

# Public Document Pack



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

Town House,  
ABERDEEN 29 November 2016

## **PRE-APPLICATION FORUM**

The Members of the **PRE-APPLICATION FORUM** are requested to meet in Committee Room 2 - Town House on **THURSDAY, 8 DECEMBER 2016 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 27 October 2016 (Pages 7 - 10)

### **PRE APPLICATION REPORTS**

- 3 Land at Inchgarth Road - 161227 (Pages 11 - 16)

**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 Lynsey McBain, email [lymcbain@aberdeencity.gov.uk](mailto:lymcbain@aberdeencity.gov.uk) or tel 01224 522123

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

1. This procedure note will operate on a trial basis 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, 27 October 2016 Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE-APPLICATION FORUM.  
Present:- Councillor Milne, Convener; Councillor Finlayson, Vice-Convener; and Councillors Boulton, Cooney, Cormie, Crockett, Donnelly, Greig, Hutchison, Jaffrey, Jean Morrison MBE, Nicoll, and Sandy Stuart

### **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 18 AUGUST 2016**

2. The Forum had before it the minute of its previous meeting of 18 August, 2016 for approval.

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

to approve the minute as a correct record.

### **BON ACCORD CENTRE EXTENSION - 161104**

3. The Forum had before it a report by the Interim Head of Planning and Sustainable Development on a submission of a Proposal of Application Notice (PoAN) by GVA on behalf of their client, BMO Real Estate Partner, for a proposed major development which would be a mixed use comprising Class 1 (shops), class 2 (Professional services), Class 3 (Food and drink), Class 4 (Business), Class 7 (Hotels), Class 11 (Leisure), flats, serviced apartments, car parking, services and all ancillary development, at the Bon Accord Centre Aberdeen.

The report advised that this was a proposed extension to the Bon Accord Shopping Centre to provide additional floor space and could potentially include retail, professional services, food and drink, business use, hotel/service apartments, leisure, flats and student accommodation. Car parking is also included in the description. It was noted that the site incorporates a relatively large area in order to allow for potential public realm works. The report also explained that the proposed application did not detail any location, scale/form/height/massing or design/external finishes matter or the level of car parking proposed for any of the proposals, rather is simply shows the extent of the site.

The Forum heard from Joanne Wilkes (BMO Real Estate Partner, owner of the Bon Accord Centre), Richard Slipper (GVA Planning Consultants), David Hannah (CDA Architects) and Alan DeVenny (Transport Consultant JMP). They outlined the proposal in detail and responded to questions from members. Mr Slipper explained that the project was about collaborative working and engaging with the City Centre Masterplan (CCM), with one of the proposals contained within the CCM to extend the Bon Accord

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Centre. Mr Hannah outlined that the previous public consultation held in July had been very well attended with the second one taking place from 4pm on 27 October. It was hoped that the final planning application would be submitted early 2017. Mr Hannah went on to explain that they had looked at four key headings and also looked at three development opportunity sites. (1) East George Street; (2) West George Street and (3) North Crooked Lane. Regarding the first site, Mr Hannah outlined that they aimed to improve the public space and at site two on West George Street, they aimed to create areas of public realm. With the third site Mr Hannah advised that there was the potential for making this area shop units and could be seen as a landmark building. It was also noted that BMO Real Estate had recently purchased Crooked Lane to realign the street for the customers of the Harriet Street car park. Overhead coverage on George Street for customers from the Bon Accord Centre was also discussed. Questions were raised regarding seagulls and Mr Hannah advised that this was being taken into consideration with any improvements to the Centre.

Mr Slipper then explained that a solution regarding connectivity between St Nicholas Centre and Bon Accord Centre had been drawn up by Mr Alan DeVenny, Transport Consultant which meant that pedestrians would take priority for the crossing between the centres. The crossing would be wider, with a narrower road and the traffic lights would be changed to give priority to pedestrians. Suggestions were raised regarding a bridge between the two centres. The presenters advised that this was examined however it was felt that the view to Marischal College would be lost as well as taking the appearance away from the heart of Aberdeen.

Members went on to ask various questions and it was noted that the owners of the Bon Accord Centre had recently purchased the Co-op building on George Street however they did not own the Santander bank or the local bar situated next to the Bon Accord Centre on George Street. Ms Wilkes explained that they had consulted with the local businesses including the local bar however no responses had been received. Members also questioned whether access to Harriett Street car park could be changed to via the Crooked Lane. Mr DeVenny advised that this could be examined but would require the ramp in the car park to be changed.

Ms Wilkes also explained that they had a good relationship with the owners of John Lewis and would continue to consult with them regarding any future developments; and she highlighted that they had recently held a very useful meeting with the principle of RGU, who recognised the importance of the area to the university.

Finally Councillor Finlayson questioned whether the old RGU building on St Andrews Street could be used as a link with the centre. It was noted that this building was bought by Malmaison hotels however Ms Wilkie advised that she was happy to work with the owners.

The Forum then heard from the Case Officer, Andrew Miller, who addressed the Forum and provided more details regarding the planning aspects of the application and responded to questions from members. Mr Miller explained that regarding consultation, there had been mail drops, an advert in the Evening Express as well as two



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consultation events held regarding the proposals. Community Councils were also notified of the PoAN as well as ward members for George Street/Harbour and Midstocket and Rosemount, Aberdeen Civic Society, Aberdeen Inspired, Aberdeen and Grampian Chamber of Commerce, Aberdeen Action on Disability North East of Scotland Tourism Partnership and also MP's and MSP's for Aberdeen.

### **The report recommended:-**

That the Forum –

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

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

- (i) to request that the applicant liaise with the appropriate officers to look at the district heat network for Marishcal Square and the Gallowgate;
- (ii) to request that the applicant look at the feasibility of making the access of Harriett Street car park from Crooked Lane;
- (iii) to request that the applicant consider using the same material for both improvements to Crooked Lane and the pedestrian area between the two centres; and
- (iv) to thank Ms Joanne Wilkes, Richard Slipper, David Hannah, Chris Miller and Alan DeVenny for the informative presentation.

- **COUNCILLOR** **RAMSAY** **MILNE,** **Convener.**

## **PRE-APPLICATION FORUM**

## Pre-Application Forum 8 December 2016

**161227/PAN:** Sports facility (including all weather pitch, sports pavilion and changing facilities), small development of a mix of housing (including retirement village) and creation of relief road between Inchgarth Road and North Deeside Road at Land At Inchgarth Road, Cults, Aberdeen,

For: Cults Property Development Company Ltd

Application Date:	23 August 2016
Officer:	Lucy Greene
Ward:	Lower Deeside
Community Council:	Cults, Bieldside And Milltimber
Advertisement:	N/A
Advertised Date:	N/A



Location Plan

**RECOMMENDATION:** It is recommended that the Forum

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

### SITE DESCRIPTION

The site is 9.87 Hectares in size and consists of fields, with trees along the boundaries. There is a significant change in levels across the site, with the southern site boundary sitting more than 20m below the level at North Deeside Road. The

land is located within the Pitfodels Conservation Area and trees along North Deeside Road are protected by Tree Preservation Order (TPO). Running across the middle of the site, is the Deeside Walkway (former railway), whilst the site is bounded to the south by Inchgarth Road and to the north by North Deeside Road. The surrounding area is characterised by large detached houses within generous plots. The site is identified as likely bat habitat and the Deeside Walkway is designated as a 'core path'.

## **RELEVANT HISTORY**

Application Number	Proposal	Decision Date
161620/ESC	Application for EIA Screening Request	Pending

## **DESCRIPTION OF PROPOSAL**

The application description includes a number of uses and any planning application that follows on from this Proposal of Application Notice could include a combination of these uses, or some of them. Whilst plans have been submitted, these are indicative and the planning application proposal may propose a different layout.

Two possible options are shown on the submitted plans, both involve the creation of the link road between North Deeside Road (opposite Bairds Brae) and Inchgarth Road, crossing the former Deeside Railway footpath via a bridge.

Both options include:

- flats, shown in a layout derived from large detached houses within individual plots;
- Townhouses, indicated as semi detached
- Six small 'shop' units, with indicative proposed uses including doctors surgery, pharmacy, physiotherapist, hairdressers, newsagents and coffee shop
- Care home, indicative size of 40 bedrooms

In the south west area of the site, there are two options indicated:

Option A: All-weather pitch and pavilion, containing changing rooms and associated facilities.

Option B: retirement units, with open space

Indicative cross sectional drawings were also submitted, showing how platforms would be created on the site for the various options. In the case of the sports pitch, this would involve significant 'cut and fill'.

Plans are available online, showing both options described above.

## **PLANNING POLICY**

Scottish Planning Policy

Aberdeen Strategic Development Plan

Aberdeen Local Development 2012 (LDP)

Policy NE2 – Green Belt  
Policy NE1 – Green Space Network  
Policy I1 – Infrastructure Delivery and Developer Contributions  
Policy T2 – Managing the Transport Impact of Development  
Policy D1 – Architecture and Placemaking  
Policy D2 – Design and Amenity  
Policy D3 – Sustainable and Active Travel  
Policy D5 – Built Heritage  
Policy D6 – Landscape  
Policy H1 – Residential Areas  
Policy H3 – Density  
Policy H4 – Housing Mix  
Policy H5 – Affordable Housing  
Policy NE4 – Open Space Provision in New Development  
Policy NE5 – Trees and Woodland  
Policy NE6 – Flooding and Drainage  
Policy NE8 – Natural Heritage  
Policy CF2 – New Community Facilities  
Policy R7 – Low and Zero Carbon Buildings

Proposed Local Development Plan 2016 (PLDP)

Policy D1 – Quality Placemaking by Design  
Policy D2 – Landscape  
Policy D4 – Historic Environment  
Policy NC8 – Retail Development Serving New Development Areas  
Policy I1 – Infrastructure Delivery and Planning Obligations  
Policy T2 – Managing the Transport Impact of Development  
Policy T3 – Sustainable and Active Travel  
Policy H1 – Residential Areas  
Policy H3 – Density  
Policy H4 – Housing Mix  
Policy H5 – Affordable Housing  
Policy CF2 – New Community Facilities  
Policy NE1 – Green Space Network  
Policy NE2 – Green Belt  
Policy NE4 – Open Space Provision in New Development  
Policy NE5 – Trees and Woodland  
Policy NE6 – Flooding, Drainage and Water Quality  
Policy NE8 – Natural Heritage  
Policy R7 – Low and Zero Carbon Buildings and Water Efficiency

**OTHER RELEVANT MATERIAL CONSIDERATIONS**

Nestrans Regional Transport Strategy 2021  
Aberdeen City Council Local Transport Strategy (LTS) 2008-2012  
Access from the South Proposals (Bridge of Dee)  
Strategic Infrastructure Plan

Supplementary Guidance:

Affordable Housing

Bats and Development  
Trees and Woodland

## **CONSIDERATIONS**

### Principle of Development - Green Belt

The Green Belt policy presumes against development other than in certain limited circumstances. One of these relates to transport proposals in the LDP, or roads planned through the masterplanning of allocated sites. However, there is no reference to a requirement for a link road in this location, in any of the documents mentioned above.

Access from the South Proposals (Bridge of Dee) includes the link as part of one of the options, these being:

- Concept 6: Additional upstream crossing
- Concept 6B: Additional upstream crossing (including Inchgarth Road/A93 Link Road)
- Concept 7: Additional Adjacent Crossing

No preferred option has yet been selected and the assessment will be reported to January's Communities, Housing and Infrastructure Committee.

The Strategic Infrastructure Plan states in relation 'Project: Access from the South' "Included in this project is exploring the merits of a link road between Inchgarth Road and North Deeside Road as part of a wider solution combined with the proposals for the Bridge of Dee."

Policy NE1 – Green Space Network (GSN) seeks to protect and enhance the wildlife, recreational, landscape and access value of the GSN. Where proposals are likely to destroy or erode this, they will not be permitted, where infrastructure is a requirement, then there needs to be account taken of the needs for crossing roads. Development that has an impact on the GSN, needs to include mitigation measures.

### Community Facilities

Although these facilities are supported in principle by Policies CF2 – New Community Facilities (subject to other policies), this is providing that they are in locations that are accessible and convenient.

Policy NC8 – Retail Development Serving New Development Areas relates to sites allocated for major residential development and requires that retail and related uses should be at an appropriate scale for the local community, or would be subject to the sequential test.

### Transportation

Policy T2 – Managing the Transport Impact of Development and Policy D3 – Sustainable and Active Travel – informal discussions with the Roads Development Management Team indicate that a Transportation Assessment would be required. Minimising traffic generation is the aim of this policy and the layout would be assessed in terms of access and provision for pedestrians, cyclists and public and private transportation.

### Design and Conservation

Policy D1 – Architecture and Placemaking requires high quality development and would require that any development is designed for its context. Density and housing mix will also be relevant factors, taking into account the surrounding context.

Policy D2 – Design and Amenity ensures the provision of appropriate levels of amenity, including in terms of privacy, daylighting and sunlighting, access to sitting out areas, layout and orientation in terms of car parking, views and sunlight.

Policy D5 – Built Heritage refers to Scottish Planning Policy (SPP). The latter states that proposals within conservation areas should preserve or enhance the character and appearance.

#### Trees, Landscaping and Flooding

A tree survey would be required as part of any application and any tree loss would be assessed against Policy NE5, which presumes against loss of significant trees and requires replacement planting. There would also be consideration of any potential for impact on protected species (Policy NE8 – Natural Heritage)

Impact on landscape elements would be assessment in terms of Policy D6 – Landscape. This policy highlights adverse impact on landscape character and sense of place, as well as development that affects wooded areas and / or green space between communities and provides opportunities for countryside activities.

#### Flooding and Drainage

Areas of the site are identified on the SEPA flood maps as being at flood risk and a Flood Risk Assessment would be required, as per Policy NE6 – Flooding and Drainage.

#### Developer Contributions

Policy I1 – Infrastructure Delivery and Developer Contributions, requires that development is accompanied by the infrastructure, services and facilities that are needed to support it. Any planning application would be eligible for contributions towards transportation, education, community facilities, open space and recreation and healthcare.

Policy H5 – Affordable Housing would result in any development requiring to provide 25% affordable housing.

In Conclusion, the following are identified as key issues:

- Green Belt and Green Space Network
- Transportation, including access within and in / out of the site for pedestrians.
- Design within the context of the Pitfodels Conservation Area, the green belt and the landscape setting of the River Dee.
- Trees and landscape impact

### **PRE-APPLICATION CONSULTATION**

The proposal of application notice details the level of consultation which was undertaken and that comprised –

The PAN was sent to Cults, Bieldside and Milltimber Community Council, Garthdee Community Council, Braeside and Mannofield Community Council and the local ward Councillors for Lower Deeside.

Two public events on 14 September and 9 November, the latter of which was preceded by neighbour notification to surrounding addresses and local public places and advertised in the Aberdeen Citizen at least seven days in advance. Information was made available on the Council's website with the agent's email address being provided for comments.

The following were also carried out prior to submission of the Proposal Of Application Notice:

- Presentation to Cults, Bieldside and Milltimber Community Council on 28 January 2016. In addition to the Community Council Members, the meeting was attended by Councillors and the Westerton Road Residents Action Group;
- Distribution of flyers to households on Station Road, Pitfodels on 29 March 2016 advertising a presentation evening on 5 April 2016
- Presentation Evening held at Norwood Hall Hotel Conference Centre on 5 April 2016;
- Meeting with Paul O'Connor, MBE of Garthdee Community Council on 13 April 2016;
- Meeting with Westerton Road Residents Action Group/Station Road householders on 13 April 2016;
- Meeting with members of the Cults, Bieldside and Milltimber Community Council and members of Westerton Road Residents Action Group on 28 July 2016.

**RECOMMENDATION: It is recommended that the Forum**

- (i) note the key issues identified;**
- (ii) if necessary seek clarification on any particular matters; and**
- (iii) identify relevant issues which they would like the applicants to consider and address in any future application.**