

## ABERDEEN CITY COUNCIL

---

<b>COMMITTEE</b>	Planning Development Management
<b>DATE</b>	19 August 2021
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	City Centre Conservation Area Character Appraisal
<b>REPORT NUMBER</b>	PLA/21/157
<b>DIRECTOR</b>	Gale Beatie
<b>CHIEF OFFICER</b>	David Dunne
<b>REPORT AUTHOR</b>	Ross Wilson
<b>TERMS OF REFERENCE</b>	5) Adopt non-statutory planning management guidance

---

### 1. PURPOSE OF REPORT

- 1.1 This report presents an updated City Centre Conservation Area Character Appraisal, the findings of the recent public consultation period, and seeks approval to adopt the document as Aberdeen Planning Guidance (non-statutory planning guidance). This includes changing the name of the Conservation Area and amendments to the Conservation Area boundary. The report also seeks approval to submit a representation to the Scottish Government for a Regulation 11 Direction to remove deemed consent for large projecting 'To Let/For Sale' signs within the updated Conservation Area boundary.

### 2. RECOMMENDATION(S)

That the Committee:-

- 2.1 Approve the responses proposed by Officers to those consultation responses that were received on the City Centre Conservation Area Character Appraisal, as approved for public consultation by the Planning and Development Management Committee on 21st January 2021 (Appendix 2).
- 2.2 Approve the content of the updated City Centre Conservation Area Character Appraisal (Appendix 1) as Aberdeen Planning Guidance (non-statutory planning guidance).
- 2.3 Approve the change in name from Union Street Conservation Area to City Centre Conservation Area to better reflect the geographical extent of the area.
- 2.4 Instructs the Chief Officer – Strategic Place Planning to make an application for a Regulation 11 Direction representation to the Scottish Government for the

removal of deemed consent for Class 3 (1) 'advertisements relating to the availability for sale or letting of the land on which they are displayed' - specifically large projecting 'To Let / For Sale' signs in the City Centre Conservation Area.

### **3. BACKGROUND**

#### **3.1 Background**

3.1.1 On 21<sup>st</sup> January 2021 Members of the Planning Development Management Committee approved the content of the Draft City Centre Conservation Area Character Appraisal and proposed Regulation 11 Direction for a minimum 6-week public consultation exercise (Ref. PLA/21/002).

3.1.2 The public consultation on the Draft City Centre Conservation Area Appraisal and the proposed Regulation 11 Direction ran for a period of 8 weeks from Friday 19 February 2021 to Friday 16 April 2021. The public consultation was originally scheduled to end on April 2<sup>nd</sup> but was extended by two weeks to give stakeholders more time to provide their views on the proposals. Historic Environment Scotland (HES) comments were received on 1<sup>st</sup> June 2021. Given Historic Environment Scotland's key role in managing the historic built environment in Aberdeen, Officers are content to take these comments into consideration despite them being received after the consultation closing date. A summary of HES comments can be found in Appendix 2. The full comments can be found in Appendix 4.

3.1.3 The Draft City Centre Conservation Area Character Appraisal was available as follows:

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

- The Aberdeen Office Agents group were also consulted regarding the proposed Regulation 11 Direction. A presentation was given via Zoom.

3.1.4 A total of 33 responses to the consultation on the Draft City Centre Conservation Area Character Appraisal were received, alongside a total of 31 responses to the consultation on the proposed Regulation 11 direction, primarily from members of the public. Full, un-summarised copies of the representations received are provided in Appendix 4.

### **3.2 Summary of Key Issues Arising from Engagement and Consultation**

3.2.1 A full and detailed list of comments received to the consultation for the City Centre Conservation Area Character Appraisal and the Regulation 11 direction is contained in Appendices 2 and 3, including Officer's responses to the matters raised. A summary of the key issues raised is however outlined below:

- The document was generally welcomed and supported. 14 Positive comments were received.
- The document was considered to be well laid out and comprehensive.
- No concerns were raised regarding the proposed Conservation Area name change, and Historic Environment Scotland welcomed the change.
- 7 comments were received on the proposed boundary changes. These were generally positive.
- 3 comments were received regarding the St Nicholas/Marischal Square boundary extension. One of these was from Historic Environment Scotland, who appreciated its inclusion. The other 2 comments questioned the inclusion of the Marischal Square development. These comments are addressed in Appendix 2 (sections 7.16 and 7.20).
- 2 comments were received proposing the inclusion of the Category C listed former Odeon Cinema (Nuffield Gymnasium) and the Category B listed Bon Accord Baths.
- 2 comments were received regarding the proposed inclusion of the Category C listed 1-18 Union Grove Court within the boundary of the Conservation Area.
- Support for the Regulation 11 direction was expressed by a number of respondents. 13 positive responses were submitted.
- Concerns were raised regarding the Regulation 11 Direction being used to try and hide the number of vacant buildings in the City Centre. These comments are addressed in Appendix 3 (sections 6.21).
- Concerns were raised regarding high business rates and how this affects vacancy rates in the City Centre.

3.2.2 As a result of the representations received, several actions and amendments are recommended to the City Centre Conservation Area Character Appraisal. A full and detailed list of actions and recommended amendments is contained in Appendix 2, however a summary is provided below:

- As no concerns were raised regarding the name change it is recommended that the change in name from Union Street Conservation Area to City Centre Conservation Area is approved. This change better reflects the geographical extent of the area.
- Given the generally positive comments submitted, it is recommended the 5 proposed boundary changes should proceed.
- In light of the comments received, and the subsequent revaluation of these buildings, the Category C listed former Odeon Cinema (Nuffield Gymnasium), the Category B listed Bon Accord Baths, and the Category C listed 1-18 Union Grove Court are all also now proposed to be included in the revised boundary of the Conservation Area.
- Given the comments submitted, it is recommended that the 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 should proceed.

In addition, a number of minor text/mapping amendments to the document are also proposed:

- Further key views were suggested for inclusion in the appraisal document. These are listed in Appendix 2 (section 7.29) and are considered to be welcome additions to the document. These would be included in section 5.5.10 of the Appraisal document.
- The Friends of St Nicholas recommend a number of small changes. These will be made in line with actions set out in Appendix 2 (section 6.1).

### **Next Steps**

3.2.3 If the recommendations of this Report are approved the next steps would be:

- Officers will notify the Scottish Government of the revisions to the boundary of the City Centre Conservation Area. A notice of the variations will be placed in the Edinburgh Gazette and the Press and Journal newspapers. This is in line with Section 62 of the [Planning \(Listed Buildings and Conservation Areas\) \(Scotland\) Act 1997](#).
- Officers will make a representation to Scottish Ministers in line with Regulation 11 of the [Town and Country Planning \(Control of Advertisements\) \(Scotland\) Regulations 1984](#) for the removal of deemed consent for Class 3 (1) 'advertisements relating to the availability for sale or letting of the land on which they are displayed' - specifically large projecting to let/ for sale signs.
- If the City Centre Conservation Area Character Appraisal is approved it will be followed by a review of the current [Aberdeen City Conservation Area Character Appraisals and Management Plan](#). The update to this document would subsequently be presented to the Planning and Development Management Committee for consideration.

3.2.4 The updated City Centre Conservation Area Character Appraisal will be a key document informing the [City Centre Masterplan](#) Review (RES/21/115) approved by City Growth and Resources Committee on 11 May 2021.

3.2.5 If approved, the updated City Centre Conservation Area Character Appraisal would become Aberdeen Planning Guidance and therefore a material consideration when determining planning applications within the boundary of the City Centre Conservation Area.

### **3.3 Strategic Environmental Assessment and Habitats Regulation Appraisal**

3.3.1 A Strategic Environmental Assessment (SEA) is not required for the proposed Appraisal. A SEA Screening submission was sent to the Scottish Government and no concerns were raised regarding the Conservation Area Character Appraisal.

3.3.2 A Habitats Regulation Appraisal (HRA) is not required for the City Centre Conservation Area Character Appraisal as it does not specifically recommend any actions or projects. However future developments or projects within the Conservation Area boundary may require an HRA.

## **4. FINANCIAL IMPLICATIONS**

4.1 There are no financial implications arising from this report. The cost associated with the production of this document has been 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 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**

<b>Category</b>	<b>Risk</b>	<b>Low (L) Medium (M) High (H)</b>	<b>Mitigation</b>
<b>Financial</b>	None	N/A	N/A
<b>Legal</b>	Not following statutory guidelines for varying existing Conservation Area designations.	N/A	The procedure set out in the legislation will be followed.
<b>Employee</b>	By not providing approved advice and	L	The City Centre Conservation Area

	direction Officers could, over time, provide inconsistent advice resulting in longer timescales to manage and process planning applications.		Character Appraisal provides parameters to encourage acceptable forms of development in advance of planning applications being submitted. This enables consistent advice for site specific proposals.
<b>Customer</b>	By not providing advice the Customer is open to developing proposals that may not be appropriate to the location.	L	Preparing planning advice provides greater clarity, consistency and certainty.
<b>Environment</b>	Not providing this advice could result in lost opportunities to protect and enhance our built environment and encourage appropriate forms of development.	L	The City Centre Conservation Area Appraisal has been prepared to give planning consideration and parameters and, if approved, would be a material consideration in the evaluation of planning proposals. The Appraisal has been subject to Strategic Environmental Assessment screening.
<b>Technology</b>	IT issues with online materials	L	Early contact with IT Service to identify suitable support.
<b>Reputational</b>	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

<b>Local Outcome Improvement Plan Themes</b>	
	<b>Impact of Report</b>
<b>Prosperous Economy</b>	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 strengthen the identity of Aberdeen to economic investment (Key Driver 1.3).

<b>Prosperous People (Adult)</b>	<p>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)</p> <p>Public consultation was available to all ages helping to foster inclusive decision making (Key Driver 7.1).</p>
<b>Prosperous Place</b>	<p>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)</p>

<b>Design Principles of Target Operating Model</b>	
	<b>Impact of Report</b>
<b>Customer Service Design</b>	<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 included both internal and external stakeholders and was hosted digitally on the Council's 'Consultation Hub'.</p>
<b>Organisational Design</b>	<p>The City Centre Appraisal document followed an internal collaborative process with colleagues from teams across the Strategic Place Planning Service in order to reach a consensus prior to proceeding to Committee.</p> <p>The appraisal document will be available to view on the Council's website and the outcomes of the public consultation process are being reported to Committee for transparency. The development of the document has also undertaken internal consultation with colleagues from teams across the Strategic Place Planning Service.</p>
<b>Governance</b>	<p>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.</p>
<b>Workforce</b>	<p>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.</p>
<b>Process Design</b>	<p>This appraisal document was last reviewed 13 years ago. This document needs to be updated to ensure it remains relevant.</p>
<b>Technology</b>	<p>The appraisal document would be available as an on-line resource to any interested party.</p>

<b>Partnerships and Alliances</b>	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

<b>Assessment</b>	<b>Outcome</b>
<b>Equality &amp; Human Rights Impact Assessment</b>	EHRIA completed (see Appendix 6) – the assessment shows a neutral impact on the protected groups.
<b>Data Protection Impact Assessment</b>	Not required
<b>Duty of Due Regard / Fairer Scotland Duty</b>	Not applicable

## 9. BACKGROUND PAPERS

Aberdeen Local Development Plan 2017:

[https://www.aberdeencity.gov.uk/sites/default/files/LDP\\_WS\\_20170328.pdf](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 - City Centre Conservation Area Character Appraisal.
- Appendix 2 - Table of Consultation Responses on the Draft City Centre Conservation Area Character Appraisal.
- Appendix 3 - Table of Consultation Responses on the Proposed Regulation 11 Direction.
- Appendix 4 - Full Un-summarised Copies of Representations.
- Appendix 5 - City Centre Conservation Area Boundary Changes.
- Appendix 6 - EHRIA Summary.

## 11. REPORT AUTHOR CONTACT DETAILS

Name: Ross Wilson

Title: Senior Planner – Conservation

Email Address: [roswilson@aberdeencity.gov.uk](mailto:roswilson@aberdeencity.gov.uk)

Tel: 01224 523953