

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	15 March 2017
ACTING DIRECTOR	Bernadette Marjoram
TITLE OF REPORT	Proposed Supplementary Guidance to accompany Aberdeen Local Development Plan 2017
REPORT NUMBER	CHI/17/015
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

- 1.1 This report updates Members on a recent period of public consultation on proposed Supplementary Guidance on a selection of planning policy matters and development sites and masterplan zones, and asks for approval to send these documents to the Scottish Ministers for formal ratification to become adopted Supplementary Guidance to accompany the Aberdeen Local Development Plan 2017.
- 1.2 The report presents a summary of the representations received during the recent public consultation period, Officer responses to these representations, and outlines any resulting modifications made to the documents.

2. RECOMMENDATIONS

- 2.1 It is recommended that Members:
 - a. Note the representations received on the Proposed Supplementary Guidance documents, and approve Officers' responses to these representations (where relevant) (Appendices 2 and 3);
 - b. Where documents have been revised, approve the revised Proposed Supplementary Guidance documents as Interim Planning Advice from 16th March 2017;
 - c. Agree that the Loirston Development Framework will not go forward as Supplementary Guidance at this time, but will instead be reported back to Members at a later date for further consultation and approval; and,
 - d. Instruct Officers to send a copy of all approved Supplementary Guidance documents to the Scottish Ministers for formal ratification to become adopted Supplementary Guidance to accompany 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 adopting the Supplementary Guidance can 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 Supplementary Guidance. This may have financial implications for the Council as a developer.

5. BACKGROUND/MAIN ISSUES

- 5.1 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.
- 5.2 The Aberdeen Local Development Plan 2012 had 66.no associated statutory Supplementary Guidance documents covering a number of different topic areas and sites. Following the adoption of the Aberdeen Local Development Plan 2017 on 20th January 2017, all of these 66.no documents have now 'fallen' and therefore can no longer be used in the consideration of planning applications. Officers have been preparing replacement Supplementary Guidance for the last 18 months, and this Report represents the final stage in this process.
- 5.3 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 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. Officer responses to these representations, as well as revised versions of the Policy Supplementary Guidance documents, were agreed at the Council Meeting of 14th December 2016 (Report Number CHI/15/158, Agenda Item 7(j)).
- 5.4 Members agreed at the December 2016 Council meeting to undertake an additional period of public consultation on the revised policy documents, as well as a number of updated Site Specific documents. The consultation period ran from 16th December 2016 to 30th January 2017. Normally documents of this type would be subject to a 4 week consultation period however, given the Christmas break, a longer period was agreed in order to ensure as many people had the opportunity to engage in the consultation process as possible.

- 5.5 A total of 21.no representations were received during the recent consultation period. A number of representations commented on multiple Supplementary Guidance documents. Officers have reviewed the representations received and, where necessary, have made changes to the Supplementary Guidance documents.
- 5.6 Appendix 1 presents the final versions of all documents which we recommend go forward to Scottish Ministers for formal adoption. Our responses to the comments received during the recent consultation process are presented in Appendix 2. Full, un-summarised copies of the representations received are provided in Appendix 3.
- 5.7 The primary changes made to the Policy Supplementary Guidance documents are summarised below and are discussed in further detail in Appendix 2.

Title	Summary of Change
The Repair and Replacement of Windows and Doors	Minor changes have been made to the document to clarify terminology and correct typographical errors. A link has also been added to the Council's web resource on 'Traditional and Historic Buildings Conservation Advice'.
Shops and Signs	Additional text has been added to clarify when the guidance is to be used, and to refocus the guidance to have a wider focus.
Big Buildings	No amendments made. Document to go forward as currently drafted.
Stonecleaning	No amendments made. Document to go forward as currently drafted.
Temporary Buildings	No amendments made. Document to go forward as currently drafted.
Landscape	Text inserted to clarify guidance relating to green buffers and the siting and design of development.
Energetica	No amendments made. Document to go forward as currently drafted.
Householder Development Guide	Minor changes have been made to the document to clarify terminology.
Sub-Division and Redevelopment of Residential Curtilages	Minor changes to correct typographical errors.

Conversion of Buildings in the Countryside	No amendments made. Document to go forward as currently drafted.
Hierarchy of Centres	No amendments made. Document to go forward as currently drafted.
Union Street Frontages	No amendments made. Document to go forward as currently drafted.
Harmony of Uses	No amendments made. Document to go forward as currently drafted.
Serviced Apartments	No amendments made. Document to go forward as currently drafted.
Children's Nurseries	No amendments made. Document to go forward as currently drafted.
Planning Obligations	<p>Section 3 – Amendment to introductory text to emphasise contribution requirements will vary from site to site with exact requirements for each site being assessed on a case by case basis.</p> <p>Section 3.2 – Information included to reflect the use of a standard Section 75 template.</p> <p>Section 4.1 – Updated position provided on Strategic Transport Fund.</p> <p>Section 4.4 – The worked example for Education removed as the supporting text describes the process more clearly.</p> <p>Paragraph 4.6.1 – Clarification made to ensure consistency with Policy NE4, Text amended to clarify that contributions to open space can be used towards the creation of both new open space and enhancement of existing open space provision.</p>
Affordable Housing	Modification to the period for using Affordable Housing Credits from 5 years to 7 years to align with the period the Council has for using Planning Obligations.
Gypsy and Traveller Sites	No amendments made. Document to go forward as currently drafted.
Transport and Accessibility	Parking requirement for residential dwelling in the inner city and housing association/social housing has been amended to reflect the Supplementary

	<p>Guidance's vision of reducing car dependency.</p> <p>Text in Section 3.1 amended to clarify that sites should be designed to allow for public transport penetration, and where public transport is not accessible, developers may be required to contribute financially to services as per SPP.</p> <p>Text in Section 3.2 amended to clarify that developers are required to provide both minimum active and minimum passive provision when it comes to electrical vehicle charging infrastructure.</p> <p>Text in Section 3.4 amended to clarify that a combination of factors will be regarded when justifying low or no car development.</p> <p>Text has been amended regarding garages in rear lanes so the wording in Section 5.86 reflects that on Paragraph 6.4.</p> <p>Minor typographical errors corrected.</p>
Air Quality	Minor typographical errors corrected.
Noise	No amendments made. Document to go forward as currently drafted.
Natural Heritage	Minor amendments made throughout to provide better clarity and strengthen the SG following comments from SNH and the RSPB.
Trees and Woodlands	Additional text added in regard to ancient woodland to ensure developers are aware of their importance and the presumption against their removal.
Flooding, Drainage and Water Quality	Document amended to take into account the fact that the North East Flood Risk Management Plan has now been published.
Green Space Network and Open Space	No amendments made. Document to go forward as currently drafted.
Resources for New Development	Clarification of the calculation method for Low and Zero Carbon Generating Technology has been included, as has the acceptance of other calculation methods for more complex buildings.
Wind Turbine Development	Change made to reflect Scottish Government request to amend how the Wind Spatial Framework was prepared, specifically that the Greenbelt cannot be identified as a constraint

	<p>within the Wind Spatial Framework. This change does not however prevent the Council from setting appropriate uses within the Greenbelt. To this end, the Council's policy excludes the development of Wind Turbines in the Greenbelt meaning the end result remains that there are no locations suitable for large Wind Turbines within the Councils administrative area.</p>
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5.8 The primary changes made to the Site Specific Supplementary Guidance documents are summarised below and are discussed in further detail in Appendix 2.

Title	Summary of Change
Countesswells Development Framework and Phase One Masterplan	<p>As part of the Section 75 process for securing developer contributions for this site at planning application stage, the school area (N7) has been reduced (from 3.00 hectares to 1.43 hectares) in accordance with the requirements of the Council's Education Service. As a result, the development area of Block N6 has increased from 1.87 hectares to 4.04 hectares.</p> <p>A layout for this area has been provided by the Site Developer / Agent as part of the consultation process. Officers are satisfied with the content, and agree that this land is appropriate for residential development in accordance with the surrounding uses and the land allocation. The proposed residential density for the revised N6 block is identified as 30-40 units per hectare to reflect the location adjacent to the Neighbourhood Centre. This results in an increase of 90 units from the numbers within the original Development Framework, which Officers consider to be acceptable.</p> <p>The details of the Masterplan for N6 can be seen on pages 158 and 159 of the revised Development Framework, as well as pages 140- 149. Table 1 on page 132 shows the revised housing numbers and block sizes.</p>
Dubford Development Framework	No amendments made. Document to go forward as currently drafted.
Former Davidson's Mill (Bucksburn) Development Framework and Phase One Masterplan	No amendments made. Document to go forward as currently drafted.

Friarsfield Development Framework	No amendments made. Document to go forward as currently drafted.
Grandhome Development Framework	No amendments made. Document to go forward as currently drafted.
Kingswells (Prime Four) Development Framework and Phase One Masterplan	No amendments made. Document to go forward as currently drafted.
Kingswells (Prime Four) Phases Two and Three Masterplan	No amendments made. Document to go forward as currently drafted.
Kingswells (Prime Four Expansion) OP63 Development Framework	No amendments made. Document to go forward as currently drafted.
Maidencraig Masterplan	No amendments made. Document to go forward as currently drafted.
Newhills Development Framework	Statement about drainage services in the infrastructure section was not accurate and did not reflect Scottish Waters processes. The relevant section has been amended to reflect this.
Oldfold Development Framework and Masterplan	No amendments made. Document to go forward as currently drafted.
Persley Den / Woodside Masterplan	No amendments made. Document to go forward as currently drafted.
West Huxterstone Masterplan	No amendments made. Document to go forward as currently drafted.
Stoneywood Development Framework and Masterplan	Statement about drainage services in the infrastructure section was not accurate and did not reflect Scottish Waters processes. The relevant section has been amended to reflect this.
Aberdeen Harbour at Bay of Nigg	No amendments made. Document to go forward as currently drafted.
Replacement AECC - Rowett North Masterplan	No amendments made. Document to go forward as currently drafted.

Existing AECC - Bridge of Don Development Framework	No amendments made. Document to go forward as currently drafted.
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5.9 In addition to the above, a representation was received from the agents representing the Loirston Development Framework, suggesting that changes in circumstances since its initial preparation mean that the document would benefit from a thorough and meaningful review prior to it being recommended as Supplementary Guidance to support the new Local Development Plan. Officers agree that such a review would be beneficial, as a number of different, additional, options for development are now required to be considered which were not known at the time of initial preparation.

5.10 As such, this document has been removed from the list of Supplementary Guidance to support the Aberdeen Local Development Plan at this time. Instead, we recommend that Members agree that the Development Framework for this site will be reviewed and updated (in line with the Aberdeen Masterplanning Process), and be reported back to a future meeting of the Communities, Housing and Infrastructure Committee to recommend further public consultation on the revised proposals, before proceeding to become Supplementary Guidance at a later date. Comments received on the document as part of the recent public consultation period will be rolled forward to be considered as part of this review exercise.

Strategic Environmental Assessment (SEA)

5.11 An Environmental Report has been prepared for the Local Development Plan, and this includes the Habitats Regulation Assessment for the River Dee Special Area of Conservation. This document is available to view on the Aberdeen City Council website at: www.aberdeencity.gov.uk/localdevelopmentplan.

5.12 All Proposed Supplementary Guidance documents have now completed the Strategic Environmental Assessment Screening Process, and no documents require any further SEA to be undertaken.

Next Stages

5.13 Should Members agree the proposed Supplementary Guidance (Appendix 1), Officers would proceed to send the documents to the Scottish Ministers for their ratification to become adopted Supplementary Guidance to the Aberdeen Local Development Plan 2017. Formal adoption would be advertised via the Council's website, Social Media and the LDP Newsletter.

5.14 Before submission to Ministers, the text / images agreed by Members for the Planning Policy suite would be put into a standard template and be enhanced visually by the Council's Corporate Communication

Team. A Glossary and Further Reading List would also be provided at the end of the Policy suite to enhance usability.

- 5.15 In order to ensure that the most up-to-date documents are used in the determination of planning applications, where revised documents have been agreed by Members at this meeting, we recommend that Members agree to adopt these revised documents as Interim Planning Advice from 16th March 2017. All other documents which have not been amended as a result of the consultation would retain their status as Interim Planning Advice, as established on 20th January 2017.
- 5.16 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.

6. IMPACT

- 6.1 **Improving Customer Experience** – statutory Supplementary Guidance, as part of the Local Development Plan provides certainty for the public, agencies and development industry.
- 6.2 **Improving Staff Experience** – statutory Supplementary Guidance provides 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 the Supplementary Guidance.
- 6.4 **Corporate** – the statutory Supplementary 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 covers, 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 Supplementary Guidance contains 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

Further Reading:

- Aberdeen Local Development Plan 2017

9. REPORT AUTHOR DETAILS

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