

ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management Committee
DATE	19 August 2021
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	A Guide to Planning Consents for the Aberdeen Inner-City Multis - Public Consultation Results
REPORT NUMBER	PLA/21/162
DIRECTOR	Gale Beatie
CHIEF OFFICER	David Dunne
REPORT AUTHOR	Sepideh Hajisoltani
TERMS OF REFERENCE	5. Adopt non-statutory planning management guidance

1. PURPOSE OF REPORT

- 1.1 This report presents an updated 'A Guide to Planning Consents for the Aberdeen Inner-City Multis' and the findings of the recent public consultation, and seeks approval to adopt the document as Aberdeen Planning Guidance (non-statutory planning guidance).

2. RECOMMENDATION(S)

That the Committee:

- 2.1 Notes and considers the comments from the consultation on 'A Guide to Planning Consents for the Aberdeen Multis', as detailed in Appendix 3.
- 2.2 Notes and considers the responses of officers to the comments received in the consultation, as detailed in Appendix 2.
- 2.3 Approve the change to the title of the guidance to 'A Guide to Planning Consents for the Aberdeen Inner-City Multis', but otherwise approve the adoption of the guidance unchanged as Aberdeen Planning Guidance (non-statutory planning guidance), as contained in Appendix 1.

3. BACKGROUND

3.1 Background

- 3.1.1 On 18 March 2021, Members of the Planning Development Management Committee approved the content of the draft 'Guide to Planning Consents for the Aberdeen Multis' for a minimum 6-week period of public consultation (Ref: PLA/21/053).

3.1.2 The public consultation on the draft 'Guide to Planning Consents for the Aberdeen Multis' ran for a period of 6 weeks; between 3 May 2021 and 14 June 2021. The draft document was available as follows:

- Publication of document on Aberdeen City Council 'Consultation Hub' <https://consultation.aberdeencity.gov.uk/> for 6 weeks (3 May 2021 to 14 June 2021)
- A press release was issued on the Council's website (4 May 2021) advertising the consultation period and how to view and comment on the draft document.
- A press advert was placed in the P&J newspaper to advertise the consultation period (03 May 2021).
- A one-off special issue of the Multi Matters Newsletter (Tenants' Magazine) was published to advertise the consultation and was posted to flats in all affected multis (10 May 2021).
- Consultation took place with the City Centre Multi Storeys Group on two occasions on 31 March and 26 May 2021 (with presentations given via Microsoft Teams followed by Q&A).
- Email notifications were 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 (3 May 2021).

3.1.3 A total of 17 responses to the consultation on the draft Guide to Planning Consents for the Aberdeen Multis were received (13 responses from members of the public through the Consultation Hub and 4 responses from statutory consultees). A summarised table of the comments raised, and Officer responses, is provided in Appendix 2 and full un-summarised copies of the representations received are provided in Appendix 3.

3.2 Summary of Key Issues Arising from Engagement and Consultation

3.2.1. A summary of the key issues raised during the consultation is provided below:

- Comments received from Historic Environment Scotland suggested the name of the guidance document to change from 'A Guide to Planning Consents for the Aberdeen Multis' to 'A Guide to Planning Consents for the Aberdeen Inner-City Multis'.
- Minor changes to the text were suggested, including removal of some explanations on the reasoning behind listing and definition of Listed Building Consents.
- Comments received proposing a complete ban of satellite dishes on these buildings.
- Concerns were raised on the digital format of the public consultation.

- Concerns were raised on the combined impact of listing and the Grenfell disaster putting more pressure on residents and owners in terms of meeting buildings standards criteria, particularly in terms of fire safety.
- Although not the subject of this consultation, various opinions were also expressed on designation of these buildings as Category A listed buildings. These included comments on the public consultation that took place before the designation of these buildings by Historic Environment Scotland, including a request for a full public meeting to be held on the decision to list these buildings. Concerns were also raised on the appeals submitted by Aberdeen City Council failing to understand the significance of these buildings and their history.
- Although, again, not the subject of the consultation, concerns were raised on the current condition of the Aberdeen Inner-City Multis. This included their visual appearance, overdue maintenance in different areas (i.e. security systems), poor thermal insulation and ventilation and associated high heating costs that are perceived to contribute to deprivation and fuel poverty. Concerns were also raised on the possibility of increased maintenance costs and Aberdeen City Council deferring refurbishments due to listing.

3.2.2. Officer responses to the detailed comments raised are provided in Appendix 2. As explained in the appendix, as a result of the responses received the title of the Guidance document has changed to 'A Guide to Planning Consents for the Aberdeen Inner-City Multis', however no other amendments to the text are proposed. This is because the points raised were either not relevant to the guidance document or were felt inappropriate to change due to likely impact on the consistency and clarity of the document for various stakeholders. In relation to the comment on the digital nature of the consultation, given the public health restrictions due to COVID-19, it was not possible to have a public meeting to ensure the safety of both attendees and staff. However, two meetings took place with City Centre Multi Storeys Group on two occasions with presentations given by ACC Senior Conservation officer over Microsoft Teams to address the gap left by lack of face-to-face meetings.

3.3. Appeal Against Decision to List

3.3.1 As Members will be aware, on 3 February 2021 the Council's City Growth and Resources Committee agreed (RES/21/025 Decision ii) to note advice in relation to the process surrounding how the Historic Environment Scotland decision to list these buildings could be appealed, and to instruct the Chief Officer – Corporate Landlord to submit an appeal if there were competent grounds to do so. On 16 April 2021, the Chief Officer - Corporate Landlord submitted an appeal to the Scottish Ministers under Section 5B of The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 against the decision by Historic Environment Scotland to include the inner-city multi-storey flats in the List of buildings of Special Architectural or Historic Interest.

3.3.2. As highlighted to Members at the March 2021 Planning Development Management Committee meeting (Ref: PLA/21/053), Officers considered 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. If approved by Members, the 'Guide to Planning Consents for the Aberdeen Inner-City Multis' will fulfil this role. Should the Corporate Landlord's appeal be upheld in full then this guidance would no longer be relevant and would be withdrawn. Should the Corporate Landlord's appeal be partially upheld, i.e. amendments made to the listing of one or a number of the blocks, then Officers from the Masterplanning, Design and Conservation Team would consider the findings from the decision on the appeal and, if necessary, report back any amendments required to this guidance to a future meeting of the Planning Development Management Committee.

4. Strategic Environmental Assessment and Habitats Regulation Appraisal

4.1 A Strategic Environment Assessment (SEA) is not required for 'A Guide to Planning Consents for the Aberdeen Inner-City Multis'. A SEA Screening submission was sent to the Scottish Government and no concerns were raised regarding the Conservation Area Character Appraisal.

4.2. A Habitats Regulation Appraisal (HRA) is not required for 'A Guide to Planning Consents for the Aberdeen Inner-City Multis' as it does not specifically recommend any actions or projects. However individual planning applications for these buildings may require an HRA.

5. FINANCIAL IMPLICATIONS

5.1 The cost associated with the preparation of this document and the public consultation has been 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 buildings 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. There are no known legal implications arising from this report.

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	Lack of clear guidelines relating to works to listed Multi-storey buildings leading to more enforcement or appeals of planning decisions	L	Issuing guidance on which planning decisions can be made and with which the public can consult before making alterations to their property.
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	M	The guidance document will provide much greater clarity,

	open to wrong assumptions on the implications of listing on these properties.		consistency and certainly 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 the results of the public consultation and the 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 was 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 included both internal and external stakeholders and was hosted digitally on the Council's 'Consultation Hub'. Public consultation on Council advice documents ensures they are inclusive. If adopted, the guidance document will be available on the Council website and will be accessible to all customers.

Organisational Design	The guide will be available to view on the Council's website and the outcomes of the public consultation process is reported to Committee for transparency. The development of the document also will have undertaken internal consultation with colleagues from within Aberdeen City Council.
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 has been 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 4 for a summary) - The assessment shows a neutral impact on the protected groups.
Data Protection Impact Assessment	Not required
Duty of Due Regard/ Fairer Scotland Duty	Not 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
- Appendix 2 – Table of Consultation Responses on the draft Guide to Planning Consents for the Aberdeen Multis
- Appendix 3 – Full Un-Summarised Copies of Representations.
- Appendix 4 – Equalities & Human Rights Impact Assessment (EHRIA) Summary

12. REPORT AUTHOR CONTACT DETAILS

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