

ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management
DATE	21 st January 2021
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Draft City Centre Conservation Area Character Appraisal
REPORT NUMBER	PLA/21/002
DIRECTOR	
CHIEF OFFICER	Gale Beatie
REPORT AUTHOR	Ross Wilson
TERMS OF REFERENCE	5) Adopt non-statutory planning management guidance

1. PURPOSE OF REPORT

- 1.1 To seek approval to consult on an update to the City Centre Conservation Area Character Appraisal.

2. RECOMMENDATION(S)

That the Committee:-

- 2.1 Approves the content of the Draft City Centre Conservation Area Character Appraisal (CACA) (Appendix 1) and proposed boundary changes (Appendix 2) for a minimum 6-week period of public consultation;
- 2.2 Approves a minimum 6-week period of public consultation on the proposed Regulation 11 Direction (Appendix 3) for the Proposed City Centre Conservation Area; and
- 2.3 Instructs the Chief Officer – Strategic Place Planning to report the findings of the public consultation exercises back to a future meeting of this Committee (within 12 months).

3. BACKGROUND

3.1 Planning Policy

- 3.1.1 A Conservation Area is defined in legislation as being “*an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance*” (Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997). Conservation area designation

embraces the quality and interest of an area as a whole, rather than individual buildings within it.

3.1.2 Under current legislation, conservation area designation automatically brings the following works under planning control:

- Demolition of buildings;
- Removal of, or works to, trees;
- Development involving small house extensions, roof alterations, stone cleaning or painting of the exterior, provision of hard surfaces and additional control over satellite dishes; and,
- Minor works that are “permitted development” elsewhere such as
 - replacement windows and doors.

3.1.3 Both the Aberdeen Local Development Plan 2017 and the Proposed Aberdeen Local Development Plan 2020 commit the Council to producing Conservation Area Character Appraisals in order to support the built heritage planning policies, specifically Policies D4 – Historic Environment and D5 – Our Granite Heritage.

3.1.4 Conservation Area Character Appraisals define and evaluate key attributes such as buildings, streets, views and open space that contribute towards the areas’ special architectural and historic interest. As such, they provide supporting background information for development management case officers, planning consultants, developers, agents, owners of historic buildings in the Conservation Area as well as members of the general public with an interest in the historic built environment. Conservation Area Character Appraisals are useful tools in assessing the impact of development on the character of a Conservation Area, identify important issues that affect the Conservation Area and are a material consideration when determining planning applications as well as encouraging interest and participation in conservation issues amongst people living and working in Conservation Areas.

3.2 City Centre Conservation Area Character Appraisal Revision

3.2.1 The Union Street Conservation Area was originally designated on 1st July 1968. It was subsequently extended in 1980, 1985, 1987, 1996 and 2007. The first Conservation Area Appraisal was written in 2007 and, although still a sound document in terms of its general content, requires to be updated to take into account an updated policy and socio-economic context as well as recent developments. In addition, the Council has a requirement to update this document in line with grant conditions for the Union Street Conservation Area Regeneration Scheme (CARS).

3.2.2 A comprehensive review of the Conservation Area has taken place as part of this exercise. The Conservation Area has been considered within the context of the City Centre Masterplan, Sustainable Urban Mobility Plan (SUMP), Local Outcome Improvement Plan (LOIP) and will be a key document for informing decisions made regarding future development within the city centre from small alterations to historic buildings to larger new developments.

3.2.3 The first change is to the name of the Conservation Area. After a review of the area, limiting the name to Union Street was felt to be somewhat misleading considering the substantial area of the city centre covered by the Conservation Area.

3.2.4 The structure of the updated appraisal document has also changed somewhat from the previous appraisal. One of the more substantial changes is the reduction in the number of character areas from 11 to 3, as well as giving more clearly defined boundaries to these character areas. This change allows for more detailed analysis of the new character areas, and makes the updated appraisal more detailed and useful for assessing development within the city centre.

3.2.5 Five boundary changes are proposed as part of the review of the City Centre Conservation Area. These are summarised below and detailed further in Appendix 2

- Include Marischal Square and the immediate area.
- Include 41-43 Holburn Street (The Foundry), 16-18 Union Grove, and 28-38 Holburn Street and 4-14 Union Grove.
- Include 8-14 Chapel Street
- Include 15-17 Gallowgate
- Include 12-14 Virginia Street 22-24 Virginia Street

3.2.6 The largest boundary change seeks to include Marischal Square and the surrounding area. Including this area would improve the continuity of the Conservation Area and allow for clearer more consistent decision making for future development in this area. The other boundary changes are relatively minor, but all the buildings proposed are worthy of inclusion in the Conservation Area and would contribute to its special character.

3.3 Proposed Regulation 11 Direction

3.3.1 As part of the City Centre Conservation Area Appraisal review it is proposed to make an application for a Regulation 11 Direction representation to the Scottish Government to remove deemed consent for large 'To Let / For Sale' signs in the City Centre Conservation Area (See Appendix 3 for details).

3.3.2 The proposed Regulation 11 direction would give the local authority more control over the type of For Sale or To Let signs that would be erected within the City Centre Conservation Area. At times these can be unsightly and detract from the amenity and special character of the Conservation Area. Increased control would mean this impact could be minimised.

3.4 Next Steps - Public Consultation

3.4.1 Conservation Area Character Appraisals provide an opportunity to involve communities in identifying the different characteristics and important elements of their Conservation Area.

3.4.2 This report seeks approval to proceed with public consultation on the Draft City Centre Conservation Area Character Appraisal, the proposed boundary changes, and the Proposed Regulation 11 Direction over a minimum 6 week period.

3.4.3 Section 63 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the appraisal document to be submitted to a public meeting. As a result of COVID-19 restrictions, the public consultation will be an online consultation only. This will be carried out through the Aberdeen City Council Consultations Hub and other online facilities (e.g. Microsoft Teams).

3.4.4 The Draft City Centre Conservation Area Character Appraisal would be made available as follows:

- Publication of document on Aberdeen City Council 'Consultation Hub' <https://consultation.aberdeencity.gov.uk/>
- Issue a press release on the Council's website advertising the consultation period, how to view and comment on the Draft document and proposals.
- Press advert placed in the P&J newspaper to advertise the consultation period.
- Notification (email) of the consultation will also be issued to statutory consultees and all Community Councils.
- All Community Councils that fall within the boundary of the Conservation Area (and proposed boundary amendments) will be consulted. These are City Centre, George Street, Castle Hill and Pittodrie, Rosemount and Queens Cross Community Councils. Where possible, presentations will be given to the Community Councils via Microsoft Teams or similar.
- Aberdeen Inspired and the Disability Equity Partnership will also be consulted. Presentations will be given via Microsoft Teams or similar.

3.4.5 Subject to Committee approval, the results of the public consultation will be reported back to a future meeting of this Committee (within 12 months), including any recommended revisions to the Draft document.

3.5 Next Steps – Strategic Environmental Assessment

3.5.1 A Strategic Environmental Assessment (SEA) may be required for the proposed Draft Appraisal as it falls within the 'sets the framework for future development consent of projects' remit. A SEA Screening submission is currently underway which will assess whether the Draft Conservation Area Character Appraisal is likely to have significant environmental effects. This will be submitted to the Consultation Authorities shortly. The results of this process will be reported

back to a future meeting of this Committee alongside the outcomes of the public consultation.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications arising from this report. The cost associated with the public consultation can be met within the existing provisions of the Strategic Place Planning budget.
- 4.2 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 Draft Conservation Area Character Appraisal.

5. LEGAL IMPLICATIONS

- 5.1 There are no known legal, resource, personnel, property, equipment, sustainability and environmental, health and safety policy implications arising from this report. In terms of legal implications any decision will need to be consistent and based within statutory guidelines in order for the conservation area to be legally designated.

6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Financial	None	N/A	N/A
Legal	None Not following statutory guidelines for varying existing conservation area designations.	N/A	The procedure set out in the legislation will be followed.
Employee	By not providing approved advice and direction Officers could, over time, provide inconsistent advice resulting in longer timescales to manage and process planning applications.	L	The Draft City Centre Conservation Area Appraisal provides parameters to encourage acceptable forms of development in advance of planning applications being submitted. This enables consistent advice for site specific proposals.
Customer	By not providing advice the Customer is open to developing proposals that	L	Preparing planning advice provides greater clarity, consistency and certainty.

	may not be appropriate to the location.		
Environment	Not providing this advice could result in lost opportunities to protect and enhance our built environment and encourage appropriate forms of development.	L	The Draft City Centre Conservation Area Appraisal is prepared to give planning consideration and parameters and is a material consideration in the evaluation of planning proposals and is subject to Strategic Environmental Assessment screening.
Technology	IT issues with online materials and surveys	L	Early contact with IT Service to identify suitable support.
Reputational	Not providing approved advice opens the possibility of inconsistency and delays in decision making.	L	The preparation and approval of Conservation Area appraisals illustrates the Council's approach to development matters in protecting and enhancing our city through consistent means.

7. OUTCOMES

Local Outcome Improvement Plan Themes	
	Impact of Report
Prosperous Economy	The appraisal document helps to stimulate ideas at the earliest stage of the design process for new developments whilst taking into consideration Aberdeen's distinct sense of place which helps strength the identity of Aberdeen to economic investment (Key Driver 1.3).
Prosperous People (Adult)	Promoting planning advice that is subject to an inclusive approach of public engagement and consultation gives the opportunity for interested parties to shape and take ownership of policy and advice that guides development in Aberdeen. (Key Driver 7.1) Public consultation is available to all ages helping to foster inclusive decision making (Key Driver 7.1).
Prosperous Place	The advice promotes sympathetic forms of development in suitable locations to support an attractive city where development opportunities are capitalised upon for the benefit of the city. (Key Driver 14.1)

Design Principles of Target Operating Model	
	Impact of Report
Customer Service Design	<p>The process of creating approved planning advice involves engagement and consultation with interested parties in order that they influence, shape and have ownership of material considerations that direct development in the city. This advice provides front-loaded technical considerations at an early stage in the development process when expenditure is relatively low, and the considerations of the Local Authority are known in order to plan for high quality development</p> <p>Consultation includes both internal and external stakeholders and will be hosted digitally on the Council's 'Consultation Hub'.</p>
Organisational Design	<p>The Draft City Centre Appraisal document follows a internal collaborative process with colleagues from teams across the Strategic Place Planning Service in order to reach a consensus prior to proceeding to Committee and seeking interested party involvement to shape the outcome.</p> <p>The appraisal document will be available to view on the Council's website and the outcomes of the public consultation process will be reported to Committee for transparency. The development of the document also will have undertaken internal consultation with colleagues from teams across the Strategic Place Planning Service.</p>
Governance	The appraisal document is governed through the Council's Committee Reporting Procedure to ensure transparency and the consultation process allows the creation of an inclusive document. Guidance will be reviewed alongside future development plan review process.
Workforce	The appraisal document allows for a more informed and consistent approach to decision making, saving staff time and is supported by in-house skills on the topic area.
Process Design	This appraisal document was last reviewed 13 years ago. This document needs to be updated to ensure it remains relevant.
Technology	The appraisal document would be available as an on-line resource to any interested party.
Partnerships and Alliances	The appraisal document follows engagement and consultation with external interested parties including formally constituted groups in order that everyone interested shapes and can take ownership of the outcome

8. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	<i>EHRIA completed (see Appendix 4) – the assessment shows a neutral impact on the protected groups.</i>
Data Protection Impact Assessment	<i>Not required</i>

9. BACKGROUND PAPERS

Aberdeen Local Development Plan 2017:

https://www.aberdeencity.gov.uk/sites/default/files/LDP_WS_20170328.pdf

Proposed Aberdeen Local Development Plan 2020

<https://committees.aberdeencity.gov.uk/documents/s107795/Appendix%201%20-%20Proposed%20Local%20Development%20Plan.pdf>

10. APPENDICES

Appendix 1 - Draft City Centre Conservation Area Character Appraisal

Appendix 2 – Proposed Boundary Changes

Appendix 3 – Proposed Regulation 11 Direction

Appendix 4 – Equalities & Human Rights Impact Assessment

11. REPORT AUTHOR CONTACT DETAILS

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