

ABERDEEN CITY COUNCIL

COMMITTEE	Enterprise, Planning and Infrastructure
DATE	31 January 2012
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/12/026

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 8 draft Supplementary Guidance documents which have recently been subject to a public consultation. The draft Supplementary Guidance documents were subject to an eight week public consultation period which ran from 21st September to 16th November 2011. This public consultation was agreed at the Enterprise, Planning and Infrastructure Committee on 13th September 2011 (Agenda item 7.5 and Agenda item 7.6).
- 1.3 Six of these draft Supplementary Guidance documents were being consulted on for the second time; this was necessary in order to make the public aware of amendments that had been made to the documents since their initial consultation period. These documents are: Air Quality, Harmony of Uses, Low and Zero Carbon Buildings, Shopfront Security, Shopfront and Advertisements Design Guide and Transport and Accessibility. The other two draft documents were new and were being consulted on for the first time. These documents are: Archaeology and Planning and Natural Heritage.
- 1.4 Following analysis of the representations received during the consultation, these 8 draft Supplementary Guidance documents 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.

- 1.5 A summary of the representations received on these draft Supplementary Guidance documents during the 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.
- 1.6 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://thezone/PI/SL_stratlead_reports.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 documents;
 - c) Adopt the Supplementary Guidance documents listed in this report as interim planning advice and pending adoption of the Aberdeen Local Development Plan, agree for officers to send the Supplementary Guidance documents to be ratified by the Scottish Government; and
 - 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.

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.

- 4.2 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.

5. BACKGROUND/MAIN ISSUES

- 5.1 The 8 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 public consultation period or by officers to provide greater clarity. *Please see Appendix 1 for a table outlining a summary of the representations received, the responses to these and any other minor amendments officers have made.*

Air Quality

- 5.2 The aim of the Air Quality 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. A total of 3 representations were received, 1 from Stewart Milne Homes, 1 from Homes for Scotland and 1 from the Scottish Environment Protection Agency. The issues raised through these representations were not felt to require any amendments to be made to the document. A minor amendment has been made by officers in the 'Related Links' section to update a web-address.

Harmony of Uses

- 5.3 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 document: 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. No representations were received and no minor amendments have been made.

Low and Zero Carbon Buildings

- 5.4 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. A total of 4 representations were received, 1 from Stewart Milne Homes, 1 from Homes for Scotland, 1 from Bancon and 1 from the Scottish Environment Protection Agency. One of the issues raised by Stewart Milne Homes and Homes for Scotland was accepted and the document has been amended accordingly. No other minor amendments have been made.

Shopfront Security

- 5.5 This Supplementary Guidance provides the basis for development management decision making for shopfront security. No representations were received and no minor amendments have been made.

Shopfront and Advertisements Design Guide

- 5.6 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 and no minor amendments have been made.

Transport and Accessibility

- 5.7 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 4 representations were received, 1 from Stewart Milne Homes, 1 from Homes for Scotland, 1 from Transport Scotland and 1 from Richard Bush (Chartered Town Planner). Some of the issues raised by these representations have been accepted and the document has been amended accordingly. Several minor amendments have been made by officers in the 'Travel Plan', 'Parking' and 'Driveways Guide' section to add clarity and/or correct minor errors.

Archaeology and Planning

- 5.8 The draft Supplementary Guidance on Archaeology and Planning gives advice and guidance regarding development proposals within or close to archaeological sites and Scheduled Monuments. The guidance sets the parameters whereby planning permission would be granted. A previous draft of the proposed Supplementary Guidance on this topic was consulted on for just over 16 weeks as part of the Aberdeen Local Development Plan – Proposed Plan. Although no representations were received, officers determined that the draft guidance could be more robust, presenting more explicit and well-structured guidance for both officers and applicants. The Supplementary Guidance that this report refers to represents a marked change from the previous draft and so has been considered as an entirely new document. The new guidance

outlines a stronger and clearer position on relevant criteria that would be applicable when determining a planning application within or close to archaeological sites and Scheduled Monuments. 1 representation was received from the Scottish Government. This representation asked for references to 'Scheduled Ancient Monuments' to be changed to 'Scheduled Monuments', this has been accepted and the document has been amended accordingly. No other minor amendments have been made.

Natural Heritage

- 5.9 The draft Natural Heritage Supplementary Guidance is intended to support Natural Heritage Policy NE8, as contained in the Proposed Aberdeen Local Development Plan. This new document sets out the Council's various legal obligations on aspects of the natural environment, sets out the principles which underpin successful protection of natural heritage assets, identifies designated sites and protected species present within the City area and sets out what will be required of applicants where such designations or species may be affected by development. 3 representations were received in total, 1 from the Scottish Environment Protection Agency, 1 from Scottish Natural Heritage and 1 from RSPB Scotland. Several of the issues raised by these representations have been accepted and the document has been amended accordingly. No other minor amendments have been made.

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 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

Aberdeen Local Development Plan – Proposed Plan

http://www.aberdeencity.gov.uk/Planning/ldp/pla_aldp_document_map.asp

Aberdeen Local Development Plan – Proposed Action Programme

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

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