

ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management
DATE	18 March 2021
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	A Guide to Planning Consents for the Aberdeen Multis
REPORT NUMBER	PLA/21/053
DIRECTOR	
CHIEF OFFICER	Gale Beatie
REPORT AUTHOR	Sepideh Hajisoltani & Ross Wilson
TERMS OF REFERENCE	5) Adopt non-statutory planning management guidance

1. PURPOSE OF REPORT

- 1.1 To seek approval to consult on the content of a new guide on Planning Consents for the 8 inner-city multi-storey blocks which have recently been listed at Category A by Historic Environment Scotland.

2. RECOMMENDATION(S)

That the Committee:

- 2.1 Approve the content of the Draft 'A Guide to Planning Consents for the Aberdeen Multis' (Appendix 1) for a minimum 6-week period of public consultation.
- 2.2 Instructs the Chief Officer – Strategic Place Planning to report the findings of the public consultation to a future meeting of this Committee, but no later than 12 months of this date.

3. BACKGROUND

3.1 Listed Buildings

- 3.1.1 A listed building is defined by the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as being a building which is included in a list compiled or approved by Historic Environment Scotland (HES).
- 3.1.2 To merit listing, the structure must meet the listing criteria. Once listed they are included on a list of buildings of special architectural or historic interest compiled by HES on behalf of Scottish Ministers. Details of the assessment process for listing applications are available on the HES website [\[link\]](#).

- 3.1.3 It is a criminal offence to demolish, extend or change a listed building. A change to a listed building is caught by the legislation if it is one which would affect its character as a building of special architectural or historic interest. This can include objects or structures fixed to the listed building. It can also include objects or structures located within the curtilage of a listed building. A person wishing to make such a change, extension or demolition of a listed building is required to obtain Listed Building Consent. Primarily, Listed Building Consent is the mechanism by which planning authorities ensure that any changes to a listed building is appropriate and sympathetic to the building's special character.
- 3.1.4 There are three categories of listing according to their relative importance. Category A is the highest category and relates to those buildings of special architectural or historical interest which are outstanding examples of a particular period, style or building type.

3.2 Listing of the Aberdeen Inner-City Multis

- 3.2.1 Eight multi-storey blocks of flats in Aberdeen were designated as Category A listed buildings by HES on 18 January 2021. These concrete buildings were constructed as part of the city's post-Second World War housing programme and are considered by HES to be of significant architectural interest and outstanding examples of Brutalist architectural style in multi-storey housing. The HES report of handling which informed the decision to list is published by HES and is available at [\[link\]](#).

The eight blocks are:

- 1-75 Gilcomstoun Land;
 - 1-72 Porthill Court;
 - 1-126 Seamount Court, shop units at 152-158 (even numbers) Gallowgate, including multi-storey car park to West North Street, Gallowgate;
 - 1-48 Virginia Court;
 - 1-108 Marischal Court;
 - 1-126 Thistle Court;
 - 1-140 Hutcheon Court; and,
 - 1-144 Greig Court.
- 3.2.2 The national list of buildings of special architectural or historic interest is continually being refreshed and new proposals for the post-war period are increasingly being suggested to HES. A number of tower blocks have previously been listed by HES in Scotland in recognition of their particular importance. However, currently there is no dedicated national guidance available for local authorities on how to assess applications for listed building consent or planning permission for post war listed buildings.
- 3.2.3 On 3 February 2021 a report from the Corporate Landlord was presented to the Council's City Growth and Resources Committee (RES/21/025). This report formally advised that Committee of the HES decision to list the above blocks

and set out the impact of this on the Housing Revenue Account. At that meeting Members of the City Growth and Resources Committee agreed (Decision ii) to note advice in relation to the process surrounding how the decision to list could be appealed, and to instruct the Chief Officer – Corporate Landlord to submit an appeal if there were competent grounds to do so.

- 3.2.4 Although Members of the Planning Development Management Committee will no doubt be aware of this ongoing process, Officers consider it important, particularly given the absence of any national guidance on this topic, for the Council as Planning Authority to ensure appropriate local planning guidance is available for these buildings at the earliest possible stage so as to manage queries from residents and apply a consistent approach to decision making.
- 3.2.5 The draft local guidance document before Members today (Appendix 1) attempts to answer a number of expected common questions that homeowners and other stakeholders may have regarding the need for listed building consent and/or planning permission for works to these multi-storey buildings. A ‘traffic light’ system has been used to show how proposed works to these listed buildings will be categorised by the Planning Authority (Green, Amber, Red). We hope this easy-to-use format will be useful for homeowners, planning officers and other stakeholders and will ensure a consistent approach to decision making across the affected blocks.
- 3.2.6 The Draft Guidance document supports Scottish Planning Policy (SPP), Historic Environment Policy for Scotland (HEPS) and the adopted and emerging Aberdeen Local Development Plan (ALDP) in ensuring the sensitive management of the historic environment.

4. NEXT STEPS

4.1 Public Consultation

- 4.1.1 This report seeks approval to proceed with public consultation on the Draft ‘Guide to Planning Consents for the Aberdeen Multis’ over a minimum 6-week period.
- 4.1.2. As a result of COVID-19 restrictions, it is proposed that public consultation on the draft document will be predominately via online methods.
- 4.1.2. During the consultation period the draft document 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 and how to view and comment on the draft document.

- Press advert placed in the P&J newspaper to advertise the consultation period.
- Publication of a one-off special issue of Multi Matters Newsletter (Tenants' Magazine) to advertise the consultation delivered to flats in all affected multistoreys.
- Consultation with City Centre Multi Storeys Group (with presentations given via Microsoft Teams or similar).
- Notification (email) of the consultation will also be issued to statutory consultees and all relevant Community Councils (Castlehill and Pittodrie, City Centre and George Street) as well as the City-Wide Multi-Storey Group.

4.1.3. 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.

4.2. Strategic Environmental Assessment

4.2.1 A Strategic Environmental Assessment (SEA) may be required for the proposed guidance document 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 document 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.

5. FINANCIAL IMPLICATIONS

5.1 The cost associated with the preparation of this document and the public consultation can be met within the existing provisions of the Strategic Place Planning budget.

5.2 As an affected part-owner, Listed Building Consent and/or applications for Planning Permission by Aberdeen City Council (Corporate Landlord) for any of the affected blocks will be considered against the principles set out in the guidance document to be approved.

5.3 From a wider Planning Authority perspective, the decision of Historic Environment Scotland to list these building is likely to lead to an increase in Listed Building Consent applications and queries which will result in added pressure on the finances and staff resources of the Council's planning service. It is hoped that preparation of this guidance document will help mitigate this impact.

6. LEGAL IMPLICATIONS

- 6.1. The guidance document will affect Listed Building Consent and/or applications for Planning Permission, and by consulting on the document's contents any issues with the guidance can be raised before it is adopted.

7. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Financial	Resourcing issue due to an increase in the number of Listed Building Consent applications and potential future introduction of fees for Listed Building Consent by Scottish Government.	M	The guidance document should reduce the number of queries and applications by identifying proposed works that would not affect the special interest or character of these multi storey buildings. Whether or not a fee is to be introduced by the Scottish Government for Listed Building Consent applications is still to be determined.
Legal	Issues with the guidance not dealt with before adoption.	L	Consulting on the guidance document.
Reputational	Not providing guidance opens the possibility of inconsistency and misinformation.	L	In the absence of specific national guidance on buildings of this type, the preparation and approval of the guidance illustrates the Planning Authority's proactive approach.
Environment	Not providing guidance could result in misunderstanding and lost opportunities for sensitive maintenance and management of these multi storey buildings.	M	The guidance document is prepared in order to give clarity on the requirement for Listed Building Consent and/or Planning Permission so these listed buildings are managed sensitively.
Customer	By not providing clear advice the Customer is open to wrong	M	The guidance document will provide much greater clarity, consistency and certainly

	assumptions on the implications of listing on these properties.		and will address common concerns that customers may have.
Employee	By not providing guidance Officers could, over time, provide inconsistent advice.	L	The guidance document provides greater clarity, consistency, and certainty in terms of the requirement for listed building consent and planning permission.
Technology	ICT issues with online materials and surveys	L	Early contact with ICT Service to identify suitable support.

8. OUTCOMES

Local Outcome Improvement Plan Themes	
	Impact of Report
Prosperous Economy	The report seeks approval for public consultation on a guidance document which contributes to implementation of a consistent approach in sensitive management of Aberdeen multi-storey buildings whilst taking into consideration Aberdeen's distinct sense of place which helps strength the identity of Aberdeen for economic investment (Key Driver 1.3).
Prosperous People (Children and Young People)	Public consultation is available to all ages helping to foster inclusive decision making (Key Driver 7.1).
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)
Design Principles of Target Operating Model	
Customer Service Design	Consultation includes both internal and external stakeholders and will be hosted digitally on the Council's 'Consultation Hub'. Public consultation on Council advice documents ensures they are inclusive.
Organisational Design	The guide 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.
Governance	The guidance document is governed through the Council's Committee Reporting Procedure to ensure transparency and the consultation process allows the creation of an inclusive document.
Workforce	The guidance 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 guidance document has been developed due to the absence of specific national guidance on post-war listed buildings.
Technology	The guide would be available as an on-line resource to any interested party.
Partnerships and Alliances	The guidance document will be shaped by engagement and consultation with external interested parties including formally constituted groups in order that everyone interested shapes and can take ownership of the outcome.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	EHRIA completed (see Appendix 2) - The assessment shows a neutral impact on the protected groups.
Data Protection Impact Assessment	Not required
Duty of Due Regard/ Fairer Scotland Duty	No Applicable

10. BACKGROUND PAPERS

HES Designation Report of Handling

<https://www.historicenvironment.scot/media/7149/aberdeen-multi-storey-flats-report-of-handling.pdf>

Aberdeen Local Development Plan 2017 (ALDP)

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

Proposed Aberdeen Local Development Plan 2020 (PALDP)

<https://www.aberdeencity.gov.uk/sites/default/files/2020-05/Proposed%20Aberdeen%20Local%20Development%20Plan%202020.pdf>

11. APPENDICES

Appendix 1 – A Guide to Planning Consents for the Aberdeen Multis (Draft Document for consultation)

Appendix 2 – Equalities & Human Rights Impact Assessment (EHRIA) Summary

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