

**REPORT TO: PLANNING & REGULATORY SERVICES COMMITTEE ON 9
FEBRUARY 2010**

**SUBJECT: URBAN DESIGN GUIDE FOR MORAY: RESULTS OF
CONSULTATION EXERCISE**

BY: DIRECTOR OF ENVIRONMENTAL SERVICES

1. REASON FOR REPORT

- 1.1 This Report asks the Committee to consider the consultation responses received; to agree changes as required; to thereafter adopt the Urban Design Guide as Supplementary Planning Guidance.
- 1.2 The Report is submitted to Committee in terms of Section D(2) of the Council's Administrative Scheme relating to the Review and Preparation of Strategic and Local Plans.

2. RECOMMENDATION

2.1 It is recommended the Committee agrees:

- (i) to amend the Urban Design Guide as per the recommendations contained in Appendix 1;**
- (ii) to grant delegated authority to the Director (in consultation with Chair and Vice Chair, to make further changes in light of publication of the revision of Designing Streets);**
- (iii) to adopt the Urban Design Guide as Supplementary Planning Guidance.**

3. BACKGROUND

- 3.1 At its meeting on 24 November 2009, the Committee agreed to issue, for consultation, a Draft Urban Design Guide (para 6 of the Minute refers). The document was issued to agents and developers; Community Councils, Associations and Area Forums; key agencies and technical consultees; internal departments and services.

Copies were placed on deposit for inspection at Access Points and Libraries, and the Guide was also available for viewing on-line.

Copies of the Guide are available for reference in the Member's library.

- 3.2 The responses received are summarised in **Appendix 1**, along with a recommendation on whether changes should be made.

- 3.3 In general, the responses welcomed the aim of improving Urban Design in Moray. This is recognised as an attempt to implement a national thrust to do so, and to encourage planners, architects, road engineers etc to work together more closely.

In addition to the changes recommended in **Appendix 1**, the final version of the Guide will include improved cross referencing to other Supplementary Planning Guidance produced by the Council.

- 3.4 The Scottish Government document Designing Streets, on which some of the Guide is based, is due to be revised at the end of February. Any changes to this will require to be reflected in the Urban Design Guide. It is proposed that delegated powers be authorised to the Director, in consultation with Chair and Vice Chair, to incorporate such changes, rather than waiting until the April meeting of this Committee.
- 3.5 Following confirmation of any changes to be made, the Urban Design Guide can be formally 'adopted' and can be used as a material consideration in the assessment of planning applications.

4. SUMMARY OF IMPLICATIONS

(a) Single Outcome Agreement/Service Improvement Plan

The preparation of the Urban Design Guide is in accord with Outcome 10 of the Single Outcome Agreement (we live in well designed, sustainable places).

(b) Policy and Legal

Once adopted the Guide will become a material consideration when assessing planning applications.

(c) Resources (Financial, Risks, Staffing and Property)

None.

(d) Consultations

The deadline for receipt of consultation comments (22nd January 2010) had not passed at the time this report was being written. It has therefore not been possible to carry out the normal pre Committee consultations, as the full content of the Appendix is unknown.

Any comments received by the deadline which have implications for other services will be discussed with that service, and the outcomes advised verbally to Committee as required.

5. CONCLUSION

- 5.1 **Only minor changes are proposed following receipt of consultation responses.**
- 5.2 **Further changes may be required to incorporate any revisions to Designing Streets.**

ITEM:

PAGE: 3

5.3 Once these are agreed the Urban Design Guide can be adopted as Supplementary Planning Guidance and used in the consideration of Planning applications.

Author of Report: Mark Cross, Principal Planning Officer

Background Papers:

Ref: MC/JC

APPENDIX 1

Respondent	Comment	Recommendation
Environmental Services (Access Manager)	Suggesting amending the text to confirm that not all footpaths and cyclepaths should run alongside roads, "on-street". Segregated routes are also appropriate.	<p>Accept. The document did not intend to give out this message. Informal, off-road paths are still appropriate, provided they are well lit and safe.</p> <p>Alter text to read that pedestrians and cyclists can be accommodated by a combination of on-street and off-street provision.</p>
Transportation	There are many 'new' phrases/words describing aspects of development, and there could be a glossary to explain these.	Accepted, but rather than a separate glossary, the text could be expanded "at source" to provide a better explanation.
	<p>The Guide indicates that it is mainly for large developments, but that principles can be applied to smaller developments also.</p> <p>Rather than creating a potential divide between sizes and what is applicable, it should be emphasised that the guidance applies to ALL developments, but the scale of measures will be proportional to the scale of development.</p>	Accepted: amend text to reflect that guidance applies to all development but will be proportional to the scale of development involved.
	Where reference is made to different surface materials being used to define changes in road usage, is there a need to advise developers what is appropriate, and provide a "palette" to select from?	Noted. Developers could be advised to discuss materials/colours with Transportation/Planning at pre-application stage. This can be inserted into text.
	Guide encourages new development to reflect surrounding built up area. What if the neighbouring context is of the style that is trying to be discouraged?	<p>Noted. Whilst this is valid to an extent, the appreciation/analysis of surroundings should recognise good and bad and respond accordingly.</p> <p>No change proposed.</p>

Respondent	Comment	Recommendation
Transportation	Reference is made to small block sizes (p10 para 2). When does a small block become large?	Noted. This requires a context to respond to. The statement is to be regarded as indicative rather than size prescriptive.
	There needs to be some reference to design standards for roads, and links to this information.	Noted. More detailed information on the application of Road Standards is contained in the Developer Requirements SPG to which this document is cross referenced. Further changes to the design of roads may come forward when Designing Streets is re-published. No change proposed.
	Connected Streets, as promoted on page 14 may result in greater numbers of junctions than would normally be accepted. Should there be a review of design standards, or left open on a case by case basis.	Noted. A changed attitude to design standards is likely to be confirmed when Designing Streets is re-published. Thus considering proposals on a case by case basis is preferred. No change proposed.
	The use of garages for (non-car) storage compounds on-street parking difficulties. There may be merit in “un-garaging” developments and assisting with off street parking to resolve this.	Noted, but this seems a severe way in which to resolve the issue. This could also be achieved by larger house plots/more in curtilage space, or communal car park areas within developments. No change proposed.
	On p.15 it states “most parking should be beside or behind houses”. Any parking behind houses should involve active areas which are open to surveillance.	Agreed, although this comment is aimed at in curtilage parking rather than secluded areas behind blocks that are not overlooked. In light of other comments received on this topic, the text will be slightly amended

Respondent	Comment	Recommendation
Transportation	Some apparent conflict on p.17 where Canal Bank (a cul-de-sac) is promoted in a positive light, yet further down the page, cul de sacs are criticised as a street style.	<p>Noted. Canal Bank was a response to a narrow site with no other read options, and presents a successful home-zone model.</p> <p>The text on cul de sacs generally discourages their use but notes that there are instances where they are required due to particular site constraints; as was the case here.</p> <p>In light of other comments on this diagram, it will be improved to better illustrate the merits of a Homezone.</p>
Elgin Community Council	Provision for recycling/wheelie bins requires to be designed in from the outset. This is touched on but needs to be more specific.	<p>Agreed. These elements are all aspects that should be built into layouts at the outset, and not added as an afterthought.</p> <p>More specific detail on waste/recycling storage is contained in a separate SPG to which the Guide is cross referenced (Development Requirements).</p> <p>No change required</p>
	Litter bins and other street furniture should be designed in at an early stage. The cost of this should be borne by the developer.	<p>Reference to street furniture is made on page 19 of the Guide and stresses how this must be integrated into the design from the outset.</p> <p>No change required</p>
	Play areas should be factored into layouts at the outset and should not end up in "left-over" areas, which end up with 'no ball game' signs. This should also help eradicate issues such as anti social behaviour, and save money in the long run.	<p>Similarly reference to open space/recreation provision (page 18) expects this to be an integral part of the development.</p> <p>No changes required.</p>

Respondent	Comment	Recommendation
Urban Animation Chartered Architects on behalf of Altyre Estate	The Council's efforts to achieve a high standard of design and development, is supported. The use of SPGs is a useful tool for both the Council and Developers.	Noted. No action required.
	It is helpful to refer to the Scottish Government's framework for improved design, but with the revised version of Designing Streets imminent, this ought to be taken into account. Polnoon Masterplan, recently published by the Scottish Government, is a useful guide to the process of designing a new place. This might also provide a useful reference.	Agreed. Guide will not be adopted until final content of Designing Streets is known and guidance corresponds. Polnoon is a good practical example of how Urban Design Practices can be implemented on the ground and is a useful cross reference.
	PAN 68 on Design Statements is referred to late in the Guide. There would be benefit in using this earlier in the document, as this sets out a logical process for achieving good design and would be more effective if mentioned up front. Design Statements are not required for all developments (only majors), but PAN 68 encourages a clear and logical design philosophy for all sizes of development.	Accepted. Introduce earlier reference to Planning Advice Note 68 and Design Statements.
	There is scope to say more about what characterises the existing urban environment in Moray, that is to be protected, enhanced and used as the context for new developments. This would be helpful to developers on how they should respond.	Noted. The Guide should not become too prescriptive. It is primarily aimed at new housing developments, which are generally Greenfield releases at the edge of towns, and are mostly detached from the main "character areas". A general comment regarding context is felt to be sufficient. No change.

Respondent	Comment	Recommendation
Urban Animation Chartered Architects on behalf of Altyre Estate	There is an opportunity to use photographs to showcase the best examples of urban development in Moray. These can be used as benchmarks for designers to match or exceed. Given the guide is titled "People and Places"; photographs with people in them would be relevant to illustrate the kind of street activity being encouraged.	Accepted. Appropriate photographs to be included in Final Version.
	The introduction of other uses into housing areas should be encouraged. However this needs to be promoted more through the Local Plan itself and cannot be promoted through SPGs without this framework/context. However the point should be made as strongly as possible.	Noted. Local Plan policy does not currently preclude this, and such development can be considered, should such proposals come forward. No change.
	Focussing on residential development then hoping to apply criteria to other uses may not sufficiently address issues connected with retail or commercial developments. More specific guidance on different categories should be considered.	Noted. Moray's primary development pressure is for residential developments and this is the main focus of the Guidance. No change.
	Page 6: is it intended to discourage small houses, in informal rows, with front gardens that are too long to achieve any sense of enclosure or direct relationship to the street? The second last bullet point could add that house styles often bear no relationship to the established character of the settlement.	The comments/bullet points on P6 are intended to illustrate the elements of poor design which have occurred. This is not targeted at any specific type of development. No change.

Respondent	Comment	Recommendation
Urban Animation Chartered Architects on behalf of Altyre Estate	Page 8: Public/Private Spaces: could also refer to “semi private space” (interface between house and street). Often the parking of cars in front of houses is the only resident connection with the street. Modern suburban development has abandoned the ‘house close to footpath’ character of older streets (as per diagram page 12).	Noted. The purpose of this point is to ensure that there is a clear distinction between public and private spaces, and that there are no “no-mans land” areas where ownership or accessibility is unclear. No change.
	Page 9: Legibility analysis is referred to the First Stage of the design process – what are 2 nd , 3 rd stages? The advice in Design Statements and PAN 83 Masterplanning provide guidance in this respect.	Noted. It is not intended to suggest there are various stages to be followed, just that a legibility analysis is a good starting point, examining a range of characteristics. No change.
	Diagram on P9 not regarded as a good example of a new development layout, as it does not reflect several of the points being promoted – eg strong building frontage to street; architectural focal points at corners/axes. Diagram on P11 is better.	Accepted. An improved diagram or photograph will be inserted as a replacement.
	In the importance of controlling energy use, more mention could be made of passive solar gain as a consideration in designing layouts. Scope also for use of more short private roads, giving individuals responsibility for their own access. This would minimise Local Authority responsibilities and achieve a finer “grain” at appropriate points in the development.	Noted. The benefits of passive solar gain are recognised and are referred to in the Developer Requirements SPG, to which improved cross reference will be made. Private roadways would indeed give the benefits described. Reference to this could be added to the section on cu-de-sacs. Amend text accordingly.

Respondent	Comment	Recommendation
Urban Animation Chartered Architects on behalf of Altyre Estate	Whilst the attraction of entrance features is accepted in certain cases, they are perhaps not necessary everywhere, at least not in the form being suggested. Well positioned and designed buildings ought to present a sense of arrival without the need for feature walls and pillars. Avoid the “gated village” style prevalent in USA.	Accepted. Add “well designed or positioned buildings” to the examples, in order to expand on options/treatment for Gateways.
	P18. It is helpful to suggest that open spaces work best when they are multi-functional.	Agreed. Insert reference to open spaces working best when they are multi-functional.
	P19. Does Moray Council operate a “percent for public art” aspect for developer contributions? If not this would be a good approach to adopt.	Noted. There is currently no specific formula for developer contributions towards public art. This may change when the Council contracts developer contributions to Aberdeenshire.
	A list of other useful publications would be of assistance eg PANs, SPGs, town character appraisals, etc.	Accepted. List of other relevant policy guidance to be made for cross reference purposes.
	The Council should be taking a firm line on design, reflecting the Scottish Government’s position. The National Policy and Guidance Framework is there, but is not filtering down to decision in the way it should. Quality of Environment is one of Moray’s strengths, and needs to be enhanced. A robust policy framework is helpful in achieving this.	Noted. The Urban Design Guide and other supporting Supplementary Planning Guidance is an attempt to follow the National Policy Direction, and achieve high standards for new development. The availability of the Guide and SPGs will be important tools to be used in achieving this.

Respondent	Comment	Recommendation
CM Design Architectural Consultants	The photographs contained in the document do not indicate whether these are good or bad examples. A caption would be of benefit in this respect.	Accepted. Explanatory captions will be added to these and any new photographs in the final version
	The Guide is obviously aimed at the large house builder, but does not specify a level at which these requirements will be sought.	The Guide is not intended to set "requirements", but more aimed at providing good practice. There are therefore no thresholds on when the guidance applies. Whilst more relevant to larger developments, the principles can apply to all, with responses in proportion to the scale of the development. No change
	"Designing Streets" has not yet been published in its final form and this should be noted in the text.	Noted. The final version of Designing Streets is anticipated shortly. The Guide will not be adopted by the Council before then. The content will be checked for conformity. No Change
	The Guide refers to the erosion of character and identity notably on Greenfield sites, on the edge of towns. These were "Plan-led" allocations. It is the intent to move away from this approach and such sites will not be designated in future.	This is not the intent and it is anticipated that Greenfield land releases will continue. What should change is the design and layout of these sites incorporating the good practice elements that are being promoted through the Guide e.g. less roads/car dominance, better legibility and permeability; connections; perimeter block etc.
	Reference is made on P7 to Development Briefs, but it is understood that the Council is no longer proposing to prepare these. This reference should be amended to reflect this.	Accepted. This is the current position of the Council, but it has prepared briefs for 3 sites; and if required may re-introduce Briefs in future. There is no harm in retaining the reference as stated, to indicate a "hierarchy" of advice and guidance.

Respondent	Comment	Recommendation
	<p>The diagram on P10 shows "small, well connected blocks". However the illustration seems to fail other urban design aspects being promoted in the Guide e.g. car dominance as all parking in front of houses which is contrary to advice on P15. In addition this development has few different house types, leading to it appearing bland and uniform.</p>	<p>Noted. Whilst the diagram is being used to illustrate perimeter block layout, it could be improved to overcome the criticisms being made about the message on other aspects.</p> <p>Amend drawing to address points being made.</p>
	<p>The first diagram on P11 is not overly clear, and it is not clear what the A's and B's refer to.</p>	<p>Accepted. The diagrams are intended to show the alternatives of getting from point A to point B.</p> <p>Amend diagram to re-inforce this point.</p>
	<p>The diagram in the bottom half of P11 shows a small grassed square which is not overly characteristic in Moray. These tend to be found in large settlements where public open space is at a premium.</p>	<p>Noted. The drawing was intended to show a perimeter block with centrally located open space. Whether that is a square or circle is not that significant, although Nelson Square in Bishopmill is very similar.</p>
	<p>There is reference on P12 to "Sequence markers" but no examples/definition. This section could be elaborated on.</p>	<p>Noted. The text on P12 does give examples of what could comprise a sequence marker. The drawing could be improved, or replaced by photographs to better put over the concept.</p> <p>Amend diagram.</p>
	<p>P13 makes reference to Gateway Features. Clarification is sought on what is required at the main entrance to the development, and for what size.</p>	<p>Noted. This text will be expanded to include reference to well designed and positioned buildings providing a "gateway" and that this will not always be by walls; fences; public art. This should apply, in proportion, to all developments, to give them their own sense of identity.</p>
	<p>P14. The last paragraph refers to providing a range of transport modes which make walking/cycling as attractive as taking the car. This should be <u>more</u> attractive if the Council wishes to change habits.</p>	<p>Accepted. Replace "as attractive" with "more attractive".</p>

Respondent	Comment	Recommendation
	<p>The last paragraph on P15 re car parking refers this being avoided in front gardens. Yet an earlier diagram on P10 contradicts this.</p>	<p>Accepted. As noted in an earlier comment, the diagram will be amended to remove this contradiction.</p>
	<p>P15: Car parking, paragraph 2, refers to cars parking behind houses. This is felt to be against good planning practice, and cars in back gardens can create noise and pollution in the "private" area of houses. This paragraph should be reworded.</p>	<p>Noted. This Guidance suggests parking should be to the <u>side or behind</u> houses. This is not necessarily promoting use of back gardens, but more behind the building line, reducing the impact of "front garden parking". There are some house types that would line themselves more to "rear" parking – e.g. flats. Amend text to read "car parking to the side of properties is preferred, but some styles of development e.g. flats may be suited to rear or courtyard parking".</p>
	<p>The example of a Homezone on P17 should be titled as such</p>	<p>Agree: drawing to be amended, and retitled to illustrate an acceptable use of a cul-de-sac.</p>
	<p>The diagram (P17) may show an example of a homezone, but unfortunately shows a bad example of "urban design" as the development of 23 houses comprises only a single house design</p>	<p>Noted: The diagram is used to illustrate layout, materials and an interesting house design. The fact it is a single house type does not dilute the concept. Urban design is more about the inter-relation of spaces and activity between the buildings, than the buildings themselves. Drawing will be amended as above.</p>
	<p>Comments on use of high quality lighting for "crime prevention" endorsed, but there should also be a reference to avoiding unnecessary light pollution.</p>	<p>Noted. Lighting should be appropriate to circumstance but is more a matter of detail for planning application stage. The Guidance will in most instances be used in connection with urban developments where the prospect of creating "pollution" is limited.</p> <p>No change proposed.</p>

Respondent	Comment	Recommendation
	Footpaths with shallow corners are felt more appropriate than long straight ones.	Noted. The intention is to see the end of the path from the start regardless of it being straight or slightly curved. No change.
	The provision of Public Art in development is welcomed. A trigger level of when this will be applied should be given, and the extent of provision. The terms of this section may be superseded when the Council enlists its Developer Contribution arrangements with Aberdeenshire.	Not accepted. The point of this guidance is to advise on the consideration of "Public Art" at the outset of the development, as a concept (e.g. themed street furniture; signage) and not just free standing items, paid for as a developer contribution. This principle stands regardless of "Planning Gain" arrangements.
	A contact should be given in the Checklist, for pre application discussions.	Agreed. The Development Manager's contact details will be included.
	Details on where the template for the Design and Access Statement can be downloaded should be given.	Agreed. A link to this will be inserted.
Moray Council Housing	Supportive on principles to improve quality of housing and to make developments more attractive places to live in.	Noted. No change required.
	The mixing of "affordable" housing with private housing often leads to the social housing being located on the most unattractive and isolated part of the site creating "tenure" issues and difficulties with community integration.	Noted. The Guidance will be applied to both private and public sector developments. This was done recently for the proposed new Council housing at Linkwood, as featured in the Guide (P10). No change required.
	SPP3 supports the creation of mixed tenure sites, which requires housing to be indiscernible by its design, quality or appearance. This principles promoted in the guide should help achieve this, by breaking down design features which re-inforce social exclusion.	Noted. No change required.

Respondent	Comment	Recommendation
	<p>The reduction in the over-reliance on the car, and encouraging healthier forms of transport (walking/cycling) is supported. Community safety, crime prevention and road safety measures are similarly welcomed. Homezone principles will create a good environment, and not be dominated by vehicular movement.</p>	<p>Noted.</p> <p>No change required.</p>
<p>Law and Dunbar Naismith (Architect)</p>	<p>Pleased to see the Council addressing design quality, and the principles of the Guide are wholeheartedly supported.</p>	<p>Noted.</p> <p>No change required.</p>
	<p>The requirements to comply with roads standards have often restricted the ability to produce good layouts, without compromising safety. It is also difficult to avoid the dominance of car parking, when in curtilage spaces are sought.</p>	<p>Noted. Designing Streets should allow a more flexible approach on transportation matters.</p> <p>No change required.</p>
	<p>The densities required to make development viable prevent parking between gables. Taking cars behind houses is expensive and consumes rear garden space.</p>	<p>Noted.</p> <p>It is proposed to amend the text regarding parking behind properties.</p>
	<p>Developer costs often relate to market values, which often results in basic designs, and the ability to vary these may be difficult.</p>	<p>Noted. In some instances the improvement of overall layout; connections; block sizes etc, may sufficiently outweigh any issues with house design.</p>