

DRAFT

REPORT TO: CITY DEVELOPMENT COMMITTEE – 27 APRIL 2015

**REPORT ON: DUNDEE LOCAL DEVELOPMENT PLAN - SUPPLEMENTARY GUIDANCE
- HOUSEHOLDER DEVELOPMENT ADVICE AND BEST PRACTICE**

REPORT BY: DIRECTOR OF CITY DEVELOPMENT

REPORT NO: 154-2015

1 PURPOSE OF REPORT

1.1 This report summarises the representations received to the proposed Supplementary Guidance on Householder Development Advice and Best Practice from the period of public consultation. It also seeks approval of the proposed modifications to the wording of the guidance in response to the representations.

1.2 The summary of issues raised and proposed modifications are attached as Appendix 1.

2 RECOMMENDATION

2.1 It is recommended that the Committee:

- a notes the summary of the issues raised in the representations received to the proposed Supplementary Guidance, the response to these by the Council and approves the proposed modifications as set out in Appendix 1;
- b agrees to the adoption of the Supplementary Guidance following completion of the required pre-adoption procedures; and
- c remits the Director of City Development to submit a copy of the proposed Supplementary Guidance to Scottish Ministers together with the relevant statements as required by the Town and Country (Development Planning) (Scotland) Regulations 2008.

3 FINANCIAL IMPLICATIONS

3.1 There are no financial implications arising as a result of this report.

4 BACKGROUND

4.1 Reference is made to Article IV of the Minute of the Meeting of the City Development Committee of 26 January 2015 - Report 2-2015 where it was agreed to issue the draft Supplementary Guidance – Householder Development Advice and Best Practice for a 6 week period of public consultation.

4.2 Interested parties including statutory bodies, private and public parties, community groups and the general public were invited to consult on the document which was made available to view from 28 January to 11 March 2015. Representations were received to the draft Supplementary Guidance from Dundee Institute of Architects, Broughty Ferry Community Council, Dundee University Town & Regional Planning students, Scottish Environment Protection Agency, Scottish Natural Heritage, Historic Scotland and the Scottish Government.

4.3 The respondents welcomed the provision of the proposed supplementary guidance on Householder Development Advice and Best Practice. No changes to the guidance were requested by Historic Scotland and Scottish Environmental Protection Agency. Rewording of sections of the guidance was requested by the Scottish Natural Heritage, Broughty Ferry Community Council, Scottish Government, Dundee Institute of Architects and the Dundee

University Town and Regional Planning students. The points raised in the representations and the responses to these are set out in Appendix 1. The representations received have helped to clarify particular sections of the proposed guidance. Where suggested changes have not been accepted an explanation for this has been provided. The proposed modifications to the wording are set out in Appendix 1.

5 POLICY IMPLICATIONS

5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There major issues identified are:

- a the Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies;
- b the matters presented in this report were considered under the Environmental Assessment (Scotland) Act 2005 and the required pre-determination screening has been undertaken under Section 9 of the Act. The screening identified that the draft Supplementary Guidance will have no significant environmental effects and the SEA Gateway is in agreement;
- c Article 6(3) of the EC Habitats Directive requires that any plan (or project), which is not directly connected with or necessary to the management of a European site, but would be likely to have a significant effect on such a site, either individually or in combination with other plans or projects, shall be subject to an "appropriate assessment" of its implications for the European site in view of the site's conservation objectives. This procedure is applied in Scotland through The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and is known as the "Habitats Regulations Appraisal" of plans; and
- d the screening stage of the Habitats Regulations Appraisal identified that the draft Supplementary Guidance Householder Development - Advice and Best Practice is not likely to have a significant effect on a European site. Scottish Natural Heritage (SNH) is in agreement with this and SNH confirm that no further consideration is required.

6 CONSULTATIONS

6.1 The Chief Executive, the Director of Corporate Services and Head of Democratic and Legal Services have been consulted and are in agreement with the contents of this report.

7 BACKGROUND PAPERS

7.1 There are no background papers

Mike Galloway
Director of City Development

Gregor Hamilton
Head of Planning

GH/RP/KM

1 April 2015

Dundee City Council
Dundee House, Dundee

APPENDIX 1

SUMMARY OF COMMENTS RECEIVED FROM CONSULTATION ON DRAFT SUPPLEMENTARY GUIDANCE ON HOUSEHOLDER DEVELOPMENT – ADVICE AND BEST PRACTICE

Page/Fig No	Contributor/Organisation	Comment Received/Change Recommended	Dundee City Council Response	Action/Proposed Modification of SG
Page 5	Dundee Institute of Architects	The emphasis is placed on the designer/technician as a specialist, whereas it is the Chartered Architect who has the specialist training and design ability. This undermines the objective of the guidance to stimulate good design standards.	Dundee City Council acknowledge the specialised knowledge and expertise of Chartered Architects.	Page 5: Insert wording ' <i>Chartered Architect</i> ' Delete wording ' <i>specialising in architectural design services</i> '.
Page 7	Broughty Ferry Community Council	It would help on page 7 to make bold the 'green' and 'red' to emphasise what is 'good' and 'bad'.	Noted. Agree to emphasise the colour scheme.	Amend reference to 'green' and 'red' by boldening and underlining.
Page 8	Broughty Ferry Community Council	In the 'Well designed side extensions' box the second bullet point does not follow '..should be:'	Noted. Agree to re-word.	Amend wording of second bullet point to read ' <i>designed to avoid extending in front of the building line</i> '.
Page 9	Broughty Ferry Community Council	In the 'Poorly designed front/side extensions' box, the final bullet point does not follow '..should avoid:'.	Noted. Agree to re-word.	Amend wording of bullet point to read ' <i>resulting in there being no access for maintenance to side of property removing access to side or rear of property for maintenance, bin storage, etc.</i> '

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Page 11	Broughty Ferry Community Council	In the 'Overbearing and Overshadowing' box, there are 2 examples (Figs3.11&3.12) and therefore the text should be 'pluralised'	Noted. Agree to re-word.	Amend wording of second line to read <i>'The examples show a large overbearing extension that also causes significant overshadowing on to the neighbouring property'</i>
Page 11	Broughty Ferry Community Council	'Overshadowing' should all be in lower case for consistency.	Noted. However two separate issues	No change.
Page 14	Broughty Ferry Community Council	In the 'Poorly designed raised deck' box remove 'likely'	Noted. Agree to re-word	Remove the word ' <i>likely</i> '.
Page 14	Broughty Ferry Community Council	In the 'Things to consider' box, the second sentence should be modified to '..the following should be considered:'	Noted. Agree to re-word	Amend wording of second sentence to – <i>'In order to maintain the privacy of neighbouring properties, including their gardens and windows the following points should be considered where possible.'</i>
Page 15	Broughty Ferry Community Council	In the 'Things to consider box' change 'points could' to 'should'. Remove the word 'consider' from the first 2 bullet points? Final bullet point should read 'installation of..'	Noted. Agree to re-word	Amend wording of second sentence to – <i>'In order to maintain the privacy of neighbouring properties, including their gardens and windows the following points should be considered where possible.'</i>

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				Remove the word ' <i>consider</i> ' from the first and second bullet points. Amend wording of third bullet point to – ' <i>installation of screening such as a fence along the boundary of your property to reduce any overlooking issues</i> '.
Page 17	Scottish Environmental Protection Agency	We support the incorporation of the principles of Sustainable Urban Drainage Systems within the document.	Positive comment noted.	No change.
Page 19	Scottish Environmental Protection Agency	We support the detailed consideration of development which may have an impact on local air quality.	Positive comment noted.	No change.
Page 19	Scottish Government	We would query the final sentence on page 19, see 'The Town and Country Planning (General Permitted Development) (Domestic Microgeneration) (Scotland) Amendment Order 2010' class 6G.	Noted. Agree to remove reference to requirements for permission.	Delete last sentence of last paragraph – ' <i>All domestic wind turbines in Scotland require planning permission.</i> '
Page 19	Scottish Government	Many microgeneration technologies fall within permitted development rights. This being the case we would recommend that a proactive approach be taken to consider how microgeneration technologies can be	Noted. Agree to re-word to promote the use of micro-generation technologies.	Remove word ' <i>generally</i> ' on first line paragraph of 1. Delete paragraph 6 ' <i>It may not be possible to incorporate some micro-renewables on or at some properties.</i> '

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		incorporated into a variety of situations to inform those seeking to make use of permitted development rights and beyond that to better inform how such technology can form a positive contribution to placemaking.		
Page 21	Scottish Natural Heritage	<p>We welcome the inclusion of Biodiversity in Other Consents and Things to Check. However, as the most common issue in householder development is disturbance and destruction of bat roosts, we believe that an additional reference would be useful here.</p> <p>In addition to the reference to Tayside Biodiversity's website, we recommend that the sentence "Please contact Scottish Natural Heritage for further information" is replaced by reference to Circular 1/2012 is included here. Part 8, page 79 of the Circular includes clear advice on protection of bat roosts and where to find further information on design to avoid impact and how to apply for a licence from SNH.</p>	Noted. Agree to amend wording	<p>First sentence of Biodiversity header - delete wording '<i>and plants</i>'</p> <p>Second sentence replace the following text;</p> <p><i>'Please contact Scottish Natural Heritage for further information'</i></p> <p>With:</p> <p><i>'For further information on protected species including bats and birds please contact Scottish Natural Heritage for further information'.</i></p> <p>Add the following hyperlink to 'Scottish Natural Heritage'</p> <p>www.snh.gov.uk/planning-and-development/advice-for-planners-and-developers/protected-animals/.</p>

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General	Broughty Ferry Community Council	This is welcome guidance (consolidating a number of separate 'guidances') that hopefully will improve the quality of planning applications.	Positive comment noted.	No change.
General	Broughty Ferry Community Council	It is queried whether some reference should be made to the positioning of satellite dishes. The available guidance could at least be mentioned.	Noted. Include wording relating to reducing visual impact of satellite dishes and antenna in Step 2.	Amend fig 2 to Include box with wording relating to satellite dish/ antenna positioning. Add wording - <i>'Consider if satellite dishes / antennas can be positioned in a concealed location or screened'</i>
General	Dundee Institute of Architects	Reference in the diagrams is also made to the "front and rear" of properties but no reference is made to "principal elevations". This should be explained in the text. I am aware from meetings with Government officials at RIAS Planning Committee, that this is sometimes a difficult matter to define and can be subjective.	Noted. Agree it is difficult matter to define - the document is aiming to be usable by general members of the public therefore often complex terminology has been avoided.	No change.
General	Dundee Institute of Architects	The quality of the diagrammatic solutions is poor and if followed without imagination or design ability will result in poor quality architecture against which it will be difficult for Planners to argue. Perhaps the City Architects could assist in this matter or DIA could advise.	Noted. The Council has used simplistic diagrams to demonstrate the key policy and design considerations of householder development.	Add the following text to page 7 after the sentence referencing the colour-code system: <i>'The diagrams are for illustrative purposes only.'</i>

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General	Scottish Water	Scottish Water welcomes and supports the Council in providing further guidance to Policy 10: Householder Development of the Dundee Local Development Plan (2014).	Positive comment noted.	No change.
General	Scottish Water	<p>Generally, Scottish Water do not need to be consulted on development when there is an existing water and/or wastewater connection in use. The exception to this rule would be if development would result in; a substantial increase in water usage, considerable rise in sewer loading, or a significant increase in surface water run-off.</p> <p>Requested inclusion of wording advising that there should be no cross connections for development that uses a separately sewered system and that plumbing of new infrastructure should only be connected to surface water, and foul to foul.</p> <p>Requested inclusion of wording recommending that any additional surface water should ideally be discharged to a</p>	<p>Noted. To add in additional item on contact information and seeking advise from Scottish Water on page 21 (Step 4).</p> <p>Noted. Document is general advice and technical details covered by inclusion of SW contact details</p> <p>Noted. Surface water drainage covered by p17</p> <p>Noted. To add in additional item on contact information and seeking advise from Scottish Water on page 21 (Step 4).</p>	<p>Include following contact and wording below for Scottish Water <i>'It is the owners responsibility to ensure that any property extensions are not built over existing water or wastewater infrastructure. If this is identified as a possibility, Scottish Water will need to be contacted to find out whether a diversion will be required. Asset plan providers can supply copies of Scottish water and wastewater network drawings. These are free of charge to private homeowners.</i></p> <p>Contact details can be found at; www.scottishwater.co.uk/business/horizons/asset-plans/asset-plans.</p>

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		<p>soakaway on-site, thereby using SUDS to avoid eroding capacity in the sewer. When this is not possible attenuation will be required.</p> <p>Property extensions are not to be built over existing water or wastewater infrastructure. If this is identified as a possibility, Scottish Water will need to be contacted to find out whether a diversion will be required. Asset plan providers can supply copies of our water and wastewater network drawings. These are free of charge to private homeowners. Contact details can be found at www.scottishwater.co.uk/business/horizons/asset-plans/asset-plans.</p>		
General	Historic Scotland	Welcomed the guidance and had no specific comments to make on the content.	Noted	No change
General	DCC	For clarity include the word 'only' after 'Micro-renewables should..' on page 19.	Noted. Agree to amend wording for clarity	Amend sentence to read - ' <i>Micro-renewables should only be installed where neighbours will not be adversely affected by noise, reflected light, shadow flicker etc.</i> '

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General	DCC	Amend wording of paragraph on Biomass Heating Systems on p19 to provide clarity on the requirements for planning permission as result of Dundee being designated as an Air Quality Management Area.	Noted. Agree to amend wording for clarity.	Amend wording to that suggested – paragraph to read ' <i>Biomass Heating Systems, including Wood Burning Stoves: Dundee is designated as an Air Quality Management Area. As such, planning permission is required for any flue, duct or chimney associated with a biomass heating system, including a wood burning stove. In addition, most of the City is covered by Smoke Control Areas. Please seek advice from your supplier to ensure that your biomass heating system is an exempt appliance in Scotland and the specified fuel for the appliance is used.</i>
General	DCC	Add in additional item on environmental considerations on page 21 (Step 4), including reference to contamination issues and contact details for DCC Environmental Protection Department.	Noted. Agree to include reference to environmental considerations.	Add in additional item on environmental considerations on page 21 (Step 4), including reference to contamination issues and contact details for DCC Environmental Protection Department.

On Monday 9 March 2015 a workshop was held with 35 Town & Regional Planning students from the University of Dundee and academic staff. The planning students were asked to comment on the sketch-up images in the draft Supplementary Guidance on Householder Development – Advice and Best Practice.

The table provides a summary of the comments received and the modifications proposed to the draft Supplementary Guidance document.

Page/Fig No	Comment Received/Change Recommended	Dundee City Council Response	Action/Proposed Modification of SG
Page 6/2	Compactness of diagram makes labelling complicated and difficult to read	Comment noted and the layout of Step 2 will be considered further at final format stage.	The best layout of Step 2 to be determined at final format stage.
Page 6/2	More examples of extensions/deckings not just outbuildings/garages	Note recommendation and agree additional examples in the diagram at Step 2 would help to support the key principles outlined in the text boxes.	Add a house extension to figure 2.
Page 6/2	An example of a good outbuilding would help	Note recommendation and agree additional examples in the diagram for Step 2 would help to support the key principles outlined in the text boxes.	Add a garden shed to figure 2.
Page 6/2	Visually sets the scene well	Positive comment noted.	No change.
Page 6/2	Really nice visually	Positive comment noted.	No change.
Page 6/2	Gives good insight of overall area	Positive comment noted.	No change.
Page 8	Make figures bigger	Noted and agree with recommendation to enlarge figures 3.1, 3.2, 3.3 and 3.4 at final format stage.	Enlarge the 'extension' figures 3.1, 3.2, 3.3, 3.4 on page 8 at final format stage.
Page 8/3.3,3.4	Join illustrations 3.3 and 3.4	Noted and agree with recommendation and this will be considered at final format stage	Amend layout of page 8 to show a neighbouring property for figures 3.1, 3.2, 3.3 and 3.4 to add more context for the supporting text.
Page 8-11	Good to have variety of perspectives.	Positive comment noted.	No change.

Page/Fig No	Comment Received/Change Recommended	Dundee City Council Response	Action/Proposed Modification of SG
Page 8-17	Use of colours to emphasise poor and good design - red and green difficult to translate for colour blind people.	Agree there is an issue with using colours and recommend using a cross and tick alongside red and green to illustrate good and bad.	Add a cross to all bad examples and a tick to all good examples to make the document more user-friendly.
Page 8 and Page 10	Show neighbouring houses to give context/scale.	Noted and agree with the recommendation as this will support the accompanying text boxes on page 8 for figures 3.1, 3.2, 3.3, 3.4 and page 10 for figures 3.7, 3.8, 3.9 and 3.10.	Amend diagrams on page 8 and 10 to show neighbouring properties to provide context to the supporting text.
Page 9/3.5,3.6	Adjust angle of building line slightly.	Noted and agree with recommendation.	Adjust angle of figure 3.5 and 3.6 to help illustrate more clearly the issues highlighted in the supporting text box.
Page 9/3.6	Dramatise figure 3.6 in terms of bad example	Noted and agree that a greater emphasis on the poor example on figure 3.6 would support the accompanying text.	Amend the 'poorly designed front extension' on figure 3.6 to more clearly demonstrate the impact as outlined in the supporting text box.
Page 11	Figure shown in 3.11 and 3.12 good as adds scale	Positive comment noted.	No change.
Page 11	3.13 is clear and with dimensions	Positive comment noted.	No change.
Page 12/3.14	Good to have the houses adjacent to each other to compare the properties visually	Positive comment noted.	No change.
Page 13/3.15	Highlight the example window frames in red/green.	Agree with recommendation to highlight good and bad examples of window frames in green and red to be consistent with other sections of the document.	Amend figure 3.15 to show good example of window frame in green and bad example in red to be consistent with the rest of the document. To be consistent with other comments received add a tick to figure 3.15 for good example and a cross for bad example.

Page/Fig No	Comment Received/Change Recommended	Dundee City Council Response	Action/Proposed Modification of SG
Page 14/15 3.16/3.17/ 3.18	Make the person in the diagram clearer and don't colour them in red.	Noted. Format issue and will amend in final document.	Amend figure 3.16, 3.17 and 3.18 to ensure the person in the diagram is not coloured in red.
Page 14/15 3.16/3.17/ 3.18	Good to have the neighbouring house to show context/impact of structure and good to have 'person' to show scale.	Positive comment noted.	No change.
Page 14/15 3.16/3.17/ 3.18	Explain the 18metre rule in text and link to red arrows as currently unclear what they show.	Noted and recommend removing reference to 18m rule on figure 3.16 and amend the diagram to clearly show overlooking into neighbouring property.	Delete text 'less than 18 metres' on figure 3.16. Amend the diagram to clearly show overlooking into neighbouring properties adjacent and to the south of the decking.
PAGE 14/15/3.17, 3.18	Use field of vision instead of red arrows to demonstrate overlooking/18metre rule.	Noted and agree that showing field of vision in the diagram will clearly demonstrate overlooking into neighbouring properties.	Delete red arrows on figures 3.16, 3.17 and 3.18 and replace with field of vision from person on the balcony/decking to demonstrate overlooking into neighbouring properties.
Page 16/3.19	Make the line from text box to diagram thicker so that it is easily distinguishable from other lines.	Noted and agree with recommendation to adjust thickness of lines in figure 3.19.	Amend the thickness of red and green lines from relevant text boxes on figure 3.19.
Page 16/3.19	This is a clear diagram	Positive comment noted.	No change.
Page 16/3.19	Render the models from the worst sun angle. So that the most detrimental impact on neighbouring houses is shown.	Noted and agree with recommendation to adjust the angle of figure 3.19.	Amend the angle of figure 3.19 to illustrate impact of overshadowing on neighbouring property.
Page 16/3.19	Include distance to road with details on visibility.	Noted and agree with recommendation to show that garages should be set back at least 6m from public footpath.	Amend figure 3.19 and show 6m rule on 'well designed' garage. Amend the text box for 'Example of well designed garage' to include an additional bullet point 'garage is set back 6m from

Page/Fig No	Comment Received/Change Recommended	Dundee City Council Response	Action/Proposed Modification of SG
			footpath allowing sufficient space for car'.
Page 16/3.19	Enhance road features to make it clear that this is the front of house.	Noted and agree with recommendation to amend figure 3.19 to ensure the front of property is clearly distinguishable.	Amend figure 3.19 and add cars on the road.
Page 16/3.19	Reduce the overall plot size to show result of outbuildings in small plot.	Noted and agree with recommendation to alter diagram and reduce plot size.	Amend figure 3.19 and reduce plot size.
Page 16/3.19	Include garages in other locations on the property.	Noted and recommend amending figure 3.19 to emphasise overshadowing issue on neighbouring property.	Amend figure 3.19 and move the 'poorly designed' garage forward and flip the 'well designed' garage to the opposite side of the house to emphasise the detrimental impact on neighbouring house.
Page 16/3.19	In the bad example make it clearer there has been a loss of off street parking.	Noted and recommend amending figure 3.19 to show the building line and amend the corresponding text in the text box 'Example of poorly designed garage'.	Amend figure 3.19 to show the building line. Amend the first bullet point in the text box 'Example of poorly designed garage' to read 'garage is forward of building line and could result in loss of off street parking'.
Page 17/3.20	Make driveway smaller on bad example to fully emphasise lack of space.	Noted and agree with recommendation.	Amend figure 3.20 and make the driveway smaller on the bad example to emphasise the potential issue from installing a driveway with insufficient space provided for a car.
Page 17/3.20	Make footpath more obvious.	Noted and agree with recommendation.	Amend figure 3.20 and add a pedestrian to help emphasise the footpath.
Page 17/3.20	Make it clearer what is grass and concrete	Noted and agree with recommendation	Amend figure 3.20 and add a pedestrian on the footpath to clearly show public and private space.

Page/Fig No	Comment Received/Change Recommended	Dundee City Council Response	Action/Proposed Modification of SG
Page 17/3.20	Wall height appears to block view of car in the driveway.	Noted. Agree with comment and adjust diagram accordingly.	Adjust the wall on 'driveway with sufficient space' on figure 3.20 and bring it in line with west side of the property.
Page 17/3.20	No measurements on bad example.	Noted and agree it would be helpful to show measurements on figure 3.20.	Adjust figure 3.20 to show the building line and add measurement on 'Driveway with sufficient space' to show garage should be set back at least 6m from public footpath as outlined in the supporting text box.
Page 17/3.20	Add a pedestrian to the diagram to illustrate width, distance, visibility/pedestrians, car spaces.	Noted and agree with recommendation.	Add a pedestrian to figure 3.20 to illustrate the potential issue for a pedestrian from installing a driveway with insufficient space for a car as outlined in the supporting text box.
Page 17/3.20	Flat roofs contradicting outbuildings figure.	Noted and agree that this conflicts with advice on page 16.	Amend figure 3.20 to show a pitched roof on the garage to ensure consistent with advice on page 16.
Page 17/3.20	Good to have constant theme of red/green, negative/positive.	Positive comment noted.	No change.
Page 17/3.20	Maybe not the best perspective to make size of drives clear.	Noted and agree to adjust angle of diagram to demonstrate issue more clearly.	Adjust angle of figure 3.20 to emphasise issue of driveway space as outlined in supporting text.