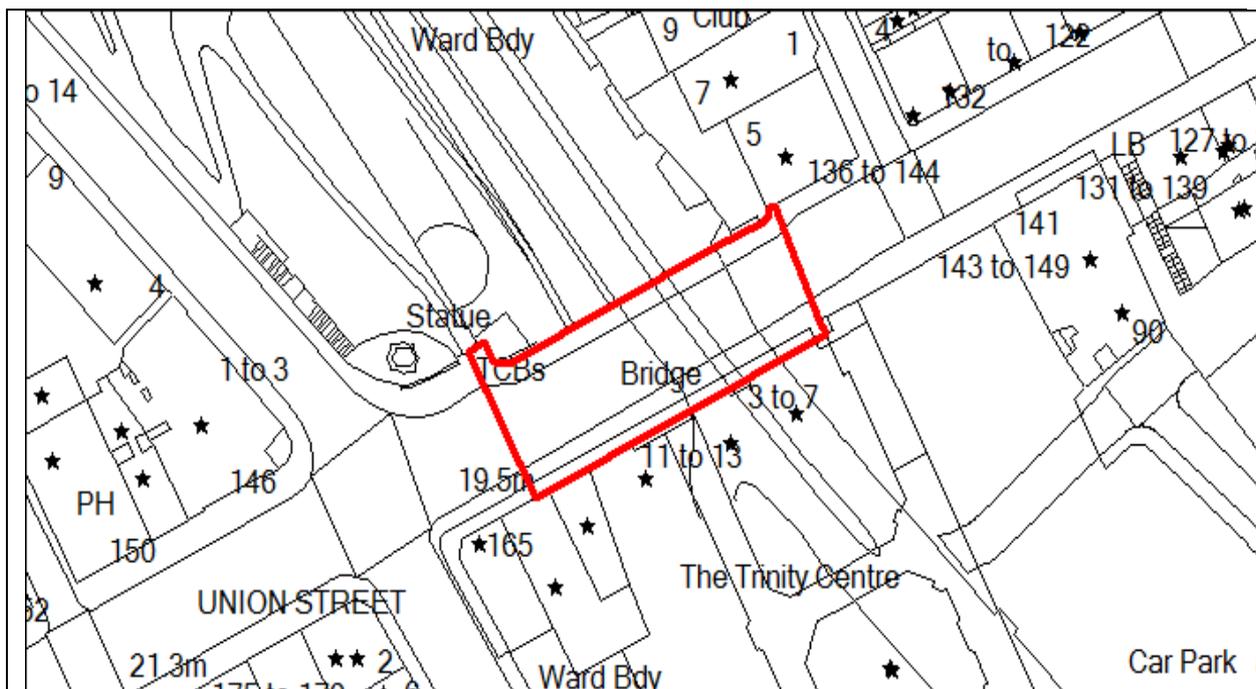


## Planning Development Management Committee Listed Building Consent

**161039/LBC:** Proposed works to bridge to provide safety barrier, with associated lighting and works at 1 Union Bridge, Union Street, Aberdeen, AB11 6BG

For: Ms Nathalie Giret

Application Date:	12 July 2016
Officer:	Lucy Greene
Ward:	George Street/Harbour
Community Council:	Castlehill And Pittodrie
Advertisement:	Listed Building
Advertised Date:	10 <sup>th</sup> and 12 <sup>th</sup> August 2016



Location Plan

**RECOMMENDATION: Approve conditionally**

### SITE DESCRIPTION

The application site consists of the Category B listed Union Bridge on Union Street, the largest single span granite bridge in the world, at 40m.

The bridge was built from 1801 to 1805 and spans the Denburn Valley, with two transport routes running underneath – a dual carriageway and rail track heading north from the city.

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The bridge was widened in 1908 with steel side spans introduced and these supported the existing pavements. At this time the black cast iron leopards known as Kelly's Cats (designed by Sidney Boyes), were introduced.

The bridge has been altered several times, including notably, the erection of the Trinity Shopping Centre, which resulted in the closing off of the southern aspect.

The supporting statement notes the details of the bridge design and the existing parapet arrangement, with cast iron columns and decorative infill panels across the central span of the bridge. To each end are lengths of curved masonry with replacement cast iron lanterns.

### RELEVANT HISTORY

Application Number	Proposal	Decision Date
<b>P131829</b>	Proposed Works To Bridge To Provide Safety Barrier, With Associated Lighting And Works. Refused.The proposal was identical to the current application.	12.02.15

### DESCRIPTION OF PROPOSAL

Following consideration of various options under the previous application, the proposal is for the fixing of a free standing stainless steel bridge parapet arrangement. This would perform the role of providing lighting and protection in the form of horizontal wires supported on lampposts and vertical posts, all in stainless steel. The horizontal wire protection would be above the existing cast iron parapet, the latter being between approximately 1.1m and 1.4m above pavement level.

The proposed parapet structure would consist of:

- Stainless steel lampposts of 4.5m – 4.85m in height (above pavement level) at approximately 6m spacing to coincide with existing vertical cast iron columns. The base of the lampposts would sit within the pavement and the upper section of the lamppost would curve over the pavement in order to provide better quality of lighting. The height variation in lamp posts being to take account of the change in the pavement level between the two ends of the bridge;
- Between the lampposts would be located intermediate vertical posts, these would be circular in section and stainless steel. These would support:
- Horizontal wires supported on a curved structure that would be cantilevered back off the lampposts and intermediate vertical posts, so that the lower wires would be located outside the existing cast iron parapet. The proposed barrier would not extend along further than the ends of the length of the cast iron bridge parapet.

The proposed parapet structure would not directly obstruct views of the Kelly Cats, and the vertical posts and lampposts would be located to coincide with those cast iron columns that do not feature Kelly Cats (ie every other column).

The submissions include an additional supporting statement, for this current application, as well as the supporting statement that accompanied the previous application in 2013 (included in the agenda papers). This latter statement includes:

- The report to Enterprise, Planning and Infrastructure Committee containing the options for the works to the bridge;
- Letter from Police Scotland recommending the measures;
- Letter from a mental health charity, supporting the measures;
- Letter from Scotrail supporting the proposals
- Design Appraisal and statement;
- A study commissioned to look at similar measures, useful as background information;
- A report making the economic case for mental illness prevention;
- A report by Suicide Prevention Lifeline on the use of 'bridge phones'

The additional supporting statement describes the erection of temporary fencing in June this year and states that there have been no reported incidents since then. The 2016 statement contained updated Police statistics and states:

*"Police Statistics for Reported Incidents at the bridge where an individual has threatened to jump or has actually jumped are as follows;*

<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
<b>13</b>	<b>14</b>	<b>29</b>	<b>17</b>	<b>12</b>	<b>32</b>	<b>19</b>	<b>11</b>

*Between 1 January and 30 June 2016, Police Scotland has 13 recorded incidents involving individuals attempting to get on to the bridge parapet or declaring thoughts of doing so. Tragically, a 36 year old female was critically injured when she fell from the bridge in April 2016 and on 6 June 2016 a male died when he fell from the bridge."*

The addendum statement describes alternative options considered and why these were not favoured.

## **SUPPORTING DOCUMENTS**

All drawings and supporting documents listed below can be viewed on the Council's website at [www.publicaccess.aberdeencity.gov.uk](http://www.publicaccess.aberdeencity.gov.uk).

These documents are:

- Supporting Statement addendum 2016
- Supporting Report 2016

## **CONSULTATIONS**

<b>Consultee</b>	<b>Date of Comments</b>	<b>Comments Made</b>
Aberdeen City Centre Community Council	16.09.16	Object for reasons of design. The previous application was refused and the design has not changed. May support a design that is more

			in keeping with the history of the bridge. The principle of protecting life is supported and the Community Council states that more up to date information may influence the representation. Barrier does not cover the entire width of the bridge and so will not be fully effective.
Historic Scotland	Environment	31.08.16	No objection. The need for the fence is recognised. The contemporary design provides a clear distinction between the historic bridge and the proposed barrier. HES is content with the proposal that stops short of the ends of the bridge as it helps reduce the visual impact of the proposal
ACC Development Management Team	Roads		No comments
ACC - Health	Environmental	22 August 2016	Mr Nick Glover No observations
ACC - Coastal Protection	Flooding And	23 August 2016	Mrs Katy Joy Goodall No Comment

## REPRESENTATIONS

None, other than Community Council as noted above.

## PLANNING POLICY

Scottish Planning Policy (SPP)

### Listed Buildings

141. Change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting.

142. Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The

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resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.

Historic Environment Scotland Policy: June 2016

Managing Change in the Historic Environment – External Fixtures

Managing Change in the Historic Environment – Extensions

### **Aberdeen City and Shire Strategic Development Plan**

Quality of the Environment Objective: To make sure new development maintains and improves the region's important built, natural and cultural assets.

### **Aberdeen Local Development Plan**

Policy D5 – Built Heritage:

Proposals affecting listed buildings will only be permitted if they comply with SPP.

Policy C1 – City Centre Development – Regional Centre:

Development within the City Centre must contribute towards the delivery of the vision for the City Centre.

### **Proposed Aberdeen Local Development Plan (including Reporter's comments where appropriate\*)**

Policy NC2\* - City Centre Retail Core

Policy D1\* – Quality Placemaking by Design

Policy D4\* – Historic Environment

### **OTHER RELEVANT MATERIAL CONSIDERATIONS**

The decision of the Planning Development Management Committee on the previous application (reference: 131829) which was identical in all respects to the current application is a material consideration.

The reason for refusal was:

The design and nature of the safety barrier and lighting would be out of keeping with and detrimental to the character and setting of the Category B listed Union Bridge and would be, thereby, contrary to Scottish Historic Environment Policy, the 'Managing Change in the Historic Environment - External Fixings' guidance notes and to Policy D5 'Built Heritage' in the Aberdeen Local Development Plan 2012.

### **EVALUATION**

Where a proposal affects a listed building Sections 14(2) and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining an application for Listed Building Consent to have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses. This is the primary consideration in the determination of applications for Listed Building Consent.

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The issues for consideration are the impact of the proposal on the character and fabric of the Category B listed Union Bridge.

The proposed structure would be fixed into the pavement with the cabled protective barrier being fixed between the upright lighting columns and supporting uprights. There would therefore be no fixings into the historic structure.

The structure would be contemporary in design and as such would contrast with the heavier, traditional, cast iron parapet. Historic Scotland are supportive of this approach, which allows for the existing parapet and the Kelly's cats finials to remain visible. There would be an impact: the oblique view along the adjacent pavement would be interrupted by the regular uprights of the lights and support columns, however, the visual impact has been minimised by the slim, lightweight design.

Viewing the bridge from the street below, or from longer range views – Union Terrace or Denburn Bridge, the safety measures would be much less obvious in the view. Street lights are part of the usual street environment and the cables and associated supports are designed to be 'light'.

The proposal has been amended to remove the more awkward railings that had been proposed at either end of the bridge, including the adjacent to Jamieson and Carry.

Detailed supporting statements have been provided and include a letter from the Police and references to studies that have been carried out and demonstrate why these sorts of measures are of benefit to the community. The committee report by Alan Robertson to the Enterprise, Planning and Infrastructure Committee (included in submissions) also describes other measures that would accompany the physical barrier, as part of a co-ordinated approach.

In terms of the HESP, paragraph 3.41 deals with situations where significant interventions are proposed and where the effects are adverse. Evidence should be provided that other options have been considered and that there would be significant benefits to the wider community. As described above, there are clear public benefits in this instance and the supporting statement includes details of the alternative options considered and why this proposal was preferred.

The 'Managing Change' guidance note on external fixtures states that these should be sited to maintain and minimise the impact on the special architectural or historic interest, integrity and fabric of the building. It is considered that the design of the proposal does minimise interference with the listed structure, in accordance with the guidance note in as far it would not be attached to the listed railings and could be removed at any time without any detrimental effect or the need for remediation measures..

The 'Managing Change' guidance note on extensions is relevant in that it describes design approaches to larger additions to listed structures. It states, in the section on contextual design, new work must acknowledge the old in every case, whether that work will be: a restoration, a replication, a complementary addition, a deferential contrast or an assertive contrast.

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In this particular case the proposed barrier would be a deferential contrast, not seeking to mimic the existing parapet of the listed structure, but a simple contemporary structure with its elements slimmed down as far as possible in order to reduce visual interference with the existing bridge.

Finally it should be noted that Historic Environment Scotland (HES) has no objection to the proposal recognising the need for the fence and stating that the contemporary design provides a clear distinction between the historic bridge and the proposed barrier. HES is content with the proposal that stops short of the ends of the bridge as it helps reduce the visual impact of the proposal

The previous decision on an application for the same proposal is a material consideration as noted above. The Planning Development Management Committee resolved to refuse the application, contrary to Officers' recommendation, on the grounds of adverse impact on the character of the listed structure. It is acknowledged that this decision is balanced, there is an adverse impact on the listed structure, the proposal would therefore, only be justified in terms of the policies noted above in relation to impact on listed structures, if there were a clear public benefit.

Earlier this year there have unfortunately been tragic deaths at the bridge. The concern is for both those falling and for those travelling in vehicles along the Denburn Road underneath the bridge. A letter from Police Scotland is included within the Supporting Statement and states:

"There is evidence available from various academic studies carried out in the UK and internationally that preventative measures introduced to restrict access do have a positive effect. Suicidal crises can be short-lived and often involve intense ambivalence, so circumstances that make access to the favoured method difficult may allow time for the crisis to pass or for the person to seek help. Studies have also shown that preventative measures do not necessarily result in the vulnerable persons simply going elsewhere to jump."

As noted above, the previous decision is a material consideration, however, it is considered that it is insufficient to outweigh the justification outlined above. Therefore, in conclusion, it is considered that the impact of the safety measures is justified by the public benefits. It is further considered that the proposal has been designed and amended to minimise the impact of the measures on the character and setting of the listed bridge.

The relevant planning concerns of the Community Council in relation to design, have been dealt with above. The lack of barrier at the ends of the bridge is justified by the fact that these sections of the bridge are not directly above the road, there is a lesser drop and the design solutions are significantly more awkward and visually intrusive because of the existing granite structure and lampstands at the ends of the bridge.

### Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015 and the Reporter has now reported back. The proposed plan

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constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

The Reporter's response does affect policies quoted above in relation to this application, however, not in a manner that is relevant to this application. In relation to this particular application proposal policies in the Proposed LDP are not materially different from those in the adopted LDP.

Approval to adopt the LDP will be sought at the Full Council meeting of 14 December 2016. The actual adoption date is likely to be around the third week in January 2017.

### **RECOMMENDATION: Approve conditionally**

#### **REASONS FOR RECOMMENDATION**

It is considered that the simple, contemporary, minimalist design minimises the impact on the character and setting of the listed Union Bridge. The impact of the safety measures is justified by the benefits to the community, as evidenced by the submissions from Police Scotland and other specialists.

The proposal therefore complies with Historic Environment Scotland Policy Statement June 2016(HESP), the guidance in Managing Change – External Fixtures and Extensions and thereby with development plan policies and Scottish Planning Policy.

#### **CONDITIONS**

1. That development shall not take place unless further details, including large scale detailed plans showing the lampposts, safety barrier and joints, have been submitted to, and approved in writing by, the planning authority and thereafter the development shall not be carried out otherwise than in full accordance with the details so agreed – in the interests of protecting the character and setting of the listed building.
2. that no development shall take place unless a scheme detailing all external finishing materials to the development thereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall not be carried out otherwise than in full accordance with the details so agreed – in the interests of protecting the character and setting of the listed building

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**ADVISORY NOTES FOR APPLICANT**