

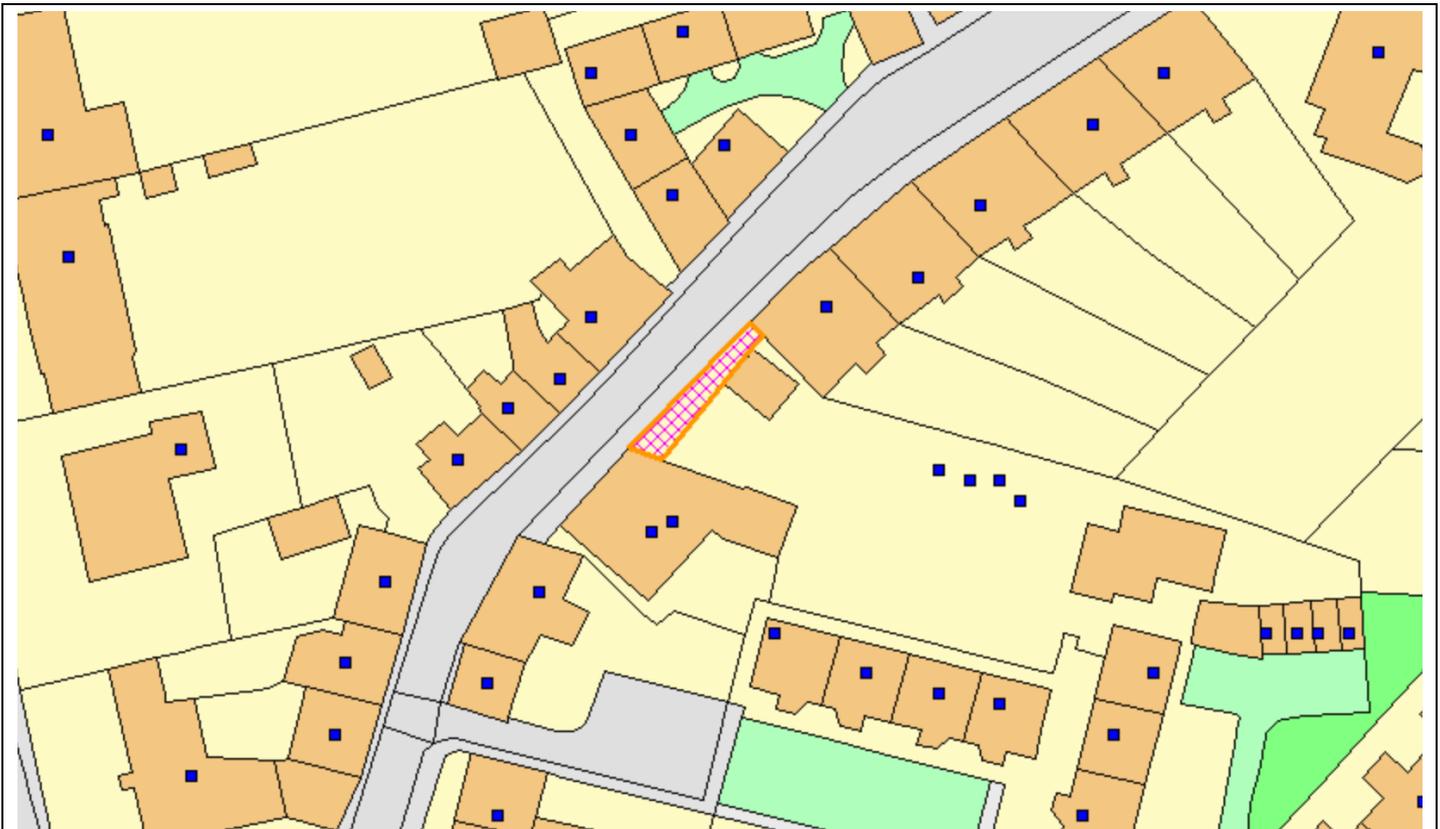


## Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 20 April 2023**

<b>Site Address:</b>	34 Don Street, Old Aberdeen, Aberdeen
<b>Application Description:</b>	Complete demolition of fence
<b>Application Ref:</b>	221540/CAC
<b>Application Type</b>	Conservation Area Consent
<b>Application Date:</b>	23 December 2022
<b>Applicant:</b>	University of Aberdeen
<b>Ward:</b>	Tillydrone/Seaton/Old Aberdeen
<b>Community Council:</b>	Old Aberdeen
<b>Case Officer:</b>	Sam Smith



## **RECOMMENDATION**

Approve Unconditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The application site comprises a plot of land with an outbuilding sitting 2.2m back from the south eastern side of Don Street. Bar the outbuilding, the rest of the site is covered with grass. The site is bounded by a row of terraced residential properties to the northeast and a residential property to the southwest all of which are Category C listed buildings. There is an existing timber fence and gate, to which this application relates, measuring between 1.86m and 1.93m in height sited on the northwest boundary of the site which fronts directly onto Don Street. The existing fence and gate are in a poor condition, having partly fallen and been boarded up with temporary railings. The site sits in a residential area within the Old Aberdeen Conservation Area.

### **Relevant Planning History**

None

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Conservation Area Consent is sought for the demolition of the existing timber fence on the northwest boundary of the site. The submitted plans identify the intention to erect a wrought iron fence and gate measuring 1.85m in height.

### **Amendments**

The proposed boundary treatment has been amended from an iron fence to a wrought iron fence with an altered design.

### **Supporting Documents**

All drawings can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RN5012BZMH900>

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because an objection has been made by Old Aberdeen Community Council and therefore falls outwith the Scheme of Delegation as per point 1. iv. The application has also received seven timeous letters of representation that express objection to the proposal as per point 1. v.

## **CONSULTATIONS**

**Historic Environment Scotland (HES)** – has considered the information received and do not have any comments to make on the proposals. The decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance

with national and local policy on listed building/conservation area consent, together with related policy guidance.

**Old Aberdeen Community Council** – Old Aberdeen Community Council have raised an objection to the proposal for the following reasons:

- The proposed fence that would replace the existing would expose the site behind it and be detrimental to visual amenity.
- The site should not be made visible as it is not regularly tended to.

## **REPRESENTATIONS**

Seven representations have been received in objection to the proposal. The matters raised can be summarised as follows –

- The erection of a metal fence would allow the outhouse and site to be seen from the street and a wooden fence would hide the view of the site.
- The site behind is an eyesore.
- Timber would be more appropriate for the site and in keeping with the conservation area.
- The metal fence is impractical for the wind that goes down this street and rubbish that is blown with it.
- Planning permission is required for a new fence on this site.

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

Under Sections 59(1) and 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the determination of an application for demolition of a building in a Conservation Area shall have special regard to the desirability of preserving the building or any features of special architectural or historic interest it possesses. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

### **Development Plan**

#### **National Planning Framework 4**

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application is –

- Policy 7 (Historic Assets and Places)

#### **Aberdeen Local Development Plan 2017**

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within five years after the date on which the current plan was approved. The ALDP is beyond this five-year period.

The following policy is relevant –

- D4 (Historic Environment)

## Proposed Aberdeen Local Development Plan 2020

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. All the recommendations within the Report have been accepted and the modifications made to the PALDP were agreed by Full Council on 14 December 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on the relevance of these matters to the application under consideration.

The following policy is relevant –

- D6 (Historic Environment)

### **Other National Policy and Guidance**

- Historic Environment Policy for Scotland (HEPS)
- Managing Change in the Historic Environment: Setting
- Managing Change in the Historic Environment: Boundaries
- Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (CACG)

### **Other Material Considerations**

- Old Aberdeen Conservation Area Character Appraisal

## **EVALUATION**

Policy D4 of the ALDP indicates that the Council will protect, preserve and enhance the historic environment and expects that high quality design be applied in the conservation area and for adverse development impacts to be avoided.

### **Character and Appearance of the Conservation Area**

Developments which have a special architectural or historic interest are considered worthy of protection within the historic environment. The existing fence is finished in dark brown timber with timber gates painted black. A large section of the fence has come down in the middle which has been covered up with temporary steel barriers to prevent access onto the site. The remaining section of the fence is in a poor condition, with holes, chips and stains to the wood. Due to the poor condition and heavy damage to the fence, it is considered that it currently presents a negative impact on the siting and appearance of the existing street scene and this area of the conservation area. Therefore, it is considered to have little contribution to the character and appearance of the historic environment. Furthermore, the structural condition of the fence is questionable, and if it was the case that the fence contributed to the character of the Conservation Area, it is unlikely that it could be retained and/or refurbished in its current form. The Planning Service would therefore not require that the fence be refurbished as opposed to being demolished due to its appearance and lack of special interest in the context of the historic environment. It is therefore considered that the principle of demolition would be acceptable.

Following the demolition of the existing fence the site would be left displaying an open site of grass and the existing outbuilding that is currently partially screened by the timber fencing. Due to the existing condition of the site, the removal of the fence would not significantly change the

appearance of it from the street as it can already been seen through the temporary screening. The removal in itself would therefore not have a significant visual impact on the area.

### Proposal Once Demolition is Completed

The HES Setting guidance expects development to not impact the setting of any historic assets, which in this case includes not just the conservation area but also a number of listed buildings, which not only bound the site, but can also be found along Don Street. As such, a new fence in this location could, if not of an appropriate finish, impact the special architectural interest of the historic properties and the surrounding area. The current fence is of a poor condition and is finished in multiple materials, presenting a harmful visual impact on the street scene and historic environment. The proposed replacement boundary treatment is formed of a wrought iron fence and gate, painted black across the width of the site to enclose it. The fence would measure 1.85m in height, sitting 80mm below the height of the existing fence and therefore be of a suitable scale in the context of the existing site.

There is numerous metal fencing and gates fronting onto Don Street, notably at Bede House Court, the entrance to 35 – 41 Don Street and 29 Don Street directly opposite the application site. The Old Aberdeen Conservation Character Appraisal also notes the use of cast ironwork for railings and gates in the conservation area, specifically in the Old Aberdeen Heart. The principle of a proposed wrought iron fence would therefore be in keeping with the style of the surrounding area and would be of a high quality and traditional material for sitting in the conservation area. Planning permission would not be required for a boundary fence measuring no greater than one metre in height and any subsequent application for a fence greater than one metre in height would be assessed on its merits in the context of the site and its impact on the neighbouring properties, rather than what it may screen.

The removal of the existing fence would be acceptable as it is in a poor condition and has little architectural interest in the context of the conservation area. The site boundary remaining vacant would also not present an adverse visual impact on the area. The anticipated proposed iron railing is considered to be of a high quality that would avoid any adverse impact to the neighbouring Category C listed buildings and respect the character of the Old Aberdeen Conservation Area. The proposal would therefore comply with Policy D4 of the ALDP and the Managing Change guidance for Setting and Boundaries.

### **Matters raised in Representations**

The development has been assessed on the impact it would have on the appearance of the surrounding area and Old Aberdeen Conservation Area. The removal of the existing fence would not present an adverse visual impact on the area if the site boundary remained vacant. An iron fence is considered traditional and in keeping with the style of the conservation area and screening the site with a high timber fence is not considered in keeping with the conservation area and would not present a positive visual contribution to the area.

### **National Planning Framework 4**

Policy 7 (Historic Assets and Places) determines that an acceptable design for redevelopment has been proposed to replace the existing fence and the demolition of the existing would therefore be acceptable in line with Policy 7g).

## **Proposed Aberdeen Local Development Plan**

The Report of Examination does not affect policies in a manner that is relevant to this application. The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is acceptable in terms of both plans for the reasons previously given.

### **RECOMMENDATION**

Approve Unconditionally

### **REASON FOR RECOMMENDATION**

The existing boundary treatment is in poor condition and has no architectural or historic interest to the Old Aberdeen Conservation Area. The demolition of this fence would therefore not present a negative impact on the character or appearance of the historic environment. The intention for the site is to replace the existing fence with a wrought iron fence and gate which are considered to be traditional and in keeping with the character of the conservation area. The proposal therefore complies with Policy D4 - Historic Environment of the Aberdeen Local Development Plan 2017, and Policy D6 - Historic Environment of the Proposed Aberdeen Local Development Plan 2020, Historic Environment Policy for Scotland, Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent and Managing Change in the Historic Environment: Setting and Boundaries. The proposal is also considered acceptable when assessed against Policy 7 of National Planning Framework 4.

### **ADVISORY NOTES FOR APPLICANT**

Planning permission shall be required for the erection of a new fence greater than one metre in height in line with the criteria under Class 7 of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992.