

ABERDEEN CITY COUNCIL

COMMITTEE	Enterprise, Planning and Infrastructure Committee
DATE	Tuesday 13 th September 2011
DIRECTOR	Gordon McIntosh
TITLE OF REPORT	Supplementary Guidance for further consultation with the emerging Aberdeen Local Development Plan.
REPORT NUMBER:	EPI/11/216

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 24th September 2010 and 17th January 2011).
- 1.2 This committee report relates to six of the draft Supplementary Guidance documents which have been subject to amendments either as a result of analysis of the representations received during the consultation, or by officers to provide greater clarity and take account of updated information. This report presents the representations received on the six draft Supplementary Guidance, the proposed Council responses to those representations and the proposed changes to the draft Supplementary Guidance. These are presented to the Council for approval for a further 8 week period of public consultation. The consultation period exceeds the statutory requirement for 6 weeks in order to take account of school holidays in October.
- 1.3 Draft Supplementary Guidance documents which are being presented for approval as interim planning guidance are dealt with separately under Agenda item 7.4. 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.

2. RECOMMENDATION(S)

- 2.1 It is recommended that the Committee:

- (a) Note the representations received on the draft Supplementary Guidance documents from the consultation undertaken alongside the Aberdeen Local Development Plan Proposed Plan;
- (b) Approve officers' responses to representations received on the draft Supplementary Guidance documents; and
- (c) Approve the amended draft Supplementary Guidance listed in this report for an 8 week consultation period.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no immediate financial implications arising from this report as the cost of progressing the Aberdeen Local Development Plan can be met from 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.
- 4.2 As a major landowner in the city, proposals for the development of land and assets owned by Aberdeen City Council will be subject to assessment in line with the principles and standards set out in the Supplementary Guidance, where applicable.
- 4.3 The progression of these Supplementary Guidance documents will provide a clear framework for decision making, allowing comprehensive guidance for both applicants and officers, thereby making a significant contribution towards the Council's aim of promoting and achieving sustainable development. Detailed topic-based Supplementary Guidance also has value in reducing officer time spent on pre-application discussions.
- 4.4 These items of draft Supplementary Guidance will be incorporated when updating the Strategic Environmental Assessment (SEA) environmental report at the end of the Local Development Plan process.

5. BACKGROUND/MAIN ISSUES

- 5.1 The draft Supplementary Guidance presented alongside this report has previously been consulted upon as part of the Aberdeen Local Development Plan – Proposed Plan. The Council agreed to the content of the Proposed Plan on 18 August 2010. The Proposed Plan was a critical stage in the plan preparation process and represents the Council's settled view on what the final content of the adopted Plan

should be. The production of the Proposed Plan and the draft Supplementary Guidance was a result of a significant amount of assessment and public consultation.

- 5.2 As part of the Local Development Plan process, a 16 week period of consultation was undertaken, during which representations from the public and other organisations were invited on the Proposed Plan and draft Supplementary Guidance documents.
- 5.3 Council officers have taken into account representations that were received in relation to the draft Supplementary Guidance. Please see Appendix 1 for further details of the representations. As a result of the issues raised, a number of changes have been made to draft Supplementary Guidance, as well as updating of various policy and factual references. We are now seeking approval for the amended draft Supplementary Guidance to be issued for a further 8 week period of consultation.
- 5.4 The following section outlines the draft Supplementary Guidance and the changes that have been made. 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 also be accessed from http://www.aberdeencity.gov.uk/Planning/ldp/pla_aldp_proposed_plan.asp

Air Quality Supplementary Guidance

- 5.5 The aim of the Supplementary Guidance is to provide guidance on the way in which air quality and air pollution issues will be dealt with through the planning system. 1 representation was received from the Scottish Environmental Protection Agency (SEPA). The comments received from SEPA were agreed with and it is proposed that the Supplementary Guidance be amended; these amendments include providing further information regarding the various parties involved in the application process, amending a key table in the document that provides information to applicants on whether they may be required to carry out an Air Quality Assessment or not and also adding in reference to the document "Air Pollution: Action in a Changing Climate 2010". Some other changes are also proposed including increasing emphasis on the particular importance of applicants consulting with the Environmental Protection Service when applying for biomass or combined heat and power units and adding in a definition of pollution prevention and control (PPC) permits.

Harmony of Uses

- 5.6 This Supplementary Guidance covers many licensing and mixed-use issues within and outwith the City Centre. It provides guidance on the circumstances where development proposals for specific uses may be permitted in the City, as well as the issues that might need to be addressed when a proposal has the potential to conflict with neighbouring land uses. Several issues are covered in this report: Hot Food Takeaways; Liquor Licensed Premises (with exceptions to hotels, restaurants, cafes and off-licenses); Street cafes; Amusement Centres and Arcades; Living/ Working Above or Below a Business; and Residential Developments in the City Centre. The guidance was consulted on for just over 16 weeks as part of the Aberdeen Local Development Plan - Proposed Plan. A total of two representations were received, one from a member of the public and another from Barton Wilmore LLP on behalf of Aberdeen Harbour Board. We agree in principle with the comment made by Barton Wilmore LLP with regards to residential amenity around the Harbour. This change is therefore significant in nature and we wish to further consult on this guidance.

Low and Zero Carbon Buildings

- 5.7 The purpose of this Supplementary Guidance is to provide the methodology for developers to demonstrate compliance with Aberdeen Local Development Plan policy R7, which requires all new buildings to install low and zero carbon generating technology.
- 5.8 Objections have been received both in relation to Policy R7 and the Supplementary Guidance about the strict requirement to include low and zero carbon generating technologies in all new developments, and it was suggested that there are more efficient ways of making CO2 savings. To investigate this issue further a questionnaire was released for consultation with developers in the area and also all those who made a representation to the policy contained within the Proposed Aberdeen Local Development Plan. 9 responses to the questionnaire were received from developers or their agents. These responses provide a clear message from developers that at present there may be some circumstances where low and zero carbon generating technologies may be effective, but in most situations the most sustainable method of reducing CO2 emissions is to improve the building fabric and reduce the overall energy demand of new buildings. This feedback, together with further detailed discussions with developers, and the original comments on the draft Supplementary Guidance has resulted in an additional section in the Supplementary Guidance titled Instances When Policy Will Be Relaxed. This allows the relaxation of policy when greater CO2 emissions savings can be achieved through alternative means. It has also brought to light some technical difficulties in the implementation of decentralised energy schemes and additional guidance on this topic has been provided within the section Low and Zero Carbon Generating Technologies and the Masterplanning process.

- 5.9 The representations also recommend adding some further details to the Supplementary Guidance. These amendments are considered minor and do not change the intention of the policy and have been accepted.

Shopfront and Advertisements Design Guide

- 5.10 The aim of the Supplementary Guidance is to give advice and guidance to those who are proposing shopfront alterations and/ or the erection of signs on shopfronts. No representations were received. However, because amendments are proposed on a part of the guidance regarding roller shutters it is recommended that further consultation is carried out.

Shopfront Security

- 5.11 This Supplementary Guidance provides the basis for development management decision making for shopfront security. No representations were received. However, because amendments are proposed on a part of the guidance regarding roller shutters it is recommended that further consultation is carried out.

Transport and Accessibility

- 5.12 This document examines a number of transport and accessibility issues that may have to be considered as part of a planning application and should be read in conjunction with the Aberdeen Local Development Plan and the Local Transport Strategy. A total of 3 representations were received, one from a member of the public, one from Aberdeen Cycle Forum and one from Bancon Developments Ltd. Some of the comments received were agreed with and it is proposed that the Supplementary Guidance be amended to reflect this. These amendments include; reflecting the current position of Aberdeen City Council's review of "Guidelines and Specifications for Roads within Residential and Industrial Developments" and strengthening the cycle parking standards. A figure indicating the necessary dimensions for Sheffield cycle stands has also been added to amend a drafting error. Figure 3 – Zones for Parking Standards has also been amended to better reflect public transport accessibility standards.

6. IMPACT

- 6.1 The Local Development Plan continues to 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. The development and refinement of fit for purpose Supplementary Guidance to assist the Aberdeen Local Development Plan is paramount to supporting this vision and achieving the goals that Aberdeen aspires to.

- 6.2 The vision for Aberdeen is to be a city which is vibrant, dynamic, forward looking – an even better place to live and work, where people can expect high-quality services that meet their needs. For Planning and Sustainable Development this means making a visible difference to the quality of the city's urban and natural environment by promoting high quality development and providing an effective infrastructure to make us a world class strategic location.
- 6.3 To do this we must think strategically, facilitate development, engage positively with communities and the business sector and be open and transparent in our decision making. We also have a key role in delivering the vision for the City and Shire as expressed through regional plans and strategies. Planning and Sustainable Development is tasked with seeing that Aberdeen stays at the forefront of planning for the future.
- 6.4 The Supplementary Guidance represented in this report. relates to the following Single Outcome Agreement objectives: 1- We live in a Scotland that is the most attractive place for doing business in Europe; 2- We realise our full economic potential with more and better employment opportunities for our people; 10- We live in well-designed, sustainable places where we are able to access the amenities and services we need; 12- We value and enjoy our built and natural environment and protect it and enhance it for future generations; 13- We take pride in a strong, fair and inclusive national identity; and 15- Our public services are high quality, continually improving, efficient and responsive to local people's needs.
- 6.5 The Supplementary Guidance represented in this report meets the vision of the Community Plan in promoting a strong image of the City and a sense of civic pride.
- 6.6 The Supplementary Guidance represented in this report supports the Council's 5 year Business Plan in terms of protecting and enhancing the built environment, attracting visitors, workers and investment to protect the economic future of the city, and, to facilitate new development projects to improve Aberdeen's living and working environment.
- 6.7 An Equality and Human Rights Impact Assessment has previously been carried on the Supplementary Guidance This shows that there will be some positive impacts of the Plan on a range of equalities groups.

7. BACKGROUND PAPERS

- Appendix 1 - Summary of representations received, officers' responses and a list of all other minor amendments
- Aberdeen Local Development Plan – Proposed Plan
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
- 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
- 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

8. REPORT AUTHOR DETAILS

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