

# Public Document Pack



To: Councillor Milne; Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Cooney, Corall, Cormie, Crockett, Dickson, Greig, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Nicoll, Jennifer Stewart, Stuart and Thomson

Town House,  
ABERDEEN 7 December 2015

## **PRE-APPLICATION FORUM**

The Members of the **PRE-APPLICATION FORUM** are requested to meet in Committee Room 2 - Town House on **MONDAY, 14 DECEMBER 2015 at 10.00 am.**

FRASER BELL  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

### **BUSINESS**

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

### **MINUTES**

- 2 Minute of Previous Meeting of 29 October 2015 (Pages 7 - 8)

### **PRE APPLICATION REPORTS**

- 3 Former Dobbies Site - 151526 (Pages 9 - 14)  
Planning Reference – 151526

The documents associated with this application can be found at –  
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151526>

Planning Officer - Lucy Greene

Website Address: [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

Should you require any further information about this agenda, please contact Mark Masson, tel 01224 522989 or email [mmasson@aberdeencity.gov.uk](mailto:mmasson@aberdeencity.gov.uk)

## **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 28<sup>th</sup> 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, 29 October 2015. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE-APPLICATION FORUM.  
Present:- Councillor Milne, Convener; Councillor Finlayson, Vice-Convener; and Councillors Cooney, Greig, Jaffrey, Nicoll, Jennifer Stewart and Sandy Stuart.

Also present as local Member: Councillor Allan.

### INTRODUCTION AND PROCEDURE NOTE

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 OF 21 SEPTEMBER 2015

2. The Forum had before it the minute of its previous meeting of 21 September 2015 for approval.

**The Forum resolved:-**

to approve the minute.

### EXTENSION TO UNION SQUARE SHOPPING CENTRE AND CAR PARK – 151362/151363

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 application by Union Square Developments Ltd for the extension of the Union Square shopping and leisure centre.

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

The applicant highlighted that they had carried out various transport studies since December 2013 and had consulted with a wide range of stakeholders which included NESTRANS, retailers and officers working on the City Centre Masterplan.

Mr Kristian Smith, the case officer, then addressed the Forum, providing more detail regarding the planning aspects of the application and responded to questions from members. Mr Smith explained that limited background detail was available however there were various matters to consider, which included looking at the design quality issues, amenity considerations, relationships with other nearby developments, drainage and waste management issues as well as the scale and scope of the development.

**The report recommended:-**

## **PRE-APPLICATION FORUM**

29 October 2015

that the Forum-

- (a) notes the key issues identified;
- (b) seeks clarification on any particular matters if necessary; and
- (c) identifies issues which they would like the applicants to consider and address in any future application.

### **The Forum resolved:-**

- (i) to request that the applicant investigate the redevelopment of the existing bus station, in terms of weather-proofing; access; layout; and integration and operation, with the suggestion that all bus companies be allowed access to the station;
- (ii) to request that the applicant consult with the new Disability Group and Stagecoach in regards to the new proposals;
- (iii) to request that the applicant liaise with Shopmobility in regards to various issues associated with the redevelopment of the site which might affect people with disabilities; and to request that consideration be given to siting a pay machine for car parking close to the disabled parking bays;
- (iv) to request that the applicant give consideration to garden roof areas in the new development to assist with the pollution problem in the area; and
- (v) to otherwise note the key issues at this stage.

**- RAMSAY MILNE, Convener.**



## Pre-Application Forum

FORMER DOBBIES GARDEN CRENTRE AND NURSERY, HAZLEDEEN ROAD  
PROPOSAL OF APPLICATON NOTICE

PROPOSED RESIDENTIAL MAJOR DEVELOPMENT OF APPROXIMATELY 55 FAMILY HOUSES, A NEIGHBOURHOOD CENTRE INCORPORATING A RANGE OF FACILITIES INCLUDING POSSIBLY CONVENIENCE SHOPPING, RETAIL GARDEN CENTRE, CHURCH, VETERINARY SURGERY AND MEDICAL AND DENTAL SERVICE WITH ASSOCIATED ACCESS, INFRASTRUCTURE AND LANDSCAPING.

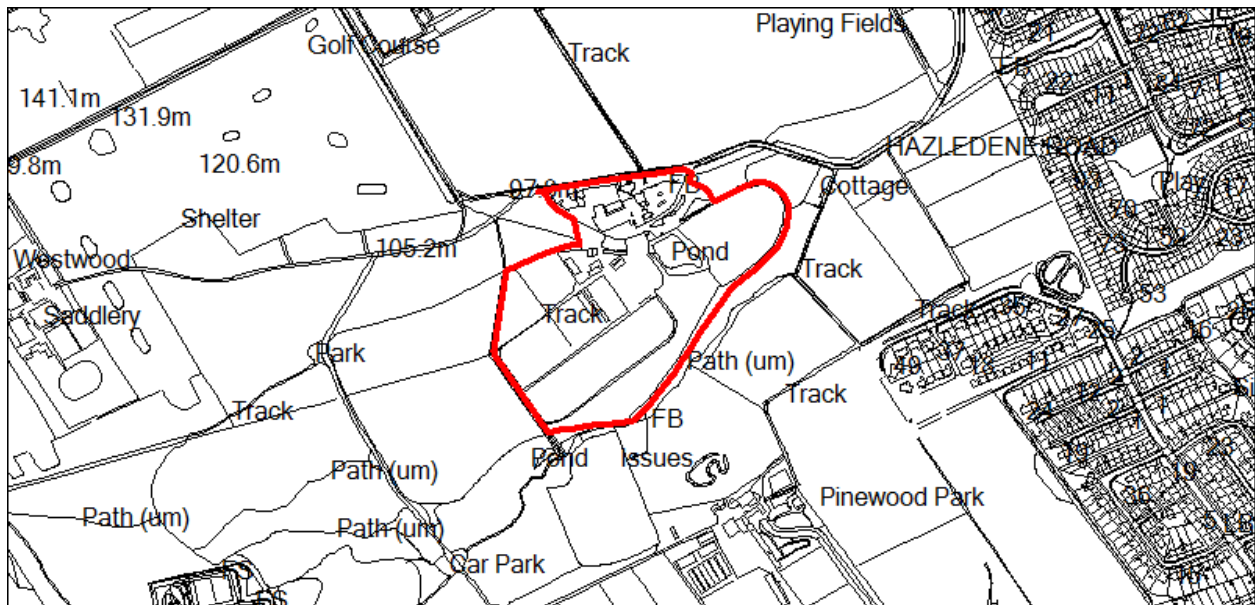
For: Aberdeen City Council

Application Ref. : P151526

Officer: Lucy Greene

Committee Date: 14th December 2015

Ward : Hazlehead/Ashley/Queens Cross(M Greig/J Stewart/R Thomson/J Corall)



### SUMMARY RECOMMENDATION:

The main issues are that the site lies within the Green Belt and Green Space Network. Apart from the green belt issue, the appropriateness of the uses in this particular location; and any other material considerations, including whether there is a need for the uses proposed.

**It is recommended that the Forum (1) note the key issues identified; (2) if necessary seek clarification on any particular matters; and (3) identify relevant issues which it would like the applicants to consider and address in any future application.**

## **DESCRIPTION**

The site is 9.1 hectares in total and lies to the south of Hazledene Road. It contains the former Dobbies garden centre and nursery. The buildings are currently used on a temporary basis, by the 'Somebody Cares' charity.

Towards the northern site boundary there are a collection of buildings that were added incrementally over the years and have no particular coherence.

There are areas of car parking and hard landscaping within the centre of the site and the northern area. The area to east contains mature trees, immature self seeded trees, and areas of standing water and marshy grassland. The south and western areas contain grassland and areas of coniferous plantation.

The site takes access from Hazledene Road and at this point the road is a quiet country road, with no pavements. There are dry stone walls to each side, with trees and shrubs to the south side along the site boundary. On the other side of Hazledene Road are playing fields, with Hazlehead Park further to the north and west.

## **RELEVANT HISTORY**

P101375 – Change of use on a temporary basis (3 years) from Garden Centre to form mixed use development incorporating retail, training facilities, storage, child's play area and on-site restaurant.

P131188 Hazlehead Nurseries, Hazledene Road, Aberdeen Renewal of Change of Use on a Temporary Basis (3 Years) from Garden Centre to Form Mixed use Development Incorporating Retail, Training Facilities, church services and meetings, storage, child's play area and restaurant, for: Somebody Cares Trust UK.

This latter application was a Section 42 Variation of application P101375 in order to extend the temporary period of the permission.

These permissions were granted based on a coloured up plan indicating the areas of the various uses.

Planning application P141026 is for planning permission in principle, for a proposed country house hotel of circa 200 bedrooms, spa, swimming pool, function and conference facilities, restaurants and equestrian centre on the Hayfield site, associated car parking / alterations to access roads, on the adjacent site to the west, was approved by Council in May this year. The permission is pending subject to securing developer contributions towards:

- upgrading of access roads and paths,

- recreational and wildlife enhancements to Hazlehead Park,
- public bus services and
- the Strategic Transport Fund.

Subject to further applications for Matters Specified in Conditions, implementation of the hotel application would result in an increased use of Hazledene Road as an access to the hotel and associated facilities.

## **PROPOSAL**

The proposals produced for the pre-application public event, show the community buildings around the central and north area of the site, with areas of housing in the south west and north eastern areas.

There is an analysis of the existing site features and ecology, and an initial concept for fitting development within this context.

It is indicated that it would be proposed to take access from Hazledene Road.

## **CONSIDERATIONS**

The site lies within the green belt in both the adopted and proposed Local Development Plans. It would be treated as a 'departure from the development plan', likely to be a 'significant departure'. The procedure for a significant departure is that there would be a 'pre-determination hearing' where those that have made representations may be heard by Elected Members. The application would then proceed to be determined by the full Council and referred to the Scottish Ministers prior to determination.

The main considerations against which the eventual application would be assessed are outlined as follows:

### **Green Belt**

Green Belt policy indicates that:

No development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or landscape renewal. The exceptions to this include:

1. Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria area met:
  - a. Development is within the boundary of the existing activity.
  - b. The development is small-scale.
  - c. Intensity of activity is not significantly increased.
  - d. Any proposed built construction is ancillary to what exists.
2. Essential infrastructure.
3. Buildings of historic or architectural interest.

#### 4. Extensions of existing buildings as part of a conversion.

The main issue for consideration is the extent to which the proposal complies and conflicts with Green Belt policy.

Setting aside Green Belt policy is the question of whether the proposed uses would be appropriate on this particular site. Relevant matters include the relationship with other uses in the surrounding area, and access.

Also setting aside the question of compliance with the principle of development within the Green Belt, the issue of impact on the character of the green belt and wider landscape would be an important consideration.

#### **Landscape and Ecology**

The site also lies within the Green Space Network (GSN), which seeks the protection, promotion, and enhancement of the GSN for wildlife, access, recreation and landscape.

The extent of impact on trees, the natural environment and wildlife and any measures that could mitigate that impact would be material considerations. Any application would need to be accompanied by the necessary surveys in order to ascertain likely impacts. Proposals for mitigation would also be required.

#### **Brownfield Development**

The Strategic Development Plan welcomes, in principle, the provision of housing on brownfield sites. The site would be likely to be considered as partially on brownfield land. It should be noted that the issue of brownfield is not something taken into account in green belt policy.

It should further be noted that redevelopment of the garden centre would may partially comply with Green Belt policy in terms of 1. above: proposals for development associated with existing activities in the green belt.

#### **Access, Traffic and Transportation**

The Roads Development Management Team have confirmed that a Transport Assessment (TA) will need to be prepared by the applicants, to consider the transport impacts of the above development proposal. The applicants should contact the Roads Team in order to scope out the TA.

Pedestrian and cycle links to the site and between the site of the proposed hotel to the east and Pinewood and Hazledene to the west, as well as links to longer established residential areas and Hazlehead Park, would all be considered.

Public transport would be a further consideration.

#### **Other Material Considerations:**

Any recommendation on the application would be in accordance with development plan policy unless material considerations indicate otherwise. Other matters, that would be considered as material considerations, may be described in presentations from the applicant's agents.

Members are invited to highlight on any other issues that they consider warrant particular attention. These may include:

- The need or otherwise for community facilities, such as those indicated, in this area.

## **PRE-APPLICATION CONSULTATION**

The Proposal of Application Notice application detailed the level of consultation to be undertaken as part of the Pre-Application Consultation process. Consultation with the local community council has been proposed within the Proposal of Application Notice. A public consultation event was held on 23<sup>rd</sup> November which was advertised in the local press.

## **CONCLUSION**

This report highlights the main issues that are likely to arise in relation to the various key considerations of the proposed development. It is not an exhaustive list and further matters may arise when the subsequent application is submitted. Consultees will have the opportunity to make representations to the proposals during the formal application process.

## **RECOMMENDATION**

**It is recommended that the Committee note the key issues at this stage and advise of any other issues.**



**Daniel Lewis**  
Development Management Manager

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