

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	14 December 2016
DIRECTOR	Pete Leonard
TITLE OF REPORT	Proposed Supplementary Guidance and Non-Statutory Planning Guidance to accompany Aberdeen Local Development Plan 2017
REPORT NUMBER	CHI/16/158
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

- 1.1 Local Development Plans and their associated statutory Supplementary Guidance have to be replaced at least every 5 years. In order to replace Supplementary Guidance documents, a statutory public consultation exercise is required.
- 1.2 This report presents proposed Supplementary Guidance on a selection of planning policy matters and development sites and masterplan zones. This report also presents Officer's proposals with regards non-statutory planning guidance.

2. RECOMMENDATIONS

- 2.1 It is recommended that Members:
 - a. Note the representations previously received on Proposed Supplementary Guidance documents on planning policy matters, and approve Officers' responses to representations (where relevant) (Appendices 2 and 3);
 - b. Approve the Proposed Supplementary Guidance documents (Appendix 1 - planning policy and site specific), and instruct Officers to consult on these documents for six weeks;
 - c. Instruct Officers to report the results of the public consultation, and any proposed revisions to the Proposed Supplementary Guidance, to a subsequent Council meeting;
 - d. Adopt the Proposed Supplementary Guidance documents as Interim Planning Advice from the adoption date of the new Aberdeen Local Development Plan (expected to be 17th January 2017) so as to ensure no gap in planning policy provision;

- e. Adopt the following documents as non-statutory planning guidance from the adoption date of the new Aberdeen Local Development Plan (expected to be 17th January 2017):
 - Aberdeen Harbour, Balgownie Centre, Bridge of Don; Broadford Works; Denburn Valley; Fire Station Site, North Anderson Drive; Hillhead Campus; Pinewood / Hazledene; River Don Corridor Framework; Robert Gordon's University City Centre; Aberdeen Masterplanning Process and Design Review Panel.
- f. Instruct Officers to make any minor technical drafting updates which may be required to other non-statutory planning guidance in order to ensure all planning policy references are up-to-date and consistent with the Aberdeen Local Development Plan 2017.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no immediate financial implications arising from this report. The cost of preparing and consulting on the Supplementary Guidance, and the cost of updating the non-statutory documents, can both be met from existing budgets.

4. OTHER IMPLICATIONS

- 4.1 As a major landowner in the city, proposals for the development of land and assets owned by Aberdeen City Council will, where this is applicable, be subject to assessment in line with the principles and standards set out in both the statutory Supplementary Guidance and the non-statutory planning policy documents. This may have financial implications for the Council as a developer.

5. BACKGROUND/MAIN ISSUES

- 5.1 As part of the Local Development Plan, statutory Supplementary Guidance provide certainty for the public, development industry and businesses in Aberdeen as to where and what kind of development will take place, and are an important means of securing investment and funding for development.
- 5.2 Local Development Plans and their associated statutory Supplementary Guidance have to be replaced at least every 5 years. Aberdeen City Council will be the first local authority in Scotland to adopt a second Local Development Plan, and will therefore be the first local authority to go through the process of replacing Supplementary Guidance documents. In reading this Report, Members will appreciate the cumbersome nature of this process; something which we assume was not the intention of the legislation when it was first drafted. Members will be aware that the Scottish Government is currently undertaking a review of the Scottish planning process, and we will feedback our experiences to this review process.

5.3 Report CHI/15/157 to this same Council meeting recommends that Members agree to adopt the Aberdeen Local Development Plan 2017 unless directed otherwise by Scottish Ministers, and following completion of the statutory procedures. Local Development Plans focus on vision, the spatial strategy and key policies and proposals. Statutory Supplementary Guidance can be adopted by the planning authority in connection with a Local Development Plan, and can contain more detailed planning policy guidance. Statutory Supplementary Guidance forms part of the Local Development Plan and has the same status for decision making in line with Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended. Non-statutory planning guidance can also be adopted by the planning authority in order to provide additional detail on a range of subject areas, however does not form part of the Development Plan. Non-statutory planning guidance can, however, be treated as a material consideration in decision making where it has been adopted by the Council. Appendix 4 presents a list of those statutory Supplementary Guidance and non-statutory planning guidance documents which, at this time, are proposed to accompany the Aberdeen Local Development Plan 2017.

5.4 The extant Aberdeen Local Development Plan 2012 has 66.no associated statutory Supplementary Guidance documents covering individual planning policy areas such as affordable housing, flooding, and householder development, as well as site specific masterplans and development frameworks. Upon formal adoption of the next Local Development Plan, all of these documents will “fall”, and will need to be readopted or replaced with new Supplementary Guidance to support the new Plan.

Supplementary Guidance – Planning Policy (Appendix 4: Table 1)

5.5 In January 2015, Members of the Communities, Housing and Infrastructure Committee were presented with a single suite of Proposed Supplementary Guidance documents on planning policy matters to support the Proposed Local Development Plan. A single document suite was prepared to reduce repetition whilst still ensuring that that the detailed policy content of the Guidance remained intact. It is intended that all individual documents within the suite will be individually adopted as separate Supplementary Guidance documents. A period of public consultation on the Proposed Supplementary Guidance Policy Suite was held from 20th March 2015 to 1st June 2015. A total of 23.no representations were received during this period, copies of which are available to view in Appendix 3.

5.6 Officers have reviewed the representations received and, where considered necessary, have made changes to the proposed policy document suite. Our responses to the comments received are presented in Appendix 2. Additional changes to the planning policy suite have also been made over the last 18 months in order to make the documents easier to interpret, to reflect current thinking, and to take account of Modifications to the Proposed Local Development Plan

made via the Reporter's Examination Report. An additional document has also been added to the suite, namely a new Supplementary Guidance on The Repair and Replacement of Windows and Doors (which was previously a Technical Advice Note). The numbering of Topic Areas has also been updated, and it is intended that in the future a composite Glossary and Further Reading List will be provided at the end of the document suite to enhance usability.

5.7 The primary changes made to the Supplementary Guidance Policy Suite over the last 18 months are summarised below. Edits relating to spelling and grammar have also been made across the suite however, due to the minor nature of these changes, these are not listed in detail.

5.8 *Topic Area 1: Townscape and Landscape*

- *The Repair and Replacement of Windows and Doors*
- *Shops and Signs*
- *Big Buildings*
- *Stonecleaning*
- *Temporary Buildings*
- *Landscape*
- *Energetica*

5.9 Existing design related guidance has been streamlined within the Townscape and Landscape Topic Area, and a new piece of Supplementary Guidance included on The Repair and Replacement of Windows and Doors. This SG reflects changes in policy from the April 2016 approved reworked Technical Advice Note (TAN): The Repair and Replacement of Windows and Doors. This change in policy focusses on the replacement of historic timber windows in conservation areas on both public and non-public elevations.

5.10 Within the Big Buildings SG, the introductory section has been streamlined and within the main body of the text further detail has been added to the Green Credential section. Within the Shops and Signs SG, the introductory section has been streamlined and, within the main body, the document has been presented to clarify what is expected for shops and signs within conservation area and/or listed buildings and with new build sites. No significant changes have been made to the Stonecleaning SG.

5.11 Within the Temporary Buildings SG, further information is provided on Permitted Development Rights, and the both General and Specific Principles have been updated to reflect current Development Management practices. The time limits associated with planning permissions for temporary buildings have also been clarified.

5.12 The Landscape SG has had a comprehensive review since the last public consultation exercise and now provides much clearer guidance to developers and officers. Within the Energetica SG, reference to Aberdeen City and Shire Economic Future (ACSEF) has been updated

and further detail provided on when an Energetica Compliance Statement will be required.

5.13 *Topic Area 2 – Modifications to Existing Buildings and Curtilages*

- *Householder Development Guide*
- *Sub-Division and Redevelopment of Residential Curtilages*
- *Conversion of Buildings in the Countryside*

5.14 All SGs within this Topic Area have been streamlined to make them more accessible, but no changes have been made to the main aims of the guidance.

5.15 *Topic Area 3 – Retail and Commercial*

- *Hierarchy of Centres*
- *Union Street Frontages*
- *Harmony of Uses*
- *Serviced Apartments*
- *Children’s Nurseries*

5.16 Terminology in Figures 1 and 2 of The Hierarchy of Centres SG has been clarified to expand the centre type for ‘City Centre’ to ‘City Centre and City Centre Retail Core’ in line with the Scottish Government’s Town Centre First Principle. The term “Retail Park” has been also been replaced with “Commercial Centre” for consistency with Local Development Plan Policy NC4. Appropriate uses in Commercial Centres have also been updated further to changes made to the Local Development Plan following the Examination.

5.17 Within the Union Street Frontages SG, the introductory section has been streamlined, and the most up-to-date occupancy figures have been presented in Figure 4. Within the Harmony of Uses SG, the introductory section to the SG has been streamlined and contact information has been provided for the Scottish Environment Protection Agency. Text relating to single ownership has been removed from the Serviced Apartments SG. No changes have been made to the main aims of the Children’s Nurseries SG, although text within the document has been reorganised to improve flow.

5.18 *Topic Area 4 – Planning Obligations and Specialist Housing Provision*

- *Planning Obligations*
- *Affordable Housing*
- *Gypsy and Traveller Sites*

5.19 Minor changes have been made to the Planning Obligations SG to ensure consistency with the Reporter’s Report and to reflect the role of statutory agencies in the developer obligations and contributions process. Text relating to the Strategic Transport Fund has also been updated.

5.20 Within the Affordable Housing SG, although the majority of the guidance remains unchanged, additional options have been included around delivery. This is to provide more flexibility to the process to allow the Council to achieve better outcomes. The guidance also now asks for Affordable Housing contributions from housing for the 'elderly'. No changes have been made to the main aims of the Gypsy and Traveller Sites SG.

5.21 *Topic Area 5 – Transport, Air Quality and Noise*

- *Transport and Accessibility*
- *Air Quality*
- *Noise*

5.22 The Transport and Accessibility SG has been reworked to make it more succinct. Additional information has been included under the 'Car Club' section stating contributions for smaller and larger developments. Information repeated across the rest of the policy suite, e.g. on trees, has been removed. Within the Air Quality SG, additional information has been provided on Biomass Installations. No changes have been made to the main aims of the Noise SG.

5.23 *Topic Area 6 – Natural Environment*

- *Natural Heritage*
- *Trees and Woodlands*
- *Flooding, Drainage and Water Quality*
- *Green Space Network and Open Space*

5.24 There have been minor amendments to the Natural Heritage SG to improve clarity and to remove information that is a repetition of other guidance. Within the Trees and Woodlands SG further guidance has been added in relation to construction within Root Protection Areas and the proximity of structures and infrastructure to trees.

5.25 Within the Flooding, Drainage and Water Quality SG, reference is now made to how the changing climate will impact on flooding and the role and benefits of adaptation measures, such as SuDS, buffer strips and blue, green and grey infrastructure. Within the Green Space Network and Open Space SG reference is now made to identifying low quality space as an opportunity for improvement and not as a priority for development. The flowchart with the SG has also been reworked to better illustrate the process for planning and designing open space.

5.26 *Topic Area 7 – Resources*

- *Resources for New Development*
- *Wind Turbine Development*
- *Heat Mapping (To Be Prepared)*

5.27 Within the Resources for New Development SG, there have been minor changes to the Low and Zero Carbon aspect of the guidance to

bring it in line with LDP Policy R7. Waste Services have also made changes to the waste guidance to bring it in line with their future vision and programme. Finally water saving targets have been amended to align with Aberdeenshire Council, to support a consistent approach across the Strategic Development Plan area.

- 5.28 There have been very minor changes made to the Wind Turbine Development SG to reflect some changes in technical terminology used in Scottish Planning Policy. This does not however impact on the approach taken by the guidance which remains unchanged.
- 5.29 Preparation of the Heat Mapping SG is ongoing and a draft of this SG will be reported to a future meeting of the Communities, Housing and Infrastructure Committee. This SG will be new guidance which will deal with heat mapping and district heating across the city.

Supplementary Guidance – Site Specific (Appendix 4: Table 2)

- 5.30 It is not proposed to take forward all existing pieces of Site Specific Supplementary Guidance as new Supplementary Guidance to the Aberdeen Local Development 2017. Some of these documents are no longer required as the development has been completed, and others are dated and require a full review exercise. Appendix 5 of the Local Development Plan states which documents can be progressed for adoption as Supplementary Guidance. The following lists those site specific documents presented to Members as part of this report:

- *Countesswells Development Framework and Phase One Masterplan*
- *Dubford Development Framework*
- *Former Davidson's Mill (Bucksburn) Development Framework and Phase One Masterplan*
- *Friarsfield Development Framework*
- *Grandhome Development Framework*
- *Kingswells (Prime Four) Development Framework and Phase One Masterplan*
- *Kingswells (Prime Four) Phases Two and Three Masterplan*
- *Kingswells (Prime Four Expansion) OP63 Development Framework*
- *Loirston Development Framework*
- *Maidencraig Masterplan*
- *Newhills Development Framework*
- *Oldfold Development Framework and Masterplan*
- *Persley Den / Woodside Masterplan*
- *West Huxterstone Masterplan*
- *Stoneywood Development Framework and Masterplan*
- *Aberdeen Harbour at Bay of Nigg*
- *Replacement AECC - Rowett North Masterplan*
- *Existing AECC - Bridge of Don Development Framework*

- 5.31 Members will note that the above list is made up of Development Frameworks and Masterplans that either already form Supplementary

Guidance to the extant Aberdeen Local Development Plan 2012, or have recently been agreed with the view of becoming Supplementary Guidance to the emerging Local Development Plan 2017.

- 5.32 In order to adopt these documents as Supplementary Guidance to the emerging Local Development Plan, Officers have undertaken an exercise to ensure that all planning policy references in the documents are up-to-date. Opportunity Site references have been updated, as well as references to LDP policies. National and regional planning policy references have also been updated where required. These updates are clearly highlighted in red text throughout the documents.
- 5.33 It is important to make clear that a number of the above sites already benefit from planning permissions and construction works are underway. As such, the only changes made to these documents are references relating to the new Local Development Plan or National and Regional Planning. In all other ways these documents remain as previously approved by Members. The only document where this is not the case, and where new detail has been added, is the Countesswells Development Framework and Phase One Masterplan which now includes information for Phase One B. The Planning Development Management Committee agreed the updated text and to consult on an update to this document on 27th October 2016.

Supplementary Guidance – Strategic Environmental Assessment

- 5.34 An Environmental Report has been prepared for the Local Development Plan and the Planning Policy Supplementary Guidance documents, and this includes the Habitats Regulation Assessment for the River Dee Special Area of Conservation. The Environmental Report is attached as Appendix 3 to Report CHI/15/157 to this same Council meeting.
- 5.35 A number of the Site Specific Supplementary Guidance documents have already completed the Strategic Environmental Assessment Process. For those documents which still require to go through this process, Strategic Environmental Assessment Screening Reports have been prepared and submitted to the SEA Gateway and Consultation Authorities for comment. The outcome of this process will be reported back to Council following the consultation period. The Bay of Nigg Development Framework has been subject to its own Strategic Environmental Assessment.

Supplementary Guidance - Next Stages

- 5.36 The Council must publicise Supplementary Guidance and give people the opportunity to comment on it; however there is no set period for which Supplementary Guidance must be consulted on. We intend to publish the revised Proposed Supplementary Guidance Policy Suite for a period of 6 weeks, which we consider is a sufficient period to allow scrutiny of the updates proposed. Normally documents of this type would be subject to a 4 week consultation period however, given the

upcoming Christmas break, a 6 week period is proposed in order to ensure as many people have the opportunity to engage in the consultation process as possible.

- 5.37 Following the consultation period, Officers will report the results of the public consultation, and any proposed revisions to the documents, to a subsequent Council meeting, and ask for approval to send the documents to the Scottish Government for their ratification to become adopted Supplementary Guidance. This formal adoption will likely be in mid-2017.
- 5.38 As noted above, upon the adoption of the Aberdeen Local Development Plan 2017, all existing pieces of Supplementary Guidance documents will “fall” and a gap in planning policy guidance will result until the new SGs are approved by Scottish Government. In order to address this policy gap, we recommend that Members agree to adopt the Proposed Supplementary Guidance as Interim Planning Advice from the date of adoption of the Aberdeen Local Development Plan 2017 (expected to be 17th January 2017). Taking this approach will ensure that any applications to be determined by the planning authority can be considered in the context of the Council’s agreed planning policy position, as adopted Interim Planning Advice (as a type of non-statutory planning guidance) can be afforded some weight as a material consideration in determining planning proposals. Approving this Interim Planning Advice status would be in the interests of ensuring the planning authority can act in a consistent and efficient manner. Not having an up to date policy framework in place could mean less certainty for developers, agencies and the public in respect of Aberdeen’s growth and development, cause deterioration in customer service, and detrimentally affect the quality of development

Non-Statutory Planning Guidance (Appendix 4: Tables 3 and 4)

- 5.39 As mentioned at the beginning of this report, a number of non-statutory pieces of planning guidance are also prepared by the planning authority, and also require to be regularly up-dated. Unlike the statutory Supplementary Guidance documents however, these non-statutory documents do not require to be wholly replaced at least every five years. It is however important that these piece of guidance are kept up-to-date. The pieces of non-statutory planning guidance which the Council currently has adopted that we believe should be taken forward are as follows:

- *Technical Advice Note – Repair and Replacement of Cast Iron Railings*
- *Technical Advice Note – Retail Impact Assessments*
- *Technical Advice Note – Aberdeen Airport*
- *Technical Advice Note – Student Accommodation*
- *Local Planning Advice – Bon Accord Baths*
- *Local Planning Advice – Conservation Area Character Appraisals and Management Plan*
- *Local Planning Advice – Murcar*

- *Local Planning Advice – Station Gateway*
- *Local Planning Advice – St Peter’s Nursery Site*

5.40 In addition to the above list, it is recommended that Members also agree to adopt the following additional pieces of non-statutory planning guidance following the expiry of the current Local Development Plan, as it is not our intention that all pieces of existing statutory Supplementary Guidance are taken forward as statutory guidance to the next LDP. These documents are listed below:

- *Technical Advice Note – Aberdeen Masterplanning Process*
- *Technical Advice Note – Design Review Panel*
- *Local Planning Advice – Aberdeen Harbour*
- *Local Planning Advice – Balgownie Centre, Bridge of Don*
- *Local Planning Advice – Broadford Works*
- *Local Planning Advice – Denburn Valley*
- *Local Planning Advice – Fire Station Site, North Anderson Drive*
- *Local Planning Advice – Hillhead Campus*
- *Local Planning Advice – Pinewood / Hazledene*
- *Local Planning Advice – River Don Corridor Framework*
- *Local Planning Advice – RGU City Centre*

5.41 A number of the non-statutory planning guidance documents have completed the Strategic Environmental Assessment Process. The results concluded the documents will have no likelihood of significant environmental effects; therefore no further strategic environmental impact is required. Of those documents where technical updates are required, once these have been completed, a Strategic Environmental Assessment Screening Report will be prepared and submitted to the SEA Gateway and Consultation Authorities for comment. The outcome of this will be reported back to Council following the consultation period.

5.42 For all pieces of non-statutory planning guidance notes above (existing and proposed), it is recommended that Members instruct Officers to undertake a solely technical review of these documents in order to ensure that, for example, all planning policy references are up-to-date and consistent with the Aberdeen Local Development Plan 2017. No other content would be changed with first seeking Member approval. This review would be undertaken over the next few months, and the updated documents directly uploaded onto the Council’s website. Given the minor drafting nature of the changes proposed, officers feel that no public consultation exercise is required to support this process.

6. IMPACT

6.1 **Improving Customer Experience** – both statutory Supplementary Guidance, as part of the Local Development Plan, and non-statutory planning guidance and provide certainty for the public, agencies and development industry.

6.2 **Improving Staff Experience** – both statutory Supplementary Guidance and non-statutory planning guidance provide guidance to

staff dealing with planning matters and helps to ensure that applications are dealt with in a consistent manner.

- 6.3 **Improving our use of Resources** – the Local Development Plan states that development should be encouraged in the right places, be efficient, and make the best use of existing infrastructure capacity. Where that capacity does not exist, developers will be expected to provide the infrastructure, services and facilities which are required as a result of the development. Guidance on doing so is provided within Supplementary Guidance and non-statutory planning guidance.
- 6.4 **Corporate** – both the statutory Supplementary Guidance and non-statutory planning guidance will support the Smarter City Vision in helping to make Aberdeen a great place to live, bring up a family, do business and visit. They promote the future growth of the city, encourages a sustainable approach to 21st century living, the city centre, new communications technology and transport.
- 6.5 **Public** – Given the wide range of policy areas the statutory Supplementary Guidance and non-statutory planning guidance cover, an Equality and Human Rights Impact Assessment has been carried out. It shows that there will be some positive impacts of the Plan on a range of equalities groups.

7. MANAGEMENT OF RISK

- 7.1 Both the statutory Supplementary Guidance and non-statutory planning guidance contain policies aimed to improve the quality of development and ensure a consistent approach in deciding planning applications. Not having an up to date policy framework in place could lead to a higher risk of planning by appeal, meaning less certainty for developers, agencies and the public.

8. BACKGROUND PAPERS

- Appendix 1 – Proposed Supplementary Guidance to accompany Aberdeen Local Development Plan 2017 (Policy and Site Specific)
- Appendix 2 – Summary of Representations Received, and Officer Responses
- Appendix 3 – Full Copies of Representations Received
- Appendix 4 – List of Statutory Supplementary Guidance and Non-Statutory Planning Guidance to accompany the Aberdeen Local Development Plan 2017

Further Reading:

- Aberdeen Local Development Plan – Examination Report
http://www.aberdeencity.gov.uk/planning_environment/planning/local_development_plan/pla_aldp2016_examination.asp

- Aberdeen Local Development Plan – Proposed Plan
http://www.aberdeencity.gov.uk/planning_environment/planning/local_development_plan/pla_2016_proposed_plan.asp
- Aberdeen Local Development Plan – Proposed Action Programme
<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=62528&sID=26036>
- Aberdeen City and Shire Strategic Development Planning Authority: Aberdeen City and Shire Strategic Development Plan 2014
<http://www.aberdeencityandshire-sdpa.gov.uk/nmsruntime/saveasdialog.asp?IID=1111&sID=149>
- Planning etc. (Scotland) Act 2006
http://www.legislation.gov.uk/asp/2006/17/pdfs/asp_20060017_en.pdf
- Scottish Planning Series: Planning Circular 6/2013: Development Planning
<http://www.gov.scot/Resource/0044/00441577.pdf>
- The Town and Country Planning (Development Planning) (Scotland) Regulations 2008
http://www.legislation.gov.uk/ssi/2008/426/pdfs/ssi_20080426_en.pdf

9. REPORT AUTHOR DETAILS

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