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To: Councillor Boulton, Convener; Councillor Jennifer Stewart, Vice Convener; ; and Councillors Allan, Cooke, Copland, Cormie, Greig, Malik and Avril MacKenzie.

Town House,
ABERDEEN 27 November 2018

PRE-APPLICATION FORUM

The Members of the **PRE-APPLICATION FORUM** are requested to meet in **Committee Room 2 - Town House** on **THURSDAY, 6 DECEMBER 2018 at 2.00 pm.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

B U S I N E S S

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

MINUTES

- 2 Minute of Previous Meeting of 2 November 2017 (Pages 7 - 10)

PRE APPLICATION REPORTS

- 3 Aberdeen Market - Major development consisting of demolition and redevelopment of the existing site to form a mixed use office-led development (Class 4) with Class 1 (Retail), Class 2 (Financial, Professional & Other Services), Class 3 (Food & Drink), public house (sui generis) and Class 11 (Assembly & Leisure) (circa 18,000 sqm) with landscaping, public realm, car parking and associated development/works (Pages 11 - 16)

Planning Officer: Matthew Easton

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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 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, 2 NOVEMBER 2017 Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE-APPLICATION FORUM.
Present:- Councillor Boulton, Convener; Councillor Jennifer Stewart, Vice Convener; and Councillors Allan, Cooke, Copland, Cormie, Lesley Dunbar, Greig, Hutchison, McLellan, Sellar, Sandy Stuart and Wheeler.

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 2017

2. The Forum had before it the minute of its previous meeting of 21 September 2017 for approval.

The Forum resolved:-

to approve the minute as a correct record.

LAND AT CORNER OF ST MACHAR DRIVE AND BEDFORD ROAD, WEST OF HUB - 171075

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 Ryden (Aberdeen) on behalf of their client, the University of Aberdeen, for a proposed major development of approximately 6000sqm of class 10 (non-residential institution, comprising a science teaching hub, associated infrastructure and landscaping, at Land on the corner of St Machar Drive and Bedford Road Aberdeen, 171075.

The report advised that site extended to 1.04 hectares and incorporated an area of useable open space land to the south of St Machar Drive, to the east of Bedford Road, to the north of the existing Fraser Noble building and to the west of the existing Hub building. The open space was elevated above road level by 2 metres with steeply sloping embankments down to St Machar Road and Bedford Road. The site was mostly grassed with a number of medium-sized trees near to the boundary with Bedford Road and towards the eastern boundary, one of which was a mature tree,

The Forum heard from Mr Phil Hannaford (University of Aberdeen) and David Dalgleish (Reaich and Hall Architects) in regards to the proposed application. Mr Hannaford explained that the university had been teaching science subjects for over 500 years and the facilities required to be updated and replaced. As a result the applicant proposed building new facilities within the campus. Mr Dalgleish explained that they aimed to

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create a link for pedestrians from the existing buildings at the University and highlighted that the service year in place at present could also be used. He also advised that in regards to materials for the proposed building, they aimed to create a quality building with the use of masonry materials.

The Forum then heard from Gavin Clark, Case Officer, who addressed the Forum and provided details regarding the planning aspects of the application and responded to questions from members. Mr Clark explained that there were a number of relevant policies in regards to the proposed application and the most relevant being policy CF1 – Existing Community Sites and Facilities. Mr Clark explained that Councillors may wish to consider the principle of the development, the loss of an area of open space, design scale and layout, the impact on the surrounding conservation area and any transportation issues as well as any other documents they feel should be submitted with a planning application.

In regards to public consultation events, the report advised that the first public event took place on Tuesday 26 September and a second event was scheduled for mid-November 2017. Local Elected Members and Community Council members were invited to attend the public consultation.

Members then asked a number of questions in regards to the proposals and the following information was noted:-

- In regards to the public consultation event held, members of the public were generally happy with the proposals and the proposals were well received;
- In regards to future proposals, the University did not have any firm plans to develop any other sites at present;
- The green space was not currently used for any specific purpose;
- The applicant looked at refurbishing the current building however it would be more cost effective to rebuild;
- In regards to policy NE3, Urban Green Space, the application did conflict with the policy, however it would be up to the applicant to justify a departure from the policy.

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 consider the safety of pedestrians on Bedford Road and St Machar Drive as a priority;
- (ii) to note the various policies and assessments which would be required upon submission of the application, including NE3 (Urban Green Space); and

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(iii) to thank Mr Hannaford and Mr Dalglish for their informative presentation.
- **COUNCILLOR MARIE BOULTON, Convener**.

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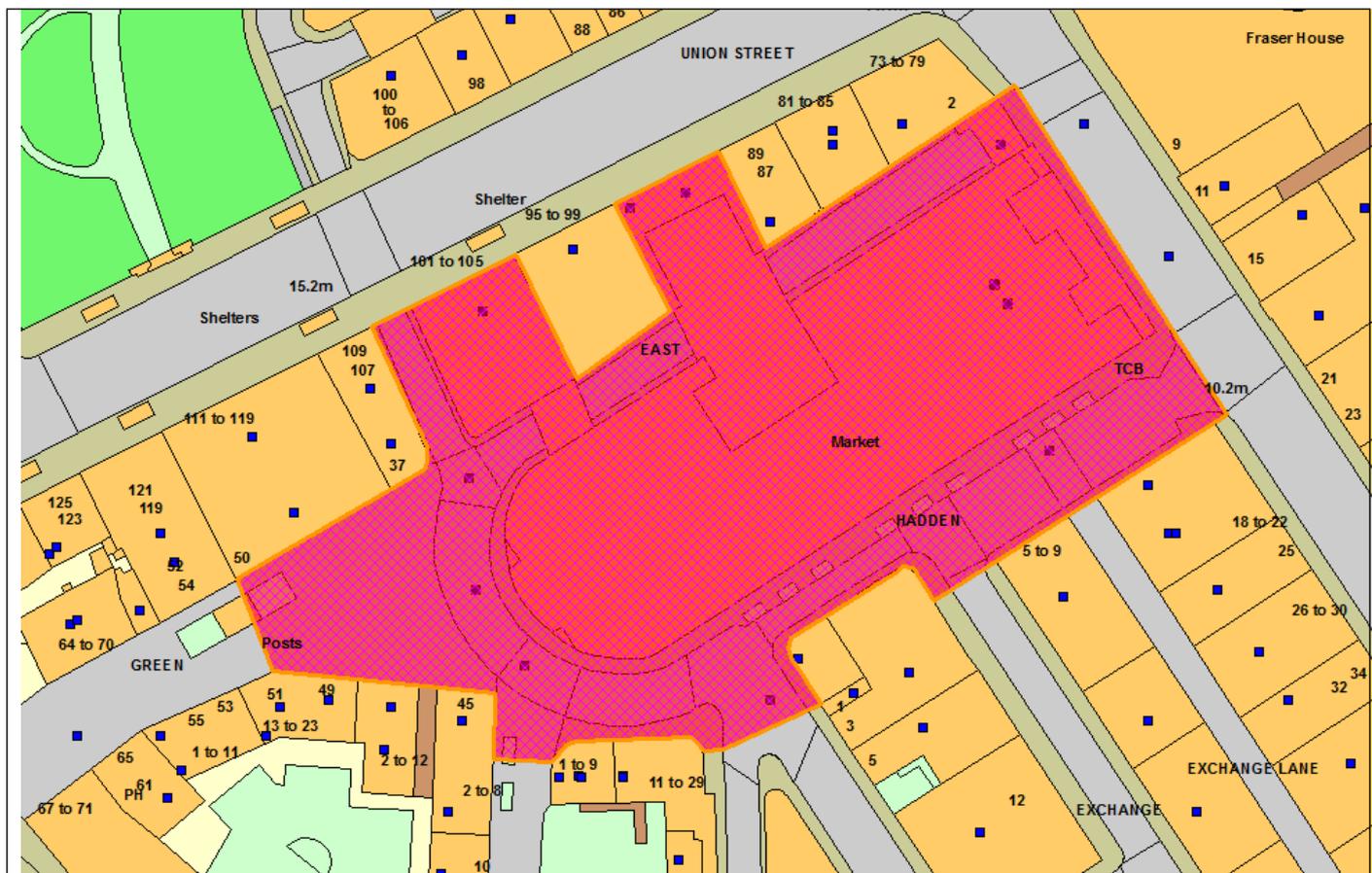


Pre-Application Forum

Report by Development Management Manager

Meeting Date: 6th December 2018

Site Address:	Aberdeen Market, Market Street, Aberdeen, AB11 5PA
Application Description:	Major development consisting of demolition and redevelopment of the existing site to form a mixed use office-led development (Class 4) with Class 1 (Retail), Class 2 (Financial, Professional & Other Services), Class 3 (Food & Drink), public house (sui generis) and Class 11 (Assembly & Leisure) (circa 18,000 sqm) with landscaping, public realm, car parking and associated development/works
Application Ref:	181656/PAN
Application Type	Proposal of Application Notice
Application Date:	19 September 2018
Applicant:	Patrizia
Ward:	George Street/Harbour
Community Council:	City Centre
Case Officer:	Matthew Easton



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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.

APPLICATION BACKGROUND

Site Description

The application largely relates to the Aberdeen Indoor Market which is situated between Market Street, Hadden Street and The Green. The main market building dates from the early 1970s and is set over four and five stories, with taller core elements on the stair and service cores. It is finished in a mixture of concrete panels, blockwork and louvred elements.

The following properties also form part of the site boundary –

- 6 Market Street (an adjoining retail unit)
- 91 – 93 Union Street (former BHS retail premises)
- 101 – 105 Union Street (retail units and vacant associated upper stories)

Relevant Planning History

- Detailed planning permission (060876) and listed building consent (060871) were granted in September 2006 for alterations to the Aberdeen Market building, as part of a wider scheme to increase the floor space of it and adjacent buildings. These consents were not implemented and expired in September 2011.
- Detailed planning permission (171503/DPP) was granted on 1 November 2018 for refurbishment and reconfiguration of the existing Market building. The proposal involved –
 - Over-cladding of the upper storeys with a perforated metal cladding which would be back-lit. The stair/service cores would be over-clad with dark grey single skin vertical standing seam cladding.
 - Alterations to the Market Street elevation and Hadden Street end of the building to remodel the building to step back from the edge of Market Street. A more open frontage with two storey glazing would be formed. New public realm would be formed outside the building.
 - Removal of the two upper floors, resulting in a three-storey building.

APPLICATION DESCRIPTION

Description of Proposal

The proposal is a ‘major’ development consisting of: demolition of the market building and redevelopment of the resulting site to form: a mixed use office-led development (Class 4), with associated Class 1 (Retail), Class 2 (Financial, Professional & Other Services), Class 3 (Food & Drink), public house (sui generis) and Class 11 (Assembly & Leisure) uses (totalling circa 18,000 sqm), with landscaping, public realm, car parking and associated development/works

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character of conservation areas.

National Planning Policy and Guidance

- Scottish Planning Policy
- Scottish Historic Environment Policy

Aberdeen Local Development Plan (2017)

- Policy D1 – Quality Placemaking by Design
- Policy D2 – Landscape
- Policy D3 – Big Buildings
- Policy D4 – Historic Environment
- Policy NC1 – City Centre Development - Regional Centre
- Policy NC2 – City Centre Retail Core and Union Street
- Policy I1 – Infrastructure Delivery and Planning Obligations
- Policy T2 – Managing the Transport Impact of Development
- Policy T3 – Sustainable and Active Travel
- Policy T4 – Air Quality
- Policy NE6 – Flooding, Drainage and Water Quality
- Policy R6 – Waste Management Requirements for New Development
- Policy R7 – Low and Zero Carbon Buildings, and Water Efficiency
- Policy CI1 – Digital Infrastructure

The site is identified as an opportunity site (OP67 – Aberdeen Market) where there is an opportunity for qualitative retail/mixed use improvements to include better pedestrian access from the Green to Union Street and address public realm issues.

Supplementary Guidance and Technical Advice Notes

- Air Quality
- Big Buildings
- Flooding, Drainage and Water Quality
- Harmony of Uses
- Landscape
- Planning Obligations
- Resources for New Development
- Transport and Accessibility

Other Material Considerations

- City Centre Masterplan – Project CM06: Aberdeen Indoor Market.

- Union Street Conservation Area Appraisal

CONSIDERATIONS

Principle of Development

- Policy NC1 (City Centre Development – Regional Centre) requires development within the identified city centre to contribute towards the delivery of the vision for the city centre as a major regional centre as expressed in the City Centre Masterplan and Delivery Programme (CCMP). As such the city centre is the preferred location for retail, office, hotel, commercial leisure, community, cultural and other significant footfall generating development serving a city-wide or regional market.
- As the proposal is expected to see a loss of retail space, Policy NC2 (City Centre Retail Core and Union Street) would be relevant. It requires that proposals for a change of use from retail to other uses within the City Centre Retail Core will only be acceptable if –
 - a) the new use contributes to the wider aims of the City Centre Masterplan and Delivery Programme;
 - b) the proposed alternative use makes a positive contribution to the vitality and viability of the city centre and creates or maintains an active street frontage;
 - c) the proposed alternative will not undermine the principal retail function;
 - d) the applicants can demonstrate a lack of demand for continued retail use of the premises (applicants will be required to demonstrate what efforts have been made to secure a new retail use);
 - e) the new use does not create overprovision and/ or clustering of a particular use in the immediate vicinity which would undermine the character and amenity of the centre or the well-being of communities; and
 - f) the alternative use does not conflict with the amenity of the neighbouring area.
- Project CM06 (Aberdeen Indoor Market) of the City Centre Masterplan identifies a significant opportunity to introduce a mix of uses, including retail, that better addresses The Green and enhances the overall vibrancy and attractiveness of this area, including for other uses such as residential.

The CCMP envisages redevelopment of the Aberdeen Indoor Market to be replaced by a more contextually appropriate development of buildings and spaces. Key criteria for any redevelopment of the market 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.
- Appropriate scale and quality of design given the site's conservation area setting and Union Street setting.

Layout and Design

The building is expected to be around nine storey's tall, and it is therefore important that its visual impact on the surrounding area and from further afield is considered carefully. Policy D1 (Quality Placemaking by Design), Policy D2 (Landscape) and Policy D3 (Big Buildings) and their associated supplementary guidance notes would all be relevant.

The site sits within the historic core of the city centre and is part of the Union Street Conservation Area. Policy D4 (Historic Environment) is therefore relevant and the Council would be required to ensure that the character of the conservation area was either preserved or enhanced.

Transport and Accessibility

Being in the city centre the site is highly accessible. Parking is proposed and therefore the traffic impact of the development would need to be considered. Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel) are relevant in this regard.

Any areas of new public realm should be seen as part of the wider Green area, rather than in isolation. Vehicular access arrangements will have to be carefully examined in order to ensure that this does not compromise the overall space.

Union Street, Market Street and Guild Street are Air Quality Management Areas, thus again the impact of the any traffic associated with the development would need to be considered to ensure there is no detrimental impact on air quality levels.

Technical Matters

In designing the building the applicant would be required to take into account the provisions of Policy NE6 (Flooding, Drainage and Water Quality), Policy R6 (Waste Management Requirements for New Development), Policy R7 (Low and Zero Carbon Buildings and Water Efficiency) and Policy CI1 (Digital Infrastructure).

PRE-APPLICATION CONSULTATION

Public consultation was undertaken by the applicant at an drop-in event at the former BHS store, 91 Union Street, on Thursday 1st November 2018 between 12pm and 8pm. Display boards were available which showing the site context, the aims of any development and a brief overview of the emerging proposals.

NECESSARY INFORMATION TO SUPPORT ANY FUTURE APPLICATION

As part of any application, the applicant has been advised that the following information would need to accompany the formal submission –

- Air Quality Assessment
- Archaeology Report
- Design and Access Statement
- Drainage Impact Assessment
- Lighting Strategy
- Noise Assessment
- Planning Statement

- Pre-Application Consultation Report
- Sustainability/Low and Zero Carbon Buildings Statement
- Townscape Visual Impact Assessment
- Transport Assessment
- Wind Assessment

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.