CCMP). The proposal would support these aims by creating an attractive destination within the city centre which would be a focus of retail, food & drink and leisure activity during daytime and evening. The commercial environment and public realm would also be enhanced. The mix of uses would contribute to the vibrancy, vitality, and viability of this part of the city centre and act as a catalyst for further city centre regeneration. The proposal would contribute to the high-level vision of the CCMP and therefore be compliant with Policy 27 (City, Town, Local and Commercial Centres), Policy 28 (Retail) and Policy 31 (Culture and Creativity) of National Planning Framework 4 (NPF4) and Policy VC1 (Vibrant City) and Policy VC4 (City Centre and Retail Core) of the Aberdeen Local Development Plan (ALDP).

The provision of a new retail and leisure destination with improved interaction between the site and its surroundings, would dramatically enhance the urban environment. The contemporary design would sit comfortably alongside its surroundings, being a respectful yet confident intervention in city centre. In that regards it is considered that the proposal would preserve the character of the conservation area in accordance with section 64 the listed buildings and conservation areas act 1997; of the planning Policy 7 (Historic Assets and Places) of NPF4 and Policy D6 (Historic Environment) of the ALDP. The proposal, alongside further public realm improvements proposed for the area, represents the next step in terms of significantly improving what The Green and wider Merchant Quarter offers in its role as a key area that is actively used at the heart of the city centre, acting as a catalyst for further city centre regeneration.

In terms of amenity, it is not considered that the development would significantly alter the noise environment in this part of the city centre and its noise impact is considered acceptable in this regard. For most residential properties in the area, the outlook and environment would improve and there would be no privacy, daylight, or sunlight issues.

All other matters have been satisfactorily addressed or controlled through conditions.

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.

PRE-COMMENCEMENT OF OVERALL DEVELOPMENT

(02) GEO-ENVIRONMENTAL INVESTIGATION

No development shall take place unless a scheme to deal with any contamination that may exist within the site has been submitted to and approved in writing by the planning authority. The scheme shall follow the procedures outlined in Planning Advice Note 33 (Development of Contaminated Land) and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 (Investigation of Potentially Contaminated Sites - Code of Practice) and other best practice guidance and include (i) an investigation to determine the nature and extent of contamination; (ii) a site-specific risk assessment; and (iii) a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

Thereafter, the development shall not be brought into use unless (i) any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken and (ii) a report has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the site has been carried out, unless the planning authority has given written consent for a variation.

Reason – to sure that the site is fit for its proposed used and to avoid any unacceptable risks to human health and the environment.

(03) ARCHAEOLOGY

No development shall take place unless there has been submitted to and approved in writing by the planning authority an archaeological written scheme of investigation (WSI) and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works.

Should the archaeological works reveal the need for post excavation analysis, the development hereby approved shall not be brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason – to safeguard and record the archaeological potential of the area.

(04) DRAINAGE

No development shall take place unless a further detailed scheme has been submitted to and approved in writing by the planning authority which specifies the proposals for the disposal of foul and surface water drainage.

Thereafter, the development shall not be brought into use unless the development has been implemented in accordance with the approved scheme and is available for use.

Reason – to safeguard water quality and to ensure that the development can be drained.

(05) SERVICE AREA – ACCESS

No development shall take place unless a swept path analysis for the internal service yard has been submitted to and approved in writing by the planning authority. The swept path analysis must

demonstrate that the type of vehicles which are expected to use the area can enter and exit it satisfactorily.

Reason – to ensure road safety is not compromised.

(06) NO. 6 MARKET STREET

No development shall take place unless a there has been submitted to and approved in writing by the planning authority a scheme for the reinstatement of the façade of No. 6 Market Street. The scheme shall include detailed specifications featuring –

- 1:10 elevation and section drawing detailing the proposed façade to Market Street elevation shopfront including the new column details and positioning of the balustrade
- 1:10 elevation and section showing how the new building will abut 6 Market Street
- a specification and sample of stone for the stone forming the new columns.
- details of the primary structural steel support at the rear and ingoes of the façade
- details of fixings
- details of mortar
- a methodology for the take down and rebuilding of the façade

Thereafter development shall be undertaken in accordance with the approved scheme and unless otherwise agreed in writing the development shall not be brought into use unless the façade has been reinstated in accordance with the approved scheme.

Reason – to ensure an appropriately high quality, customised detailing commensurate with the civic scale and setting of the proposal.

(07) PREVENTION OF BIRD ROOSTING AND LOAFING

No development shall take place unless there has been submitted to and approved in writing by the planning authority a scheme to minimise the ability of birds to use the roofs and other parts of the building for nesting or loafing.

Thereafter, unless a written variation has been approved by the planning authority, the development shall not be brought into use unless the approved scheme has been implemented and is operational.

Reason – to minimise the nuisance from birds and to control the visual impact of any mitigation measures.

(08) LOW AND ZERO CARBON GENERATING TECHNOLOGIES

No development shall take place unless there has been submitted to and approved in writing by the planning authority a scheme detailing compliance with Policy R6 (Low and Zero Carbon Buildings, and Water Efficiency) and associated Aberdeen Planning Guidance (or any superseding policy or guidance covering the same matter) of the Aberdeen Local Development Plan with regards to low and zero carbon generating technologies.

Thereafter, the development shall not be brought into use unless the approved scheme has been implemented and measures are available for use.

Reason – to ensure the development complies with requirements for reductions in carbon emissions.

PRE-COMMENCEMENT OF PARTICULAR ELEMENTS OF DEVELOPMENT

(09) EXTERNAL FINISHING MATERIALS (MAIN BUILDING)

No development relating to the external finishing materials of the the main building shall place unless a there has been submitted to and approved in writing by the planning authority a scheme which details the design and material specification for all external parts of the main building. The scheme shall include –

- a) Detailed design specification of all materials to be used on the external areas of the building.
- b) Elevational drawings clearly showing which materials are to be used on each part of the building.
- c) 1:20 construction drawings, showing the size of granite cladding panels to be used.
- d) 1:20 construction drawings, showing the detailing of points where there would be a change in the surface finishes (for example where glazed sections meet granite-clad sections).
- e) Detailed design specification of the custom ceramic frit design proposed for the curtain wall glazing.
- f) Detailed design specification of the custom artwork pattern proposed for the metal screening and totems.

Thereafter, the development shall be finished in accordance with the approved scheme unless a written variation has been approved by the planning authority.

Reason – to ensure appropriately high quality, customised detailing commensurate with the civic scale and setting of the proposal.

(10) EXTERNAL FINISHING MATERIALS (91-93 UNION STREET)

No development relating to the external finishing materials of 91-93 Union Street shall take place unless there has been submitted to and approved in writing by the planning authority a scheme specifying the design and material specifications of the Union Street and East Green elevations of the development. The scheme shall include –

- a) Detailed design specification of all materials to be used on the external areas of the building.
- b) Elevational drawings clearly showing which materials are to be used on each part of the building.
- c) Detailed design specification of the entrance canopy.
- d) Detailed design specification of the metal entrance gates.
- e) Detailed design specification of the internal structural support for the glass façade.
- f) Detailed design specification of the glazing arrangements, including dimensions of the glass panes.
- g) Detailed design specification of the custom ceramic frit design proposed for the curtain wall glazing.
- h) 1:20 construction drawings, showing the detailing of points where the glass façade would abut the adajcent buildings.

Thereafter, the development shall be finished in accordance with the approved scheme unless a written variation has been approved by the planning authority.

Reason – to ensure an appropriately high quality, customised detailing commensurate with the civic scale and setting of the proposal.

(11) EXTERNAL HARD LANDSCAPING MATERIALS

No development in relation to the external hard landscaping shall take place unless there has been submitted to and approved in writing by the planning authority a scheme detailing the design and the material specification of all external hard landscaping areas for the proposed development. The scheme shall cover –

1. the entrance area between the building and Market Street
2. the external events space

Thereafter, unless a written variation has been approved by the planning authority, the development shall not be brought into use unless the development has been finished in accordance with the approved scheme.

Reason – to ensure an appropriately high quality, customised detailing commensurate with the civic scale and setting of the proposal.

PRE-OCCUPATION

(12) ODOUR IMPACT ASSESSMENT

No part of the building shall be brought into use for the purposes of class 3 (food and drink) use, or otherwise used for the cooking of hot food, unless there has been submitted to and approved in writing by the planning authority an odour impact assessment. The scheme shall be carried out by a competent person, in line with relevant guidance for example, the EMAQ guidance document 'The Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (or equivalent as suitably demonstrated) and associated references. The assessment must include (but not be limited to) –

- an odour risk assessment based on the specific type and level of cooking activities to be undertaken,
- necessary extract rates and an explanation of how they have been established,
- prediction of the impacts at the nearest sensitive receptors and
- any required mitigation measures to; extract filter, neutralise, and disperse cooking fumes produced at the premises.
- demonstrate of the effectiveness of any mitigation measure

Thereafter, the development shall not be brought into use unless the mitigation measures have been implemented in accordance with the approved scheme and are operational

Reason – to surrounding uses from cooking odours.

(13) NOISE MITIGATION

No part of the building shall be brought into use unless there has been submitted to and approved in writing by the planning authority a noise assessment considering the impact on nearby

residential properties (existing and consented) of noise from mechanical plant associated with the development. This assessment should:

- Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note.
- Identify the likely sources of noise associated with the proposed development, including any equipment necessary to address the impact of cooking odours
- Detail the noise mitigation measures to reduce noise from the likely noise sources to an acceptable level to reasonably protect the amenity of the occupants of the existing neighbouring residences.
- The methodology for the noise assessment should be submitted and agreed in writing with this Service in advance of the assessment

Thereafter, the building shall not be brought into use unless any identified mitigation measures have been implemented and are operational.

Reason – to protect residential properties from noise associated with the development.

(14) WATER EFFICIENCY

No part of the building shall be brought into use unless there has been submitted to and approved in writing by the planning authority a scheme detailing compliance with Policy R6 (Low and Zero Carbon Buildings, and Water Efficiency) and associated supplementary guidance (or any superseding policy or guidance covering the same matter) of the Aberdeen Local Development Plan with regards to water efficiency measures. The scheme should consider the advice provided in CIRIA publication C723 (Water sensitive urban design in the UK) and specify the measures proposed to incorporate water saving technology into the development.

Thereafter, the building shall not be brought into use unless the approved scheme has been fully implemented and identified measures are available for use.

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

(15) EXTERNAL LIGHTING STRATEGY

No part of the building shall be brought into use unless there has been submitted to and approved in writing by the planning authority a scheme for the external lighting.

The scheme shall include details of all external lighting of the building and its external areas, and any internal lighting designed to form part of the external elevation (for example lighting behind fritted glass).

Thereafter, unless a written variation has been approved by the planning authority, the development shall not be brought into use unless the approved scheme has been implemented and is operational.

Reason – to ensure the development is satisfactorily integrated into the surrounding area.

(16) SERVICE AREA

No part of the building shall be brought into use unless the service area (including parking spaces) has been constructed and laid out in accordance with HFM drawing AMKT-HFM-ZZ-00-PL-A-02 100 (Rev.B) (or other such drawing as agreed for the purpose) and is available for use.

Thereafter (i) no waste storage containers shall be stored outside the building other than when required to be available for collection, and (ii) the parking spaces shall be used for no purpose other than for the parking of vehicles belonging to those working at or visiting the building.

Reason – to ensure there is sufficient space for the storage of waste and parking for service vehicles.

(17) ACCESSIBLE PARKING SPACE

No part of the building shall be brought into use unless a scheme showing the location within the vicinity of the development of at least one accessible parking space for blue badge holders has been submitted to and approved in writing by the planning authority.

Thereafter, unless otherwise agreed in writing with the planning authority, the building shall not be brought into use unless (i) the accessible parking space has been constructed and/or marked out and is available for use and any associated signs or road markings have been implemented, and (ii) a traffic regulation order (TRO) is in place to restrict the use of the parking spaces to blue badge holders only.

Reason – to ensure the development is as accessible as possible to those with a disability.

(18) CYCLE PARKING

No part of the building shall be brought into use unless a scheme has been submitted to and approved in writing by the planning authority showing –

- (i) the locations of short stay cycle parking facilities within the external area of the development or within the vicinity of the development; and
- (ii) a suitable level of long-stay staff cycle parking facilities within the internal area of the development.

Thereafter, unless otherwise agreed in writing with the planning authority, the building shall not be brought into use unless all cycle parking in the approved scheme has been provided and is available for use.

Reason – to encourage travel to and from the development by bicycle.

(19) ONLINE TAKEAWAY DELIVERY DRIVER PARKING

No food service unit shall be brought into use unless a scheme of parking for online takeaway delivery drivers has been submitted to and approved in writing by the planning authority. The scheme shall show the location of reserved parking spaces within the vicinity of the development which can be used by delivery drivers collecting takeaway food from the development.

Thereafter, unless otherwise agreed in writing with the planning authority, no food service unit shall not be brought into use unless (i) the reserved parking spaces have been constructed and/or marked out and are available for use and any associated signs or road markings have been implemented, and (ii) a traffic regulation order (TRO) is in place to restrict the use of the parking spaces to such users.

Reason – to minimise the potential for indiscriminate parking within the vicinity of the development.

ONGOING CONTROL

(20) RESTRICTION ON CLASS 11 (ASSEMBLY AND LEISURE) USE

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) and the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), the uses permitted within Class 11 (Assembly and Leisure) does not include dance hall, discotheque (better now known as night club) or casino.

Reason – to ensure as far as possible that the building offers an active frontage with uses which are active during the day and which contribute to the vitality and viability of the city centre.

(21) SERVICING HOURS

Service deliveries or collections at the building by heavy goods vehicles shall be restricted to 07:00 to 21:00 Monday to Saturday and 09:00 to 21:00 on Sundays, unless otherwise agreed in writing by the planning authority.

Reason – to prevent any adverse impact on amenity because of deliveries and servicing occurring at unsociable hours.

(22) EXTERNAL TERRACE OPERATING HOURS

The external terrace located at first floor level shall not be used outside the hours of 07:00 to 23:00.

Reason – to prevent any unreasonable disturbance to the occupiers of nearby residential properties from the use of the terrace at unsociable hours.

ADVISORY NOTES FOR APPLICANT

(1) HOURS OF DEMOLITION AND CONSTRUCTION WORK

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

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

(2) CONTROL OF ADVERTISEMENTS

For the avoidance of doubt the planning permission hereby granted does not give or imply the granting of consent for any advertisement indicated on the approved planning permission drawings. If such advertisements do not benefit from deemed advertisement consent, a separate application for express advertisement consent should be submitted. For further advice please contact the planning authority.

