

ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management
DATE	29 June 2023
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Aberdeen Planning Guidance: Outdoor Seating
REPORT NUMBER	PLA/ 23/217
DIRECTOR	Gale Beattie
CHIEF OFFICER	David Dunne
REPORT AUTHOR	Donna Laing
TERMS OF REFERENCE	5.

1. PURPOSE OF REPORT

- 1.1 To seek approval to adopt the Aberdeen Planning Guidance (APG): Outdoor Seating.

2. RECOMMENDATION(S)

That the Committee:-

- 2.1 Note the findings of the consultation on the Draft Outdoor Seating Guidance Document, and subsequent responses and revisions proposed by Officers to the Draft document (refer Appendix 1) and
- 2.2 Approve the Aberdeen Planning Guidance: Outdoor Seating (Appendix 2) as non-statutory planning advice.

3. CURRENT SITUATION

Reason for Guidance

- 3.1 Report PLA/22/183 to Planning Development Management Committee on 01 September 2022 outlined the circumstances for the creation of Planning Guidance on outdoor seating. Outdoor seating, as defined in the Aberdeen Planning Guidance, can take the form of chairs and tables outside of a

premises, or larger covered structures to accommodate further seating. The proposed Aberdeen Planning Guidance on this topic provides general principles for all outdoor seating relating to location, design and neighbourliness. Specific guidance is also provided on outdoor seating on streets, privately owned car parks, public open space, seasonal consents / time limited applications and the Belmont Café Quarter. The Guidance also highlights where further consents may be required from other departments beyond the planning service (e.g. Roads and Licensing).

Public Consultation

3.2 The public consultation on the Draft Aberdeen Planning Guidance ran for a period of 4 weeks from Monday 26 September to Monday 24 October 2022. The document was made available and publicised during the consultation by the following methods:

- Publication of the Draft document on the Aberdeen City Council 'Consultation Hub'
<https://consultation.aberdeencity.gov.uk/planning/apg-outdoor-seating/>
- Hard Copy of the document available for review at Marischal College Customer Service Centre during normal opening hours of 9am to 1pm Monday, Tuesday, Thursday, Friday and 9am to 5pm on Wednesday.
- Social Media posts on Facebook and Twitter from Aberdeen City Council and Local Development Plan social media accounts during the consultation process.
- Notification by email to statutory consultees, Community Councils and other interested organizations.
- Notification to individuals, organisations and businesses signed up to the Local Development Plan Newsletter.

3.3 A total of 253 responses were received to the public consultation. 243 were from individuals, 8 from businesses and 2 from organizations. The responses received can be split into five themes; general support for outdoor seating (7 businesses / 2 organizations / 123 individuals), outdoor seating is not required (9 individuals), comments relating to the temporary Spaces for People measures installed during the Covid-19 emergency (15 individuals), comments on the content of the document (22 individuals), comments on a single premises (1 business / 73 individuals). 1 blank comment from an individual was also received. Appendix 1 presents the responses received, split into the five themes.

3.4 Changes made to the document following comments received during the public consultation period include adding further information to show the remit of the different consent processes required for outdoor seating establishments, and highlighting that outdoor seating is not solely for licensed premises. Text modifications have also been made to incorporate updates to Permitted Development Rights across Scotland which came into force on 31 March 2023.

Planning consent is still required for proposals which fall outwith the remit of the Permitted Development Rights. Changes have been made to the format of the document so it follows the Aberdeen Planning Guidance template, and the policies have been updated to reflect the Aberdeen Local Development Plan 2023. The document will help applicants, planning officers and other stakeholders to understand the planning requirements regarding outdoor seating where this is not covered by Permitted Development Rights. It will ensure a consistent approach to decision making. The final document will be desktop published and will be available to view on the Council's website.

Adoption Timeframe

- 3.5 On 20 September 2022, 19 days after the draft Aberdeen Planning Guidance was approved for consultation, Aberdeen City Council received the Reporters' Report into the Examination in Public of the Proposed Aberdeen Local Development Plan 2022. At Full Council on 14 December it was agreed to approve the adoption of the Aberdeen Local Development Plan as modified, and the Plan as modified was sent to the Scottish Ministers. Further to receipt of a Direction letter from Scottish Ministers dated 10 May 2023, the Aberdeen Local Development Plan 2023, as modified was presented to Full Council on 14 June 2023 with a recommendation to adopt. The Aberdeen Local Development Plan 2023 was adopted on 19 June 2023. This Aberdeen Planning Guidance would be non-statutory planning advice to support the Local Development Plan 2023.
- 3.6 As referenced in report PLA/22/183, the Scottish Government recently undertook a review of Permitted Development Rights, which included a consultation on moveable outdoor furniture. Permitted Development Rights are proposals where no planning consent is required, or where planning consent is required only in certain instances. The Scottish Government consultation on the review of Permitted Development Rights ended on 3 August 2022.
- 3.7 Given the timelines associated with both the Scottish Government consultation on Permitted Development Rights and the Aberdeen Local Development Plan 2023 it was felt pertinent, and resource efficient, to bring this Aberdeen Planning Guidance back to Members for approval after the results of the Permitted Development Rights consultation were known, and after the adoption of the Aberdeen Local Development Plan 2023.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications associated with this report. The cost of preparing the document has been met through existing budgets.
- 4.2 The guidance document will help to mitigate any increase in applications and queries which will result in added pressure on the finances and staff resources of the Council's planning service.

5. LEGAL IMPLICATIONS

5.1 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 the document. Once adopted, the Aberdeen Planning Guidance: Outdoor Seating document will be a material consideration to inform decisions on future planning applications in Aberdeen.

6. ENVIRONMENTAL IMPLICATIONS

6.1 A Strategic Environmental Assessment Screening Report was issued to the SEA Gateway. The SEA Gateway have confirmed there is no requirement for a Strategic Environmental Assessment.

6.2 A Habitats Regulations Appraisal (HRA) is not required as the APG does not specifically recommend any actions or projects.

7. RISK

The assessment of risk contained within the table below is considered to be consistent with the Council's Risk Appetite Statement.

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	Not delivering the aims of the City Centre Masterplan and Local Development Plan relating to the future of Aberdeen.	Encourages outdoor seating to facilitate a vibrant and welcoming city.	L	Yes
Compliance	Ensuring that planning permission is sought for outdoor seating where required.	The document provides advice on planning consent.	L	Yes
Operational	By not provided guidance, officers could,	The document provides clarity, consistence and certainly in terms of	L	Yes

	over time, provide inconsistent advice.	what is required for planning permission.		
Financial	Not having guidance could lead to uncertainty at planning application stage, potentially leading to more staff time spent processing applications and a greater number of planning application appeals.	The document should reduce the number of queries and provide clarity, consistence and certainly in terms of what is required for planning permission.	L	Yes
Reputational	Not providing guidance opens the possibility of inconsistency and misinformation.	The document sets parameters for development based on location, design and amenity.	L	Yes
Environment / Climate	Ensures Net Zero Route map is considered in the design of proposals	The document notes proposals have to consider energy use and emissions.	L	Yes

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN 2022-2023</u>	
Impact of Report	
Aberdeen City Council Policy Statement	The proposal within this report support the delivery of the following aspects of the policy statement: -
<u>Working in Partnership for Aberdeen</u>	A vibrant city – make Aberdeen a more attractive place to live, work, study and visit
Prosperous Economy Stretch Outcomes	Supports outcome 2 by supporting the labour market and by allowing people to linger longer in spaces.

Prosperous People Stretch Outcomes	Support outcome 11 by facilitating spaces where individuals can interact socially.
Prosperous Place Stretch Outcomes	Supports outcome 13 by focusing on impact on proposals on Net Zero Route map.
Regional and City Strategies <i>City Strategies and Strategic Plans</i> City Centre Masterplan, Aberdeen Local Development Plan 2023	Supports the City Centre Masterplan by helping to facilitate a vibrant and welcoming city. Support the Aberdeen Local Development Plan 2023 by ensuring Aberdeen is an excellent place to live, visit and do business, and where the built, historic, and natural environment will be protected.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Full impact assessment not required.
Data Protection Impact Assessment	Not required.
Other	Not required.

10. BACKGROUND PAPERS

10.1 [Aberdeen Local Development Plan 2023](#)

10.2 [City Centre and Beach Masterplan 2022](#)

11. APPENDICES

11.1 Appendix 1 – Summary of responses received and officer responses

11.2 Appendix 2 – Aberdeen Planning Guidance: Outdoor Seating

12. REPORT AUTHOR CONTACT DETAILS

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