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To: Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Cooney, Cormie, Crockett, Dickson, Greig, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Jennifer Stewart, Stuart and Thomson (and two SNP vacancies)

Town House,
ABERDEEN 22 October 2015

PRE-APPLICATION FORUM

The Members of the **PRE-APPLICATION FORUM** are requested to meet in Committee Room 2 - Town House on **THURSDAY, 29 OCTOBER 2015 at 2.00 pm.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

- 1 Introduction and Procedure Note (Pages 3 - 6)

MINUTES

- 2 Minute of Previous Meeting of 21 September 2015 (Pages 7 - 8)

PRE APPLICATION REPORTS

- 3 Extension to Union Square Shopping Centre - 151362
- 4 Extension to Union Square Car Park - 151363
- 5 Aberdeen Royal Infirmary - Multi Storey Car Park - 151159

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Lynsey McBain on 01224 522123 or email lymcbain@aberdeencity.gov.uk

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PRE-APPLICATION FORUM **PROCEDURE NOTE AND GUIDANCE FOR MEMBERS**

1. This procedure note will operate on a trial basis for the first three meetings of the Forum and will be subject to review and amendment during this period.
2. Meetings of the Pre-Application Forum will be held in open public session to enable discussion of all national and major development proposals.
3. Forums will be held as soon as possible after the submission of a Proposal of Application Notice (POAN) for all national and major development proposals and, in all cases, prior to the lodging of any associated planning application (this allows a period of 12 weeks following submission of the POAN).
4. The members of the Planning Development Management Committee will constitute the members of the Pre-Application Forum.
5. Ward Members for the Ward in which a specific pre-application proposal under discussion is located will be invited to the Forum but will be allowed to participate in the Forum only in relation to the specific pre-application proposal in their ward.
6. The relevant Community Council for the prospective development proposal(s) to be discussed will be informed of the date and time of the Pre-Application Forum by Committee Services so that they have the opportunity to attend but will not be permitted to participate in the business of the Forum.
7. If a Forum is required it will take place after formal business of the Planning Development Management Committee is concluded - this will normally be 2pm on the same day as the Planning Development Management Committee. The Forum will be separate from the Committee to emphasise the clear differences in status, process and procedure between the two meetings.
8. The case officer for the pre-application proposal will produce a very brief report (maximum 2-3 sides of A4) for the Forum outlining the proposal and identifying the main planning policies, material considerations and issues associated with it and the key information that will be required to accompany any application. The report will not include any evaluation of the planning merits of the proposal.
9. Agents/applicants will be contacted by Committee Services immediately on receipt of a POAN (or before this date if notified by planning officers of the week that a forthcoming POAN is likely to be submitted) and offered the opportunity to give a 10 minute presentation of their development proposal to the members of the Forum. There will be an opportunity for Councillors to discuss these with the agents/applicants, to ask questions and indicate key issues they would like the applicants to consider and address in their eventual application(s). If an applicant/agent does not respond to this offer within 10 days, or declines the opportunity to give such a presentation, then their proposal will be considered by the Forum without a developer/applicant presentation. Committee Services will notify the case officer of the applicant's response.

10. Case officers (or Team Leader/Manager/Head of Planning) and, if considered necessary, other appropriate officers e.g. Roads Projects Officers, will be present at the Forum. The case officer will give a very brief presentation outlining the main planning considerations, policies and, if relevant and useful, procedures and supporting information that will have to be submitted. Officers will be available to answer questions on factual matters related to the proposal but will not give any opinion on, or evaluation of, the merits of the application as a whole.
11. Members, either individually or collectively, can express concerns about aspects of any proposal that comes before the Forum but (to comply with the terms of the Code of Conduct) should not express a final settled view of any sort on whether any such proposal is acceptable or unacceptable.
12. A minute of the meeting will be produced by Committee Services and made publicly available on the Council website.
13. Members should be aware that the proposal being discussed may be determined under delegated powers and may not come back before them for determination. Any report of handling on an application pursuant to a proposal considered by the Pre-Application Forum will contain a very brief synopsis of the comments made by the Forum but the report itself will be based on an independent professional evaluation of the application by planning officers.
14. Training sessions will be offered to Councillors to assist them in adjusting to their new role in relation to pre-application consultation and its relationship with the Code of Conduct.
15. The applicant/agent will be expected to report on how they have, or have not, been able to address any issues raised by the Pre-Application Forum in the Pre-Application Consultation Report that is required to be submitted with any subsequent planning application.

GUIDANCE FOR MEMBERS

In relation to point 11 on the Procedure Note above, it might be helpful to outline a few points regarding the Councillors Code of Conduct and the Scottish Government's Guidance on the role of Councillors in Pre-Application procedures which will hopefully be helpful to the Members. These were discussed at the Training run by Burness Paull on the 28th of November, 2014.

So very briefly, The Code's provisions relate to the need to ensure a proper and fair hearing and to avoid any impression of bias in relation to statutory decision making processes. Having said that, in terms of the Scottish Government's Guidance on the role of Councillors in Pre-Application procedures:

- Councillors are entitled to express a provisional opinion in advance of a planning application being submitted but only as part of the Council's procedures (as detailed at item 1 to this agenda)

- No views may be expressed once the application has been submitted
- In terms of the role of the Forum, it meets to emphasise an outcome limited to the generation of a provisional view (on behalf of the Forum, rather than individual Members of the Forum) on the pre-application, this will allow:
 - Members to be better informed
 - An Early exchange of views
 - A greater certainty/more efficient processing of applications

Members of the Forum are entitled to express a provisional view, but should do so in a fair and impartial way, have an open mind and must not compromise determination of any subsequent planning application.

In terms of dealing with Pre-Applications, Members of the Forum should:

- Identify key issues
- Highlight concerns with the proposal/areas for change
- Identify areas for officers to discuss with applicants
- Identify documentation which will be required to support application

In terms of the Code of Conduct and any interest that Members of the Forum may have in a pre-application, it is worth reminding Members of the Forum that they must, however, always comply with the *objective test* which states “ *whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor.*”

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE-APPLICATION FORUM

ABERDEEN, 21 September 2015. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE-APPLICATION FORUM. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice-Convener; and Councillors Greig, Jaffrey, Lawrence, Jean Morrison MBE, Sandy Stuart and Thomson.

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=511&MId=3719&Ver=4>

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

PROCEDURE NOTE AND GUIDANCE FOR MEMBERS

1. The Forum had before it the procedure note and guidance for members on the operation of Forum meetings.

The Forum resolved:-

to note the procedure note and guidance for members.

MINUTE OF PREVIOUS MEETING

2. The Forum had before it the minute of its previous meeting of 18 August 2015.

The Forum resolved:-

to approve the minute.

GARTHDEE ROAD - SITE OF FORMER CALEDON PUB - 151263

3. The Forum had before it a report by Planning and Sustainable Development on submission of a Proposal of Application Notice which outlined a potential planning application for the demolition of the existing buildings and the erection of student accommodation to provide up to 200 bedspaces over 3 to 5 storeys with associated amenity space.

The Forum heard from representatives of the applicant who outlined the proposal in greater detail and responded to questions from members.

Mr Paul Williamson, the case officer, then addressed the Forum, providing more detail regarding the planning aspects of the application and responded to questions from members.

The Forum resolved:-

- (i) to note that at the public exhibition event in August 2015, those who attended recognised that the site needed to be redeveloped and were generally supportive of the development;
- (ii) to note that a site investigation had been carried out, the results of which were awaited, and that a drainage statement would be developed and submitted in due course which would address Sustainable Urban Drainage Systems and related requirements;
- (iii) to note that the case officer was satisfied with the principle of the development at this stage, providing the relevant planning policies were complied with, although there was some concern in terms of the proposed height of the development, however it would be upon the applicant to justify the requirement, and how it would work in terms of the layout of the site, in their application for planning permission; and
- (iv) to otherwise note the key issues at this stage.

- RAMSAY MILNE, Convener.