



Planning Development Management Committee

Report by Development Management Manager

Committee Date: 20 May 2021

Site Address:	62 to 64 Shiprow, Aberdeen, AB11 5BY,
Application Description:	Substantial demolition of single storey building (side walls and roof) with Shiprow facing wall remaining unaltered (Retrospective).
Application Ref:	210397/CAC
Application Type	Conservation Area Consent
Application Date:	24 March 2021
Applicant:	Aberdeen Douglas Hotel
Ward:	George Street/Harbour
Community Council:	City Centre
Case Officer:	Lucy Greene



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site lies within the Union Street Conservation Area and City Centre, with the Maritime Museum to the north east and car park to the rear of the Douglas Hotel, to the south west. To the rear of the site (north west) is a granite building that fronts onto the Adelphi at a higher level.

Along the Shiprow site boundary is an historic granite rubble wall, thought to be partly medieval in origin, containing a pointed arch gothic double doorway opening, two further door openings and narrow slit openings, as well as a rebuilt 19th century arched opening with cast iron gates. The boundary wall to the east is also historic in nature, built largely in granite rubble, with some brick infill and appears to include the gable of a building long since removed.

Until sometime in April this year, the site was largely occupied by a modern single storey flat roofed structure formerly used as part of a nightclub. This modern structure, which has now been removed, consisted of modern side walls to the east and west together with flat roof. The Shiprow wall was used as the south elevation. Between the modern building and the eastern historic site boundary wall was a lane that was accessed via the gated 19th century semi circular arch. This application for Conservation Area Consent for the demolition of the former nightclub building and adjustments to the eastern wall is therefore retrospective.

The building is on the Buildings at Risk Register, which notes that the Shiprow wall possibly contains remains of a 14th century wall. The register further notes permission in June 2011 for demolition.

Relevant Planning History

131375 - Demolition of existing buildings and erection of hotel extension including function/conference accommodation and erection of office accommodation (Amendment to P091221). This three year permission was granted in 2017 remains extant due to extensions to planning permissions under Covid regulations.

091222 – Conservation Area Consent for the demolition of buildings. Approved conditionally 3 June 2011. This was conditional upon evidence of a legally binding contract entered into between the developer and his/her builders in respect of the carrying out of the proposed development. Consent has expired.

091221- Planning permission was approved conditionally by the Development Management Sub-Committee on 28 April 2011. The proposals include the demolition of most of the buildings on site and the erection of an extension to the Douglas Hotel.

APPLICATION DESCRIPTION

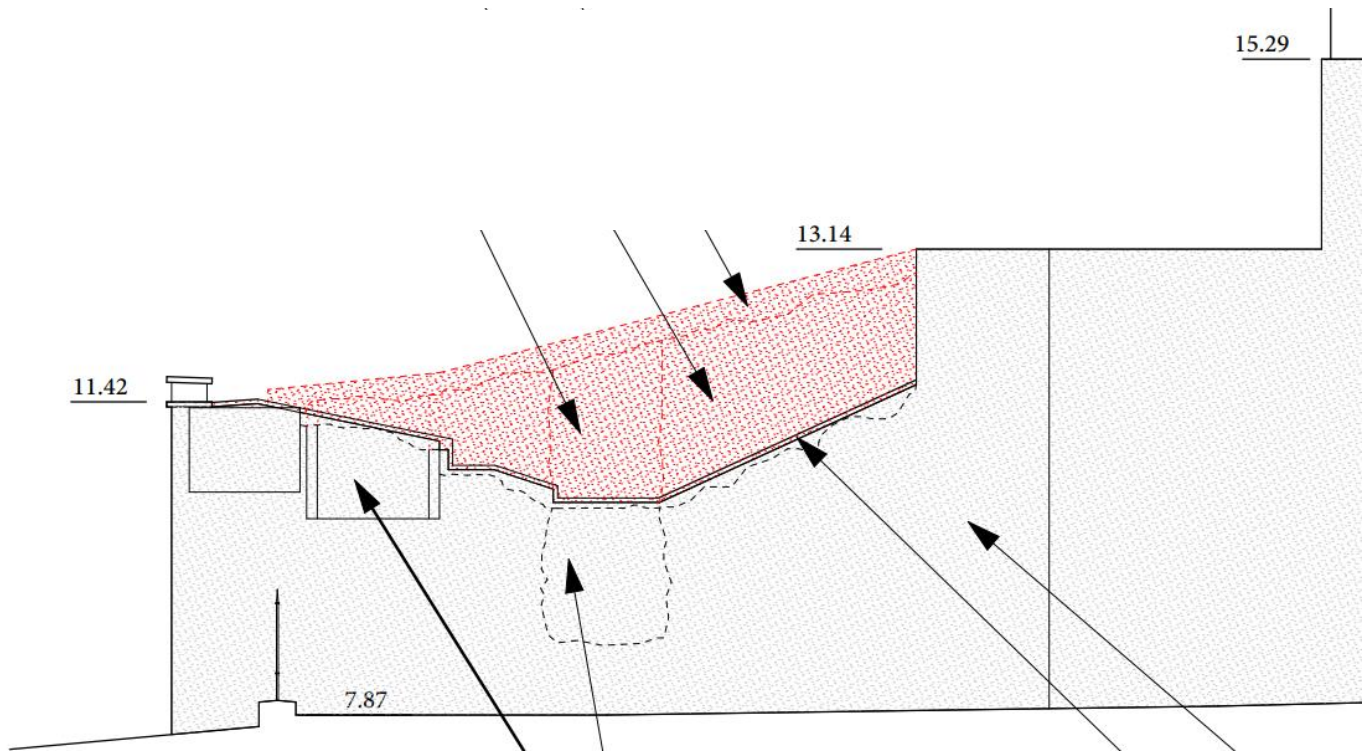
Description of Proposal

The application is for the demolition of the roof and modern side walls of the single storey structure, whilst the steel beams of the roof, and the historic Shiprow wall would remain. The east wall would largely remain with the uppermost portion of the wall being removed due to structural instability. The original proposal included the significant reduction in height of the Shiprow wall, however, the application no longer includes any works to that wall.

With the exception of the coping, all the works proposed by the application have already been carried out on site, with the east wall, adjacent to the Maritime Museum, having been reduced in height in areas that were considered unstable, and this has been finished with a cement capping. The height of the wall is not uniform with its height being just under 4m at Shiprow, and over 5m in height

towards the rear of the site. A 7m length of the wall has been reduced in height to some extent with the reduction varying between approximately a minimum of 0.3m and a maximum of 2m, leaving a wall of varying height with the minimum height being approximately 2.3m. The corner where the east wall joins the Shiprow frontage wall is unaltered.

The drawing excerpt below (taken from 023-18001-LB / - 04-E-02 Rev 08 available on the website) shows the extent of taking down to the east boundary wall (viewed from Maritime Museum side, with Shiprow on left). The numerical annotations indicate levels above ordnance datum.



The proposals do not include any disturbance of the ground, with a temporary surface being laid over the floor of the previously existing single storey building.

Other works implemented on site that are not relevant to this application include the erection of a timber and perspex type gazebo, the laying of astroturf type ground covering and the use of the site together with adjacent car park as an outdoor café bar, in association with the Douglas Hotel, as the 'Ivy Lodge'. The erection of these structures and the use of the premises have been considered separately under the Council's 'Spaces for People' initiative and is considered to be temporarily exempted from any further requirements for planning consent in that context..

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QQFGD3BZHWR00>

Including:

Letter from Macleod Jordan Structural Engineers, dated 04.05.2021.

Archaeological Assessment of Potential and Mitigation Proposals by Archaeology Group, April 2010
Heritage Statement – Redevelopment of the Douglas Hotel site on Shiprow, Aberdeen by Andrew PK Wright, April 2010

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the number of representations (131no.) means that the application falls outwith the Scheme of Delegation to Officers.

CONSULTATIONS

Historic Environment Scotland (HES)– Pleased to note the revision to retain the Shiprow wall. This comprises a surviving medieval wall, including Gothic arched doorway and narrow slit openings, forming the front elevation of the disused nightclub / pub. The flat roofed structure is of no architectural or historic interest. Adjoining the Shiprow wall is a salvaged 19th century semi-circular arch, which it is understood to have been rebuilt in 1965 with a gate and overthrow masonry. If the proposal had not been revised, HES would have objected to the loss of the historic features.

The east boundary wall was of similar height and traditional masonry construction to the adjoining 19th century wall section. The application previously indicated a more uniform reduction in height to 2 – 2.5m and HES considered that this represented a significant reduction in height of the wall, with consequent loss of character as a traditional high wall feature (the works that have taken place result in varying height reduction as shown in the drawing excerpt above). HES consider that both walls are of significance to the conservation area, contributing to the sense of place in this medieval part of the city centre close to the harbour. The Council's Union Street Conservation Area Appraisal 2007 recognises this area as one of the oldest parts of Aberdeen.

HES urges that in addition to the retention of the Shiprow fronting wall, the east boundary wall be retained at full height, in the interests of safeguarding the special historic character of the conservation area. It is also noted as being desirable that the making good of the historic walls be appropriately managed following demolition of the flat roofed building.

By way of update, and further to the receipt of the letter from the structural engineer, HES commented further that in light of the latest information submitted, it is appreciated that the Council must satisfy themselves regarding the structural condition of the wall and the justification for its partial dismantling as shown in the latest drawings. It is stated that if the planning authority is satisfied that there is sound justification, HES would agree that the works of making good include reclaimed granite copes or similar traditional finishing.

Archaeologist – Notes that there is no ground-breaking proposed, and there will be no need for any archaeological monitoring given that they are doing limited repairs.

The requirement for a Standing Building Survey of the wall should be conditioned, it is noted that the Heritage Statement includes a drawing of the wall dating from 2010, though the resolution of the image is poor. If the Applicant could send through a copy of that drawing at its original resolution then the only remaining requirement will be photographs with scales (ranging rod) to be taken along the length of the wall and for any specific architectural element showing on either side. This will ensure there is a full and proper record of the wall for the future.

City Centre Community Council – No comments received.

REPRESENTATIONS

One hundred and thirty one (131 no.) letters of objection were received, including from the Aberdeen Civic Society and the Architectural Heritage Society of Scotland. The majority of these were received before the scheme was revised to include retention of the Shiprow wall.

The matters raised were as follows:

- a. The walls are part of a medieval building, contributing to the physical and intangible heritage of Aberdeen and should be retained.
- b. The walls should be incorporated into the proposals for the site.
- c. This is the oldest area of the city and should be preserved for future generations.
- d. That the wall facing Shiprow is very old and on ancient foundations. Other walls within the feu will also sit on ancient foundations. The site will contain archaeological remains of value and should be very carefully preserved.
- e. Object to the reduction in height of the equally historic side wall which is part of the passageway ascending to the Adelphi. If the side wall is reduced to 2m in height, the Shioprow wall would become a façade. Both walls contribute to the character of the Conservation Area.
- f. It is noted that the building is on the Buildings at Risk Register.

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.

National Planning Policy and Guidance

Scottish Planning Policy was approved on 18 December 2020. In February 2021, a Judicial Review of the decision of the Scottish Ministers on 18 December 2020 to amend Scottish Planning Policy (2014) as set out in 'Scottish Planning Policy Finalised Documents' and to publish 'Planning Advice Note 1/2020' was lodged with the Court of Session. As it stands, SPP2020 remains in place and is a relevant consideration in the determination of all planning applications.

Historic Scotland's Historic Environment Policy Statement
Managing Change in the Historic Environment – External Walls
Managing Change in the Historic Environment - Demolition

Aberdeen Local Development Plan (2017)

Policy D4 – Historic Environment
Policy D5 – Our Granite Heritage
Policy D1 – Quality Placemaking by Design
Policy NC2 – City Centre Retail Core

Supplementary Guidance and Technical Advice Notes

Union Street Conservation Area Appraisal 2007
Draft Union Street Conservation Area Appraisal 2021

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be, and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. 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 –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis.

EVALUATION

Principle of Development

The issue for consideration is the impact of the demolition on the character of the Union Street Conservation Area.

The site is designated under Policy NC1 – City Centre Development – Regional Centre. This policy is not directly relevant to consideration of the application, other than the extent to which the regional centre benefits from the historic buildings that contribute to its character. The proposal would not conflict with Policy NC1.

Policy D5- Our Granite Heritage, seeks the retention and re-use or conversion of all granite features, structures and walls. The policy states that proposals to demolish, even partially, granite features within a Conservation Area will not be approved unless the proposal meets Historic Scotland's policy test for demolition. The relevant HES policy is Historic Environment Policy for Scotland.

Policy D4 – Historic Environment refers to national policy as well as conservation area appraisals and supplementary guidance. It presumes in favour of retention and reuse of buildings within conservation areas that contribute to their character.

National guidance in HEPS and SPP advises that works to the historic environment should be informed by a thorough understanding of the features in question and that changes to specific assets should be managed in a way that protects the historic environment. If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.

Managing Change guidance advises that normally demolition would be considered together with proposals for redevelopment, with the key principle being that the character and appearance of the area should be preserved or enhanced.

The Union Street Character Appraisal notes that this area of the city is one of the oldest, with the Adelphi having been the site of St Katherine's Hill and a strong relationship with the harbour. Allied to this is the buildings inclusion on the Buildings at Risk Register.

The modern structure within the site is of no significant architectural or historic merit and as the works would not involve the street frontages of the site, the removal of this modern structure in itself would have very little impact on the conservation area. This application provides for the steel roof beams to remain and this is welcomed as being of possible structural benefit and as the beams are only partially visible in close oblique views. This element of the proposal preserves the character of the conservation area, with the potential for re-use of the space to enhance the area. This re-use is discussed further, below.

The east boundary wall forms the side of an alley of approximately 35m in length leading between the application site and the Maritime Museum and up to the Adelphi. The works shown on the submitted drawings have already taken place, other than coping which is currently cement. As noted by HES the full height wall had considerable value as a traditional high wall, lending character to the Conservation Area. In terms of its history, it is thought that sections have been re-built at various times, the wall contains areas of concrete and brick infill as well as granite rubble, as is indicated on the elevational drawings and can be seen from photographs of the remaining wall and also of the former height of the wall in 2018 on Google Streetview. A large shrub/tree as well as other vegetation was growing out of the wall and a letter from structural engineers Macleod Jordan confirmed the lack of stability of the upper sections in question. Due to the health and safety concerns outlined by the structural engineer, the reduction in height over a 7m stretch has already been carried out, with larger stones having been retained. In terms of the loss of fabric of the wall, this is unfortunate, however, it is accepted the areas were a safety concern. Impact on the character of the conservation area of the reduction in height of part of the wall is the key consideration, with the traditional high wall between Shiprow and the Adelphi contributing to the character. Even at its lowest point, the wall remains at more than 2.2m in height, the corner of Shiprow and first metre of the wall retains its height. The majority of length of the wall would remain at its current/former height and taking into the account the safety justification, and with a condition requiring a reclaimed granite coping to be added, overall it is considered that the character of the conservation area would be preserved.

In considering the effect on the character of the Conservation Area, there is no associated planning application for either the café bar use or building of structures within the site. However, the site is in use as a temporary outdoor cafe, with the knowledge of the Council's Covid-related Spaces for People Team. Notwithstanding that the continued use as such would require to be the subject of an application which would consider matters such as amenity and design merits of the new structures within a longer-term context, the outdoor café enlivens the area and allows enjoyment of the historic environment. These factors in themselves contribute to the character of the conservation area, although can be given limited weight in consideration of this application. If proposed by the applicant, the permanent continuation of the use would require to be subject a separate planning application once COVID relaxation of controls no longer apply.

The extant planning permission (131375) for the extension of the Douglas Hotel, which involves complete demolition and part rebuilding of the Shiprow wall, is a material consideration, however, it is afforded no weight taking into account that the related Conservation Area Consent for demolition has expired and there is no indication of any intention to proceed with the proposal.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (PALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is acceptable in terms of both Plans for the reasons previously given.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The demolition of the modern building within the site, which is of no architectural or historic merit, has had no significant impact on the character of the Union Street Conservation Area. It is acknowledged that the applicant's structural engineer's report demonstrates that the reduction in height of the wall was required for health and safety reasons. Given the limited extent of the reduction, and the overall length of the remaining traditional high wall, it is considered that on balance the proposal would preserve the character of the Conservation Area subject to a condition requiring a reclaimed granite coping to be added. The demolition works facilitate temporary use of the site, which enlivens the area and provides opportunity for enjoyment of the historic walls by the public, thus enhancing the conservation area, although the possible future requirement for planning permission for the café bar use and temporary structures, results in consequent lesser weight being afforded to this public benefit. The proposals are thereby considered acceptable and consistent with the following policies in the Aberdeen Local Development Plan 2017, D4: Historic Environment, D5: Our Granite Heritage, D1: Quality Placemaking and NC1: City Centre Development – Regional Centre, as well as national policy in Scottish Planning Policy and Historic Environment Policy for Scotland and the Managing Change Guidance.

CONDITIONS

1. That a Standing Building Survey of the Shiprow and east walls shall be submitted within 6 months of the date of this permission. This should include the 2010 drawing from the Heritage Statement at its original resolution and 'as existing' photographs with scales (ranging rod) to be taken along the length of the wall and for any specific architectural elements shown on either side. This will ensure there is a full and proper record of the wall for the future.
Reason: In the interests of recording historic features.
2. That within 1 month of the date of this permission, details of the addition of reclaimed granite coping to the section of the east boundary wall affected by the reduced height shall be submitted to the planning authority. Thereafter, works shall be carried out fully in accordance with any details thereby agreed within 6 months any such agreement
Reason: In the interests of preserving the character of the Union Street Conservation Area.

ADVISORY NOTES FOR APPLICANT

1. The applicant should note that the use of the site as a café bar and erection of the structures on site requires planning permission. Should the use and structures extend beyond the current temporary period where an exemption has been applied stemming from the COVID pandemic then a planning application for change of use and erection of any structures will require to be submitted to the planning authority, or the use should cease and the structures should be removed.