

ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management
DATE	26 May 2022
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	A Revised Guide to Planning Consents for the Aberdeen Inner-City Multis
REPORT NUMBER	PLA/22/085
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 a revised guide on Planning Consents for the Aberdeen Inner-City Multis which have been listed as Category A by Historic Environment Scotland. The report also seeks approval to adopt the revised document which reflect the changes to the buildings list descriptions by Historic Environment Scotland as Aberdeen Planning Guidance (non-statutory planning guidance).

2. RECOMMENDATION(S)

That the Committee:

- 2.1. Approve the content of the revised '**Guide to Planning Consents for the Aberdeen Inner-City Multis**' (Appendix 1) as Aberdeen Planning Guidance (non-statutory planning guidance).

3. CURRENT SITUATION

3.1. Background

- 3.1.1. 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.

These eight blocks included:

- 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.

3.1.2. In the absence of any national guidance on this topic, a draft guidance document was presented to the committee to seek approval on the content of the guidance document for a 6-week public consultation on 18 March 2021. This local guidance document provided answers to 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).

3.1.3. On 16 April 2021, Aberdeen City Council made appeals 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. The case was placed on hold for some time to allow Aberdeen City Council to submit a full statement of case on these appeals due to limited access to certain documents during the Covid-19 lockdown. It was considered that the guidance document could provide guidance on the requirement for Planning Consents as long as these buildings were included in the List of Buildings of Special Architectural or Historic Interest.

3.1.4. In August 2021, Members of the Planning Development Management Committee noted and considered the comments from the public consultation on '**A Guide to Planning Consents for the Aberdeen Multis**' and the responses of officers to the comments received in the consultation and approved the change to the title of the guidance to '**A Guide to Planning Consents for the Aberdeen Inner-City Multis**' and the adoption of the guidance as Aberdeen Planning Guidance (non-statutory planning guidance).

3.1.5. In February 2022, the Building Designation Appeal decision by the Scottish Government Planning and Environmental Appeals Division (DPEA), allowed the appeal for the following buildings to be removed from the List:

- 1-140 Hutcheon Court;
- 1-144 Greig Court
- 1-126 Thistle Court

3.1.6. The other buildings located at three sites maintained their listing; however, the listings were amended to legally exclude the internal areas within individual residential units and the internal areas within the shop units. These five multi-storey buildings that have been added to the Scotland's listed building register include:

- 1-75 Gilcomstoun Land;

- Gallowgate (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); and
- Castlehill (1-48 Virginia Court, 1-108 Marischal Court).

3.1.7. The revised local guidance document before Members today (Appendix 1) reflects these changes to the listing of these multi-story buildings. The easy-to-use format will be helpful for homeowners, planning officers, other stakeholders and will ensure a consistent approach to decision making across the affected blocks.

4. FINANCIAL IMPLICATIONS

4.1. The cost associated with the preparation and revision of this document and the previous public consultation has been met within the existing provisions of the Strategic Place Planning budget.

4.2. 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.

4.3. 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.

5. LEGAL IMPLICATIONS

5.1. There are no known legal implications arising from this report.

6. ENVIRONMENTAL IMPLICATIONS

6.1. 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.

6.2. A Habitat Regulations 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 within these buildings may require an HRA.

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	N/A	N/A	N/A	N/A
Compliance	By not providing a clear advice on what is covered by the listing there will be a risk of Non-Compliance with Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.	The revised guidance document provides advice on Planning Consents for these listed buildings.	M	Yes
Operational	By not providing updated guidance Officers could, over time, provide inconsistent advice.	The guidance document provides greater clarity, consistency, and certainty in terms of the requirement for listed building consent and planning permission.	M	Yes
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.	The revised 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.	M	Yes
Reputational	Not providing guidance opens the possibility of inconsistency	In the absence of specific national guidance on buildings of this type, the preparation and approval	L	Yes

	and misinformation.	of the guidance and its timely revision to reflect changes in the listing description illustrates the Planning Authority's proactive approach.		
Environment / Climate	Not providing a revised guidance could result in misunderstanding and lost opportunities for sensitive maintenance and management of these multi storey buildings and confusion on what is covered in the listing.	The revised 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.	M	Yes

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
Impact of Report	
Aberdeen City Council Policy Statement	The revised guidance document contributes to a consistent approach in sensitive management of the listed Aberdeen multi-storey buildings as buildings of special architecture or historic interest can increase the city centre footfall.
<u>Aberdeen City Local Outcome Improvement Plan Themes</u>	
Prosperous Economy Stretch Outcomes	The report seeks approval for the revised guidance document which contributes to implementation of a consistent approach in sensitive management of the listed Aberdeen multi-storey buildings whilst taking into consideration Aberdeen's distinct sense of place which helps strengthen the identity of Aberdeen for economic investment (LOIP Stretch Outcome 3).
Prosperous People Stretch Outcomes	Public consultation was available to all ages helping to foster inclusive decision making. 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 (LOIP Stretch Outcome 8).
Prosperous Place Stretch Outcomes	The guidance ensures a consistent approach is taken with the conservation of the Aberdeen Inner-City listed multis which will help ensure the buildings are able to be used for many years to come. This will allow people to live in the city centre and travel sustainably (e.g. bike, bus etc.). (LOIP Stretch Outcome 14)
Regional and City Strategies	The revised guidance document supports policy D4- Historic Environment of Aberdeen Local Development Plan 2017 and

City Strategies and Strategic Plans (Local Development Plan)	Policy D6- Historic Environment of Proposed Aberdeen Local Development Plan 2020 in protecting, preserving and enhancing the historic environment in line with national and local policies.
--	---

8. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Integrated Impact Assessment completed (see Appendix 2) – The assessment shows a neutral impact on the protected groups.
Data Protection Impact Assessment	Not required.
Other	Not required.

10. BACKGROUND PAPERS

10.1. HES Listing Descriptions:

- [1-75 Gilcomstoun Land](#)
- [1-72 Porthill Court, and 1-126 Seamount Court](#)
- [1-48 Virginia Court, and 1-108 Marischal Court](#)

10.2. Planning and Environmental Appeals Division Documents:

- [1-140 Hutcheon Court, 1-144 Greig Court](#)
- [1-126 Thistle Court](#)
- [1-48 Virginia Court, 1-108 Marischal Court](#)
- [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](#)

10.3. Aberdeen Local Development Plan:

- [Aberdeen Local Development Plan 2017 \(ALDP\)](#)
- [Proposed Aberdeen Local Development Plan 2020 \(PALDP\)](#)

11. APPENDICES

11.1. **Appendix 1-** A Guide to Planning Consents for the Aberdeen Inner-City Multis

11.2. **Appendix 2-** Integrated Impact Assessment for the Revised Guide to Planning Consents for the Aberdeen Inner-City Multis

12. REPORT AUTHOR CONTACT DETAILS

Name	Sepideh Hajjoltani
Title	Planner- Conservation
Email Address	SHajjoltani@aberdeencity.gov.uk
Tel	01224 522228