

## ABERDEEN CITY COUNCIL

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COMMITTEE	Enterprise, Planning and Infrastructure
DATE	13 September 2011
DIRECTOR	Gordon McIntosh
TITLE OF REPORT	Adoption of Supplementary Guidance as interim planning guidance in support of the Aberdeen Local Development Plan
REPORT NUMBER:	EPI/11/215

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### 1. PURPOSE OF REPORT

- 1.1 The Planning etc. (Scotland) Act 2006 paragraph 22 (1) states that a planning authority may adopt and issue guidance in connection with a local development plan. Aberdeen City Council has already prepared a number of draft Supplementary Guidance documents and has consulted on 49 of these alongside the Proposed Aberdeen Local Development Plan for a period of 16 weeks (between 24<sup>th</sup> September 2010 and 17<sup>th</sup> January 2011).
- 1.2 This committee report relates to 17 of the draft Supplementary Guidance documents which, following analysis of the representations received during the consultation, are now proposed for adoption as interim planning guidance. These documents received both supportive comments and objections and have been subject to either no amendment or only very minor amendment following the consultation. Draft Supplementary Guidance documents which need to be subject to further consultation are dealt with separately under Agenda item 7.5. In addition, a small number of new draft Supplementary Guidance documents have been prepared and are presented for approval for consultation under Agenda item 7.6.
- 1.3 A summary of the representations received on these draft Supplementary Guidance documents during the Proposed Aberdeen Local Development Plan consultation period, officers' recommended responses to these representations and a list of all other minor amendments made are attached at Appendix 1 of this report.
- 1.4 Due to the size of all of the Supplementary Guidance documents, hard copies have not been attached to this report but are available in the

Members' Lounge and from the Local Development Plan team. Full copies of the draft Supplementary Guidance can be also accessed from

[http://www.aberdeencity.gov.uk/Planning/ldp/pla\\_aldp\\_proposed\\_plan.asp](http://www.aberdeencity.gov.uk/Planning/ldp/pla_aldp_proposed_plan.asp)

## 2. RECOMMENDATION(S)

### 2.1 It is recommended that the Committee:

- a) Note the representations received on the draft Supplementary Guidance documents;
- b) Approve officers' responses to representations received on the draft Supplementary Guidance document;
- c) Adopt the Supplementary Guidance documents listed in this report as interim planning advice and, pending Council approval for adoption of the Aberdeen Local Development Plan, agree for officers to send the Supplementary Guidance documents to be ratified by the Scottish Government;
- d) Agree that, if further significant amendments are required to any of the Supplementary Guidance documents following the publication of the Reporters' Report into the Examination of the Local Development Plan, officers re-consult on the amended documents prior to final adoption by Committee; and
- e) Note the representations received on existing masterplans and planning briefs and agree for these to remain as Supplementary Guidance to the adopted Aberdeen Local Plan until they are presented to the Committee for approval as Supplementary Guidance to the Local Development Plan after its adoption.

## 3. FINANCIAL IMPLICATIONS

- 3.1 There are no direct financial implications arising from this report. Any future publication costs can be met through existing budgets.

## 4. OTHER IMPLICATIONS

- 4.1 This is the continuation of a significant piece of work that has involved and will impact upon many other council services, public bodies, the business and development industries and the citizens of Aberdeen. An Action Programme has been prepared to consider the implementation of the Proposed Plan and Supplementary Guidance.

## 5. BACKGROUND/MAIN ISSUES

- 5.1 The 17 Supplementary Guidance documents that are proposed for adoption as interim planning guidance are named and detailed below with a summary of any amendments that have been made to the document, either as a result of representations received during the

Proposed Aberdeen Local Development Plan consultation period or by officers to provide greater clarity. *Please see Appendix 1 for a table outlining a summary of the representations received and the responses to these.*

#### Design Review Panel

- 5.2 The Design Review Panel Supplementary Guidance provides information on what the Design Review process is, what value it adds to new developments and how the design review panel functions. A total of 3 representations were received, one from Homes for Scotland, one from Aberdeen City and Shire Economic Future and one from Stewart Milne Homes. The issues raised through these representations were not felt to require any amendments to be made to the document. No other minor amendments have been made. It is proposed that this guidance be adopted as interim planning guidance.

#### Aberdeen Masterplanning Process

- 5.3 This Supplementary Guidance has been produced as a guide for developers in preparing masterplans. It reflects current national design guidance and seeks to enable the delivery of sustainable places. A total of 4 representations were received, one from Sport Scotland, one from Cults, Bieldside and Milltimber Community Council, one from Kingswells Community Council and one from Bucksburn and Newhills Community Council. The issues raised through these representations were not felt to require any amendments to be made to the document. No other minor amendments have been made.

#### Conversions of Steadings

- 5.4 The aim of the Supplementary Guidance is to give advice and guidance to those who are proposing to convert a traditional agricultural steading or other non-residential vernacular building in the Aberdeen countryside to an alternative use. No representations were received and no amendments have been made.

#### Landscape Strategy Part 2

- 5.5 The landscape guidelines are intended as a tool to raise the general awareness of landscape issues and standards for new developments, aid the effectiveness of the development management process, and address the lack of professional landscape design in some planning applications. A total of 2 representations were received, one from the Scottish Environment Protection Agency (SEPA) and one from planning consultants, Paull and Williamson. A number of the comments received were agreed with and the Supplementary Guidance has been amended accordingly; these amendments include updating the guidance to incorporate new legislation and planning terms, along with some minor changes as requested by SEPA. The changes have not

been significant in nature and as such have not been deemed to modify the meaning of the Supplementary Guidance but have added clarification.

#### Sub-division and Redevelopment of Residential Curtilages

- 5.6 The Sub-division and Redevelopment of Residential Curtilages Supplementary Guidance gives advice and guidance relating to the planning issues that require to be considered within brownfield and greenfield development in relation to splitting curtilages. A number of representations were received from 3 parties, 2 from consultants working for individuals and 1 from an individual. These comments asked for a relaxation of the guidelines in greenbelt areas, for specific references to be made to listed buildings, for changes to be made to the number of properties that can be accessed off unadopted roads, and for changes to the requirement for new dwellings to have a frontage onto a publicly maintained road. It is proposed that the Supplementary Guidance be modified to reflect only the comment relating to the requirement for development to have a frontage onto a publicly maintained road. In addition, the document has been modified through addition of a paragraph which defines curtilage splitting and redevelopment of residential sites. The changes have not been significant in nature and as such have not been deemed to modify the meaning of the Supplementary Guidance but have added clarification.

#### Stone Cleaning

- 5.7 The Stone Cleaning Supplementary Guidance gives advice and best practice guidance on stone cleaning with the aim of reducing to a minimum the incidences of damage that can result from the incautious application of the various types of stone cleaning methods commonly in use. No representations were received and no minor amendments have been made.

#### Temporary Buildings

- 5.8 The Temporary Buildings Supplementary Guidance gives definitions of portable buildings and demountable buildings with advice and guidance on planning permission for these. No representations were received and no amendments have been made.

#### Affordable Housing

- 5.9 This Supplementary Guidance document aims to offer planning solutions to the problems of severe affordability pressures in Aberdeen and the Aberdeen Housing Market Area and the chronic levels of housing need. A total of 7 representations were received, one from the Scottish Government, one from Homes for Scotland, one from Grampian Housing Association, and 4 from the development industry. Several comments received were agreed with and the Supplementary

Guidance has been amended accordingly; these amendments include clarifying reference to 'shared equity' and providing further information on the options available if funding for social rented housing is not available. The changes have not been significant in nature and as such have not been deemed to modify the meaning of the Supplementary Guidance but have added clarification.

#### Children's Nurseries and Sports Facilities

- 5.10 This Supplementary Guidance aims to deal with two subjects in one document, both concerned with protecting the local environment and residential amenity. 1 representation was received from Sport Scotland, the issues raised through this representation was not felt to require any amendments to be made to the document.

#### Gypsy and Traveller Sites

- 5.11 This Supplementary Guidance document supports and expands on Local Development Plan Policy H7 – Gypsy and Traveller Requirements for New Residential Developments and aims to address shortages of site provision for Gypsies and Travellers throughout Aberdeen. A total of 2 representations were received, one from a member of the public and one from Kingswells Community Council. The issues raised through these representations were not felt to require any amendments to be made to the document.

#### Hierarchy of Centres

- 5.12 This Supplementary Guidance provides a context for the assessment of new retail development proposals. Within this hierarchy, the City Centre is identified as being the preferred location for developments fulfilling a citywide or regional role. The designation and role of other centres within the network and hierarchy is also set out in the Guidance. A total of 2 representations were received, one from RDPC Ltd and another from GVA Grimley. GVA Grimley supports the adoption of the Supplementary Guidance, however RDPC Ltd objects to the exclusion of Rousay Drive as a District Centre. The issues raised through these representations were not felt to require any amendments to be made to the document.

#### Bats and Development

- 5.13 This Supplementary Guidance provides information that will be needed for the consideration of the effects of planning and development on bats. The detail outlined includes information about bats, how to identify bat roosts, the types of developments which usually require bat surveys, what information is required in the survey, and what happens once the survey is complete. No representations were received and no amendments have been made.

### Buffer Strips Adjacent to Water Bodies

- 5.14 This Supplementary Guidance gives advice and best practice guidance on buffer strips. Buffer strips are areas of land maintained in permanent vegetation that helps to control soil and water quality alongside other environmental benefits. 1 representation was received from the Scottish Environmental Protection Agency who welcome and support this Supplementary Guidance document. No amendments have been made.

### Drainage Impact Assessments

- 5.15 This Supplementary Guidance was produced on behalf of the North East Scotland Flooding Advisory Group with involvement from Aberdeen City Council, Aberdeenshire Council, Scottish Water and SEPA. It is intended to assist developers and agents, development management officers and others involved in approving waste and surface water drainage facilities for new developments. A total of 2 representations were received, one from Scottish Water and one from SEPA. Both representations raise issues about the document requiring updating. It is agreed that this document required updating, however, the procedures for doing this will differ from the other Supplementary Guidance documents which relate to the Aberdeen Local Development Plan because there was involvement from several different bodies. The document should not therefore be amended unilaterally but should be updated by the same grouping of bodies. This will ensure a consistent approach over both council areas. Officers are currently Investigating how best to do this. In the meantime it is proposed that the Council continue to use the guidance as much of it remains valid and useful for development management and therefore propose that this guidance be adopted as interim planning guidance.

### Trees and Woodlands

- 5.16 This Supplementary Guidance has been produced to better inform developers on how existing trees and woodlands and new tree planting can best be incorporated within new developments and streamline the planning process for developers, by stating what information will be required, so that their application can be determined as quickly as possible. No representations were received and no amendments have been made.

### Waste Management

- 5.17 The purpose of this Supplementary Guidance is to provide further information and help to ensure compliance with Aberdeen Local Development Plan Policy R6 – Waste Management Requirements for New Developments, which requires all new development to incorporate adequate provision for waste disposal and recycling facilities. A total of

3 representations were received, one from SITA UK, one from the Scottish Environmental Protection Agency and another from a member of the public. Several comments received were agreed with and the Supplementary Guidance has been amended accordingly; these amendments include correcting a minor drafting error related to the number of wheelie bins required for houses with gardens, clarifying the status of the material recycling facility in Altens and adding text to help clarify our position on Waste Management Plans. The changes have not been significant in nature and as such have not been deemed to modify the meaning of the Supplementary Guidance but have added clarification.

### Open Space

- 5.18 This Supplementary Guidance replaces the Open Space Development Guidelines for Greenfield Sites 2001 and was developed in parallel with the draft Open Space Strategy 2011, which is also presented to this Committee (Agenda item 8.2). The two draft documents were consulted on for eight weeks from 20<sup>th</sup> May to 15<sup>th</sup> July 2011. A total of 11 representations were received during the consultation period, most of which were positive regarding the development of the document. Changes that are proposed in response to representations are generally minor, such as clarifications of wording, adding references or hyperlinks, and making some points already included in the draft's appendices more prominent by including them in the main document. The intention of the document is to encourage the consideration of the quantity, quality and accessibility of existing provision of open space when establishing the open space requirements of new developments. Although this concept is widely supported, several respondents sought clarification on the application of the Supplementary Guidance in this regard, in particular the use of mapping extracted from the Open Space Audit and the relationship between quantitative standards and existing provision. This is to be addressed by proposed changes to the Supplementary Guidance which involve clarifying and explaining a flowchart that is designed to guide users through this process, as well as clarifying section 6 Open Space in New Developments through some formatting changes and through clarifying explanations of the concept. The changes have not been significant in nature and as such have not been deemed to modify the meaning of the Supplementary Guidance but have added clarification. It is proposed that this guidance be adopted as interim planning guidance. *Please see Appendix 2 for a table outlining a summary of the representations received, the responses to these and any other minor amendments that have been made.*

### Existing Masterplans/Planning Briefs

- 5.19 Appendix 5 of the Proposed Local Development Plan contains a list of existing masterplans and planning briefs, these are listed in Appendix 3 to this report. These all refer to policies either in the adopted 2008

Aberdeen Local Plan or in earlier draft versions dating as far back as 1999. Whilst the content and advice in these frameworks largely remains valid and useful for progressing planning applications, it is clear that the policy references within them will require updating in due course to be consistent with the adopted Local Development Plan. In addition, some of these documents were prepared by consultants acting on behalf of the site owners and we may need to seek their approval to update them. It is recommended that the best time to do this is following the publication of the Reporters' report into the Examination of the Local Development Plan which is anticipated at the end of this year.

- 5.20 It will then be possible to update the planning briefs and masterplans in accordance with the Reporters' recommendations so that they are ready to be adopted alongside the Local Development Plan in Spring 2012. It is not considered that they would require any further public consultation at that time - they would simply be updated to reflect the policies in the Local Development Plan which have themselves been subject to consultation and examination. In the meantime it is recommended that the planning briefs and masterplans listed in Appendix 5 of the Local Development Plan are not adopted as interim planning guidance at this stage but remain as approved Supplementary Guidance to the Aberdeen Local Plan 2008 so that they can continue to inform and guide any planning applications which may emerge for the sites. This applies to all existing masterplans and planning briefs listed in Appendix 5 of the Local Development Plan apart from the Mugiemoos Road Planning Brief (2007). This particular planning brief was superseded by the Former Davidson's Mill, Bucksburn Development Framework (2011) which was adopted as Supplementary Guidance to the Aberdeen Local Plan 2008 at the Enterprise, Planning and Infrastructure Committee of 24<sup>th</sup> May 2011.

## 6. IMPACT

- 6.1 The Local Development Plan and associated Supplementary Guidance will support the vision of Aberdeen becoming an even more attractive place to live and in which to do business and will ensure that high quality employment opportunities exist. This process aspires to improve the access that the people of Aberdeen have to high quality services that meet their needs.
- 6.2 Given the wide range of policy areas the Proposed Aberdeen Local Development Plan and associated Supplementary Guidance covers, an Equality and Human Rights Impact Assessment was carried out on the Proposed Plan, it showed that there will be some positive impacts of the Plan on a range of equalities groups. The Equality and Human Rights Impact Assessment is available to view on the City Council's website at



[http://www.aberdeencity.gov.uk/Planning/ldp/pla\\_aldp\\_tech\\_appendix.asp](http://www.aberdeencity.gov.uk/Planning/ldp/pla_aldp_tech_appendix.asp)

or a hard copy can be obtained from the Local Development Plan Team.

## 7. BACKGROUND PAPERS

- Appendix 1 - Summary of representations received, officers' responses and a list of all other minor amendments
- Appendix 2 – Summary of representations received, officers' responses and a list of all other minor amendments to the draft Open Space Supplementary Guidance
- Appendix 3 – List of Existing Masterplans/Planning Briefs

Aberdeen Local Development Plan – Proposed Plan

[http://www.aberdeencity.gov.uk/Planning/ldp/pla\\_aldp\\_document\\_map.asp](http://www.aberdeencity.gov.uk/Planning/ldp/pla_aldp_document_map.asp)

Aberdeen Local Development Plan – Proposed Plan Representations

[http://www.aberdeencity.gov.uk/Planning/ldp/pla\\_aldp\\_proposed\\_plan\\_representations.asp](http://www.aberdeencity.gov.uk/Planning/ldp/pla_aldp_proposed_plan_representations.asp)

Aberdeen Local Development Plan – Proposed Action Programme

<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=31716&SID=14342>

Aberdeen City and Shire Strategic Development Planning Authority: Aberdeen City and Shire Structure Plan

<http://www.aberdeencityandshire-sdpa.gov.uk/nmsruntime/saveasdialog.asp?IID=423&SID=149>

Planning etc. (Scotland) Act 2006

[http://www.opsi.gov.uk/legislation/scotland/acts2006/asp\\_20060017\\_en\\_1](http://www.opsi.gov.uk/legislation/scotland/acts2006/asp_20060017_en_1)

Scottish Planning Series: Planning Circular 1/2009: Development Planning

<http://www.scotland.gov.uk/Resource/Doc/261030/0077887.pdf>

The Town and Country Planning (Development Planning) (Scotland) Regulations 2008

[http://www.opsi.gov.uk/legislation/scotland/ssi2008/ssi\\_20080426\\_en\\_1](http://www.opsi.gov.uk/legislation/scotland/ssi2008/ssi_20080426_en_1)

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