



Strategic Place Planning

Report of Handling by Development Management Manager

Site Address:	46 Marischal Street, Aberdeen, AB11 5AL
Application Description:	Replacement of external door with flood mitigation door
Application Ref:	240300/DPP
Application Type:	Detailed Planning Permission
Application Date:	13 March 2024
Applicant:	Scottish Water
Ward:	George Street/Harbour
Community Council:	Castlehill and Pittodrie

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application property is a category 'B' listed building, situated within the City Centre Conservation Area. The 3-storey and attic, 3-bay town house, forms part of a terraced row of properties, and dates back to circa 1789 and 1821. The application building has a north-east facing principal elevation onto Marischal Street whilst the rear, south-west elevation fronts onto Theatre Lane, a narrow historic pend. Due to a significant change in levels between Marischal Street and Theatre Lane, the rear elevation of the building is five storeys in height, with irregular fenestration and a pair of tripartite, canted piended dormers. There is an existing timber door at ground floor level on the rear elevation of the building to Theatre Lane.

The application property adjoins 48 Marischal Street to the north and 56 Marischal Street to the south.

Relevant Planning History

- 240299/LBC – 46 Marischal Street - Detailed planning permission for the replacement of external door with flood mitigation door; Pending determination in conjunction with this listed building consent application.
- 240301/LBC – 48 Marischal Street – Listed building consent for the replacement of external basement door with flood mitigation door. Pending determination.
- 240302/DPP - 48 Marischal Street – Detailed planning permission for the replacement of external basement door with flood mitigation door. Pending determination.

- 240298/LBC – 12, 12a Virginia Street – Listed building consent for the replacement of external door with flood mitigation doors and installation of barrier to an existing roller shutters – Refused; 28th June 2024
- 240297/DPP – 12, 12a Virginia Street – Detailed planning permission for the replacement of external door with flood mitigation doors and installation of barrier to an existing roller shutters – Refused; 28th June 2024
- 240294/DPP - 24 Virginia Street – Detailed planning permission for the replacement of external doors with flood mitigation doors – Refused; 28th June 2024.
- 240296/DPP - 22 Virginia Street – Detailed Planning permission for the replacement of external door with flood mitigation doors and installation of barrier to an existing roller shutters – Refused; 28th June 2024.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the installation of a replacement door for the existing timber double door and transom light, located on the rear, south-west elevation, fronting Theatre Lane. The proposed door would be a steel reinforced 70mm Rehau uPVC flood door, finished in RAL 9005 black externally and RAL 9016 white internally with a wood grain effect on both sides. The proposed door would hinged on either side with 4 flag hinges and would open outward. There would be a 300mm top light, with clear glass, 6mm laminate externally and 4mm toughened glass internally with crash bars internally with no external access.

The works are proposed by Scottish Water in order to provide mitigation against sewer flooding on Theatre Lane, which they advise occurs on an increasingly frequent basis due to climate change, and has seen the building's interior flooded in recent years.

Amendments

None.

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=SA1DTUBZL0V00>

- Design and Access Statement

CONSULTATIONS

Castlehill and Pittodrie Community Council – No comments received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

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 (NPF4)

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 7 (Historic Assets and Places)
- Policy 14 (Design, Quality and Place)
- Policy 22 (Flood Risk and Water Management)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy H2 (Mixed Use Areas)
- Policy D1 (Quality Placemaking)
- Policy D6 (Historic Environment)
- Policy D8 (Windows and Doors)

Aberdeen Planning Guidance

- Repair and Replacement of Windows and Doors

Other National Policy and Guidance

- Historic Environment Policy for Scotland (HEPS)
- Managing Change in the Historic Environment: Doorways

Other Material Considerations

- City Centre Conservation Area Character Appraisal

EVALUATION

Necessity of the proposed works

The applicant, Scottish Water, advises that the proposed replacement door is required in order to provide protection to the building's interior from sewer flooding on Theatre Lane, which has occurred a number of times in recent years and they advise is likely to increase in frequency in the future, due to climate change.

SEPA's flood hazard maps show that the section of Theatre Lane, to the rear of the building at no. 46 has a medium likelihood of surface water flooding (1 in 200 years, without taking into account climate change). As such, the Planning Service does not dispute the applicant's claim that some form of flood mitigation / protection is required.

The existing door is a non-original dual-leaf unit of timber construction, without any incorporated flood prevention measures. It is proposed to replace the existing door with a steel-reinforced unit with uPVC external facings. The applicant advises that the proposed door would provide enhanced protection for the building from any future flooding on Theatre Lane.

Criterion c) of Policy 2 (Climate Mitigation and Adaptation) of National Planning Framework 4 (NPF4) states that: *'development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported'* whilst the intent of Policy 22 (Flood Risk and Water Management) of NPF4 is: *'To strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.'*

The necessity of the proposed works, to provide enhanced flood protection for the host building and therefore also ensure its long term viable use, is thus considered to be acceptable in accordance with the aims and intent of Policies 2 and 22 of NPF4. However, assessment of the proposals against various other relevant policies of both NPF4 and the Aberdeen Local Development Plan 2023 (ALDP) are required, in order to ensure that the proposed works would be of an appropriate design that would either preserve or enhance the historic environment and the character and amenity of the surrounding area.

Mixed Use Areas

In terms of the Aberdeen Local Development Plan 2023 (ALDP), the application site is located in a mixed-use area under Policy H2 (Mixed Use Areas).

Applications for development in mixed use areas must take into account the existing uses and character of the surrounding area, and avoid direct conflict with the adjacent land uses and amenity.. The proposed works would comprise of minor physical alterations to the existing building with no change of use proposed. The potential impact of the proposed works on the character of the surrounding area (including the City Centre Conservation Area) is assessed below. Due to the nature of the works, there would be no adverse impacts on the amenity or viability of any neighbouring or nearby uses.

Design, impact on the historic environment and the character of the area

Policy Context

Policy 14 (Design, Quality and Place) of NPF4 expects development to be designed to be consistent with the six qualities of successful places and to not have an adverse impact on the amenity of the surrounding area. To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 (Quality Placemaking) of the ALDP. This policy expects all development to ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place.

Policy 7 (Historic Assets and Places) of NPF4 would only support development proposed in the conservation area where the character and appearance and its setting is preserved or enhanced. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest. Turning to the ALDP, Policy D6 (Historic Environment)

expects development to protect, preserve and enhance the historic environment and requires adverse development impacts to be minimised and for development to maintain the character, appearance and setting of the historic environment and to protect the special architectural or historic interest of the listed building and the conservation area. Policy D8 (Windows and Doors) requires historic doors to be retained, repaired and restored, with replacement only supported where it has been demonstrated that historic doors have deteriorated beyond practicable repair. It also notes that further guidance can be found in the Council's Aberdeen Planning Guidance (APG) on the Repair and Replacement of Windows and Doors.

Significance of doors towards the special character of listed buildings and conservation areas

The Council's Windows and Doors APG notes that historic and original features add to the overall pleasant experience of buildings and their wider surroundings and that inappropriate design, proportions or materials can detract from a building and the wider streetscape and setting. On listed buildings and public elevations in conservation areas, any new door should match the original in terms of proportion, profile and material and replacement doors on listed buildings should be in timber with the correct detailing. Composite and uPVC doors are not acceptable. The Historic Environment Scotland (HES) 'Managing Change in the Historic Environment' on doorways details the importance of doors and doorways and their associated features which are usually an important element of a building's design, weatherproofing and security. Their style, detailing and fixtures help us to understand when a building was constructed or altered, and how the building was used. The design and arrangement of doorways can be a notable component of groups of buildings or streets. The predominant material of traditional historic doors and frames is timber and from the 18th century most timber doors were treated with a durable paint finish.

In terms of this application, Historic Environment Scotland's list description notes that classical styling of No. 46 forms a significant part of Marischal Street's lengthy run, contributing to its refined character. Marischal Street (designed by William Law, 1767) is of great historic interest in terms of the early development of Classical Aberdeen and is the earliest example of this type of construction in Aberdeen. The street as a whole retains much of its original character despite the gradual move from domestic to commercial ownership throughout the 19th Century. The Council's City Centre Conservation Area Character Appraisal details the importance of Marischal Street, as it was the first formally planned street in Aberdeen, the style of building and use of material plays an important part in the overall character of the street. Whilst the door proposed to be replaced is located on the rear elevation of the building that fronts onto Theatre Lane, and is of secondary importance architecturally in terms of its contribution towards the special character of the building, the rear elevation is nevertheless still visible from a public viewpoint and does contribute towards the character of the building.

Principle of replacement

HES's Managing Change in the Historic Environment guidance on Doorways states: *'Replacement doors may be appropriate where woodwork is beyond repair or in instances where historic doors have previously been replaced using inappropriate designs or materials. Any new replacement proposals must seek to improve the situation through designs and materials that are sympathetic to the character of the building.'*

The existing double door, which is proposed to be replaced, whilst being constructed of timber is not original, nor is it historic. As such, the principle of its replacement is acceptable, subject to any replacement unit being of an acceptable design that would either preserve or enhance the special character of the listed building and the character and appearance of the conservation area.

Design and impact on the historic environment

The replacement uPVC door, to be located on the south-west elevation, fronting Theatre Lane, would diverge from the type of material currently in place and that which is predominantly found on the adjacent properties, all set within the wider conservation area. Whilst the replacement door would be situated on the rear elevation, that elevation fronts onto Theatre Lane and is thus visible from a public viewpoint. The rear elevation, whilst not as refined as the principal elevation to Marischal Street in terms of architectural detailing, nevertheless still contributes towards the special character of the building and remains largely unaltered. PVC is an inappropriate modern material for doors in listed and historic buildings, both being a non-traditional material and also failing to replicate the appearance of traditional timber doors. The introduction of a PVC door on the rear of the building, including the large, utilitarian external hinges, would thus have an adverse impact on the special character of the listed building and the character and appearance of the wider conservation area. Whilst the transom light would be retained, the thick panelling effect of the double leafs and transom light, with large external hinges to either side of the door, would deviate significantly from the existing style of the historic building. Further to this, the finish of the coloured PVC, with woodgrain effect, would diverge from the traditional painted finish of the existing door, thus adversely impacting the special character of the category 'B' listed building as well as the appearance of the wider conservation area.

It is noted in the applicant's Design and Access Statement that 'Stormeister' timber flood doors use an inappropriate door mechanism which would not meet the flood protection requirements for the applicant. However, the Planning Service is aware of other door manufacturers whom offer timber flood doors which meet the operational requirements of PAS 1188, as has been noted as a requirement by the agent. An example of heritage-style timber flood doors which meet these requirements was provided to the agent and there are other manufacturers who offer flood doors in a range of materials including timber and metal. Whilst timber would be preferred, as the most authentic material that would replicate the material of the original and existing door, the use of an appropriate metal door would be a more suitable alternative to PVC for the special character of the listed building, offering a material finish which can be designed to be more streamlined and sympathetic to the appearance of the original door than PVC. As such, it is considered that suitable alternatives to the proposed PVC door are available that would meet the operational flood prevention requirements for the building whilst preserving its special character. The use of PVC, a modern material of inferior aesthetic quality that would be alien within the context of the historic, 18th/19th century building and would therefore not be acceptable as it would harm, and thus fail to preserve, the special character of the listed building and the character and appearance of the conservation area.

Whilst the replacement of the existing non-historic door is accepted, as is the proposal to replace them with a flood door, the proposed PVC flood door would introduce a modern material that would harm the character and appearance of the listed building and its historic significance within the wider City Centre Conservation Area. More appropriate and sympathetic alternatives to PVC are available and as such, its use would not be acceptable in this context. The proposal would therefore fail to preserve the special character of the listed building and the character and appearance of the conservation area, contrary to the aims and requirements of Historic Environment Policy for Scotland, Policy 7 of NPF4, Policies D6 and D8 of the ALDP and the guidance contained in Managing Change in the Historic Environment: Doorways, and the Council's Repair and Replacement of Windows and Doors APG.

Tackling the Climate and Nature Crises, Climate Mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires planning authorities when considering all development proposals to give significant weight to encouraging, promoting and

facilitating development that addresses the global climate emergency and nature crisis. Similarly, Policy 2 (Climate Mitigation and Adaptation) of NPF4 encourages, promotes and facilitates development that minimises emissions and adapts to the current and future impacts of climate change.

The Design and Access Statement has referenced NPF4 climate change policies, proposing that assets should be resilient to current and future impacts of climate change. The principle of installing a flood protection door to the property, in order to enhance protection against flooding events only likely to worsen due to climate change, is acceptable in accordance with the aims of Policies 1 and 2.

DECISION

Refuse

REASON FOR DECISION

The use of PVC for the replacement of the existing timber door would neither preserve nor enhance the special character or historic and architectural interest of the listed building and would fail to preserve or enhance the character and appearance of the City Centre Conservation Area. The proposal is therefore contrary to Historic Environment Policy for Scotland, Policy 7 (Historic Assets and Place) and Policy 14 (Design, Quality and Place) of National Planning Framework 4, Policy H2 (Mixed Use Areas), Policy D1 (Quality Placemaking), Policy D6 (Historic Environment) and Policy D8 (Windows and Doors) of the Aberdeen Local Development Plan 2023, as well as Historic Environment Scotland's 'Managing Change in the Historic Environment' guidance on Doorways and the Council's Aberdeen Planning Guidance on The Repair and Replacement of Windows and Doors.