

# Planning Development Management Committee

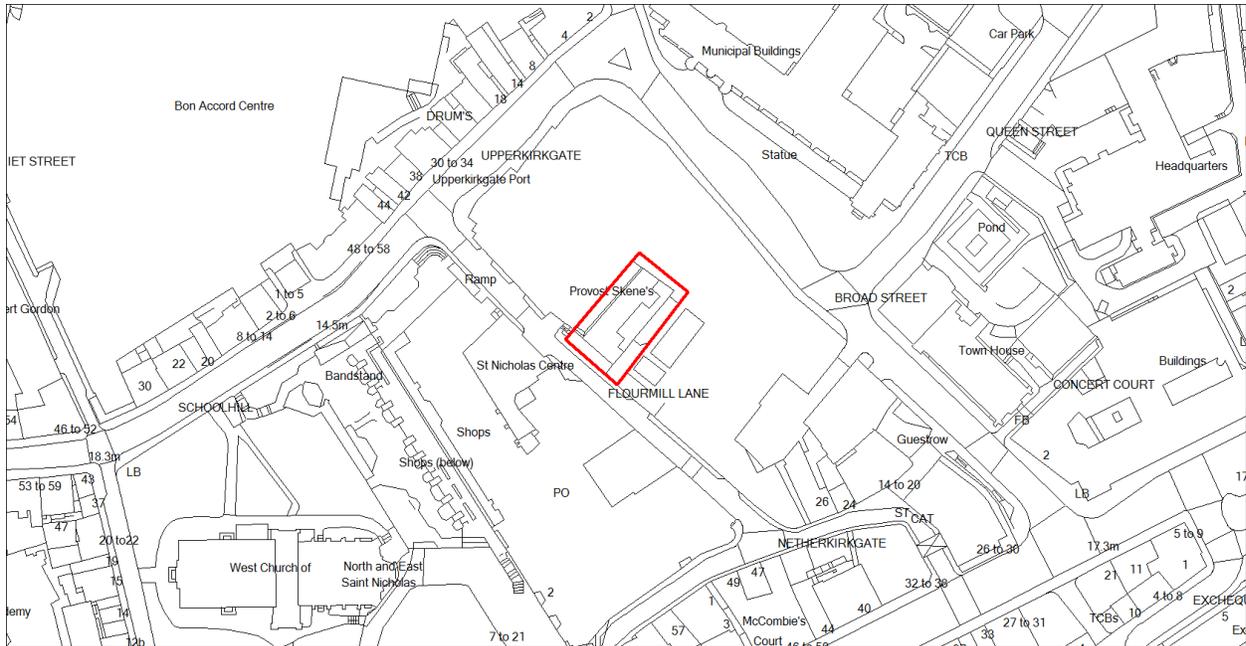
PROVOST SKENE'S HOUSE, BROAD STREET,  
ABERDEEN

REMOVAL OF STEPS AND BALUSTRADE TO  
FRONT OF PROVOST SKENE HOUSE, RE-  
PROFILE AND RENEW SURFACE FINISHES  
BETWEEN THE BALUSTRADE AND PROVOST  
SKENE HOUSE AND RE-LOCATION OF  
STONE ARCH

For: Muse Developments Ltd

Application Type : Listed Building Consent  
Application Ref. : P140755  
Application Date: 20/05/2014  
Officer: Gavin Evans  
Ward : George Street/Harbour (A Morrison/N Morrison)

Advert : Listed Building  
Advertised on: 11/06/2014  
Committee Date: 6 November 2014  
Community Council : No response received



**RECOMMENDATION:** Willingness to approve, subject to notification to  
Historic Scotland

## **DESCRIPTION**

This application relates to works affecting Provost Skene's House, a category A listed building which is located in a roughly central position within the former St Nicholas House site, which itself lies between Broad Street to the north-east and Flourmill Lane to the south-west. Historic Scotland's listing description identifies Provost Skene's House as having 16<sup>th</sup> century origins, but dating largely from the 17<sup>th</sup> century. It is recognised as the oldest surviving house in Aberdeen and one of the few remaining examples of early burgh architecture in the city.

Originally, the house was located in a row of similar town houses with a broadly south-west facing aspect over long garden feus towards St Nicholas Kirk. The north of the house fronted Guestrow and access would have been taken through a close to the narrow south-east facing entrance façade.

The listing description makes reference to the archway having been moved here from Union Terrace Gardens in the 1930s, with the random rubble wall constructed in the 20<sup>th</sup> century to form an entrance courtyard. This rubble wall incorporates a plaque/armorial panel, positioned to the left-hand side of the archway.

## **RELEVANT HISTORY**

Application P140698, which sought detailed planning permission for a *'Mixed use development including office, hotel, retail, restaurant, leisure, civic space including car parking, access, landscaping, infrastructure and public realm improvements'*, was referred to the full Council meeting of 8<sup>th</sup> October, at which time members expressed a willingness to grant planning permission, subject to conclusion of a legal agreement to secure financial contributions towards the Council's Strategic Transport Fund (STF), and subject to conditions as contained in the report.

## **PROPOSAL**

This application proposes the removal of the existing archway and random rubble wall and steps, both 20<sup>th</sup> century additions to the site, and to grade the local ground levels of the redeveloped St Nicholas House site to marry in with the existing ground floor level of the house.

The archway, though dating from the 17<sup>th</sup> century, was not sited at Provost Skene's until post-1930. It is proposed that this archway be relocated within the site, being turned 90 degrees repositioned to adjoin the southern corner of the building and to define the entrance to the redeveloped site from Flourmill Lane.

## **Supporting Documents**

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref= 140755>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

### **REASON FOR REFERRAL TO COMMITTEE**

The application has been referred to the the Planning Development Management Committee because more than 5 representations have been received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

### **CONSULTATIONS**

**Roads Projects Team** – No observations.

**Environmental Health** – No observations.

**Education, Culture & Sport (Archaeology)** – Request that a condition be attached, securing the implementation of a programme of archaeological work in accordance with a written scheme of investigation, submitted to and approved in writing by the planning authority.

**Historic Scotland** – Generally content with the proposals, which form part of the major regeneration project for the former St Nicholas House site. The LBC application relates specifically to the proposed public space/gardens beside Provost Skene's House, including site levelling to align with the existing entrance to Provost Skene's. In the context of this wider scheme, HS are satisfied that the removal of the 20<sup>th</sup> century courtyard rubble wall and steps, together with the re-positioning of the archway, would not diminish Provost Skene's House's special interest as an outstanding surviving example of Aberdeen's early burgh architecture.

HS suggest that further submissions be made on a number of points of finer detail, either prior to determination or through the use of suspensive conditions (requiring action before works can commence):

- Submission of large scale elevation drawings and plan showing re-positioned archway and adjoining walls.
- Submission of methodology /specification for the careful dismantling of 20<sup>th</sup> century rubble wall and repositioning of the archway.
- Submission of details for salvaging and re-using the armorial panel, currently within part of the 20th century wall beside the archway. This could be similarly incorporated in a section of wall adjoining the proposed repositioned archway.
- Clarification of the significance of the freestanding wall to the north east of Provost Skene's House (shown as a dotted line in the currently submitted

plans). In the event of this being original or of historic significance to Provost Skene's, we suggest that proposals for its retention be provided.

- Submission of full specification, together with large scale elevation/section drawings and plans, for the detailed treatment for the existing Provost Skene's entrance courtyard, as well as the outdoor spaces adjoining its other three sides, as part of the wider public realm scheme for the Marischal Square project. This should include details of any new surfacing, planter walls, seating, lighting, and other alterations to the outdoor spaces immediately adjoining Provost Skene's House.

**Community Council** – No response.

## **REPRESENTATIONS**

92 written representations have been received. The objections raised relate to the following matters –

- Fabric should not be affected in any way whatsoever
- The existing courtyard provides a charming setting for Provost Skene's House
- Removal of these features would destroy part of the character of the building
- Objections relating to the design and appearance of the Marischal Square development
- New development on the St Nicholas House site should be more sympathetic to Provost Skene's House
- The archway, which is understood to originally be from a house in Guestrow, should be retained in the surrounding area
- Call for the St Nicholas House site to be re-designated as open space, with Provost Skene's House at its heart
- Suggests that a new brief for the site be drawn up, incorporating civic open space with Provost Skene's House retained in its entirety
- Reference to poor stewardship of historic buildings in the past
- Risk of a precedent being set for alterations to other notable listed buildings
- Queries whether the developer will seek to challenge the listed status of Provost Skene's House
- To accept such a proposal would be un-democratic

## **PLANNING POLICY**

### **National Policy and Guidance**

#### Scottish Planning Policy (SPP)

SPP sets out national planning policies for operation of the planning system and for the development and use of land. Principal policies relating to sustainability

and placemaking are of relevance, as are subject policies, including those on valuing the historic environment.

#### Scottish Historic Environment Policy (SHEP)

This sets out Scottish Ministers' policies for the historic environment, and complements Scottish Planning Policy. In its section relating to Listed Building Consent, SHEP outlines general duty to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. It is highlighted that listed buildings, once lost, cannot be replaced, and that they can be robbed of their special interest either by inappropriate alteration or by demolition. In recognition, there is a presumption against works that would adversely affect the special interest of a listed building or its setting. Listed buildings will, however, require alteration and adaptation from time to time if they are to remain in beneficial use, and will be at risk if such alteration and adaptation is unduly constrained. In most cases such change, if approved carefully, can be managed without adversely affecting the special interest of the building.

Section 3.48 of SHEP states that, *'where a proposal involves alteration or adaptation which will sustain or enhance the beneficial use of the building and does not adversely affect the special interest of the building, consent should normally be granted'*.

#### **Aberdeen City and Shire Strategic Development Plan (SDP) 2014**

The SDP sets out a series of key objectives for the growth of the City and Aberdeenshire. The SDP recognises the importance of the city centre as an asset, and highlights that its regeneration is vital for the economic future of the area, stating a need to attract more major office developments to the city centre. A stated objective of the Plan is provide opportunities which encourage economic development and create new employment in a range of areas that are both appropriate for and attractive to the needs of different industries. This must be balanced against another key objective to make sure new development maintains and improves the region's important built, natural and cultural assets.

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

##### D1: Architecture and Placemaking

In order to ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Landmark or high buildings should respect the heights and scale of their surroundings, the urban topography and the city's skyline, and should aim to preserve or enhance important views.

##### D5: Built Heritage

Proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy. In relation to development affecting archaeological resources, further details are set out in the 'Archaeology and Planning' supplementary guidance document.

## **Supplementary Guidance**

City Centre Development Framework

### **Other Relevant Material Considerations**

Bon-Accord Quarter Masterplan

Historic Scotland 'Managing Change in the Historic Environment' guidance note: 'Boundaries'.

### **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.

In assessing the impact of these proposals on the special interest of the listed building, it is appropriate to first consider where that special interest lies. In the case of Provost Skene's House, its special interest relates to it being a rare example of an early Aberdeen town house, dating from the 17<sup>th</sup> century onwards. The historic external and internal fabric of the building is therefore of particular importance. It is noted, however, that the works proposed, which are entirely external, would not result in any direct physical impact on the original fabric of the building pre-dating the 1930s, after which the archway, wall and steps were introduced. Whilst the archway itself possesses historic interest, dating as it does from the 17<sup>th</sup> century, it was relocated from Union Terrace Gardens in the 20<sup>th</sup> century and was not an original part of the building, though it is understood it may have its origins in a now-demolished building on Guestrow. Its historic interest is therefore not directly related to that of Provost Skene's House, offering scope for re-siting in an appropriate alternative location without adversely affecting the special interest of Provost Skene's House.

The submitted heritage statement contends that the rubble wall was of entirely new construction in the 1930s, however images dating from the Queen Mother's opening of the building in 1953 show a balustrade at the development frontage, where the wall is currently sited. It is understood that the wall may have been added as part of the development of St Nicholas House, erected in 1968. Whilst the wall is of a sympathetic design and configuration, it nevertheless does not form part of the essential special interest of the building. The setting of Provost Skene's House is not mentioned in the listing description, which is reflective of the significant change from its original setting which has occurred over time. The removal of the wall, archway and steps, and the associated re-grading of the development site levels to marry in with the ground floor level of the house would improve its accessibility, and the removal of the wall allows opportunity for Provost Skene's House to be integrated into the redevelopment of the wider site, with an enhanced setting provided through a reconfigured landscaped space.

The applicants propose that the archway be utilised in defining the threshold of the development to Flourmill Lane. This would involve the existing archway being turned through 90 degrees and relocated to adjoin the southern corner of the building. In doing so, the archway and its historic interest can be retained as a prominent and useful part of the wider redevelopment, without detriment to the setting or historic interest of Provost Skene's House. Clearly any re-siting of historic fabric must be done carefully, and this necessitates further consideration of any methodology for this work. It is noted also that an armorial panel currently located in the wall beside the archway might be retained and utilised as a feature in the redevelopment. Such details can be secured before any works are undertaken through the use of an appropriately worded condition.

It is noted that Historic Scotland's consultation response suggested that further details of the freestanding wall to the north-east of the house be provided, in order that an informed assessment of its historic interest can inform any proposals for removal, re-siting or retention, as appropriate. This information can be similarly secured through use of a condition attached to any listed building consent.

The archaeological condition requested by the Council's Lead Curator of Local History and Archaeology was included within those stated in relation to the associated application for planning permission, though it is recognised that different works are considered by these two applications, and therefore it remains appropriate to state such a condition on any approval of listed building consent.

### **Matters raised in representations**

Matters relating to the impact of the proposed works on the character and special interest of Provost Skene's House have been addressed in this report, which establishes that the listing of a building does not preclude alterations and that Scottish Government policy supports alterations which are underpinned by a clear understanding of the historic fabric and which would not adversely affect the special interest of a building.

Objections relating to proposals for the wider redevelopment of the St Nicholas House site are not relevant to this assessment, the purpose of which is to assess the impact of the proposed works on the special interest of this historic building. The planning merits of the wider proposal have been assessed through a separate application for planning permission, and cannot legitimately be revisited through assessment of this application.

Comments relating to the re-designation of the St Nicholas House site as open space in the Local Development Plan are not relevant to consideration of this application, which is based on the provisions of the Development Plan (meaning both the Strategic Development Plan and the Local Development Plan in tandem) as it stands, along with any other material considerations. Similarly, suggestions that a new brief for the site be drawn up are not within the remit of the planning authority in consideration of this application for listed building consent.

The historic interest of the existing archway is recognised, though it has also been established that the historic interest of this feature is not directly related to Provost Skene's House, as it was not present on the site until well into the 20<sup>th</sup> century. Nevertheless, the historic interest of the archway warrants its relocation and retention, as set out in this report.

Comments relating to a perceived poor stewardship of historic building in the past are noted, but similarly are not relevant to this assessment. Approval of any works to a listed building would not set a precedent for other works elsewhere, as each application will be considered on its own merits, based on the nature of the works proposed and their relative impact on the special interest of a historic building. Any person can propose a building for listing, seek a review of an existing listing, or seek to have a building delisted. Historic Scotland is responsible for assessment of such proposals, and any move to de-list a building would be considered by Historic Scotland in due course. That process runs independently of the planning authority's assessment of an application for listed building consent. As members will be entirely aware, applications for planning permission or listed building consent are not determined solely based on the weight of public opinion for or against a proposal, and whilst any matters raised in written representations are relevant to that assessment, the planning authority must have regard to the provisions of the Development Plan in coming to a determination.

### **Conclusion**

The proposal would have negligible impact on the original fabric of the listed building, relating principally to the removal and re-siting of non-original features. Whilst the existing wall, steps and archway contribute towards the building's current setting, it has been demonstrated that the setting of Provost Skene's House has been subject to various changes over time, and it has been established that its current setting is not central to the building's special historic interest. The redevelopment of the wider St Nicholas House would allow for a new and enhanced setting, which would place emphasis on the entrance façade of Provost Skene's House and allow for better integration with the surrounding spaces. Taking these matters into account, the proposed works are not considered to result in adverse impact on the building's architectural or historic interest. The retention of the existing archway and its incorporation within the wider redevelopment is consistent with the principles of SHEP, SPP and the provisions of the Aberdeen Local Development Plan in relation to historic buildings. In summary, the proposal is not considered to adversely affect the special interest of Provost Skene's House, and appropriate conditions can ensure submission of further information detailing the specifics of the works and an appropriate methodology, for the further agreement of the planning authority, in consultation with Historic Scotland, prior to commencement of works. It is therefore recommended that members express a willingness to approve the application, subject to notification being given to Historic Scotland, giving them the opportunity to call-in the application for their own determination.

### **RECOMMENDATION**

## **Willingness to approve, subject to notification to Historic Scotland**

### **REASONS FOR RECOMMENDATION**

These works allow for the redevelopment of the wider St Nicholas House site as part of an office-led mixed use scheme, consistent with the Strategic Development Plan's stated aim to attract major office development to the city centre. The works proposed relate to exterior elements such as boundary walls, steps and ground level treatments, and it has been demonstrated that those features affected are non-original, having been introduced to the site post-1930. The works are therefore not considered to adversely affect the special historic interest of Provost Skene's House. The historic interest of the archway, though not an original part of the house, is recognised and its retention and reuse as part of the proposal is welcomed as being consistent with the principles expressed in Scottish Planning Policy (SPP). The proposal is considered to demonstrate due consideration for its context, and would allow for the enhancement of the setting of Provost Skene's House by better integrating the historic building with its surroundings as part of the wider redevelopment scheme. In demonstrating compliance with SPP, the proposal accords with policy D5 (Built Heritage) of the Aberdeen Local Development Plan (ALDP). As the proposed alterations would allow for the beneficial use of the building to be sustained, and the special interest would not be adversely affected, section 3.48 of Scottish Historic Environment Policy (SHEP) supports the granting of consent. The proposed works would underpin a wider redevelopment which has, in broad terms, been found to accord with the relevant provisions of the City Centre Development Framework (CCDF) and the Bon-Accord Quarter Masterplan (BAQMP).

### **CONDITIONS**

**it is recommended that approval is granted subject to the following conditions:-**

(1) That no part of the works hereby authorised shall be undertaken unless the following information has been submitted to, and agreed in writing by, the planning authority, in consultation with Historic Scotland. Thereafter, all works shall be carried out in full accordance with the details so agreed, unless otherwise agreed in writing by the planning authority:

(i) large-scale drawings and plans showing the re-positioned archway and adjoining walls

(ii) a detailed methodology/specification for the careful dismantling of the 20th century rubble wall and the repositioning of the archway.

(iii) Details for salvaging and re-use of the armorial panel, currently within part of the wall beside the archway.

(iv) Details of the provenance, significance and estimated age of the freestanding wall to the north-east of Provost Skene's House, along with proposals/recommendations for its removal, retention or re-siting as appropriate

(v) Full specification, together with large scale elevation/section drawings and plans, for the detailed treatment for the existing Provost Skene's entrance courtyard, as well as the outdoor spaces adjoining its other three sides, as part of the wider public realm scheme for the Marischal Square Project. This should include details of any new surfacing, planter walls, seating, lighting and other alterations to the outdoor spaces immediately adjoining Provost Skene's House.

(2) No development shall take place within the area indicated (in this case the area of the whole development) until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The programme of archaeological work will include all necessary post- excavation and publication work - in the interests of protecting items of historical importance as may exist within the application site.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.