

# Public Document Pack



To: Councillor McRae, Convener; and Councillors Alphonse, Boulton, Clark, Copland, Farquhar, Greig, Lawrence and Macdonald.

Town House,  
ABERDEEN 10 April 2024

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in **Committee Room 2 - Town House on THURSDAY, 18 APRIL 2024 at 10.00 am.** This is a hybrid meeting and Members may also attend remotely.

The meeting will be webcast and a live stream can be viewed on the Council's website. <https://aberdeen.public-i.tv/core/portal/home>

JENNI LAWSON  
CHIEF OFFICER – GOVERNANCE

### **B U S I N E S S**

**MEMBERS PLEASE NOTE THAT ALL LETTERS OF REPRESENTATION ARE NOW AVAILABLE TO VIEW ONLINE. PLEASE CLICK ON THE LINK WITHIN THE RELEVANT COMMITTEE ITEM.**

#### **MOTION AGAINST OFFICER RECOMMENDATION**

- 1.1. Motion Against Officer Recommendation - Procedural Note (Pages 5 - 6)

#### **DETERMINATION OF URGENT BUSINESS**

- 2.1. Determination of Urgent Business

#### **DECLARATION OF INTERESTS AND TRANSPARENCY STATEMENTS**

- 3.1. Members are requested to intimate any declarations of interest or connections

## **MINUTES OF PREVIOUS MEETINGS**

- 4.1. Minute of Meeting of the Planning Development Management Committee of 14 March 2024 - for approval (Pages 7 - 30)

## **COMMITTEE PLANNER**

- 5.1. Committee Planner (Pages 31 - 34)

## **GENERAL BUSINESS**

- 6.1. Planning Appeal Update (Pages 35 - 38)

## **WHERE THE RECOMMENDATION IS ONE OF APPROVAL**

- 7.1. Detailed Planning Permission for the installation of window and door to north elevation (amendment to previous approval (retrospective) - 31 St Andrews Street (Pages 39 - 44)

Planning Reference – 240097

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Aoife Murphy

- 7.2. Detailed Planning Permission for the change of use from flat to HMO (House in Multiple Occupation) - 35C King's Crescent Aberdeen (Pages 45 - 58)

Planning Reference – 240143

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Alex Ferguson

- 7.3. Detailed Planning Permission for the change of use from residential dwelling (class 9) to mixed use (class 3 and 4) including community cafe, ancillary office accommodation and meeting hall; erection of single storey extension; formation of external seating area; erection of bin store and associated hard and soft landscaping works including cycle parking - Wallace Tower, Tillydrone Road Aberdeen (Pages 59 - 76)

Planning Reference – 231583

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Dineke Brasier

- 7.4. Listed Building Consent for the conversion of existing building to form community cafe with ancillary office accommodation and ancillary meeting hall; erection of single storey extension; associated external and internal alterations including to internal partitions; creation of new door opening; and replacement internal doors; formation of external seating area and bin store with associated soft and hard landscaping works - Wallace Tower, Tillydrone Road Aberdeen (Pages 77 - 86)

Planning Reference – 231582

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Dineke Brasier

### **DATE OF NEXT MEETING**

- 8.1. Thursday 16 May 2024 - 10am

Integrated Impact Assessments related to reports on this agenda can be viewed [here](#)

To access the Service Updates for this Committee please click [here](#)

Website Address: [aberdeencity.gov.uk](http://aberdeencity.gov.uk)

Should you require any further information about this agenda, please contact Lynsey McBain, Committee Officer, on 01224 067344 or email [lymcbain@aberdeencity.gov.uk](mailto:lymcbain@aberdeencity.gov.uk)

# Agenda Item 1.1

Members will recall from the planning training sessions held, that there is a statutory requirement through Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 for all planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. All Committee reports to Planning Development Management Committee are evaluated on this basis. It is important that the reasons for approval or refusal of all applications and any conditions to be attached are clear and based on valid planning grounds. This will ensure that applications are defensible at appeal and the Council is not exposed to an award of expenses.

Under Standing Order 29.11 the Convener can determine whether a motion or amendment is competent and may seek advice from officers in this regard. With the foregoing in mind the Convener has agreed to the formalisation of a procedure whereby any Member wishing to move against the officer recommendation on an application in a Committee report will be required to state clearly the relevant development plan policy(ies) and/or other material planning consideration(s) that form the basis of the motion against the recommendation and also explain why it is believed the application should be approved or refused on that basis. The Convener will usually call a short recess for discussion between officers and Members putting forward an alternative to the recommendation.

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## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 14 March 2024. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor McRae, Convener; and Councillors Boulton, Clark, Cooke (as substitute for Councillor Alphonse), Copland, Farquhar, Greig (as substitute for Councillor Bouse, the Vice Convener), Lawrence and Macdonald.

The agenda and reports associated with this minute can be found [here](#).

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

### DETERMINATION OF URGENT BUSINESS

1. The Convener advised that he had accepted a late report (article 5 of this minute refers – Public Hearing for Rosehill House, 202 Ashgrove Road West, Aberdeen) onto the agenda as a matter of urgency in terms of Section 50B(4)(b) of the Local Government (Scotland) Act 1973, as a delay in submitting the report to Committee to seek authority to hold a Public Hearing would have significant implications for the applicant and to the planning authority in the timely processing of applications.

**The Committee resolved:-**

to note the position.

### MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 15 FEBRUARY 2024

2. The Committee had before it the minute of the previous meeting of 15 February 2024, for approval.

**The Committee resolved:-**

to approve the minute as a correct record.

### COMMITTEE PLANNER

3. The Committee had before it the committee business planner, as prepared by the Interim Chief Officer – Governance (Legal).

**The Committee resolved:-**

to note the committee business planner.

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**ROSEHILL HOUSE, 202 ASHGROVE ROAD WEST ABERDEEN - PUBLIC HEARING**

4. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which sought authority to hold a Public Hearing at Planning Development Management Committee for the application at Rosehill House, 202 Ashgrove Road West Aberdeen for the erection of mixed use restaurant (class 3) and takeaway (sui-generis) with car parking, landscaping, play frame and associated works including demolition. A report would then be submitted to this Committee for determination at a future date.

**The report recommended:-**

that the Committee –

- (a) agree to hold a Hearing for the application at this Committee; and
- (b) agree to report back for determination to this Committee.

**The Committee resolved:-**

to approve the recommendations.

**LAND AT GREENFERNS, SITES OP28 & OP33, ABERDEEN - 230173**

5. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for Planning Permission in Principle for residential-led, mixed use development comprising approximately 1,575 homes, employment use, a neighbourhood centre comprising local retail and commercial provision, leisure and community uses and associated infrastructure including new and upgraded access roads, landscaping, open space and engineering works, at land at Greenferns, sites OP28 & OP33, Aberdeen, be approved conditionally and subject to notification to Scottish Ministers and a legal agreement.

**Conditions**

(01) LENGTH OF PERMISSION – PPIP

Applications for the approval of all matters specified in conditions of the Planning Permission in Principle hereby granted must be made before whichever is the latest of the following dates:

- (a) The expiration of twelve years beginning with the date of the planning permission in principle; or,
- (b) The expiration of six months from the date on which an earlier application (Matters Specified in Condition) for the requisite approval was refused or dismissed following an appeal or review.



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In relation to any matter under part (b) above, only one application for approval of matters specified in conditions may be made after the expiration of the planning permission in principle.

The development of a subsequent phase hereby granted shall be begun before the expiration of two years from the final approval of the matters specified in conditions or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Reason: to ensure compliance with section 59 (planning permission in principle) of the Town and Country Planning (Scotland) Act 1997 (as amended).

### (02) PHASING PLAN

That prior to the commencement of development, an application for the approval of matters specified in conditions comprising a detailed phasing plan, setting out the details of the phasing of the development, shall be submitted to, and approved in writing by the Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved Phasing Plan, unless otherwise agreed through the submission of a further matters specified in conditions application for an alternative phasing programme.

Reason: To ensure that build-out of the development is phased to avoid adverse impact on local services and infrastructure and in the interests of the visual amenity of the area.

### (03) POST 2032 HOUSING

That notwithstanding the description provision of "1,575 homes" of the Planning Permission in Principle hereby approved, no more than 1,175 residential units shall be built on the development site prior to 2033.

Reason: A departure from Policy LR1 (Land Release Policy) of the Aberdeen Local Development Plan 2023, is only accepted on the basis that the housing allocation for the period marked 2033-2040 is not progressed until post 2032.

### (04) MATTERS REQUIRING FURTHER APPROVAL CONDITION FOR PLANNING PERMISSION IN PRINCIPLE

That application(s) for approval of matters specified in condition containing details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

No development within or out with any particular phase shall take place unless a matters specified in conditions application comprising the detailed layout and design of roads, buildings and other structures for that particular phase has been submitted to and approved in writing by the Planning Authority. The application(s) shall comprise:

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- a) a detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point within the relevant block/ phase of development;
- b) full details of the connection to the existing Scottish Water foul water drainage network for the relevant block of development;
- c) details of all cut and fill operations in the relevant phase of the development;
- d) the details of the layout and finish of roads, visibility splays, footpaths, pedestrian connections and cycle routes including the identification of safe routes to school from the development.
- e) the details of all vehicular and motorcycle parking, short and long term secure cycle parking, electrical vehicle charging space and facilities, storage and collection for waste and recyclables
- f) details of any boundary enclosures to be provided within the relevant phase of the development;
- g) details of any play zones and play equipment to be provided within the relevant phase of development;
- h) full details of the layout, siting, design and finish of all residential properties, throughout the relevant phase of development;
- i) details of public open space and core path improvement works; and
- j) full details of the layout, siting, design and finish of all non-residential properties throughout the phase where relevant. This shall include but is not limited to; community facilities, health centre, schools, commercial premises, energy centre, pumping station, and associated infrastructure.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

**(05) FUTHER DETAILS – JUNCTION IMPROVEMENT WORKS**

No development shall commence on any particular phase, of the development hereby approved until (i) detailed road junction analysis of the impact of the traffic generated by that phase and a scheme for any related mitigation which may be required as a result of the development, on the following road junctions:

- a. Springhill Road/ Provost Fraser Drive – site access south;
- b. A92 North Anderson Drive/ Cairncry Road/ Foresterhill Road/ Provost Fraser Drive;
- c. A92 North Anderson Drive/ Haudagain Bypass/ Hilton Drive;
- d. A92 North Anderson Drive/ Lang Stracht/ Westburn Road;
- e. A96 Great Northern Road/ Haudagain Bypass/ A96 Auchmill Road;
- f. Haudagain Bypass/ Manor Avenue;
- g. A96 Great Northern Road / A92 North Anderson Drive/ A92 Mugiemooss Road (Haudagain);
- h. A96 / Dyce Drive / Craibstone Drive.
- i. A944 Lang Stracht / Springhill Road.

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- j. A944 Lang Stracht / Rousay Drive.
- k. A944 Lang Stracht / Stronsay Drive.

has been submitted to, and agreed in writing by way of a Matters Specified in Conditions application by, the planning authority and (ii) the provision of such mitigation works has been secured and agreed in writing by the planning authority. Once agreed, any necessary mitigation works shall be undertaken in complete accordance with the scheme as so agreed, prior to the occupation of any part of that particular development phase.

Reason - in order to ensure there is no net detriment to the surrounding local roads network, and to assist the free flow of traffic.

**(06) ACCESS TO DEVELOPMENT SITE**

No development shall take place within each phase of development unless a matters specified in conditions application comprising a detailed scheme showing the precise location, layout, design and construction method of the proposed access junctions to the development site including layouts, capacity, distribution, operational flow and detailed cross-sections has been submitted to and approved in writing by the Planning Authority; no individual residential property or commercial unit shall be occupied or brought into use unless the relevant scheme is fully implemented in accordance with the approved plans, unless the Planning Authority has given written approval for a variation.

Reason: in the interests of road safety.

**(07) LANDSCAPING SCHEME**

No development within any particular phase, as agreed by the Phasing Plan approved as condition 2 of this Planning Permission in Principle shall take place unless a matters specified in conditions application comprising a scheme of hard and soft landscaping works for that particular phase, has been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be undertaken in accordance with the approved detail.

Details of the scheme shall include:

- (i) Existing landscape features and vegetation to be retained.
- (ii) The location of new (trees, shrubs, hedges, grassed areas and water features)
- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- (iv) The location, design and materials of all hard-landscaping works including (walls, fences, gates, street furniture and play equipment)
- (v) An indication of existing trees, shrubs, and hedges to be removed.
- (vi) A programme for the completion and subsequent maintenance of the proposed landscaping.

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All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a programme for the long term management and maintenance of all the approved landscaped and open space areas within the development shall be submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area and to ensure that the landscaping is managed and maintained in perpetuity.

**(08) LANDSCAPING (ABERDEEN INTERNATIONAL AIRPORT)**

That no development shall commence on any phase, of the development as agreed within the approved phasing plan until full details of soft and water landscaping works have been submitted to and approved in writing by the Planning Authority by way of matters specified in condition application in consultation with Aberdeen Airport. Details must comply with Advice Note 3 'Potential Bird Hazards from Amenity Landscaping & Building Design' (available at [www.aoa.org.uk/publications/safeguarding.asp](http://www.aoa.org.uk/publications/safeguarding.asp)). These details shall include:

- Any earthworks
- Grassed areas
- Details of any water features
- The species, number and spacing of trees and shrubs
- Drainage details including SUDS – Such schemes must comply with Advice Note 6 'Potential Bird Hazards from Sustainable urban Drainage Schemes (SUDS)' (available at [www.aoa.org.uk/publications/safeguarding.asp](http://www.aoa.org.uk/publications/safeguarding.asp)).

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Planning Authority in consultation with Aberdeen Airport. The scheme shall be implemented as approved.

Reason: To avoid endangering the safe movement of aircraft and the operation of Aberdeen Airport through the attraction of birds and an increase in the bird hazard risk of the application site.

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**(09) HEIGHT, LAYOUT AND FORM OF MATERIALS (ABERDEEN INTERNATIONAL AIRPORT)**

No development within any particular phase, shall take place unless a matters specified in conditions application for that phase, comprising details, location, height, layout, form and materials of buildings and structures within the proposed development have been submitted to and approved in writing by the planning authority in consultation with Aberdeen International Airport. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: Buildings/structures in the proposed development may penetrate the obstacle Limitation Surface (OLS) and/or Instrument Flight Procedure (IFP) surfaces surrounding Aberdeen Airport and could endanger aircraft movements and the safe operation of the aerodrome;

and:

Buildings/structures in the proposed development may interfere with communication, navigation aids and surveillance equipment and could endanger aircraft movements and the safe operation of the aerodrome.

**(10) BIRD HAZARD MANAGEMENT PLAN**

No development within any particular phase, shall take place unless a matters specified in conditions application comprising a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with Aberdeen Airport. The submitted plan shall include details of:

- Monitoring of any standing water within the site temporary or permanent;
- Any earthworks;
- Management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and “loafing” birds. The management plan shall comply with Advice Note 8 ‘Potential Bird Hazards from Building Design’;
- Maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow.

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the development. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority in consultation with Aberdeen Airport.

Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Aberdeen Airport.

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**(11) SURFACE AND PUBLIC WATER DRAINAGE**

No development within any particular phase shall take place unless a matters specified in conditions application comprising a detailed scheme for surface water drainage and foul water drainage for that particular phase has been submitted to any approved in writing with the Planning Authority. The scheme shall:

- a) detail two levels of sustainable drainage (SUDS) treatment (or three levels for industrial hard standing areas) for all areas of roads/ hardstanding/ car parking and one level of SUDS treatment for roof run-off include source control;
- b) provide further details in relation to the proposed urban drainage network, which would negate the requirements for the existing field drainage within the site, and confirmation of where the latter would be retained or removed. This shall include a full assessment of the individual runs to establish the source and outfall locations, ensuring any adjustments to pre-development scenario would not increase flood risk to the surrounding area; and
- c) shall be development in accordance with the technical guidance contained in the SUDS manual.
- d) A detailed drainage plan for the relevant phase of development, including full details of the proposed means of disposal of surface water from the relevant phase of development, including how surface water run off shall be addressed during construction, as well as incorporating the principles of pollution prevention and mitigation measures.
- e) a scheme for the connection of buildings to the public waste water system for that particular phase has been submitted to and approved in writing by the Planning Authority. The scheme shall include confirmation from Scottish Water that connections can be made and any necessary upgrades to the public wastewater system are in place.

Thereafter no? development shall be implemented in accordance with the agreed scheme and no building shall be occupied unless connection has been made to the public wastewater network in accordance with the approved details.

Reason – in order to ensure adequate protection of the water environment from surface water run-off.

**(12) FLOOD RISK ASSESSMENT/ FURTHER DETAILS**

No development within any particular phase shall take place unless a matters specified in conditions application comprising a phase specific Flood Risk Assessment has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. Thereafter, the development shall be carried out in full accordance with the details and recommendations of the assessment.

This shall include:

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- a) an assessment of the small watercourse running through the site from south to north (before discharging into the Bucks Burn) to demonstrate that the detailed proposals do not result in a risk to flooding to the proposed properties;
- b) further information in relation to the redevelopment/ new development on land and buildings in the northern part of the site adjacent to the Bucks Burn (in the area of Bucksburn House and to the west) to demonstrate that the proposals are not in an area of flood risk and will not increase overall flood risk at the site or elsewhere.
- c) Proposals to de-culvert lengths of the small watercourse running through the site from south to north and additional measures to improve the water environment, such as establishing a natural route for the channel and allowing a riparian corridor;
- d) Watercourse crossings should be designed to convey the 0.5% annual probability flood plus appropriate allowance for climate change and separate allowance for freeboard.
- e) Full details of field drains and watercourses within that phase of development, and how these are to be altered and impacted by that particular phase of development.

Reason – to ensure that each phase of development would not increase floor risk within the site or in the surrounding area.

### (13) RADON ASSESSMENT

No development within the south-eastern section of the application site boundary (as identified on the UK Radon interactive viewer as having a maximum radon potential of 1%-3%) unless a matters specified in conditions application comprising a Radon Assessment has been submitted to and approved in writing by the Planning Authority for that specific area of the development. Thereafter, the development shall be carried out in full accordance with the details and recommendations of the assessment.

Reason – the submitted documents have indicated a small section of land within this area is in a maximum radon potential of 1-3% and basic radon protection measures are required to be submitted.

### (14) UNEXPLODED ORDNANCE ASSESSMENT

No development within any particular phase shall take place unless a matters specified in conditions application comprising a phase specific Unexploded Ordnance Assessment, or confirmation that this is not required, has been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in full accordance with the details and recommendations of the assessment.

Reason – to ensure that the site is fit for human occupation.

### (15) TREE SURVEY AND PROTECTION PLAN

No development within any relevant phase shall take place unless a matters specified in conditions application comprising a tree survey including tree protection plan has been

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submitted to and approved in writing by the Planning Authority. Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the trees to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction);
- b) The position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction).
- c) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas.
- d) An arboricultural impact assessment which evaluates the direct and indirect impacts of the proposed development on the trees to be retained and proposed mitigation.
- e) An arboricultural method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained.
- f) A method statement for any works proposed within the root protection areas of the trees shown to be retained.

No works in connection with the development hereby approved shall commence unless the tree protection measures have been implemented in full in accordance with the approved tree protection plan. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the planning authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

Reason: In order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

**(16) ADDITIONAL TREE PLANTING**

No development within any particular phase shall take place unless a matters specified in conditions application for that phase comprising a scheme of additional tree planting has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

- a) The location of the additional tree planting.
- b) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- c) A programme for the implementation, completion and subsequent management of the proposed compensatory tree planting.

The additional tree planting shall be carried out in complete accordance with the approved scheme and any planting which, within a period of 5 years from the completion



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of the additional tree planting, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason: In order to provide additional woodland cover in accordance with the aims of local and national planning policies.

**(17) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

No development (including site stripping, service provision or establishment of site compounds) within any particular phase (as agreed within the Phasing Plan submitted and agreed by condition 2 of this Planning Permission in Principle) shall take place unless a matters specified in conditions application comprising a site specific construction environmental management plan (CEMP) for that particular phase has been submitted to and approved in writing by the planning authority in consultation with SEPA. The CEMP must address:

- i. surface water management;
- ii. site waste management;
- iii. watercourse engineering;
- iv. pollution prevention including dust management plan;
- v. management of wetland environment to increase its biodiversity value; and
- vi. the protection of the wetland should any major oil spills occur in the area feeding it.

Thereafter development shall be undertaken in accordance with the approved Construction Environment Management Plan.

Reason - in order to minimise the impacts of necessary demolition / construction works on the environment.

**(18) BIODIVERSITY NET GAIN**

No development within any particular phase shall take place unless a matters specified in conditions application comprising a statement in relation to Biodiversity Net Gain, with associated measures has been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in full accordance with the details and recommendations of the assessment.

Reason – to ensure that the development proposals will contribute to the enhancement of biodiversity.

**(19) BADGER SURVEY**

No development within any particular phase shall take place unless a matters specified in conditions application for that phase comprising a badger survey and badger protection

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plan for that area has been submitted to and approved in writing by the Planning Authority. The protection plan must include:

- i. the measures required to protect badgers during development and any licensable activities required to allow the development to proceed;
- ii. appropriate buffer zones to be established around any known active setts in order to avoid disturbance; and
- iii. details of how badger habitat (including foraging areas and connectivity between identified setts) shall be retained and/ or created as part of the development. Any required mitigation measures to minimise disturbance to badgers must be identified and be in accordance with NatureScot best practice guidance.

Reason – in order to mitigate any potential impact on protected species.

**(20) BIRD, BAT SURVEY, OTTER SURVEY AND SITE-SPECIFIC HABITAT AND SPECIES PROTECTION PLAN**

No development within any particular phase shall take place unless a matters specified in conditions application comprising a phase specific:

- a) Bird Survey
- b) Bat Survey
- c) Otter Survey and
- d) Site Specific Habitat and Species Protection Plan

has been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in full accordance with the details and recommendations of the assessment.

Reason – in order to mitigate any potential impact on protected species.

**(21) RESIDENTIAL TRAVEL PACK / GREEN TRAVEL PLAN**

No development within any particular phase shall take place unless a matters specified in conditions application comprising either a residential travel pack (in the case of residential development) or a green travel plan (in the case of commercial development) or both for that particular phase or block has been submitted to and approved in writing by the planning authority. Each residential travel pack shall identify details of different travel options available in the area in order to discourage the use of the private car. The approved travel pack shall be supplied to the first occupants of every residential unit within that block or phase on occupation. Each Travel Plan shall identify measures to be implemented in order to discourage the use of the private car as well as the duration of the plan, system of management, monitoring, review and reporting and thereafter shall be implemented as approved.

Reason – in order to reduce dependency on the private car for travel.

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**(22) HEAT AND POWER PLAN**

No development within any particular phase shall be occupied unless the following works have been provided:

- (a) Evidence of connection to an existing heat network has been provided where available; or
- (b) Provision has been provided within the site of an independent heating/ cooling network and plant capable of connecting to the network at a later date; or
- (c) where it can be proven that connection to an existing network and the provision of an independent heat network are financially unviable, a network of soft routes will be provided through the development for the future provision of a heat network. In such cases an agreed network design will be required.

Reason: to ensure that the development is properly and efficiently heated and ensure compliance with Policy 19 (Heating and Cooling) of National Planning Framework 4.

**(23) ENERGY CENTRE – AIR QUALITY**

No development in relation to the proposed energy centre shall take place unless a matters specified in conditions application for that proposal comprising the submission of an Air Quality Impact Assessment has been submitted to and approved in writing by the planning authority. Thereafter the development shall be undertaken in accordance with the approved details.

For avoidance of doubt, the facility shall be designed such that there is no likelihood of exceedance of the national annual mean or short-term air quality standards for nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>).

Reason: to ensure that the proposed development would have no adverse impacts from an air quality perspective.

**(24) NOISE IMPACT ASSESSMENT (HEAT AND POWER (BIOMASS) FACILITY/ COMMERCIAL DEVELOPMENTS)**

No development in relation to the proposed heat and power (biomass) facility or any commercial elements of the development shall take place unless a matters specified in conditions application for that proposal comprising the submission of a Noise Impact Assessment has been submitted to and approved in writing by the planning authority. Thereafter the development shall be undertaken in accordance with the approved details.

For avoidance of doubt, the Noise Impact Assessment requires to follow the methodology within BS4142 (Noise Assessment) or any future British Standard which supersedes this guidance. Confirmation of the findings of the assessment shall be submitted to, and agreed in writing by, the Local Planning Authority.

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Reason – to ensure that the proposed development would have no adverse impact on surrounding amenity.

### (25) NOISE IMPACT ASSESSMENT (RESIDENTIAL DEVELOPMENT)

That prior to the occupancy of any development located adjacent to the existing commercial and industrial premises, a further noise impact assessment shall be undertaken and a scheme of noise mitigation shall be submitted to any approved in writing by the Planning Authority, in consultation with Environmental Health. The scheme shall demonstrate adequate protection from noise generated from the adjacent commercial and industrial premises. The assessment shall have been made in accordance with the current version of BS4142 and confirmation of the findings of the assessment shall be submitted to, and agreed in writing by, the Local Planning Authority.

Reason: in order to protect the amenity of residents of the proposed development and to ensure the development is fit for human occupation.

### (26) FULL FIBRE BROADBAND

No development within any particular phase shall be occupied unless a matters specified in conditions application comprising a scheme for the provision of a full fibre broadband connection to each flat or dwellinghouse for that particular phase has been submitted to and approved in writing by the planning authority. Thereafter the scheme shall be implemented as approved and all properties provided with a full fibre broadband connection.

Reason – in order to provide all flats with access to high-speed communications infrastructure, in accordance with the requirements of Policy CI1 (Digital Infrastructure) of the Aberdeen Local Development Plan.

### (27) LOW AND ZERO CARBON BUILDINGS

No development within any particular phase shall take place unless a matters specified in conditions application comprising an Energy Statement applicable to each building within that phase has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:

- a) Full details of the proposed energy efficiency measures and/or renewable technologies be incorporated into the development;
- b) Calculations using the SAP or SBEM methods which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy R7 of the Aberdeen Local Development Plan 2023 or such other prevailing policy and related guidance that is in place at the time of submission of the MSC.

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No building within the development shall be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: to ensure this development complies with the on-site carbon reductions required in prevailing Planning Policy.

**(28) PROGRAMME OF ARCHAEOLOGICAL WORKS**

No development within any particular phase shall take place unless a matters specified in conditions application comprising an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

The Committee heard from Gavin Clark, Senior Planner, who spoke in furtherance of the application and answered various questions from Members.

**The Committee resolved:-**

to approve the application conditionally, subject to notification to Scottish Ministers and a legal agreement, with conditions 1 and 11 (e) amended to read:-

**(01) DURATION OF PERMISSION**

The development to which this notice relates must be begun not later than the expiration of 12 years beginning with the date of this notice. If development has not begun at the expiration of the 12-year period, the planning permission lapses.

Reason - in accordance with section 59 (planning permission in principle) of the 1997 act.

11 (e) a scheme for the connection of buildings to the public waste water system for that particular phase has been submitted to and approved in writing by the Planning Authority. The scheme shall include confirmation from Scottish Water that connections can be made and any necessary upgrades to the public wastewater system are in place.

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**693 GEORGE STREET ABERDEEN - 231018**

**6.** The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for Detailed Planning Permission for the change of use from class 1A (shops, financial professional and other services) to hot-food takeaway (sui generis) and installation of kitchen extract vent to rear elevation (part-retrospective) at 693 George Street Aberdeen, be approved subject to the following conditions:-

**Conditions**

**(1) ODOUR MITIGATION**

The hereby approved use shall not operate unless the critical odour mitigation measures achieving at least an equivalent effect of the measures listed in the approved Odour Impact Assessment (Couper Acoustics – 23 January 2024 - Ref: 2010212314 -V1) have been implemented in full. The mitigation measures shall include (but are not limited to) the installation of:

- Grease baffle filters within extract canopy (providing initial grease removal/fire protection);
- An ESP 3000 electrostatic precipitator;
- Carbon filtration with a 0.4 – 0.8 second residence time.

Reason: In order to protect the amenity of neighbouring residential properties from cooking odour emissions.

**(2) NOISE MITIGATION**

The hereby approved use shall not operate unless the noise mitigation measures listed in the approved Noise Impact Assessment (Couper Acoustics – 23 January 2024 - Ref: 2010212314 - V1) have been implemented in full. The mitigation measures shall include (but are not limited to):

- i. The Local Extract Ventilation System (LEV) shall be installed in general accordance with the proposed Mechanical Extraction System drawing (Create Studio Architecture, Jan 2024).
- ii. The LEV shall have an intake/extract fan with equivalent (or lower) noise emissions to the Vent Axia ACM 315 fan (as detailed in Table 3 and Appendix A).
- iii. The LEV shall be fitted with a single silencer or a combination of silencers on the atmospheric side of the fan, providing the minimum dynamic insertion loss values shown in Table 4.

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- iv. To reduce impact noise from worktops transferred to the first floor via the structural walls, worktops and surfaces in the preparation area should be free standing, ensuring the work surfaces are not rigidly linked to the structural wall.
- v. Tables and chairs (if any) shall be fitted with rubber feet to reduce any noise from movement and the front door shall incorporate an automatic closer system.
- vi. The existing ceiling should be inspected to ensure it is intact. Any areas of damage must be made good. The suspended ceiling with fissure tiles should not be removed and shall be lined with 100mm of mineral wool. Any damaged or missing fissure tiles must be replaced or made good.
- vii. If the ventilation canopy is to be fitted to the original ceiling it must be connected through drop rods with Masons HD acoustic resilient hanger with Unistrut. Hole penetrations should be sealed with everflex non hardening mastic.

Reason: In order to protect the amenity of neighbouring residential properties from noise emissions.

**(3) OPENING HOURS**

The hereby approved use shall only operate between the hours of 8am and 10pm on any given day.

Reason: In order to protect the amenity of neighbouring residential properties from noise emissions in the late evening and early morning periods.

The Committee heard from Alex Ferguson, Senior Planner, who spoke in furtherance of the application and answered various questions from Members.

**The Committee resolved:-**

to refuse the application unanimously for the following reasons:-

1. That due to its location on a busy junction with limited car parking for customers in the vicinity the proposed change of use has potential to result in a road safety hazard.
2. That due to the potential levels of noise and disturbance and odour nuisance for adjoining residential properties the proposal could not be considered complementary to residential use in that it is likely to cause conflict with the enjoyment of existing residential amenity. It would, therefore, be contrary to Policies 23 (Health and Safety) and 27 (City, Town, Local and Commercial Centres) of National Planning Framework 4 (NPF4), Policies H1 (Residential Areas) and WB3 (Noise) of the Aberdeen Local Development Plan and the Council's Aberdeen Planning Guidance on Harmony of Uses.

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**SITE OF FORMER NURSERY, OSCAR ROAD, ABERDEEN - 231300**

7. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for Detailed Planning Permission for the erection of 18-unit affordable housing development (comprising 10 houses and 8 flats) including associated vehicle access/egress, car parking, amenity/open space and other associated works, at the site of a former Nursery, Oscar Road, Aberdeen, be approved subject to the following conditions and subject to a legal agreement.

**Conditions**

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - In accordance with section 58 (duration of planning permission) of the 1997 act.

(02) TREE PROTECTION

No development shall take place pursuant to this planning permission unless a further detailed scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented. No materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority. No fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks.

Reason - In order to ensure adequate protection for the trees /hedges on site during the construction of the development.

(03) CONSTRUCTION MANAGEMENT

No development shall take place pursuant to this planning permission unless a construction environmental management plan for the site has been submitted to, and approved in writing by, the Planning Authority. This plan shall include site-specific measures in relation to minimisation of disturbance of existing vegetation and soils, minimisation of waste generation and avoidance of risk of water pollution during construction of the development, including temporary SUDS measures. Such scheme shall be implemented in full for the duration of construction works on site. For the



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avoidance of doubt and in order to avoid disturbance to existing habitat features, no temporary buildings / structures, or storage of materials, supplies, plant, machinery, spoil, waste/ excavated materials, chemicals or fuel shall be located / take place within the zone of influence as identified in Application Reference: 231300/DPP drawing no. ORT-2208-TP B or on adjacent undeveloped land located immediately to the south west of the site. No fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks of trees / hedges on site.

Reason: To ensure adequate protection of the environment and residential amenity during the construction of the development.

**(04) LANDSCAPE AND BIODIVERSITY ENHANCEMENT**

No development shall take place pursuant to this permission unless a further detailed scheme of landscaping and biodiversity enhancement for the site has been submitted to and approved in writing by the Planning Authority. This scheme shall include details of :

- (i) Existing landscape features and vegetation to be retained, including protection measures;
- (ii) The location of new trees, shrubs, hedges, grassed / herbaceous areas / ground cover;
- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- (iv) The location, design and materials of all hard landscaping works including fences and gates.
- (v) Proposed biodiversity enhancement measures, including specification of green roofs, climbing plants and habitat piles / features.
- (vi) Physical measures to prevent vehicle encroachment onto landscape areas.
- (vii) A programme for the completion and subsequent maintenance of the proposed landscaping and biodiversity enhancement measures. All soft and hard landscaping proposals and biodiversity enhancement measures comprised in the approved scheme shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the completion of the development or such other date as may be agreed in writing with the Planning Authority. Any planted areas or features which, within a period of 5 years from the completion of the development, are removed / die or become seriously damaged / diseased shall be replaced in the next planting season with others of an extent / species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority.

Reason - In the interests of protection of the amenity of the area, ensure a suitable landscape treatment and amenity for occupants and deliver compensatory planting of biodiversity value.

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**(05) SITE / PLOT BOUNDARY TREATMENT**

The dwellings hereby approved shall not be occupied unless the specific plot / boundary enclosures as shown on drawing X004 - L(9-)001 D. or such other boundaries as may be approved, have been implemented in their entirety, unless otherwise agreed in writing by the Planning Authority.

Reason: In the interest of visual and residential amenity /privacy and to ensure retention of existing boundary hedges / trees.

**(06) SITE INVESTIGATION / CONTAMINATION**

- (a) No development shall take place unless it is carried out in full accordance with a scheme to address any significant risks from contamination on the site that has been approved in writing by the planning authority. The scheme shall follow the procedures outlined in "Planning Advice Note 33 Development of Contaminated Land" and shall be conducted by a suitably qualified person in accordance with best practice as detailed in "BS10175 Investigation of Potentially Contaminated Sites - Code of Practice" and other best practice guidance and shall include:
1. an investigation to determine the nature and extent of contamination
  2. a site-specific risk assessment Application Reference: 231300/DPP
  3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed;
  4. verification protocols to demonstrate compliance with the remediation plan;
- (b) No buildings / dwellings of the hereby approved development shall be occupied unless: Any long-term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the Planning Authority is being undertaken; and a report specifically relating to the buildings has been submitted and approved in writing by the Planning Authority that verifies that remedial works to fully address contamination issues related to the buildings have been carried out. Unless the Planning Authority has given written consent for a variation, the final building part of the development hereby approved shall not be occupied unless a report has been submitted and approved in writing by the Planning Authority that verifies that the remedial works have been carried out in full accordance with the remediation plan required under b. as set out above.

Reason: To ensure that the site is fit for human occupation.

**(07) EMISSIONS REDUCTION**

No development shall take place pursuant to this permission unless a scheme detailing compliance with policy R6 (Low and Zero Carbon Building and Water Efficiency) of the Aberdeen Local Development Plan 2023 has been submitted to and approved in writing by the Planning Authority. Thereafter, any recommended measures specified in that scheme for the reduction of carbon emissions and water efficiency have been implemented in full.

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Reason: To ensure that the development complies with requirements for reductions in carbon emissions and water efficiency as specified in policy R6 (Low and Zero Carbon Building and Water Efficiency) of the Aberdeen Local Development Plan 2023 and the objectives of Policy 2 (Climate Mitigation and Adaptation) within National Planning Framework 4.

**(08) CYCLE PARKING / STORAGE / PATHS**

The dwellings hereby approved shall not be occupied unless the plot specific bike storage, communal visitor cycle stands and pedestrian access paths as shown on drawing X004 - L(9-)001 D. or such other drawings as may subsequently be submitted to and approved in writing by the Planning Authority, has been made installed / made available for use.

Reason: In the interest of promotion of sustainable transport methods.

**(09) VEHICLE PARKING**

The dwellings hereby approved shall not be occupied unless the car parking / turning area hereby granted planning permission has been constructed, drained, laid-out and demarcated in accordance with drawing X004 - L(9-)001 D. of the plans hereby approved, or such other drawing as may subsequently be submitted to and approved in writing by the Planning Authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking / manoeuvring of vehicles ancillary to the development and use thereby granted approval.

Reason: In the interests of residential amenity.

**(10) ELECTRIC VEHICLE (EV) CHARGING**

No development shall take place pursuant to this planning permission unless a scheme detailing underground electric cabling and associated above ground charging equipment for EV charging on site has been submitted to and approved in writing by the Planning Authority. The development shall not be occupied unless such EV equipment has been provided in accordance with the scheme so Application Reference: 231300/DPP agreed.

Reason: To accord with Aberdeen City Council transport guidance and incentivise the use of electric vehicles.

**(11) TRAVEL PACK**

No development shall take place pursuant to this planning permission unless a Residents Travel Pack (RTP) has been submitted to and approved in writing by the planning authority. Thereafter the approved travel pack shall be supplied to the first occupants of every residential unit within the development. The RTP shall include information to make occupants of the development aware of sustainable travel options relating to the site

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/surrounding area by means of provision by the owner of a travel pack to individual tenants on first occupation of dwellings.

Reason: In the interest of discouragement of car use and encouragement of sustainable travel options.

**(12) BIN STORAGE DETAILS**

The development hereby approved shall not be occupied unless the communal bin stores as shown on drawing X004 - L(9-)001 D or such other drawings as may subsequently be submitted to and approved in writing by the Planning Authority, have been made available for use.

Reason: In the interest of public health and amenity.

**(13) SUDS / GREEN ROOF DETAILS**

The development hereby approved shall not be occupied unless the permanent site specific Sustainable Urban Drainage works identified in drawing no. J5521-CP-041 A, and green roofs identified on drawing X004 - L(9-)001 D, or such other drawings as may be approved in writing by the Planning Authority, have been implemented in their entirety, unless otherwise agreed in writing by the Planning Authority.

Reason - In order to safeguard water qualities in adjacent watercourses, minimise flood risk and to ensure that the development can be adequately drained.

**(14) EXTERNAL MATERIALS**

No development shall take place pursuant to this permission unless a scheme and samples detailing all external finishing materials to the roof and walls of the buildings hereby approved has been submitted to, and approved in writing, by the Planning Authority. Sample panels of the external brick finishes, including mortar, shall be provided. Thereafter the development shall be carried out in accordance with the details so agreed.

Reason: In the interest of visual amenity and to ensure a satisfactory finish of the development.

**(15) EXTERNAL LIGHTING DESIGN AND SPECIFICATION**

No development shall take place pursuant to this permission unless a scheme of external lighting for the site has been submitted to, and approved in writing, by the Planning Authority, including details of any physical lighting measures. Thereafter the development shall be carried out in accordance with the details so agreed.

Reason: In the interest of visual amenity and to ensure protection of adjacent residential amenity due to potential light spillage / pollution.

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The Committee heard from Robert Forbes, Senior Planner, who spoke in furtherance of the application and answered various questions from Members.

The Committee then heard from Linda Sim, who objected to the proposed application.

The Committee finally heard from Curtis Hold, agent for the proposed application, who spoke in support of the application.

**The Committee resolved:-**

to approve the recommendation in line with the officer recommendation.

- **Councillor Ciaran McRae, Convener**

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|    | A   | B  | C                    | D                    | E                        | F                  | G                         | H  | I   |
|----|---|--|----------------------|----------------------|--------------------------|--------------------|---------------------------|--|---|
| 1  | <b>PLANNING DEVELOPMENT MANAGEMENT COMMITTEE BUSINESS PLANNER</b><br>The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year. |  |                      |                      |                          |                    |                           |  |   |
| 2  | <b>Report Title</b>   | <b>Minute Reference/Committee Decision or Purpose of Report</b>  | <b>Update</b>        | <b>Report Author</b> | <b>Chief Officer</b>     | <b>Directorate</b> | <b>Terms of Reference</b> | <b>Delayed or Recommended for removal or transfer, enter either D, R, or T</b> | <b>Explanation if delayed, removed or transferred</b> |
| 3  |   |  | <b>18 April 2024</b> |                      |                          |                    |                           |  |   |
| 4  | 31 St Andrew Street - 240097  | To approve or refuse the application for the installation of window and door to north elevation (amendment to previous approval ref. 211263/DPP) (retrospective)   |                      | Aoife Murphy         | Strategic Place Planning | Place              | 1                         |  |   |
| 5  | 35C King's Crescent - 240143  | To approve or refuse the application for change of use from flat to HMO (House in Multiple Occupation)   |                      | Alex Ferguson        | Strategic Place Planning | Place              | 1                         |  |   |
| 6  | Wallace Tower - 231583  | To approve or refuse the application for change of use from residential dwelling (class 9) to mixed use (class 3 and 4) including community cafe, ancillary office accommodation and meeting hall; erection of single storey extension; formation of external seating area; erection of bin store and associated hard and soft landscaping works including cycle parking   |                      | Dineke Brasier       | Strategic Place Planning | Place              | 1                         |  |   |
| 7  | Wallace Tower - 231582  | To approve or refuse the application for the conversion of existing building to form community cafe with ancillary office accommodation and ancillary meeting hall; erection of single storey extension; associated external and internal alterations including to internal partitions; creation of new door opening; and replacement internal doors; formation of external seating area and bin store with associated soft and hard landscaping works |                      | Dineke Brasier       | Strategic Place Planning | Place              | 1                         |  |   |
| 8  |   |  | <b>16 May 2024</b>   |                      |                          |                    |                           |  |   |
| 9  | Hill of Traumaud - 230889   | To approve or refuse the application for variation of condition relating to removal of equipment once no longer required   |                      | Lucy Greene          | Strategic Place Planning | Place              | 1                         |  |   |
| 10 | Annual Enforcement Update   | Annual Enforcement Update and Charter Update   |                      | Gavin Clark          | Strategic Place Planning | Place              | 1                         |  |   |

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|    | Report Title   | Minute Reference/Committee Decision or Purpose of Report   | Update  | Report Author  | Chief Officer            | Directorate | Terms of Reference | Delayed or Recommended for removal or transfer, enter either D, R, or T | Explanation if delayed, removed or transferred |
| 2  |  |  |   |                |                          |             |                    |   |  |
| 11 | <b>Pre Application Forum - Land North of Aryburn Farm, Dyce, Aberdeen - 230869</b> | To hear from the applicant in regards to the Proposed battery storage units with associated infrastructure, control and switch building, containers and associated works including access  |   | Gavin Clark    | Strategic Place Planning | Place       | 1                  |   |  |
| 12 |  |  | <b>20 June 2024</b>   |                |                          |             |                    |   |  |
| 13 |  |  | <b>22 August 2024</b>   |                |                          |             |                    |   |  |
| 14 |  |  | <b>19 September 2024</b>  |                |                          |             |                    |   |  |
| 15 |  |  | <b>07 November 2024</b>   |                |                          |             |                    |   |  |
| 16 |  |  | <b>05 December 2024</b>   |                |                          |             |                    |   |  |
| 17 | Draft Aberdeen Guidance Wind Turbine   | At the Council meeting on 3 November 2023, it was agreed to instruct the Chief Officer - Strategic Place Planning to update the draft Aberdeen Planning Guidance on Wind Turbine Development in light of consultation responses received and the policy shift within NPF4 and incorporate it within draft Aberdeen Planning Guidance on Renewable Energy Development, a draft of which should be reported to the Planning Development Management Committee within 12 months. |   | David Dunne    | Strategic Place Planning | Place       | 5                  |   |  |
| 18 |  |  | <b>Future applications to PDMC (date of meeting yet to be finalised).</b> |                |                          |             |                    |   |  |
| 19 | Woodend - Culter House Road - 210889   | To approve or refuse the application for erection of 19no. self-build dwelling houses with associated landscaping, access and infrastructure   |   | Dineke Brasier | Strategic Place Planning | Place       | 1                  |   |  |
| 20 | Rosehill House, Ashgrove Rd West - 230414  | To approve or refuse the application for McDonald's Restaurant with drive thru   |   | Lucy Greene    | Strategic Place Planning | Place       | 1                  |   |  |



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| 2  |   |  |        |                |                          |             |                    |   |  |
| 21 | Waterton House Abereen - 230297   | To approve or refuse the application for PPP for 16 residential plots  |        | Lucy Greene    | Strategic Place Planning | Place       | 1                  |   |  |
| 22 | Land at Persley Croft, Parkway - 231134   | To approve or refuse the application for Battery energy storage system (BESS) development with a capacity up to 49.9MW including erection of welfare unit, substation and fencing; demolition of an existing buildings and associated Infrastructure |        | Matthew Easton | Strategic Place Planning | Place       | 1                  |   |  |
| 23 | Land at Rigifa, Cove Road - 231336  | To approve or refuse the application for the erection of battery storage units with associated infrastructure, control building, switch room, inverter containers, lighting, fencing and associated works including access road                      |        | Gavin Clark    | Strategic Place Planning | Place       | 1                  |   |  |
| 24 | APG: Health Impact Assessments  | To ask to consult  |        | Donna Laing    | Strategic Place Planning | Place       | 5                  |   |  |
| 25 | 19 South Avenue - 231605  | To approve or refuse the application for sub-division of existing feu and erection of 2no. Semi-detached dwelling houses with associated car parking, landscaping and access   |        | Gavin Clark    | Strategic Place Planning | Place       | 1                  |   |  |
| 26 | Land At Coast Road St Fittick's Park/ Gregness Headland/ Doonies - 231371                         | To approve or refuse the application for proposed business / industrial development (Class 4/5/6); road infrastructure; active travel connections; landscaping and environmental works   |        | Lucy Greene    | Strategic Place Planning | Place       | 1                  |   |  |
| 27 | Land At Greenferns Landward (OP 22), to the South of Kepplehills Road Newhills, Aberdeen - 240216 | To approve or refuse the application for residential development comprising around 435 homes, open space, landscaping and supporting infrastructure  |        | Gavin Clark    | Strategic Place Planning | Place       | 1                  |   |  |

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|    | Report Title                                 | Minute Reference/Committee Decision or Purpose of Report  | Update | Report Author | Chief Officer            | Directorate | Terms of Reference | Delayed or Recommended for removal or transfer, enter either D, R, or T | Explanation if delayed, removed or transferred |
| 2  |  |   |        |               |                          |             | 5                  |   |  |
| 28 | Aberdeen Planning Guidance - Short Term Lets | At the meeting on 18 January 2024 it was agreed to instruct the Chief Officer - Strategic Place Planning to report the results of the public consultation and any proposed revisions to the draft Aberdeen Planning Guidance to a subsequent Planning Development Management Committee within six months of the end of the consultation period. |        |               | Strategic Place Planning | Place       |                    |   |  |

## Planning Development Management Committee - 18 April 2024

### Planning Appeals Update

This report informs Planning Development Management Committee (PDMC) members about planning appeals and notifications in relation to Aberdeen City Council decisions that the Scottish Government's Division for Planning and Environmental Appeals (DPEA) has received or decided since the last PDMC meeting. It also lists appeals that are still pending.

#### Appeals Lodged

|                |   |                       |            |
|----------------|---|-----------------------|------------|
| Type of appeal | Planning Permission   | Application Reference | 231018/DPP |
| Address        | 693 George Street   |                       |            |
| Description    | Change Of Use from Class 1A (Shops, Financial Professional and Other Services) To Hot-Food Takeaway (Sui Generis) and Installation of Kitchen Extract Vent to Rear Elevation (Part-Retrospective) |                       |            |
| History        | Refused by PDMC of 14 March 2024 against officer recommendation   |                       |            |
| DPEA weblink   | <a href="https://www.scotland.gov.uk/topics/planning-and-environmental-appeals">Scottish Government - DPEA - Case Details (scotland.gov.uk)</a>   |                       |            |

#### Appeals Determined

|                |   |                       |            |
|----------------|---|-----------------------|------------|
| Type of Appeal | Certificate of Lawfulness   | Application Reference | 231217/CLE |
| Address        | First Floor Right, 15 Urquhart Street   |                       |            |
| Description    | Existing Use of Flat as Short Term Let Accommodation (Sui Generis) with Maximum Occupancy of 4 People   |                       |            |
| History        | Refused by officers under delegated powers  |                       |            |
| DPEA Decision  | No remit - appeal submitted too late (ie. beyond the 3 months allowed from the date of the decision).   |                       |            |
| DPEA weblink   | <a href="https://www.scotland.gov.uk/topics/planning-and-environmental-appeals">Scottish Government - DPEA - Case Details (scotland.gov.uk)</a> |                       |            |

|                |                                  |                       |     |
|----------------|----------------------------------|-----------------------|-----|
| Type of Appeal | Advertisement Enforcement Notice | Application Reference | N/A |
|----------------|----------------------------------|-----------------------|-----|

|               |   |
|---------------|---|
| Address       | 18 Holburn Street   |
| Description   | Installation of 1 Illuminated Fascia on the Front Elevation   |
| History       | Enforcement Notice to remove the signage served by officers under delegated powers  |
| DPEA Decision | Appeal dismissed. The signage has been installed and requires consent. The notice was served correctly. The period allowed for compliance is reasonable. The requirement to remove the signage is proportionate and justified |
| DPEA weblink  | <a href="https://scotland.gov.uk">Scottish Government - DPEA - Case Details (scotland.gov.uk)</a>   |

### **Notified Application**

| Type of Appeal | Notified application  | Application Reference | 230173/PPP |
|----------------|---|-----------------------|------------|
| Address        | Land At Greenferns, Sites Op28 & Op33   |                       |            |
| Description    | Residential-Led, Mixed Use Development comprising approximately 1,575 Homes, Employment Use, A Neighbourhood Centre Comprising Local Retail and Commercial Provision, Leisure and Community Uses and Associated Infrastructure including New and Upgraded Access Roads, Landscaping, Open Space and Engineering Works |                       |            |
| History        | PDMC of 14 March 2024 referred the application to the Scottish Ministers with a willingness to approve subject to legal agreement   |                       |            |
| DPEA Decision  | Scottish Ministers' have decided not to intervene and, therefore, officers are authorised to approve the application subject to the legal agreement   |                       |            |
| DPEA weblink   | <a href="https://scotland.gov.uk">Scottish Government - DPEA - Case Details (scotland.gov.uk)</a>   |                       |            |

### **Appeals Pending**

| Type of Appeal | Planning Permission   | Application Reference | 231263/DPP |
|----------------|---|-----------------------|------------|
| Address        | Upper Birchwood, 1 South Avenue   |                       |            |
| Description    | Erection of Shed to Front (Retrospective)   |                       |            |
| History        | Refused by PDMC of 7 December 2023 against officer recommendation                                 |                       |            |
| DPEA weblink   | <a href="https://scotland.gov.uk">Scottish Government - DPEA - Case Details (scotland.gov.uk)</a> |                       |            |

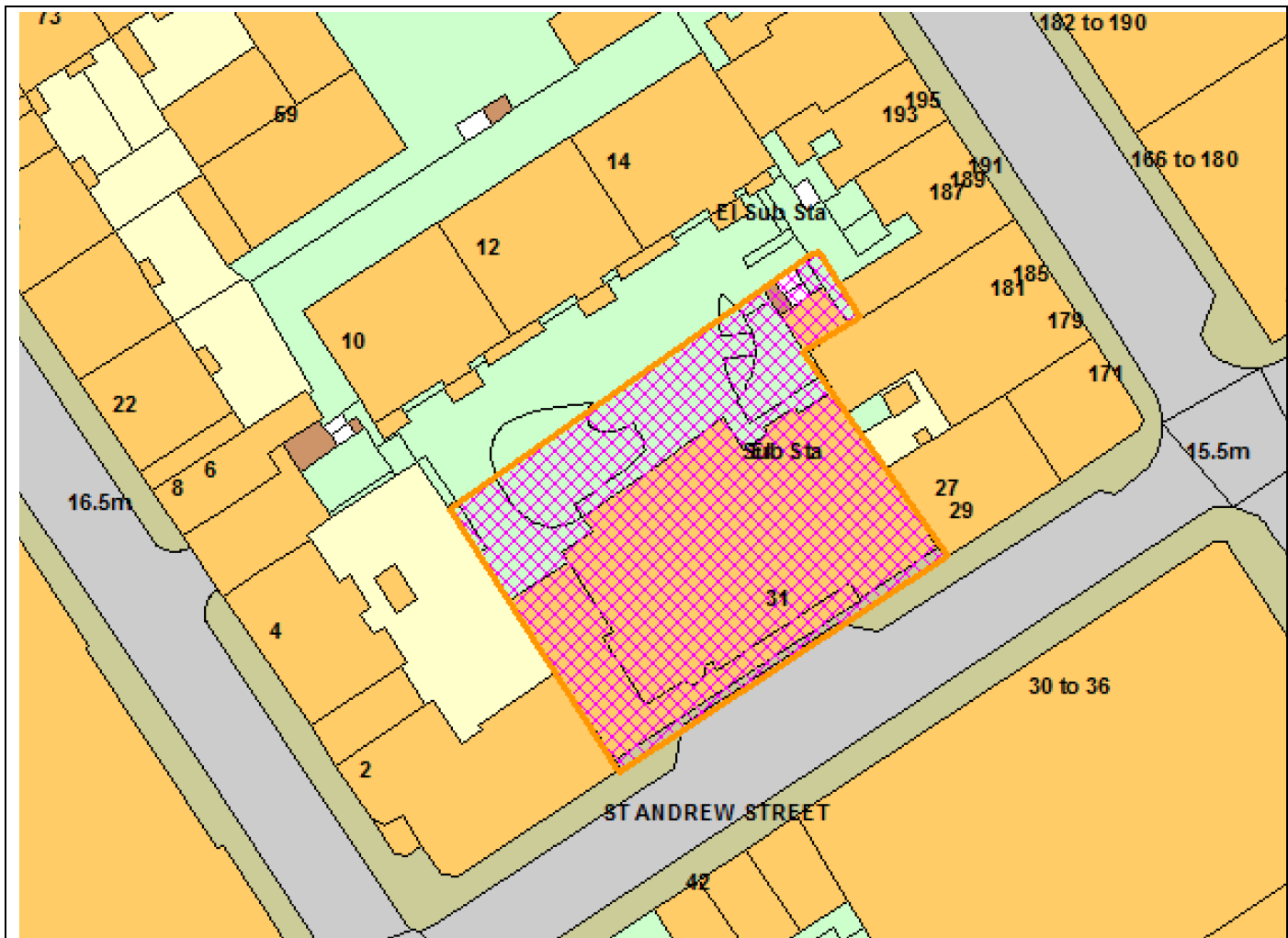
|                |  |                       |            |
|----------------|--|-----------------------|------------|
| Type of Appeal | Certificate of Lawfulness  | Application Reference | 231216/CLE |
| Address        | First Floor Left, 23 Hollybank Place   |                       |            |
| Description    | Existing Use of Flat as Short Term Let Accommodation (Sui Generis) with Maximum Occupancy of 2 People                          |                       |            |
| History        | Refused by officers under delegated powers   |                       |            |
| DPEA weblink   | <a href="https://www.scotland.gov.uk/topics/dpea/cases/231216">Scottish Government - DPEA - Case Details (scotland.gov.uk)</a> |                       |            |

|                |  |                       |            |
|----------------|--|-----------------------|------------|
| Type of Appeal | Advertisement Consent  | Application Reference | 231081/ADV |
| Address        | Queen Elizabeth Bridge Roundabout, Craig Place   |                       |            |
| Description    | Installation Of 1 Illuminated Free Standing Digital Display  |                       |            |
| History        | Refused by officers under delegated powers   |                       |            |
| DPEA weblink   | <a href="https://www.scotland.gov.uk/topics/dpea/cases/231081">Scottish Government - DPEA - Case Details (scotland.gov.uk)</a> |                       |            |

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|  <p><b>ABERDEEN</b><br/>CITY COUNCIL</p> | <h2 style="margin: 0;">Planning Development Management Committee</h2> <p style="margin: 5px 0 0 0;">Report by Development Management Manager</p> <p style="margin: 5px 0 0 0;"><b>Committee Date: 18 April 2024</b></p> |
|---|---|

|                                 |   |
|---------------------------------|---|
| <b>Site Address:</b>            | 31 St Andrew Street, Aberdeen, AB25 1JA   |
| <b>Application Description:</b> | Installation of window and door to north elevation (amendment to previous approval ref. 211263/DPP) (retrospective) |
| <b>Application Ref:</b>         | 240097/DPP  |
| <b>Application Type</b>         | Detailed Planning Permission  |
| <b>Application Date:</b>        | 31 January 2024   |
| <b>Applicant:</b>               | Optimal Student (Aberdeen City) LLP   |
| <b>Ward:</b>                    | George Street/Harbour   |
| <b>Community Council:</b>       | George Street   |



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## **RECOMMENDATION**

Approve Unconditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The site located on the northwest side of St Andrew Street, within the city centre boundary and currently comprises a 7 storey building operating as student accommodation falling within a Sui Generis use of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended). Permission for this use was granted on appeal in June 2022 by Scottish Ministers and the building opened as student accommodation in January 2024. The building itself is of a modern design with a pend style entrance providing access to the courtyard to the rear.

The site is bounded by residential properties to the north and southwest, while to the northeast and south, beyond the public road, lies a mix of uses including residential and Class 1A retail units. A Class 3 use can also be found on the corner on St. Andrew Street and George Street.

The Union Street Conservation Area lies approximately 25m to the west, but the site is not located within its boundary.

### **Relevant Planning History**

A6/0265 – Detailed Planning Permission to erect a residential and commercial development comprising 56 flats units and 2 shop units, approved 23 June 2006.

A7/1026 – Detailed Planning Permission for a proposed 100 bedroom hotel with licensed bar and restaurant, approved 10 June 2008.

Other permissions have been granted but these relate to the lighting and signage and not relevant to this application.

211130/DPP – Detailed Planning Permission for change of use from class 7 (hotels and hostels) to student accommodation (sui generis), withdrawn 25 August 2021.

211263/DPP – Detailed Planning Permission for change of use from class 7 (hotels and hostels) to student accommodation (sui generis). This application was refused by Planning Development Management Committee on 13 December 2021, but subsequently approved on appeal by Scottish Ministers on 07 June 2022.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Retrospective permission is sought for the installation of a window and door opening on the north elevation of the building as an amendment to previous approval, planning reference 211263/DPP. These works were carried out in late 2023.

Although internal changes may have been carried out within the building, these works are not deemed to be development and therefore do not require planning permission, as such no consideration will be given to them within this report.

### **Amendments**

None.



## **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=S8109TBZJL300>

## **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because there have been more than six timeous objections received.

## **CONSULTATIONS**

**George Street Community Council** – no comments received.

## **REPRESENTATIONS**

Seven representations have been received, all objecting to the proposal. The matters raised can be summarised as follows –

- Developer has not met/consulted with the Residents Group nor shown them the Management Plan.
- Conditions associated with original approval has not been met.
- Application description incorrect and should include two further bedrooms, increasing from 105 to 107 with a removal of a study area.
- Window was installed without planning permission, despite advising no external changes were to be made during the initial application.
- Window and door were not shown on any plans considered previously.
- Door leads directly to a shared area – although it was said to be a fire escape door the application does not say this.
- If required for safety reasons it should have been included in the initial application.
- Internal alterations not reviewed by Environmental Health or Waste Services.
- New extraction system installed.
- Planning authority already rejected these proposals.
- The internal modifications change of the nature of the accommodation and they could be occupied on a full time basis and would hinder any conversion back to hotel accommodation.

## **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.

### **Development Plan**

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

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaption)
- Policy 14 (Design, Quality and Place)

#### **Aberdeen Local Development Plan 2023**

- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)

## **EVALUATION**

The works consist of the formation of a new window and door opening on the rear elevation of the existing building. As such, what needs to be considered is whether they contribute to or impact on the character and amenity of the building or surrounding area. To do this the relevant policies of both the Aberdeen Local Development Plan 2023 (ALDP) and National Planning Framework 4 (NPF4), specifically Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the ALDP and Policy 14 (Design, Quality and Place) of NPF4. The new window opening is to provide an opening into a bedroom on the ground floor, while the door has been provided for fire escape purposes.

In terms of the character and design of the building, although the window does not align with windows on the upper elevations, it does avoid the existing door opening on the north east elevation, therefore causing no conflict with it. Furthermore, the materials of the window match that of the existing building. Overall there is no significant concerns with the new window in respect to any impact on the character and design of the building. The door opening that has been installed replaces existing glazing and the materials that have been used also match the existing, so there is no significant change to what previously existed in respect of the visual appearance of the building. Therefore, the proposed door raised no concerns in that regard.

With respect to the overlooking and impact on amenity, the ALDP advised that *'amenity has an influence on the quality of life of individuals and communities'*. In respect to these works, the window would be no closer to properties located on the opposite side of the courtyard than the existing glazing and raises no concerns that privacy would be impacted upon or that overlooking would be significantly increased, thus the existing amenity situation is not altered. Turning to the door, the applicant has advised that this is a fire escape door, while comments raised with regards to the fact the door should be alarmed, this is not a material planning consideration, but should the applicant wish to do that then that is within their remit. In general, there are no significant concerns with this door given that it is located within an existing bedroom, reducing its use to the occupant of that bedroom, apart from in emergency situations. Overall, the door does not significantly alter the existing situation in terms of overlooking as there was glazing in that location previously. While it does provide additional access to the courtyard, there is existing access to the courtyard from ground floor, as such, the door does not alter the existing situation to any significant degree.

In light of the above, the proposal complies with Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the ALDP and Policy 14 (Design, Quality and Place) of NPF4, in that there is no impact on the character of the building or that of the surrounding area nor is there an impact on the existing level of residential amenity.

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate Mitigation and Adaptation) of NPF4 requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Owing to the nature of the works, there is no impact on global climate and nature crises.

### *Representations*

The submitted representations raise a number of concerns with regards to this application, such matters will be addressed below.

- Developer has not met/consulted with the Residents Group nor shown them the Management Plan – *This is a matter for the applicant to undertake, the planning authority cannot require consultation to be carried out as it is outwith the remit of planning legislation.*
- Conditions associated with original approval has not been met – *This is not material to this planning application and is a separate matter for the planning authority to investigate.*

- Application description incorrect and should include two further bedrooms, increasing from 105 to 107 with a removal of a study area – *While two rooms have been added, these works are internal to the building and there was no restriction on the number of rooms under the original application. Therefore the works are not development and thus do not require planning permission.*
- Window was installed without planning permission, despite advising no external changes were to be made during the initial application – *The applicant has applied to rectify this breach of planning control.*
- Window and door were not shown on any plans considered previously – *These works are currently unauthorised, but as above the applicant has applied to rectify this breach of planning control.*
- Door leads directly to a shared area – although it was said to be a fire escape door the application does not say this and it should be alarmed – *This matter is addressed in the above evaluation.*
- If required for safety reasons it should have been included in the initial application – *This is noted, but as mentioned above, the applicant has applied to rectify this breach of planning control, that is the matter now being considered.*
- Internal alterations not reviewed by Environmental Health or Waste Services – *As the internal works do not require planning permission, there is no requirement to consult with consultees on these matters.*
- New extraction system installed – *The applicant has advised that existing ventilation and flues on the roof have been utilised. If new internal plant has been installed this would not require planning permission.*
- Planning authority already rejected these proposals – *When these matters were raised towards the end of 2023, the applicant was advised that planning permission would be required if the works were to remain. The new window and door were never assessed by the planning authority prior to this application being submitted.*
- The internal modifications change of the nature of the accommodation and they could be occupied on a full time basis and would hinder any conversion back to hotel accommodation – *This is not material to this application.*

## **RECOMMENDATION**

Approve Unconditionally

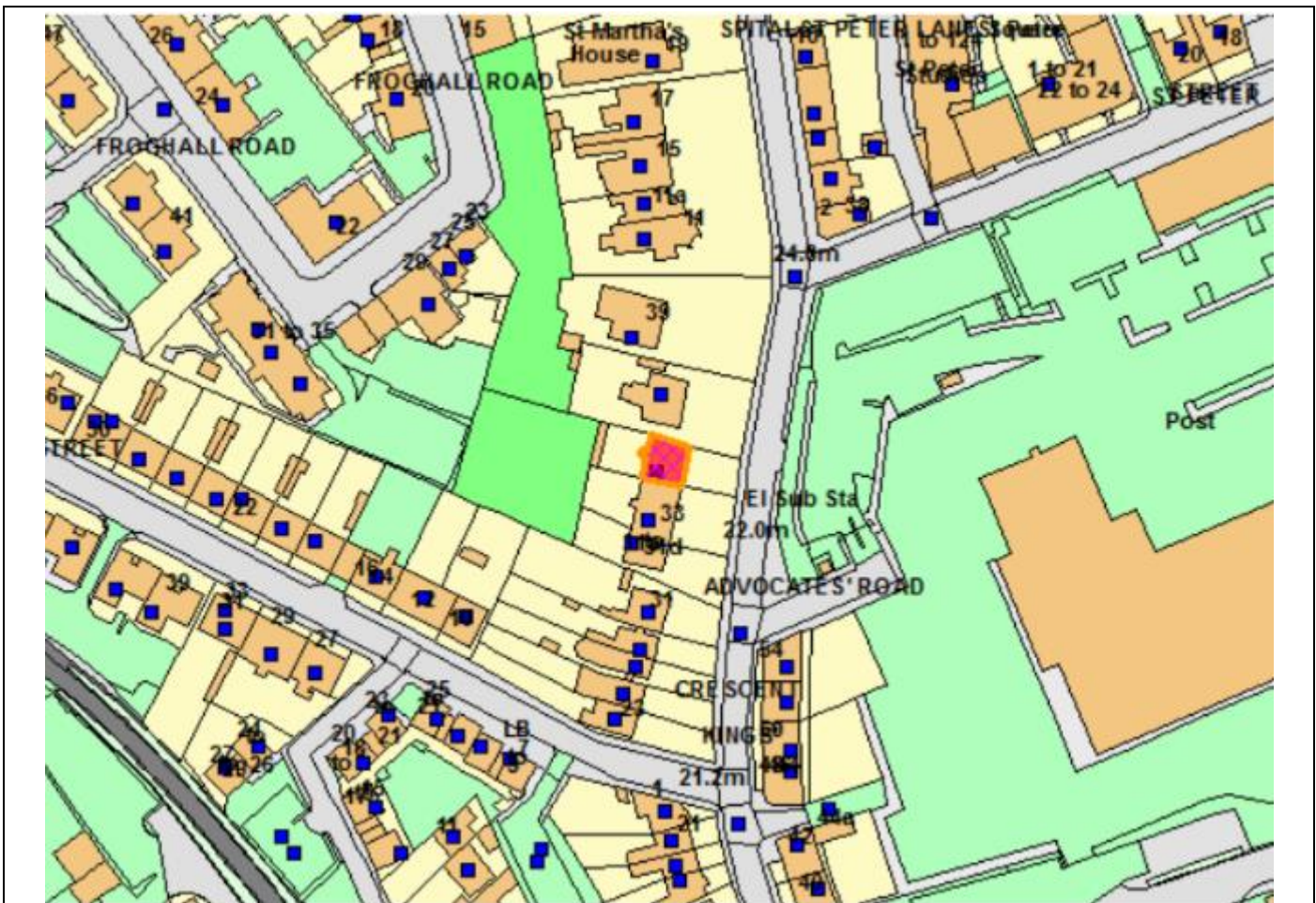
## **REASON FOR RECOMMENDATION**

The proposal has been considered against the relevant policies of the Aberdeen Local Development Plan 2023 (ALDP) and the National Planning Framework 4 (NPF4) and is acceptable. The new window and door would have no impact on the character of the existing building or the surrounding area, in compliance with Policy D1 (Quality Placemaking) of the ALDP and Policy 14 (Design, Quality and Place) of NPF4. Furthermore, there would be no change or impact on the current levels of residential amenity of the neighbouring properties, in accordance with Policy D2 (Amenity) of the ALDP.

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|  <p><b>ABERDEEN</b><br/>CITY COUNCIL</p> | <b>Planning Development Management Committee</b> |
|   | Report by Development Management Manager         |
|   | <b>Committee Date:</b> 18 April 2024             |

|                                 |   |
|---------------------------------|---|
| <b>Site Address:</b>            | 35C King's Crescent, Aberdeen, AB24 3HP                       |
| <b>Application Description:</b> | Change of use from flat to HMO (House in Multiple Occupation) |
| <b>Application Ref:</b>         | 240143/DPP  |
| <b>Application Type</b>         | Detailed Planning Permission                                  |
| <b>Application Date:</b>        | 12 February 2024  |
| <b>Applicant:</b>               | Alexander David & Co (Scotland) Ltd.                          |
| <b>Ward:</b>                    | George Street / Harbour                                       |
| <b>Community Council:</b>       | Old Aberdeen  |



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**RECOMMENDATION**

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The application site comprises a first floor flat within a 3-storey traditional end-terraced residential tenement situated on the western side of King's Crescent. The building contains a total of four residential properties, with two flats on the ground floor level, the application property at first floor and a flat used as a House in Multiple Occupation (HMO) on the second floor. The building forms the northernmost part of a terrace of three different addresses (31, 33 and 35 King's Crescent) containing a total of 16 properties (six flats each at no's 31 and 33 and four at no. 35).

### **Relevant Planning History**

**P131480** – Detailed planning permission was approved in 2013 for the replacement of the property's timber-framed windows with new pvc-framed sliding sash & case units.

### **Relevant Licensing History**

The application property was lawfully operated as a House in Multiple Occupation (HMO) previously, with an HMO licence for up to 5 unrelated persons last granted in 2016. The HMO licence for the property expired in 2019 and has not been renewed since.

The top floor flat in the building (Flat D) is currently licensed (most recent licence granted February 2023) and used as an HMO for 3 occupants.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed planning permission is sought for the change of use of the first floor flat to a House in Multiple Occupation (HMO), which would be used as the primary residence for up to a maximum of four unrelated occupants at any one time.

### **Amendments**

Following the initial submission of the application, amended floor plans were submitted, along with a site plan showing the proposed location where bins associated to the property would be stored.

### **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=S8J29KBZK0H00>

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

The application has been referred to the Planning Development Management Committee because the Old Aberdeen Community Council have objected to the proposed change of use.

## **CONSULTATIONS**

**ACC - Waste and Recycling** – No objection. Note that the proposed HMO would be provided with

1 x 180l wheeled bin for general waste, 1 x 240l bin for mixed recycling and 1 x 240l bin for food and garden waste. Further information for the applicant to be aware of in relation to the purchase of the required bins is included as an Advisory Note.

**ACC - Roads Development Management Team** – No objection. The site is located in the Inner City and does not lie within a controlled parking zone. As per the Council’s guidance, the existing flat has a parking requirement of 1.5 spaces, whereas the proposed HMO use has a parking standard of 0.25 spaces per bedroom, equating to 1 space in this instance. As there is no associated off-street parking provision for either the existing or proposed uses, there would be shortfall in parking provision beyond the existing situation. The site has direct access to the existing adopted footpath network which provides pedestrian linkages to the wider area, amenities and the city centre, as well as public transport.

**Old Aberdeen Community Council (OACC)** – The OACC object to the proposed change of use for the following reasons:

- The Community Council are concerned about the proliferation of HMOs specifically in this area, and of the cumulative impacts which are already evident in the loss of community cohesion due to the transience of HMO residents;
- While the Council’s guidance is structured around HMO concentrations in Small Data Zones, this metric fails to capture the true concentration of HMOs in the immediate vicinity of the property. Another HMO is already operating in the building and 20 HMOs are registered across four postcodes which surround the application site. Additionally, there are a number of purpose-built student accommodation buildings nearby, such as St Peter House and St Peter Studios. As such the actual concentration of HMO residents likely approaches 50% of the population. The Small Data Zone metric is inadequate and inappropriate for calculating overprovision in this instance and the approval of the application would exacerbate existing issues; and
- There are ongoing issues with domestic wheelie bins at the application property being left out on the pavement, to the detriment of pedestrian safety. Given the decreased accountability of transient tenancy, the change of use would increase the difficulty in keeping the pavement clear of bins.

## **REPRESENTATIONS**

Two representations have been received, both objecting to the application. The matters raised in the objections can be summarised as follows:

### 1. Overprovision of HMOs in the area, and associated adverse impacts

Approval of the application would result in the overprovision of HMOs in the surrounding area. There is an existing HMO operating at 35 King’s Crescent (Flat D) and approval of the application would result in at least a further 4 tenants in the building, resulting in additional pressures on local services and parking, and detrimental impacts on residential amenity (including community cohesion) due to the high proportion of transient, short-term occupants.

### 2. Methodology for calculating overprovision

The Council’s method for calculating overprovision of HMOs in an area (based on percentages of HMOs as a proportion of the total number of residential properties in defined

Small Data Zones) is not the most appropriate way of calculating overprovision. The data zones are too large and do not accurately reflect the significant number of HMOs in the immediate vicinity of the application site, with another HMO already at no. 35, and a number of other HMOs with considerable capacity nearby on both King's Crescent and on the Spital. There is also a substantial block of student flats nearby at 29 Froghall Road, all officially categorised as HMOs, as well as further HMO flats at 19 Spital (St Martha's House). If the Council had adopted Census Output Areas as the unit of measurement for density of existing HMOs, then it is likely the immediate area around 35C King's Crescent would be found to be overprovided.

3. Bin storage and pedestrian / road safety

There are existing issues with a significant number of domestic waste bins being left on the narrow pavements of King's Crescent, which poses a risk to pedestrian and road safety.

4. Fly tipping

There are existing issues with fly tipping on the pavement opposite no's 31 to 35 King's Crescent. This is exacerbated when students vacate HMOs and old and damaged furnishings are left on the pavement, to the detriment of amenity.

5. Condition of outbuildings

The outbuildings at 35 King's Crescent are in a dangerous condition, with the roofs collapsing, which could pose a safety issue for tenants using the communal rear garden.

6. Presence of trees adjacent to the site

The application form wrongly states that there are no trees adjacent to the property. There are two large trees in the curtilage of no. 37 and many others to the rear of no. 35.

7. Internal works

It would appear that the flat has already been converted into an HMO configuration. Shouldn't planning permission be sought for this work?

8. Impact on the conservation area

The site lies in the Old Aberdeen Conservation Area and is a gateway to Old Aberdeen. The introduction of a further HMO with transient residents has the potential to add an unacceptable negative impact to the character of the area.

9. Loss of residential flat

The proposal would result in the loss of yet another residential flat in the area to multiple occupancy, which would harm the sustainability of the local community.

## **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)

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.

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 7 (Historic Assets and Places)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)

### Aberdeen Local Development Plan 2023 (ALDP)

- Policy D2 (Amenity)
- Policy D6 (Historic Environment)
- Policy H2 (Mixed Use Areas)
- Policy H8 (Houses in Multiple Occupation and Overprovision)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

## **Aberdeen Planning Guidance**

- Houses in Multiple Occupation and Overprovision
- Transport and Accessibility
- Waste Management Requirements for New Development

## **Other National Policy and Guidance**

- Historic Environment Policy for Scotland (HEPS)

## **EVALUATION**

### **Mixed Use Areas**

The application site lies within a Mixed Use Area, as zoned in the Aberdeen Local Development Plan 2023 (ALDP) Proposals Map. Policy H2 (Mixed Use Areas) of the ALDP states that:

*'Applications for development or change of use within Mixed Use Areas (H2 on the Proposals Map) must take into account the existing uses and character of the surrounding area and avoid direct conflict with the adjacent land uses and amenity.'*

As no external alterations or additions to the building are proposed, and the use of the property would remain as residential, neither the character nor appearance of the surrounding area would be affected.

A detailed assessment of the likely impacts of the proposed change of use on the amenity of the surrounding area is set out in the following section of the evaluation but to summarise, it is considered that the proposed use of the property as a House in Multiple Occupation (HMO) would not adversely affect the character or amenity of the surrounding area or any adjacent land uses to any significant degree, in accordance with the requirements of Policy H2 of the ALDP.

### **Houses in Multiple Occupation and Overprovision**

Policy H8 (Houses in Multiple Occupation and Overprovision) of the ALDP states:

*‘Proposals requiring planning permission for use as a House in Multiple Occupation (HMO) will be assessed on their own merits. An HMO will not result in significant adverse impact upon: residential amenity of the site; upon those walking, wheeling and cycling; upon road traffic safety as a result of increased traffic; or demand for car parking as a result of the HMO.*

*Proposals will also be assessed as to whether the cumulative concentration of HMO’s would be excessive (in the context of the consequent proportion of HMO’s relative to other residential properties and any resultant detriment to the established residential character and amenity of the area). Within areas of concern due to excessive concentration further provision is unlikely to prove acceptable.’*

The proposed change of use is assessed against each of the various criteria of Policy H8 as follows:

#### Residential amenity

In terms of impacts on residential amenity, it is important to note that if the application is approved, the property would remain in residential use, just of a slightly intensified form. Whilst the occupancy of the property by up to four unrelated persons would likely intensify the existing authorised residential use somewhat, it is considered that there would not be significantly more people living in the property than if it were to remain in mainstream residential use, occupied by either a single family or less than 3 unrelated persons. It is therefore considered that the proposed intensification of use would be relatively minor and at such a level that would not cause any significant harm to the amenity of the neighbouring flats within the building (two mainstream flats at ground floor level and one other HMO for 3 people at second floor level).

#### Walking, wheeling and cycling

The application site lies immediately adjacent to the adopted public footpath network on King’s Crescent, which provides pedestrian linkages to surrounding areas including Old Aberdeen and the city centre, as well as to nearby public transport routes on King’s Crescent, Mounthooly and King Street. The proposed continued residential use of the property, albeit on a slightly intensified basis, would not adversely impact on those walking, wheeling or cycling.

#### Road traffic and safety

The proposed use of the property as an HMO for up to four unrelated occupants would likely result in a slight intensification of the existing authorised residential use (for either a single family or up to two unrelated occupants). However, as per the Council’s Transport and Accessibility Aberdeen Planning Guidance (APG), the parking standards for HMOs in Inner City locations (0.25 spaces per

bedroom, equating to 1 space for the application property) are lower than for a four bedroom flat (1.5 spaces). As such, it is anticipated that there is likely to be a lower level of private car ownership and usage associated to the use of the property as an HMO as there would be if it were to remain in mainstream residential use. Thus, no additional impacts on road traffic are anticipated beyond what can be expected of the existing residential use.

No adverse impacts on road safety are anticipated as a result of the proposed change of use. The bins required to serve the HMO could be stored within the curtilage of the property and there would not be any more bins than are required for the existing, authorised use. The potential safety implications of their placement on the public pavement are therefore not a material consideration.

### Car parking

As above, as per the parking standards set out in the Transport and Accessibility APG, the proposed HMO use is likely to have a lesser parking demand than the current mainstream residential use. Additionally, given the close proximity of the application site to the University of Aberdeen campus in Old Aberdeen and the North East Scotland College on Gallowgate, it is likely that the property would be attractive to students studying at nearby higher education facilities and, if that is the case, then private car ownership and on-street parking demand is likely to be low.

### Overprovision / concentration

The Council's Aberdeen Planning Guidance (APG) on Houses in Multiple Occupation and Overprovision supplements and expands upon Policy H8 of the ALDP. The APG states that in order to prevent an excessive concentration of HMOs within parts of the city, the number of licensed HMOs should generally not exceed 12% of the total residential properties in any single Small Data Zone. This broadly equates to a 1:8 ratio of HMOs to other residential properties within any single Small Data Zone, as set out within the APG. The APG notes: *'Small Data Zones have been identified as the most appropriate geographical area for this purpose as they are large enough for statistics to be presented accurately whilst also being small enough that they can be used to represent communities spatially. They also have shapes that respect physical boundaries on the ground wherever possible.'*

In this instance the application site lies within Small Data Zone 'Hanover North – 02', which includes 733 residential properties from King's Crescent in the north to King Street in the east, with West North Street forming the southern and western boundaries of the Small Data Zone. The northern part of King's Crescent, within which the application property lies, therefore represents the northern extent of this small data zone. There are a total of twenty-three licensed residential HMOs in the 'Hanover North – 02' SDZ, equating to just 3% of the 733 residential properties. The approval of the application would increase that percentage to 3.3%, which would still be well below the maximum threshold of 12% HMOs per Small Data Zone as set out in the APG. As such, the approval of the application would not result in the overprovision or overconcentration of HMOs in the Hanover North – 02 Small Data Zone, in accordance with the requirements of Policy H8 of the ALDP and the corresponding APG.

### **Amenity for occupants**

Policy D2 (Amenity) of the ALDP seeks to ensure that all residential developments benefit from a satisfactory quality of amenity, taking into consideration matters such as privacy, internal floor space, external amenity space, outlook and sunlight and daylight receipt.

In this instance, a new residential property is not being created but rather a change of use proposed which would increase the occupancy of the flat and slightly intensify its residential use. The first floor level flat has a relatively generous c. 80sqm internal floor area and has a dual aspect with multiple

windows of a good size on both the eastern (front) and western (rear) elevations. The property benefits from adequate daylight receipt and has a reasonable outlook, elevated above street level; which also ensure that the occupants would not be overlooked and would have adequate levels of privacy. The building has a front door to the public street and a communal garden area to the rear. The applicant has confirmed that the intention would be for the property to accommodate four people, which would allow each occupant to have their own bedroom, as well as access to a shared kitchen and living room.

It is thus considered that a satisfactory quality of residential amenity would still be available for occupants of the property, despite the slight intensification of use. The proposals are therefore compliant with the aims of Policy D2 of the ALDP.

## **Waste Management**

Policy 12 (Zero Waste) of NPF4 and Policy R5 (Waste Management Requirements for New Development) of the ALDP both require developments that would generate waste to have sufficient space for the appropriate storage and convenient collection of that waste. The proposed HMO use of the property would likely result in a slight intensification of the existing, authorised residential use, to the extent that four unrelated adults would be living in the property, rather than a single family or two unrelated persons.

The Council's Waste Management Requirements for New Developments APG states that the bin requirements for HMO properties of less than 6 residents are: 1 x 180l wheeled bin for general waste, 1 x 240l bin for mixed recycling and 1 x 240l wheeled bin for food and garden waste. As these requirements are the same as for the property's existing, authorised use as a mainstream flat, there would be no additional bin provision compared to the existing situation. There is also ample space within the front garden area of the building where the bins for the property could be stored prior to being presented kerbside on King's Crescent on collection days.

Furthermore, the Council's Waste & Recycling team have advised that in order to address existing issues in relation to the placement of bins on the public pavement on King's Crescent, there are plans in the 2024/25 financial year to install large communal general waste and mixed recycling bins on the street, which would allow for the removal of the existing domestic wheeled bins. Whilst no timescale has been confirmed for these works taking place, it is likely that if approved, the HMO would be able to utilise the communal bins in the near future, rather than the wheeled bins as noted above.

Nevertheless as the bin requirements for the proposed HMO use are the same as for the authorised mainstream residential use, as per the Council's APG, and the bins required are capable of being stored within the front curtilage of the property, any waste generated could be adequately stored and collected, in accordance with Policies 12 and R5, as well as the guidance set out in the corresponding APG.

## **Transport and Accessibility**

Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP are both supportive of developments that would be accessible via sustainable and active modes of transport. Policy T3 (Parking) of the ALDP states that in Inner City areas, low or no car development will be supported in suitable locations where there is adequate access to active travel and public transport options. It also notes that low car development is encouraged within conservation areas. Policy 13 of NPF is also supportive of development proposals which are ambitious in terms of low/no car parking, particularly in urban locations that are well served by sustainable transport modes.

The parking standards for residential properties, as set out in the Council's Transport and Accessibility APG, note a general guideline of 1.5 car parking spaces for a 3-bed flat in an Inner City location, and a guideline of 0.25 spaces per bedroom for HMOs in the Inner City. The APG also notes that the Council: *'will support applications for low or no car developments in well-connected locations.'*

The application site lies in a highly accessible location, with immediate access to the adopted footpath network that provides good pedestrian access to Old Aberdeen, King Street, George Street and the city centre beyond. Public transport (bus) routes are also located in close proximity to the site on King's Crescent itself, as well as King Street, Mounthooly and Causewayend. As such, the site is highly accessible by sustainable and active modes of transport, as are the various facilities and amenities in the surrounding area – including the nearby higher education facilities and campuses.

In relation to private vehicle trip generation and car parking, the proposed use of the property as an HMO would likely generate less traffic and car parking demand than the authorised mainstream residential use, as per the parking standards set out in the Transport and Accessibility APG. The site lies in an accessible Inner City location and Policies 13 of NPF4 and T3 of the ALDP, as well as the Council's APG, are all supportive of low and no car developments in such areas.

The Council's Roads Development Management team do not object to the application, noting the accessibility of the site and the lower parking requirements for HMO use compared to the existing authorised use. As such, the proposed change of use would not be likely to generate any additional traffic or localised on-street parking demand which could affect the amenity of residents and the proposed use is thus compliant with the aims and requirements of Policies 13 of NPF4, T2 and T3 of the ALDP and the Transport and Accessibility APG.

### **Impact on the historic environment**

Policies 7 (Historic Assets and Places) of NPF4, Historic Environment Policy for Scotland (HEPS) and Policy D6 (Historic Environment) of the ALDP all require new development in conservation areas to either preserve or enhance the character and appearance of the conservation area.

The application site lies within the Old Aberdeen Conservation Area. However, no physical alterations to the exterior of the building or its curtilage are proposed and the proposed change of use would see the property remain in residential use, albeit of a slightly intensified nature. The proposed change of use would not affect either the character or appearance of the conservation area, and would thus preserve those aspects, in accordance with Policy 7 of NPF4, HEPS and Policy D6 of the ALDP.

### **Tackling the Climate and Nature Crises, Climate mitigation and Biodiversity**

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate Mitigation and Adaptation) of NPF4 requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Policy 3 (Biodiversity) of NPF4 requires proposals for local development to include measures to conserve, restore and enhance biodiversity, proportionate to the nature and scale of development.

The proposed development, comprising the change of use of an existing property, with no associated external alterations, is sufficiently small-scale such that it would not make any material difference to the global climate and nature crises nor to climate mitigation and adaptation, nor are

there any opportunities to minimise greenhouse gas emissions given the nature of the proposals. Therefore, the proposals do not conflict with Policies 1 and 2 of NPF4. The proposed development would be wholly internal, small-scale and does not offer the opportunity for any biodiversity gain and the proposals are thus considered to be acceptable, despite some minor tension with Policy 3 of NPF4.

### **Matters raised by the Community Council**

- *The Community Council are concerned about the proliferation of HMOs specifically in this area, and of the cumulative impacts which are already evident in the loss of community cohesion due to the transience of HMO residents*

Response: This is addressed above in the foregoing evaluation.

- *While the Council's guidance is structured around HMO concentrations in Small Data Zones, this metric fails to capture the true concentration of HMOs in the immediate vicinity of the property. Another HMO is already operating in the building and 20 HMOs are registered across four postcodes which surround the application site. Additionally, there are a number of purpose-built student accommodation buildings nearby, such as St Peter House and St Peter Studios. As such the actual concentration of HMO residents likely approaches 50% of the population. The Small Data Zone metric is inadequate and inappropriate for calculating overprovision in this instance and the approval of the application would exacerbate existing issues.*

Response: The methodology / metric for calculating overprovision or concentration of HMOs in an area (based on the percentage of HMO's in defined Small Data Zones) is set out in the Council's 'Houses in Multiple Occupation and Overprovision' APG, which was approved by Council in 2023. The methodology for calculating overprovision and defining the extent of the Small Data Zones was consulted upon and chosen for the APG as the most appropriate method. Whilst it is acknowledged that there are multiple other properties in HMO use in the surrounding area, particularly to the north on the Spital, it is not for the Planning Service to diverge from the approved methodology on a case-by-case basis. The approval of the application would not result in the overprovision of HMOs in the Small Data Zone within which the application site lies.

- *There are ongoing issues with domestic wheelie bins at the application property being left out on the pavement, to the detriment of pedestrian safety. Given the decreased accountability of transient tenancy, the change of use would increase the difficulty in keeping the pavement clear of bins.*

Response: As noted above, the waste generation and bin requirements for the proposed use of the property as an HMO would be the same as if the property were to remain in mainstream residential use, and there is sufficient space within the curtilage of the property where the required bins could be stored. The placement of domestic wheeled bins on the public road or pavements adjacent to the site, either on a permanent basis, or for a prolonged period following collection, would be a management issue relative to the residents of the property in question. The potential placement of bins on the public pavement when there is sufficient space for their storage within the application site is thus not a material planning consideration.

### **Matters raised in representations**

Matters 1 (Overprovision of HMOs in the area, and associated adverse impacts), 3 (Bin storage and pedestrian / road safety) and 8 (Impact on the conservation area) raised in the representations are

addressed in the foregoing evaluation above. The remainder of the matters raised can be addressed as follows:

2. Methodology for calculating overprovision

*The Council's method for calculating overprovision of HMOs in an area (based on percentages of HMOs as a proportion of the total number of residential properties in defined Small Data Zones) is not the most appropriate way of calculating overprovision. The data zones are too large and do not accurately reflect the significant number of HMOs in the immediate vicinity of the application site, with another HMO already at no. 35, and a number of other HMOs with considerable capacity nearby on both King's Crescent and on the Spital. There is also a substantial block of student flats nearby at 29 Froghall Road, all officially categorised as HMOs, as well as further HMO flats at 19 Spital (St Martha's House). If the Council had adopted Census Output Areas as the unit of measurement for density of existing HMOs, then it is likely the immediate area around 35C King's Crescent would be found to be overprovided.*

Response: The matter of the appropriateness of the methodology for calculating overprovision in an area as set out in the APG is largely addressed above in response to the comments made by the Old Aberdeen Community Council.

Nevertheless, if the Council were to utilise the smaller Census Output Areas to calculate overprovision instead, as suggested in one of the representations, it should be noted that the Census Output Area within which the application site lies (containing the odd no's 1-39 King's Crescent and odd no's 1-25 Jute Street) only contains 3 licensed HMO properties at present, out of a total of 55 residential properties. The approval of the current application would increase that number to four, but the total percentage of HMOs in the Census Output Area would rise from 5.5% to just 7.3% - thus still not exceeding the guideline maximum of 12%.

4. Fly tipping

*There are existing issues with fly tipping on the pavement opposite no's 31 to 35 King's Crescent. This is exacerbated when students vacate HMOs and old and damaged furnishings are left on the pavement, to the detriment of amenity.*

Response: Fly tipping is covered by separate legislation and is not a material planning consideration.

5. Condition of outbuildings

*The outbuildings at 35 King's Crescent are in a dangerous condition, with the roofs collapsing, which could pose a safety issue for tenants using the communal rear garden.*

Response: The alleged poor condition of the existing outbuildings in the rear curtilage of the building is not a material planning consideration and nevertheless, the situation would be the same if the property were to remain in its current authorised use as a mainstream flat.

6. Presence of trees adjacent to the site

*The application form wrongly states that there are no trees adjacent to the property. There are two large trees in the curtilage of no. 37 and many others to the rear of no. 35.*

Response: Whilst there are existing trees outwith, but immediately adjacent to, the site – the

proposal is to change the use of the first floor flat only, with no associated external works proposed which would have any impact on the existing trees.

#### 7. Internal works

*It would appear that the flat has already been converted into an HMO configuration. Shouldn't planning permission be sought for this work?*

Response: Planning permission is not required for any internal alterations to the property – only for its change of use to an HMO, which has not taken place at the time of the application.

#### 9. Loss of residential flat

*The proposal would result in the loss of yet another residential flat in the area to multiple occupancy, which would harm the sustainability of the local community.*

Response: The 'loss' of a mainstream residential property is not a policy consideration in this instance and nevertheless, the property would remain in residential use, just in a slightly more intensified form.

### **RECOMMENDATION**

Approve Conditionally

### **REASON FOR RECOMMENDATION**

The use of the property as a House in Multiple Occupation (HMO) would not adversely affect the character or amenity of the area, in accordance with Policy H2 (Mixed Use Areas) of the Aberdeen Local Development Plan 2023 (ALDP). The change of use would not result in a significant impact on residential amenity, those walking, wheeling and cycling, on road safety or on car parking demand. The use of the property as an HMO would also not result in the overprovision of HMOs in the defined Small Data Zone within which the application site lies, in accordance with Policy H8 (Houses in Multiple Occupation and Overprovision) of the ALDP and the corresponding Aberdeen Planning Guidance on Houses in Multiple Occupation and Overprovision.

A satisfactory quality of amenity would be provided for the occupants of the HMO, in accordance with Policy D2 (Amenity) of the ALDP and the change of use would not affect the character or appearance of the Old Aberdeen Conservation Area, in accordance with Policy 7 (Historic Assets and Places) of National Planning Framework 4 (NPF4), Historic Environment Policy for Scotland and Policy D6 (Historic Environment) of the ALDP. The proposed use would be accessible by sustainable and active modes of transport, would generate similar levels of traffic, car parking demand and waste compared to its authorised, mainstream residential use, and any waste generated could be stored within the curtilage of the property, thus ensuing no risk to pedestrian or road safety – all in accordance with the requirements of Policies 12 (Zero Waste) and 13 (Sustainable Transport) of NPF4, Policies R5 (Waste Management Requirements for New Developments), T2 (Sustainable Transport) and T3 (Parking) of the ALDP, as well as the corresponding Aberdeen Planning Guidance on Transport and Accessibility, and Waste Management Requirements for New Development.

The proposed use would not make any material difference to the global climate and nature crises nor to climate mitigation and adaptation, nor are there any opportunities to minimise greenhouse gas emissions given the nature of the proposals, therefore there is no conflict with Policies 1



(Tackling the Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) of NPF4. The proposed development would be wholly internal, small-scale and does not offer the opportunity for any biodiversity gain and the proposals are thus considered to be acceptable, despite some minor tension with Policy 3 (Biodiversity) of NPF4.

## **CONDITIONS**

### (1) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason: In accordance with section 58 (duration of planning permission) of the 1997 act.

## **ADVISORY NOTES FOR APPLICANT**

### (1) BIN PURCHASE INFORMATION

The HMO will be provided with:

- 1 x 180 litre wheeled bin for general waste
- 1 x 240 litre co-mingled recycling bin for recycling
- 1 x 240litre wheeled bin for food and garden waste (kitchen caddy, bioliners and associated information will be provided as well)

The following costs will be charged to the developer:

- Each 180l or 240l bin cost £39.00 each
- Caddy & Liners FOC
- Delivery fee for any order of less than 10 bins £30.00

It is pertinent to note that these services will be provided taking account of the following:

#### General points

- All the waste containers must be presented the kerbside on the collection day and must be removed from the kerbside as soon as possible. No containers should be permanently stored on the kerbside.
- No excess should be stored out with the containment provided. Information for extra waste uplift is available to residents at either [www.aberdeencity.gov.uk/wasteaware](http://www.aberdeencity.gov.uk/wasteaware) or by phoning 03000 200 292.
- Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>

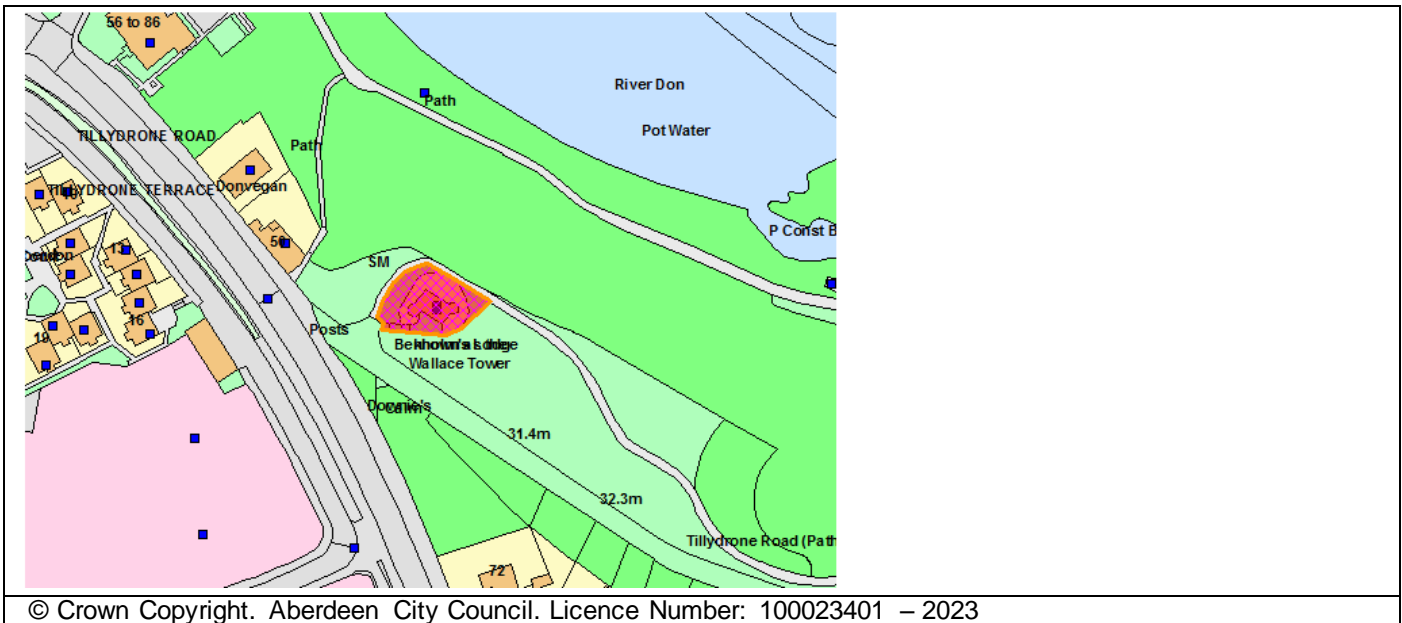
Developers must contact Aberdeen City Council a minimum of ONE month before properties will be occupied. Bins MUST be on site prior to residents moving into properties. A Purchase Order should be raised with Aberdeen City Council using the above details and we will provide further guidance for purchasing the bins.

Email: [wasteplanning@aberdeencity.gov.uk](mailto:wasteplanning@aberdeencity.gov.uk)

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|---|--|
|  <p><b>ABERDEEN</b><br/>CITY COUNCIL</p> | <b>Planning Development Management Committee</b> |
|   | Report by Development Management Manager         |
|   | <b>Committee Date:</b> 18 April 2024             |

|                                 |   |
|---------------------------------|---|
| <b>Site Address:</b>            | Wallace Tower, Tillydrone Road, Aberdeen AB24 2TP   |
| <b>Application Description:</b> | Change of use from residential dwelling (class 9) to mixed use (class 3 and 4) including community cafe, ancillary office accommodation and meeting hall; erection of single storey extension; formation of external seating area; erection of bin store and associated hard and soft landscaping works including cycle parking |
| <b>Application Ref:</b>         | 231583/DPP  |
| <b>Application Type</b>         | Detailed Planning Permission  |
| <b>Application Date:</b>        | 19 December 2023  |
| <b>Applicant:</b>               | Tillydrone Community Development Trust SCIO   |
| <b>Ward:</b>                    | Tillydrone/Seaton/Old Aberdeen  |
| <b>Community Council:</b>       | Old Aberdeen  |



**RECOMMENDATION**

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The application site is formed by an irregular shaped site extending to c.450m<sup>2</sup> and consists of the Wallace Tower (also known as Benholm's Lodgings) and its immediate surrounding curtilage, which is enclosed in part by a low granite boundary wall to the north and west and in part by low level metal railings. The tower occupies an elevated position, located in the very south west corner of Seaton Park, near Tillydrone Road, which runs c.25m to the south west.

The building has an unusual history as it was originally located on Netherkirkgate in the city centre but was moved to its current location in the 1960s and rebuilt as a three storey Z-plan towerhouse. It is constructed from granite with a slated roof, with two corner turrets and crow (corbie) stepped gables. The building itself was Category B-listed in 1967, after its move and reconstruction. It includes various decorative features, including an armorial panel and recessed sculptured figure set within the northern tower. The building has been vacant for around 20 years, with its last use as a residential dwelling thought to have ceased in 2003. It is in a relatively poor state of repair, with all windows and doors boarded up, and has been on the 'Buildings at Risk' register, which is maintained by Historic Environment Scotland, since 2005.

The site is bound to the north by a footpath running through the park forming a connection between Tillydrone Road to the west and to The Chanonry, St Machar Cathedral and the main body of Seaton Park to its east and north. To the north of this footpath is a wooded area sloping down steeply to the River Don. East of the site is a grassed area forming part of the wider park; to its south is the pedestrianised historic section of Tillydrone Road, which is laid in granite cassies, separated from the main park and the Wallace Tower by a Category B listed granite rubble wall. There is a distinct change in levels between Tillydrone Road and the Wallace Tower, and the building is a prominent feature in views to the east from this road, forming part of the entrance into Seaton Park from this direction.

### **Relevant Planning History**

The site has been subject to various previous applications for a similar proposal as follows:

- 141336 – Listed building consent for proposed change of use and extension to former residential property to form new community café and ancillary community and office accommodation – Approved on 23<sup>rd</sup> February 2015, permission not implemented and now lapsed;
- 141400 – Detailed planning permission for change of use from residential dwelling (class 9) to mixed use (classes 3 and 4) to form community café and ancillary accommodation – Approved on 28<sup>th</sup> January 2015, permission not implemented and now lapsed;
- 211613/LBC – Conversion of existing building to form community café and ancillary office accommodation; erection of two storey extension to form additional seating areas to café; alterations to internal partitions; formation of access ramp, external seating area and erection of bin store with associated hard and soft landscaping works – Withdrawn;
- 211657/DPP – Change of use from residential dwelling (class 9) to mixed use (class 3 and 4) including community café and ancillary office accommodation; erection of two storey extension to form additional seating areas to café; formation of access ramp, extension seating area and erection of bin store with associated hard and soft landscaping works – Withdrawn;
- 221379/LBC – Conversion of existing building to form community café with ancillary office accommodation and meeting hall; erection of single storey extension to form additional seating areas to café; alterations to internal partitions; formation of access ramp, external seating area and erection of bin store with associated hard and soft landscaping works –

Approved on 30<sup>th</sup> June 2023, live, but not yet implemented;

- 221380/DPP – Change of use from residential dwelling (class 9) to mixed use (class 3 and 4) including community café, with ancillary office accommodation and meeting hall; erection of single storey extension to form additional seating areas to café; formation of access ramp, external seating area and erection of bin store with associated hard and soft landscaping works – Approved on 30<sup>th</sup> June 2023, live, but not yet implemented.

In addition, applications 230610/LBC and 230611/DPP for the installation of replacement windows and restoration works to the armorial panel and statue were both approved on 24<sup>th</sup> July 2023, so are live but not yet implemented.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed planning permission is sought for a change of use of the existing building from a residential dwelling (class 9) to a mixed use comprising class 3 (food and drink), class 4 (offices) and a community meeting hall facilitated through the creation of a single storey extension to the north of the building and associated external alterations.

A similar proposal for a change of use of the building with single storey extension and associated external alterations was approved as part of planning permission 221380/DPP and tandem listed building consent 221379/LBC. The current proposal is similar but includes material changes to the design of the single storey extension, resulting in the requirement for a new planning permission and listed building consent.

The changes from the approved scheme can be summarised as follows:

- Alterations to alignment and fenestration pattern in north elevation of extension;
- Removal of green wall on west elevation and substitution with corten steel cladding and larger window;
- Increase in width of glazed link between historic building and main body of the extension;
- Removal of metal 'fins' on western and eastern corner of north elevation;
- Introduction of air source heat pump and change in materials of bin store from timber to perforated corten cladding;
- Internal layout amended with servery repositioned to historic building and seating area contained within the extension only;
- Hard surfacing materials changed from local sourced natural granite paving to resin bound gravel with element of reclaimed granite retained.

The single storey extension would be located to the north elevation of the listed building, and would have a similar footprint as that previously approved. It would project c.6m – c.6.5m from the north elevation, and would have a maximum length of c.15m. The depth of the extension would taper towards the east. A glazed link with solid roof, c.5m in width and c. 1.5m in length, would connect the extension to the original listed building through a c.1.5m wide opening in the northern granite wall of the tower. The extension would have a modern, streamlined design and would be finished in corten steel standing seam cladding with corten steel perforated panels to both the walls and roof. Fenestration would include three vertical windows to the north elevation, a large window to the west elevation, with the south and east elevation predominantly finished in full height glazing consisting of a combination of windows and doors. The roof would have a mono-pitched design sloping down towards the listed building and would incorporate three rooflights set in line with the windows in the north elevation. Due to a change in levels across the site, the maximum height of the extension would be c.3.1m from ground level to the east, rising to c.4.1m to the west at its highest point.

The extension would provide space for seating with a servery, toilets and plant room accommodated on the ground floor of the historic building. The first floor is proposed to be used as a flexible meeting hall space with W/C, and the second floor as an open plan office with W/C and phone booth area.

Externally, a bin store and air source heat pump enclosure measuring c.5.5m width by c.1.4m depth and c.2m height, and finished in perforated corten steel would be located to the west of the building, set behind an existing granite boundary wall. Three Sheffield bike stands, providing six cycle parking spaces would be located to the south of the building. A ramp would be created from the north west corner around the building towards the main entrance which is located in the south east corner of the proposed extension. External surfacing materials are proposed as resin bound gravel and reclaimed granite paving slabs.

## **Amendments**

In agreement with the applicant, the following amendments were made to the application:

- Minor alterations to width of windows in north and west elevations;
- Minor amendment to alignment of the footprint of the single storey extension;
- Removal of rooflight over the glazed link between the extension and the original building.

## **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=S5POA0BZIK600>

- Bat Survey Report by Countrywise, dated June 2023;
- Bat Survey Report – Internal Search by Countrywise, dated January 2024;
- Design and Access Statement by Tinto;
- Photographic Survey by Tinto;
- Protected Species Report by Countrywise, dated February 2024; and
- Tree Survey Report by Struan Dalgleish Arboriculture, dated March 2023;

## **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because the application is recommended for approval and has been the subject of formal timeous objection by the Old Aberdeen Community Council and six or more timeous letters of objection have been received. It thus falls outwith the Scheme of Delegation.

## **CONSULTATIONS**

**ACC - Environmental Health** – No objection. No commercial Local Extract Ventilation System is included on the drawings. The plans do not indicate any cooking equipment within the premises. On this basis, the premise would be considered unsuitable for unrestricted hot food preparation activities due to the risk of an adverse odour impact on neighbouring property. Nevertheless, no objection in principle subject to the inclusion of a suitably worded condition setting out that cooking and frying activities are restricted unless details of a suitable Odour Impact Assessment (including a Local Extract Ventilation needs assessment) have been submitted, agreed and implemented.

It is further recommended that service deliveries/ uplifts to and from the premises are restricted to occur only between the hours of 07:00-19:00 Monday to Friday and 08:00-13:00 Saturday.

Conditions prohibiting amplified music in the outdoor seating area and that the seating area is not used after 22:00 are recommended.

**ACC - Roads Development Management Team** – No objection. The site is served by a good network of pedestrian/cycle paths, which provide a connection to public transport provision along Tillydrone Road, with bus stops located within 150m of the application site. Given no parking is provided on-site, the use will predominantly be aimed at serving the local community, university students etc. and would rely less on private car trips. It is further noted that since the upgrades of Tillydrone Road/ Tillydrone Avenue as part of the 'Third Don Crossing' project there is no scope for indiscriminate parking due to the 'at any time' waiting restrictions. Suitable cycle parking is provided through the provision of three 'Sheffield' stands.

In relation to disabled parking provision, as per previous applications, it is requested that some form of disabled parking will be provided to make the site accessible to disabled visitors. The most appropriate location would be within the bellmouth of the site entrance with a relocation of the existing bollards beyond this bellmouth. This shall not alter the use of this section of Tillydrone Road designated for cyclists and pedestrians. An alteration to the existing Traffic Regulation Order will be required. Details of this can be secured through a suitably worded condition. On this basis, the shortfall in parking is accepted.

**ACC - Waste and Recycling** – General comments in relation to business waste collection.

**Archaeology Service (Aberdeenshire Council)** – Submitted photographic survey meets requirements. No further archaeological mitigation required.

**Old Aberdeen Community Council** – Even though supportive of the principle to return the building to a sustainable use, in a careful and sensitive manner respectful of the existing listed building and park setting, and noting that much of the proposal represents a refinement of the earlier design, objects to the current proposals for the following reason:

1. Insufficient information available to assess impact of noise from Air Source Heat Pump on surrounding tranquil and quiet key gateway into the park.

Additional comments:

2. Re-states concerns in relation to removal of mature and semi-mature trees in immediate surroundings of the building;
3. Increase in size of 'glazed link' and introduction of a solid roof compromises the integrity of the listed building;
4. Replacement of existing granite flagstones to the south of the tower with resin bound gravel appears inexplicable and unjustified. This area should be retained and repaired as an attractive and significant feature of the overall listed curtilage;
5. The proposed brightness and orientation of all external lighting should be carefully controlled, notably the installation detail for LED strip lighting, to ensure there is no light spillage (either upward or outward) away from the building surface;
6. The proposed site plan includes two 'free standing signage' locations. All signage should be subject to separate advert consent applications;
7. Clarification is required in relation to the entrance area canopy, which is absent on the current proposed floorplans, but was previously shown. This is usually a Building Standards requirement at an accessible entrance to provide protection from the elements;
8. Rubbish bins should be considered for mitigation litter at and around the site;
9. Conditions from approvals 221379/LBC and 231380/DPP should be carried over where not specifically addressed in this current application;

## **REPRESENTATIONS**

A total of ten timeous letters of objection and one neutral representation were received raising the following matters:

1. Removal of mature beech trees would be contrary to policy NE5 of the ALDP and Policy 6 of NPF4;
2. Concerns removal of mature trees will adversely impact stability of steep bank to the north of the tower;
3. Design and proposed materials not in keeping with character and appearance of the Wallace Tower;
4. New extension larger than that originally proposed and out of proportion with the existing building;
5. Increase in width of glazed link would obscure more of the north elevation;
6. No disabled access to upper floors will limit their use;
7. Concerns in relation to use of modern surfacing materials and design of 'corten steel planters' by the front door;
8. Practicality of planting and maintaining a wild flower meadow on a slope is questioned;
9. There might be an element of takeaway sales for food and drink which could result in littering and encourage vermin;
10. Proposal, including removal of trees and proposed lighting scheme will have an adverse impact on habitats of protected species;
11. Wallace Tower should remain a Common Good property and should not be privately owned;
12. Other uses for the building using its existing footprint only should be explored;
13. Sufficient other cafes in the immediate surrounding area;
14. Bicycle racks, outdoor seating area and wash down area for bins not clearly shown on drawings

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 ("the 1997 Act") 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**

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.

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)



- Policy 6 (Forestry, Woodland and Trees)
- Policy 7 (Historic Assets and Places)
- Policy 8 (Green Belts)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 15 (Local Living and 20 Minute Neighbourhoods)

#### Aberdeen Local Development Plan (2023)

- Policy NE1 (Green Belt)
- Policy NE3 (Our Natural Heritage)
- Policy NE5 (Trees and Woodland)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D6 (Historic Environment)
- Policy D7 (Our Granite Heritage)
- Policy D8 (Window and Doors)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

#### **Aberdeen Planning Guidance**

- Materials
- Trees and Woodlands

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

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

#### **Other Material Considerations**

- Old Aberdeen Conservation Area Character Appraisal
- Buildings at Risk Register

### **EVALUATION**

#### **Principle of Development**

The principle of the conversion of the building and the proposed change of use is the same as that previously approved under 221380/DPP, which was assessed in the same policy context as this current application.

The site is located in the Green Belt as designated in the 2023 Aberdeen Local Development Plan (2023 ALDP). Policy 8 (Green Belts) of NPF4 sets out various types of development that might be considered acceptable in a green belt setting. This includes 'the reuse, rehabilitation and conversion of historic environment assets under Policy 8 (a)(i). These types of development generally align with that accepted in principle under Policy NE1 (Green Belt) of the 2023 ALDP. This sets out under NE1(h) that buildings in the green belt which have a historic or architectural interest will be permitted

to undergo an appropriate change of use which makes a worthwhile contribution to the visual character of the green belt.

The Wallace Tower is a Category-B listed building, and is on the 'Buildings at Risk' Register maintained by Historic Environment Scotland. Thus it can clearly be considered a building of 'historic or architectural interest' and worthy of retention. Its conversion and proposed change of use would thus fully comply with relevant parts of both local and national green belt policies.

Policy NE1 continues under NE1(i) by setting out that extensions required to facilitate a conversion/rehabilitation scheme for a historic building can be considered acceptable if the original building will remain visually dominant to the new extension; the design and siting of the extension will be sympathetic in terms of massing, detailing and materials; and it will relate well to the original building. This part of the proposal will be discussed in detail below.

Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 encourages in part (d) the sustainable reuse of existing buildings to conserve their embodied carbon, whilst Policy 12 (Zero Waste) part (b)(i) of NPF4 similarly supports proposals that will result in the reuse of existing buildings. The proposal would see a long-vacant building brought back into use, and the proposal would thus suitably comply with these parts of both policies.

Policy 15 (Local Living and 20-Minute Neighbourhoods) of NPF4 aims to create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home. In Policy 15(a) it sets out that development proposals should contribute to local living. In this case, the proposal would see the introduction of a new mixed use facility consisting of a café, meeting room and offices within an established residential area. The site is easily accessible by sustainable means of transport, including walking, cycling and wheeling, and bike parking spaces are included as part of the proposal. As such, the proposal would suitably comply with this policy and could provide a valuable additional community facility serving the immediate established residential area and also visitors to the historic area.

### **Impact on the historic building and the surrounding area**

The Wallace Tower is a Category-B listed building set within the western area of Seaton Park and falls within the Old Aberdeen Conservation Area. It has been vacant for around 20 years and is on the Buildings at Risk Register as maintained by Historic Environment Scotland.

Both Policy 7 (Historic Assets and Places) of NPF4 and Policy D6 (Historic Environment) of the 2023 ALDP support proposals for development that protect, preserve and enhance the historic environment. Policy D6 includes a presumption in favour of the retention and reuse of listed buildings, and that high quality design respecting the character, appearance and setting of the historic environment will be supported. Historic Environment Policy Scotland (HEPS), in particular policies HEP2 and HEP4 are relevant. Policy HEP2 sets out that decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations. HEP4 sets out that changes to specific assets and their context should be managed in a way that protects the historic environment, and that opportunities for enhancement should be identified where appropriate. Guidance from Historic Environment Scotland contained in 'Managing Change in the Historic Environment: Extensions (Managing Change)' sets out that most historic buildings can be extended sensitively, and that extensions must project the character and appearance of the building; should be subordinate in scale and form; should be located on a secondary elevation; and must be designed in a high-quality manner using appropriate materials. The document sets out the difference between a 'deferential contrast' where the new becomes a self-effacing backdrop against the old, and an 'assertive contrast' where the new becomes a more or less equal partner to the old.

Policy 14 (Design, Quality and Place) of NPF4 sets out that all development proposals should be designed to improve the quality of an area, and that they need to be consistent with the six qualities of successful places: healthy; pleasant; connected; distinctive; sustainable; and adaptable. Policy D1 (Quality Placemaking) of the 2023 ALDP seeks to ensure that all development follows a thorough process of site context appraisal to arrive at an appropriate proposal and that site context will differ from site to site. All proposals are required to ensure quality architecture, craftsmanship and materials; a well-considered layout; and a range of sustainable transport options. All proposals will need to meet the six essential qualities of placemaking, which are: distinctive; welcoming; safe and pleasant; easy to move around; adaptable; and resource efficient.

The proposed development is for a single storey extension to the north elevation of the existing three storey granite listed building. The extension as currently proposed would have a slightly smaller footprint of 69.5m<sup>2</sup> compared to 71.7m<sup>2</sup> as previously approved under 221380/DPP. This includes the wider link, with the main difference being a reduction in the width and realignment of the eastern portion of the extension from 3.1m to 2m. Due to the angle of the footprint of the extension, it would project between 6m and 6.5m from the north elevation of the historic building, and would have a length of c.15m. The main body of the extension would be connected through a glassed link with solid roof to the original building, with a c.1.5m opening formed in the existing northern wall. This link itself would be wider than previous approved, but the width of the opening in the listed building would be the same as that previously approved. This would minimise the loss of granite and original fabric of the building, whilst ensuring that the extension is a separate element from the original historic building. The enlargement of the link element with glazed ends, sitting in the narrow gap between the new and old elements would not detract from the character of the listed building and would provide more useable floorspace, light and opportunity for the old building to become part of the new public cafe area, adding interest.

The current proposal seeks to simplify the form, design and materials across the proposed extension, however the general language of the proposed extension and its relationship to the original listed building would remain as previously approved. The use of corten cladding was previously accepted, although its use has been extended as the proposed green wall to the west elevation has been removed and replaced with additional corten cladding. This harder finishing material is mitigated through the introduction of a large west facing window, which would make better use of late afternoon sunlight and views out across the footpath and grassed area to the west. Taken together, it is considered that the proposed extension would form an assertive contrast with the listed building and would represent a well-designed, suitably scaled contemporary extension to this building.

Internally, the proposed layout would see the cafe servery, toilets and store accommodated on the ground floor of the listed building, with all seating set within the proposed extension. The first floor would be used as a meeting room, with offices on the second floor. It is recognised that these uses are to be ancillary to the main use of the building as a community café, and that these are to be flexible. Internal alterations would see removal of modern internal partitions and installation of new partitions to create the proposed new internal layout. The partitions would be placed to avoid obscuring existing openings. Existing doors are proposed to be replaced with fire doors. It is recognised that these doors are not original and their replacement is therefore accepted under Policy D8 (Windows and Doors) of the 2023 ALDP. The proposed alterations to the existing listed building are considered appropriate and would not have an adverse impact on the fabric and character of the listed building, in compliance with relevant parts of Policy 7 (Historic Assets and Places) of NPF4, Policy D6 (Historic Environment) of the 2023 ALDP and relevant parts of Historic Environment Policy for Scotland (HEPS).

The proposal would see the removal of a section of c.3m length of granite boundary wall to the northwest and part of the existing granite north elevation to create the 1.5m wide slapping to provide

the link between the extension and the listed building. Policy D7 (Our Granite Heritage) of the 2023 ALDP sets out that the Council seeks retention and appropriate re-use, conversion and adaptation of all historic granite buildings and features such as boundary walls, and that the visible re-use of salvage materials on site is required. It is acknowledged in this instance that the amount of granite proposed to be removed from the boundary wall and the building is insufficient to be used in a meaningful way in the proposed extension. However, the submitted landscaping drawing proposes to use reclaimed granite from the site within a bench, with reclaimed granite flagstones used as part of the paving to the south of the building and in the north east corner.

Externally, a store housing bins and an air source heat pump would be located to the west of the building, set behind the existing granite boundary wall, largely obscured by it. The store would be finished in perforated corten, matching the colour and material of the proposed extension and would integrate well with the appearance of the wider development.

Level access into the site would be provided through regrading of ground to the north west of the Wallace Tower leading from the existing footpath. This section would be finished in granite setts. The remainder of the hard surfaced area surrounding the Tower would be finished in resin bound gravel with an element of reclaimed granite flagstones to the south and in the entrance into the site in the north east corner. Cycle stands are proposed to the south of the building, with space for an external seating area to the east. Further pedestrian entrances into the site comprise a stepped entrance from the footpath running along the north immediately adjacent to the east of the extension; and from the existing steps leading up to the building from Tillydrone Road to the south west.

Taken together, the proposed design of the extension, its massing and positioning to the secondary north elevation and associated landscaping, and relatively minor alterations to the Category-B listed building are considered to have due consideration to the surrounding site context, including the special character and appearance of the listed building, and its position both within Seaton Park and the Old Aberdeen Conservation Area and suitably complies with Policy 7 and Policy 14 of NPF4; policies D1, D6, D7 and D8 of the 2023 ALDP and is in line with recommendations as set out in 'Managing Change in the Historic Environment: Extensions'.

### **Buildings at Risk Register**

The Wallace Tower has been vacant for a period of around 20 years and is currently on the Buildings at Risk Register as maintained by Historic Environment Scotland. The Buildings at Risk Register has been in operation throughout Scotland since 1990 in response to a concern at the growing number of listed buildings and buildings in conservation areas that were vacant and falling in a state of disrepair. The Wallace Tower is one of a total of 57 buildings and structures within Aberdeen that is on this Buildings at Risk Register. It was first included in February 2005 when it had been vacant for about two years. At the last inspection by Historic Environment Scotland, in 2019, its condition was noted as fair but with signs of deterioration with windows and doors boarded up, a decorative sculpture damaged and mould growing on masonry. The inclusion of the Wallace Tower on the Buildings at Risk Register is a material consideration in the determination of this application.

This current application, alongside the existing permissions 230610/LBC and 230611/DPP for replacement windows and restorations to the building, would see the Wallace Tower renovated and brought back into use, subsequently remove it from the Buildings at Risk Register and secure its future. Given the building has been vacant for around 20 years, and no other viable options for its restoration and reinstatement have been promoted during that time, which can be demonstrated by the absence of other planning applications for any other use, this current scheme is considered to provide a much needed opportunity to restore the building and bring it back into use. The development proposal, and removing the Wallace Tower from the Buildings at Risk Register would not only improve the condition of the building itself, but also the setting and character of this part of Seaton Park and the wider Old Aberdeen Conservation Area. In that respect, it is noted that the Old

Aberdeen Conservation Area Character Appraisal notes the inclusion of the building on the Buildings at Risk Register as a weakness in its assessment of this part of the Conservation Area, which would be addressed through implementation of the proposal.

### **Impact on Residential Amenity**

Policy D2 (Amenity) of the 2023 ALDP seeks to ensure that all development would not have a detrimental impact on residential amenity of existing properties, including due to odour and noise. Due to the building's location within Seaton Park, the nearest residential property – 50 Tillydrone Road, is set at a distance of c.35m to the west. This distance is sufficient to ensure that the proposed change of use would not have an adverse impact on the residential amenity of this property due to noise, including that potentially arising from the air source heat pump, loss of privacy or overshadowing/ loss of day and sunlight. This position is agreed by the Environmental Health Service.

No detailed proposals have been submitted in relation to an assessment of the impact of the preparation of hot food on the premises. Whilst Environmental Health would not object to the principle of preparing hot food, they currently have insufficient information to determine whether this would result in an adverse odour impact. A condition is therefore recommended restricting the preparation of hot food, unless sufficient information in the form of a detailed Odour Impact Assessment and local ventilation extraction system has been submitted demonstrated that there would be no adverse impact on residential amenity.

External lighting would be directed at the Wallace Tower only, and would not spill into Seaton Park, nor would it cause any reason for concern in relation to the residential amenity of the occupants of 50 Tillydrone Road.

### **Trees**

Policy 6 (Forestry, Woodland and Trees) of NPF4 aims to protect and expand forests, woodlands and trees, and sets out that development will not be supported where it will result in an adverse impact on native woodlands, hedgerows and individual trees of high biodiversity value. Policy NE5 (Trees and Woodlands) of the 2023 ALDP sets out that development should not result in the loss of, or damage to, trees and woodlands; and that where tree removal takes place or is necessary for good arboricultural reasons, replacement planting will be required to ensure an overall net gain in tree cover.

The application site itself contains a single cherry tree. Due to the site's location on the western edge of Seaton Park, it is in close proximity to a number of other trees, in particular those on the top of the embankment above the River Don. The application is supported by a detailed tree survey which includes trees in the immediate area that might be affected by the proposed development. Immediately to the east and south of the site is a cluster of trees including three Norway maples, two cherry trees and a group of smaller trees and shrubs. To the north, on the other side of the footpath, is a densely wooded steeply graded bank running down towards the River Don, which incorporates mature beech trees, some of which lie close to the northern edge of the footpath.

The proposed extension would have a similar footprint and would be in the same position as that previously approved as part of applications 221379/LBC and 221380/DPP in June 2023. The impact it would have on nearby trees is therefore also the same as that previously approved. This existing permission is a material consideration.

A total of eight trees would be removed. These include the cherry tree within the application site, two ornamental cherry trees and three Norway maples to the south and east set in the park. The submitted Tree Survey sets out that the Norway maples are in a poor condition, whereas the ornamental cherry trees are proposed to be removed due to their proximity to the original tower and

the proposed works. The proposed development would result in the further loss of three mature beech trees on the northern edge of the footpath as the footprint of the proposed extension would encroach significantly into their root protection area, on the southern side of the footpath. It is acknowledged that these trees make a positive contribution to the visual amenity and character of the surrounding area, landscape character and biodiversity. As a result of the loss of these trees, the proposal would fail to comply with Policy 6 (Forestry, Woodland and Trees) of NPF4 and Policy NE5 (Trees and Woodlands) of 2023 ALDP.

The applicant has, however, confirmed agreement to provide replacement trees in other parts of Seaton Park. Following a discussion with the Council's Environmental Services, an indicative drawing has been submitted showing potential locations and suggested species for proposed replacement planting. Details of number, species, size and exact location can be secured through a suitably worded condition, with exact details to be agreed with the Council's Environmental Services who would ultimately be responsible for them. This replacement planting would provide some mitigation for the loss of the existing mature trees. Due to the tight site boundary, levels change and relatively small curtilage surrounding the Wallace Tower, the only realistic location for an extension is to the north, and, due to the size of the affected trees, any extension in this position is likely to result in a significant encroachment in the root protection area of the three beech trees opposite.

A further consideration is the entry of the long-vacant Category-B listed building on the 'Buildings at Risk' Register. It has been vacant for around 20 years. The current proposed use as a café with meeting room and offices facilitated through the construction of a relatively modest sized single storey extension to the north elevation, is the only concrete proposal that has come forward for its reuse and restoration during that entire period. The benefit of restoration of the building and enabling it to be used again by the community, in this instance, is considered to outweigh the loss of these mature trees. The conflict with Policy 6 of NPF4 and Policy NE5 of 2023 ALDP as set out above is therefore accepted.

### **Natural Heritage**

Policy 3 (Biodiversity) of NPF4 and Policy NE3 (Our Natural Heritage) of the 2023 ALDP sets out that proposed development should not have a detrimental impact on protected species. Due to its proximity to the River Don, surrounding wooded areas and fabric of the building, the site is in an area considered suitable as a bat habitat. A bat survey, including an internal search of the building and a preliminary roost assessment of trees proposed to be felled or pruned has been undertaken. The bat survey demonstrated that although bats were present in the surrounding area, the building itself was not used for roosting, with the internal search of the building finding no evidence of it being used by bats. The preliminary roost assessment found that the beech trees to the north of the site on the bank have features that could be suitable for roosting bats, however a further protected species survey found no signs of other protected species in the affected trees. The surveys concluded that the proposal would have a low risk of impacting on protected species provided that works to the trees are carried out outside the bird nesting season and when bats are at their least vulnerable, either March-April or between September and November. In addition, it is recommended that a licensed bat surveyor checks the trees one week before any tree works to check for evidence of roosting bats. These recommendations can be part of a suitably worded condition.

The application included details of an external lighting scheme. The proposed lighting scheme does not direct any lights towards the roof of the building and is not considered to have a detrimental impact on protected species.

On that basis, the development is considered to comply with Policy NE3 of the 2023 ALDP as the proposal would not have an adverse impact on protected species. The loss of the mature trees in and around the application site would have a negative impact on biodiversity in the immediate

surrounding location, contrary to the requirements of Policy 3 of NPF4. However, given the character of the surrounding area where these trees make up a small part of the overall wooded cover, it is deemed that this impact can be absorbed by the remaining tree cover and replacement planting.

## **Other matters**

### Parking and Access

No on-site parking can be provided. This is acceptable given the elevated location of the application site within Seaton Park. The site is set within an established network of walking and cycling routes and is in close proximity to the bus route running along Tillydrone Road and Tillydrone Avenue to the south. Following the opening of the Third Don Crossing, parking restrictions are in place, and there should be no indiscriminate parking resulting from the proposed development. On that basis, the provision of no parking is accepted. It is recommended that provision is made for a single disabled parking space in the existing bellmouth off Tillydrone Road. A condition is recommended requesting further details of the creation of this disabled parking space.

Three Sheffield cycle stands providing a total of six bike parking spaces are shown on the proposed site plan. This would be acceptable.

### Waste Storage

The proposed site plan shows a bin store to the west of the building which would be capable of accommodating all required bins.

### Low and Zero Carbon Building

Policy R6 (Low and Zero Carbon Buildings and Water Efficiency) of 2023 ALDP sets standards in relation to installation and operation of low and zero carbon generating technologies. The requirements of this policy do not apply to proposals for conversion or change of use of buildings. As such, this policy is not applicable to this current proposal. However, the applicant has included the installation of an air source heat pump, which would be welcomed and considered suitable in relation to the above policy.

## **Tackling the Climate and Nature Crises and Climate Mitigation**

Consideration must be given to Policy 1 (Tackling the Climate and Nature Crises) and Policy 2 (Climate Mitigation and Adaptation) of NPF4. Policy 1 gives significant weight to the global climate and nature crises in order to ensure that it is recognised as a priority in all plans and decisions. Policy 2 states that emissions from new development are minimised as far as possible. In addition, Policy 12 (Zero Waste) of NPF4 seeks the prioritisation of the reduction and reuse of materials in construction.

In this case, the proposal would see the re-use of an existing long-vacant building, which would ensure it, and its embodied carbon, would be retained, thus minimising waste. Throughout NPF4, proposals that would result in the reuse of an empty building are generally supported as they tend to have a lower impact on the environment than proposals for new buildings. The principle of extending this existing building is acceptable as it would allow the original, historic building to be brought back into use. As such, even though the extension itself would require the use of new materials, this would be outweighed by restoring and reusing the existing historic building. The proposed extension, due to its orientation and design, which would see smaller elements of glazing to the north elevation and larger elements of glazing to the west, south and east elevations, would be considered to have been designed with climate change and adaptations in mind.

As such, it is considered that sufficient consideration is taken of the above policies.

## **Matters raised by Old Aberdeen Community Council**

1. Insufficient information available to assess impact of noise from Air Source Heat Pump on

surrounding tranquil and quiet key gateway into the park a data sheet - *The proposed air source heat pump would be located within an enclosure and set immediately adjacent to the granite boundary wall, which would largely obscure it. Both these structures would assist somewhat in acoustic attenuation of the air source heat pump. An indicative unit has been identified, and data sheet provided. However, this might not necessarily be the one ultimately commissioned. As such, a suitably worded condition can be attached to any decision notice seeking further submission of details of the proposed air source heat pump. In addition, it is considered that the site is located in a semi-urban location near Tillydrone Road where there will always be an element of background noise and therefore protected species found in this location would likely be able to adapt to changes in noise level. The same would be applicable to the enjoyment of the park by users.*

Additional comments:

2. Comments in relation to removal of trees; design; impact on listed building; hard and soft landscaping scheme have been addressed in the evaluation above;
3. An informative can be attached advising the applicant of the separate requirement for advertisement consent in relation to the two 'free standing signage' locations;
4. All relevant conditions from decision notices 221379/LBC and 221380/DPP that haven't been addressed in detail in this current application are to be carried over into any new decision notice;
5. A suitable lighting plan has been submitted as part of the application.

### **Matters raised in letters of objection**

1. Material considerations in relation to removal of trees; protected species; design; proposed materials; impact of the proposal on the character of the listed building and the Old Aberdeen Conservation Area are all discussed in the evaluation above;
2. Matters in relation to disabled access to upper floors are addressed through the Building Warrant process;
3. The proposal is for a class 3 (food and drink) use, which is defined in the Use Classes (Scotland) Order as 'Use for the sale of food or drink for consumption on the premises'. It is however reasonably expected that this would include an element of hot drinks for consumption off the premises – as generally considered expected for similar types of cafes elsewhere in Aberdeen, for example the Park Café in Hazlehead Park or Duthie Park. This activity, related to the Class 3 cafe use is reasonably considered to be 'de minimis' and would not require a further consent. As such, the application should be assessed under the current description and not as a hot food takeaway and comments related to littering/vermin in association to the consumption of hot drinks of the premises cannot be taken into consideration;
4. Matters in relation to the sale of Wallace Tower and the location of other cafes in the vicinity are civil matters and not a material planning consideration;
5. The Planning Service can only assess the proposal that is submitted and not explore other options that are not subject of a planning application;

### **RECOMMENDATION**

Approve Conditionally

### **REASON FOR RECOMMENDATION**

The principle of the proposed change of use facilitated through the construction of a single storey extension and additional alterations to the listed building and associated site layout would constitute a type of development compliant with Policy 8 (Green Belt), Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and Policy 12 (Zero Waste) of NPF4 and NE1 (Green Belt) of the 2023 Aberdeen Local Development Plan as it would see the reuse of a vacant building of historic interest in the green belt.



The proposed extension, due to its high quality design, and appropriate scale, massing and positioning is considered to make a suitable assertive contrast with the Category-B listed building whilst ensuring it remains subservient to the scale and character of the original building. It would allow the listed building, which has been vacant for around 20 years, to be brought back into use, thus removing it from Historic Environment Scotland's 'Buildings at Risk' Register. Proposed alterations to the listed building, including the forming of an opening in the north elevation and alterations to the existing boundary wall, respect the character and fabric of the listed building. Taken together, the proposal is considered to have a positive impact on both the special character of the listed building and the surrounding area, which is characterised by its position within Seaton Park and the Old Aberdeen Conservation Area. This would be in compliance with Policy 7 (Historic Assets and Places); Policy 14 (Design, Quality and Place) of NPF4 and Policies D1 (Quality Placemaking), D6 (Historic Environment), D7 (Our Granite Heritage) and D8 (Windows and Doors) of the 2023 Aberdeen Local Development Plan; relevant parts of Historic Environment Policy for Scotland (HEPS) and Historic Environment Scotland: Managing Change in the Historic Environment: 'Extensions'.

The community facility would be set within an existing network of walking and cycling routes serving the surrounding residential areas, with direct access to bus routes running along Tillydrone Road. Cycle store facilities and, subject to a suitably worded condition, a disabled parking space would be provided, as would sufficient bin storage. Given the distance between the development site and the nearest residential property, it would have no adverse impact on their residential amenity. This would all be in line with Policy 13 (Sustainable Transport) and Policy 15 (Local Living and 20-Minute Neighbourhoods) of NPF4, and policies D2 (Amenity), T2 (Sustainable Transport), T3 (Parking) and R5 (Waste Management Requirements in New Developments) of the 2023 Aberdeen Local Development Plan.

The proposal would have no adverse impact on protected species and given the premise of the proposal is to enable the reuse of an existing, long vacant building, is considered not to have a significant impact on the climate and nature crises, whilst the extension has been designed to mitigate any future impacts of climate change. It would thus comply with Policy 1 (Tackling the Climate and Nature Crises), Policy 2 (Climate Mitigation and Adaptation), Policy 3 (Biodiversity) and Policy 12 (Zero Waste) of NPF4 and Policy NE3 (Our Natural Heritage) of the 2023 Aberdeen Local Development Plan.

The proposal would result in the loss of a total of eight trees within and surrounding the application site. It would thus conflict with Policy 6 (Forestry, Woodland and Trees) of NPF4 and Policy NE5 (Trees and Woodlands) of the 2023 Aberdeen Local Development Plan. However, in this instance it is considered that the proposed development, which would see long-vacant Category B-listed building brought back into a use accessible to the general public, and which would remove this building from the Historic Environment Scotland's 'Building at Risk' Register, would outweigh the loss of the trees, subject to a suitable replacement planting scheme elsewhere in Seaton Park. On that basis, the conflict with these policies is accepted in this instance.

There are no other material considerations that would warrant refusal of the application.

## **CONDITIONS**

### (01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 Act.

#### (02) EXTERNAL MATERIALS DETAILS

That no development shall take place unless a scheme/samples detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed.

Reason – in the interest of visual amenity

#### (03) IMPLEMENTATION LANDSCAPING SCHEME

That all planting, seeding and turfing comprised in the approved scheme of landscaping consisting of the drawings 'Planting Plan'; 'Planting Legend' and 'Hard Landscape Materials Plan' by Heather Dale Garden Design, dated 19<sup>th</sup> January 2024 shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority.

Reason - in the interests of the amenity of the area.

#### (04) TREE REPLACEMENT SCHEME

That prior to the commencement of the development hereby approved no trees will be removed from within or outside the site unless details of a suitable tree replacement planting scheme has been submitted to, and approved in writing by the Planning Authority in consultation with Environmental Services. For the avoidance of doubt, replacement trees shall be located within the boundary of Seaton Park, and the details to be submitted shall include a specification of their locations, number, species, sizes and stage of maturity at planting.

Reason – In the interest of visual amenity and to ensure appropriate tree cover will remain in Seaton Park

#### (05) TREE PROTECTION MEASURES (01)

That no development shall take place until tree protection barriers as shown on drawing 'Tree Survey Drawing' by Struan Dalgleish, April 2023 have been erected. Once in place, these tree protection barriers shall remain in situ until construction of the hereby approve development has been completed and all plant and machinery have been removed from site.

Reason – In the interest of protection of trees

#### (06) TREE PROTECTION MEASURES (02)

That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the scheme of tree protection as shown on drawing 'Tree Survey Drawing' by Struan Dalgleish, April 2023 - without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks

Reason - In order to ensure adequate protection for the trees on site during the construction of the development.

**(07) COOKING RESTRICTIONS**

That no cooking or frying operations (including but not limited to deep fat frying, shallow frying, oven cooking, boiling, stewing, grilling or broiling) shall be carried out on the premises, unless a suitable Odour Impact Assessment (including a Local Extract Ventilation needs assessment) by a competent person, in line with relevant guidance, has been submitted to and approved in writing by the Planning Authority in consultation with Environmental Health, and subsequently the Local Extract Ventilation system has been installed in accordance with the approved details.

Reason – In the interest of amenity

**(08) INSTALLATION BIN AND BIKE STORE**

That the development hereby approved shall not be brought into use until the bin store and bike stands as specified on drawings PL(00)101A and PL(04)103 have been installed and are available for use unless otherwise agreed in writing.

Reason – In the interest of public health and to promote sustainable transport methods

**(09) DISABLED PARKING SPACE**

That the development hereby approved shall not be occupied until details of a disabled parking space to be provided in the bellmouth off Tillydrone Road have been submitted to and agreed in writing by the Planning Authority and the disabled parking space subsequently installed in accordance with the approved details.

Reason – To ensure accessible access to the development.

**(10) INSPECTION OF TREES (PROTECTED SPECIES)**

That one week prior to any tree works, a licensed bat surveyor shall carry out a check of any affected trees to establish whether any evidence of roosting bats or other protected species are present. If any protected species are found in the trees, then felling must be delayed until the end of the season and carried out under license as appropriate.

Reason – In the interest of protection of protected species.

**(11) DELIVERIES**

That service deliveries/ uplifts to and from the premises shall not occur other than during the hours from 07:00 until 19:00, Mondays to Fridays and during the hours from 08:00 until 13:00, unless the planning authority has given prior written approval for a variation.

Reason - In order to preserve the amenity of the neighbourhood.

**(12) EXTERNAL SEATING AREA**

That the external seating area approved as part of this development shall not be used after 22:00 and that no amplified music shall be used in the external seating area.

Reason – In order to preserve the amenity of the neighbourhood

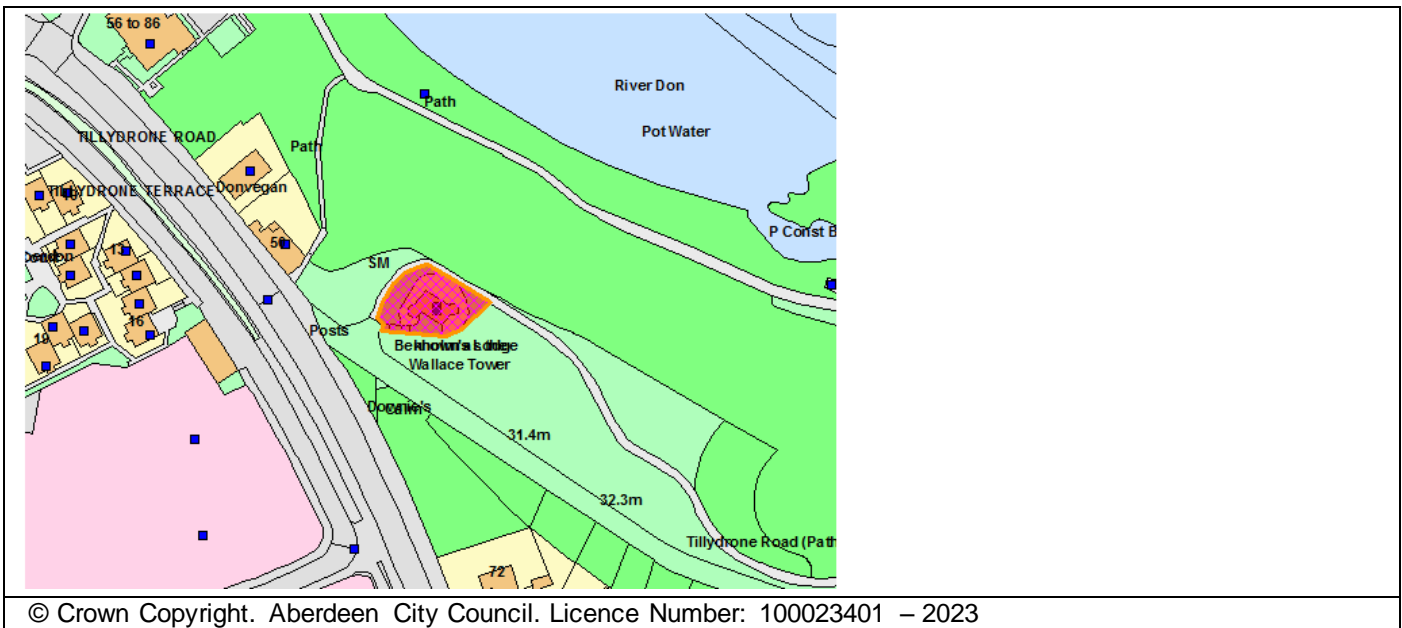
**ADVISORY NOTES FOR APPLICANT**

The applicant is advised that any freestanding signage in the locations indicated on drawing PL(00)103A require separate advertisement consent. For further information, please contact Planning and Building at [pi@aberdeencity.gov.uk](mailto:pi@aberdeencity.gov.uk) or 01224-053746.



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|---|---|
|  <p><b>ABERDEEN</b><br/>CITY COUNCIL</p> | <h2 style="margin: 0;">Planning Development Management Committee</h2> |
|   | <p>Report by Development Management Manager</p>                       |
|   | <p><b>Committee Date:</b> 18 April 2024</p>                           |

|                                 |   |
|---------------------------------|---|
| <b>Site Address:</b>            | Wallace Tower, Tillydrone Road, Aberdeen AB24 2TP   |
| <b>Application Description:</b> | Conversion of existing building to form community cafe with ancillary office accommodation and ancillary meeting hall; erection of single storey extension; associated external and internal alterations including to internal partitions; creation of new door opening; and replacement internal doors; formation of external seating area and bin store with associated soft and hard landscaping works |
| <b>Application Ref:</b>         | 231582/LBC  |
| <b>Application Type</b>         | Listed Building Consent   |
| <b>Application Date:</b>        | 10 January 2024   |
| <b>Applicant:</b>               | Tillydrone Community Development Trust  |
| <b>Ward:</b>                    | Tillydrone/Seaton/Old Aberdeen  |
| <b>Community Council:</b>       | Old Aberdeen  |



## RECOMMENDATION

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The application site is formed by an irregular shaped site extending to c.450m and consists of the Wallace Tower (also known as Benholm's Lodgings) and its immediate surrounding curtilage, which is enclosed in part by a granite boundary wall to the north and west and in part by low level metal railings. The tower occupies an elevated position, and is located in the south west corner of Seaton Park, near Tillydrone Road, which runs c.25m to the south west.

The building has an unusual history as it was originally located on Netherkirkgate in the city centre, but was moved to its current location in the 1960s and rebuilt as a three storey Z-plan towerhouse. It is constructed from granite with a slated roof, with two corner turrets and crow (corbie) stepped gables. The building itself was Category-B listed in 1967, after its move and reconstruction. It includes various decorative features, including an armorial panel and recessed sculptured figure set within the northern tower. The building has been vacant for around 20 years, with its last use as a residential dwelling through to have ceased in 2003. It is in a relatively poor condition, with all windows and doors boarded up, and has been on the 'Buildings at Risk' register since 2005, which is maintained by Historic Environment Scotland.

The site is bounded to the north by a footpath running through the park forming a connection between Tillydrone Road to the west and to The Chanonry, St Machar Cathedral and the main body of Seaton Park to its east and north. To the north of this footpath is a wooded area sloping down steeply to the River Don. East of the site is a grassed area forming part of the wider park; to its south is the pedestrianised historic section of Tillydrone Road, which is laid in granite cassies, separated from the main park and the Wallace Tower by a Category-B listed granite rubble wall. There is a distinct change in levels between Tillydrone Road and the Wallace Tower, and the building is a prominent feature in views to the east from this road, forming part of the entrance into Seaton Park from this direction.

### **Relevant Planning History**

The site has been subject to various previous applications for a similar proposal as follows:

- 141336 – Listed building consent for proposed change of use and extension to former residential property to form new community café and ancillary community and office accommodation – Approved on 23<sup>rd</sup> February 2015;
- 141400 – Detailed planning permission for change of use from residential dwelling (class 9) to mixed use (class 3 and 4) to form community café and ancillary accommodation – Approved on 28<sup>th</sup> January 2015, permission not implemented and now lapsed;
- 211613/LBC – Conversion of existing building to form community café and ancillary office accommodation; erection of two storey extension to form additional seating areas to café; alterations to internal partitions; formation of access ramp, external seating area and erection of bin store with associated hard and soft landscaping works – Withdrawn;
- 211657/DPP – Change of use from residential dwelling (class 9) to mixed use (class 3 and 4) including community café and ancillary office accommodation; erection of two storey extension to form additional seating areas to café; formation of access ramp, external seating area and erection of bin store with associated hard and soft landscaping – Withdrawn;
- 221379/LBC – Conversion of existing building to form community café with ancillary office accommodation and meeting hall; erection of single storey extension to form additional seating areas to café; alterations to internal partitions; formation of access ramps, external seating area and erection of bin store with associated hard and soft landscaping works – Approved on 30<sup>th</sup> June 2023, valid, but not yet implemented;
- 221380/DPP – Change of use from residential dwelling (class 9) to mixed use (class 3 and 4)

including community café, with ancillary office accommodation and meeting hall; erection of single storey extension not form additional seating areas to café; formation of access ramp, external seating area and erection of bin store with associated hard and soft landscaping works – Approved on 30<sup>th</sup> June 2023, valid, but not yet implemented; and

- 231583/DPP – Change of use from residential dwelling (class 9) to mixed use (class 3 and 4) including community café, ancillary office accommodation and meeting hall; erection of single storey extension; formation of external seating area; erection of bin store and associated hard and soft landscaping works including cycle parking – Under consideration

In addition, applications 230610/LBC and 230611/DPP for the installation of replacement windows and restoration works to the armorial panel and statue were both approved on 24<sup>th</sup> July 2023, so are valid, but not yet implemented.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Listed building consent is sought for the construction of a single storey extension, internal alterations to the building, formation of access ramp, external seating area, bin store and hard and soft landscaping to facilitate a change of use of the building from a residential dwelling (class 9) to a mixed use comprising a community café (class 3), offices (class 4) and meeting room.

A similar proposal for a change of use of the building facilitated through the construction of a single storey extension and associated internal and external alterations was approved as part of listed building consent 221379/LBC and detailed planning permission 221380/DPP. The current proposal is similar, but would see material changes to the design of the single storey extension resulting in the requirement for a new detailed planning permission and listed building consent.

The changes from the approved scheme can be summarised as follows:

- Alteration to alignment and fenestration pattern in north elevation of extension;
- Removal of green wall on west elevation and change of materials to corten steel cladding and larger west facing windows;
- Increase in width of link between historic building and main body of the extension;
- Removal of metal ‘fins’ on western and eastern corner of the north elevation;
- Introduction of air source heat pump and change in material of bin store from timber to perforated corten cladding;
- Internal layout amended with servery repositioned to historic building and seating area contained within the extension only;
- Hard surfacing materials changed from local sourced natural granite paving to resin bound gravel with element of reclaimed granite retained.

The single storey extension would be located to the north elevation of the listed building – between the northern elevation and the footpath, and would have a similar footprint as that currently approved. It would project c.6m – c.6.5m from the north elevation, and would have a maximum length of c.15m. The depth of the extension would taper towards the east. A glazed link with solid roof, c.5m in width and c.1.5m in length, would connect the extension to the original listed building through a c.1.5m wide opening in the northern granite wall of the tower. The extension would have a modern, streamlined design and would be finished in corten steel standing seam cladding with corten steel perforated panels to both the walls and roof. Fenestration would include three vertical windows to the north elevation, a large window to the west elevation, with the south and east elevation predominantly finished in full height glazing consisting of a combination of windows and doors. The roof would have a mono-pitched design sloping down towards the listed building and would incorporate three rooflights set in line with the windows in the north elevation. Due to a change

in levels across the site, the maximum height of the extension would be c.3.1m from ground level to the east, rising to c.4.1m to the west at its highest point.

The extension would provide space for seating with a servery, toilets and plant room accommodated on the ground floor of the historic building. The first floor is proposed to be used as a flexible meeting hall space with W/C and the second floor as an open plan office with W/C and phone booth area. Internal alterations predominantly consist of the removal of modern partitions and installation of new partitions to provide toilets on all floors. In addition, existing internal doors providing access to upper floors would be replaced with replacement internal doors of a traditional design that would meet current building standards regulations in relation to fire ratings.

Externally, a bin store and air source heat pump enclosure measuring c.5.5m width by c.1.4m depth and c.2m height, and finished in perforated corten steel would be located to the west of the building, set behind an existing granite boundary wall. Three Sheffield bike stands, providing six cycle parking spaces would be located to the south of the building. A ramp would be created from the north west corner around the building towards the main entrance which is located in the south east corner of the proposed extension. External surfacing materials are proposed as resin bound gravel and reclaimed granite paving slabs.

## **Amendments**

In agreement with the applicant, the following amendments were made to the application:

- Minor alterations to width of windows in the north and west elevations;
- Minor amendments to alignment of the footprint of the single storey extension; and
- Removal of rooflight over the glazed link between the extension and original building.

## **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=S5PO9KBZIK300>

- Bat Survey Report by Countrywise, dated June 2023;
- Bat Survey Report – Internal search by Countrywise, dated January 2024;
- Design and Access Statement by Tinto;
- Photographic Survey by Tinto;
- Protected Species Report by Countrywise, dated February 2024; and
- Tree Survey Report by Struan Dalgleish Arboriculture, dated March 2023.

## **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because the application is recommended for approval and has been the subject of formal timeous objection by the Old Aberdeen Community Council and six or more timeous letters of objection have been received. It thus falls outwith the Scheme of Delegation.

## **CONSULTATIONS**

**Historic Environment Scotland (HES)** – The proposal is to convert the building into a community café and ancillary office accommodation, which includes a one storey extension on the rear, north facing elevation.



HES was consulted on previous applications for this scheme, most recently in April 2023 (221379/LBC). HES continue to welcome the proposal in principle as it would enable the reuse of a building on the Buildings at risk Register since 2005.

This fifth application proposes a single storey extension with a partially glazed link connecting it to the tower. The link would be wider than previously proposed, but the new opening between it and the tower would be no wider than the consented scheme. HES is content with this amendment.

HES also notes alterations to the extension design, including an additional roof light, replacement of the green wall with glazing, and reconfigured windows on the north elevation, which HES are also content with.

Planning Authorities are expected to treat HES's comments as a material consideration, and this advice should be taken into account in decision making. HES's view is that the proposals do not raise historic environment issues of national significance and therefore does not object. However, HES's decision not to object should not be taken as support for the proposals. This application should be determined in accordance with national and local policy on listed building consent, together with related policy guidance.

**Old Aberdeen Community Council** – Even though supportive of the principle to return the building to a sustainable use, in a careful and sensitive manner respectful of the existing listed building and park setting objects to the current proposals for the following reason:

1. Insufficient information available to assess the impact of noise from Air Source Heat Pump on surrounding tranquil and quiet key gateway into the park.

Additional comments:

2. Re-states concerns in relation to removal of mature and semi-mature trees in immediate surroundings of the building;
3. Increase in size of 'glazed link' and introduction of a solid roof compromises the integrity of the listed building;
4. Replacement of existing granite flagstones to the south of the tower with resin bound gravel appears inexplicable and unjustified. This area should be retained and repaired as an attractive and significant feature of the overall listed curtilage;
5. The proposed brightness and orientation of all external lighting should be carefully controlled, notably the installation detail for LED strip lighting, to ensure there is no light spillage (either upward or outward) away from the building surface;
6. The proposed site plan includes two 'free standing signage' locations. All signage should be subject to separate advert consent applications;
7. Clarification is required in relation to the entrance area canopy, which is absent on the current proposed floorplans, but was previously shown. This is usually a Building Standards requirement at an accessible entrance to provide protection from the elements;
8. Rubbish bins should be considered for mitigation litter at and around the site;
9. Conditions from approvals 221379/LBC and 221380/DPP should be carried over where not specifically addressed in this current application.

## **REPRESENTATIONS**

A total of eleven timeous letters of objection and one neutral representation were received raising the following matters:

1. This remnant of Benholm's Lodging should remain intact, and have no additions made to it. This current application would do much less damage to the conserved relic than earlier ones and that

the addition on the north side is relatively un-obtrusive from the Tillydrone Road side.

2. Removal of mature beech trees would be contrary to policy NE5 of the ALDP and Policy 6 of NPF4;
3. Concerns removal of mature trees will adversely impact stability of steep bank to the north of the tower;
4. Design and proposed materials not in keeping with character and appearance of the Wallace Tower;
5. New extension larger than that originally proposed and out of proportion with the existing building;
6. Increase in width of glazed link would obscure more of the north elevation;
7. No disabled access to upper floors will limit their use;
8. Concerns in relation to use of modern surfacing materials and design of 'corten steel planters' by the front door;
9. Practicality of planting and maintaining a wild flower meadow on a slope is questioned;
10. There might be an element of takeaway sales for food and drink which could result in littering and encourage vermin;
11. Proposal, including removal of trees and proposed lighting scheme will have an adverse impact on habitats of protected species;
12. Wallace Tower should remain a Common Good property and should not be privately owned;
13. Other uses for the building using its existing footprint only should be explored;
14. Sufficient other cafes in the immediate surrounding area;
15. Bicycle racks, outdoor seating area and wash down area for bins not clearly shown on drawings

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

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. 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.

- Policy 7 (Historic Assets and Places)

#### **Aberdeen Local Development Plan (2023)**

- Policy D6 (Historic Environment)
- Policy D8 (Windows and Doors)

## Aberdeen Planning Guidance

- Materials

## Other National Policy and Guidance

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

## Other Material Considerations

- Old Aberdeen Conservation Area Character Appraisal
- Buildings at Risk Register

## EVALUATION

### Impact on the special character of the listed building

The Wallace Tower is a Category-B listed building set within the western area of Seaton Park and the Old Aberdeen Conservation Area, and is currently listed on the Buildings at Risk Register as maintained by Historic Environment Scotland. It has been vacant for around twenty years.

Policy 7 (Historic Assets and Places) of NPF4 sets out that development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Historic Environment Policy Scotland (HEPS) contains various policies relevant to decision making in relation to historic assets. In this case, policies HEP2 and HEP4 are particularly relevant. Policy HEP2 sets out that decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations. HEP4 sets out that changes to specific assets and their context should be managed in a way that protects the historic environment, and that opportunities for enhancement should be identified where appropriate. Policy D6 (Historic Environment) of the 2023 Aberdeen Local Development Plan (2023 ALDP) sets out that development must protect, preserve and enhance Aberdeen's historic environment, including its historic fabric. Appropriate developments must be designed to respect the character, appearance and setting of the historic environment and protect the special architectural or historic interest of listed buildings.

Guidance from Historic Environment Scotland contained in 'Managing Change in the Historic Environment: Extensions' (Managing Change) sets out that most historic buildings can be extended sensitively, and that extensions must project the character and appearance of the building; should be subordinate in scale and form; should be located on a secondary elevation; and must be designed in a high-quality manner using appropriate materials. The document sets out the difference between a 'deferential contrast' where the new becomes a self-effacing backdrop against the old, and an 'assertive contrast' where the new becomes a more or less equal partner to the old.

The proposed development is for a single storey extension to the north elevation of the existing three storey granite listed building. The extension as currently proposed would have a slightly smaller footprint of 69.5m<sup>2</sup> compared to 71.7m<sup>2</sup> as previously approved under both 221379/LBC and 221380/DPP. This includes the wider link, with the main difference being a slight reduction in the width and realignment of the eastern portion of the extension from 3.1m to 2m. Due to the angle

of the footprint of the extension, it would project between 6m and 6.5m from the north elevation of the historic building, and would have a length of c.15m. The main body of the extension would be connected through a glassed link with solid roof to the original building, with a c.1.5m wide opening formed in the existing northern wall. Details of the proposed opening have been submitted as part of this current application. This link itself would be wider than previously approved, but the width of the opening in the listed building would be the same as that previously approved. This would minimise the loss of granite and original fabric of the building, whilst ensuring that the extension is a separate element from the original historic building. The enlargement of the link element with glazed ends, sitting in the narrow gap between the new and old elements would not detract from the character of the listed building, and would provide more usable floorspace, light and opportunity for the old building to become part of the new public café area, adding interest.

Internally, the proposed layout would see the café servery, toilets and store accommodated on the ground floor of the listed building, with all seating within the proposed extension. The first floor would be used as a meeting room, with offices on the second floor. Internal alterations would see removal of modern internal partitions and installation of new partitions to create the proposed new internal layout. The partitions would be placed to avoid obscuring existing openings. Existing internal doors are to be replaced with fire doors. Details of the replacement doors have been submitted. It is recognised that these doors are not original and their replacement is accepted under Policy D8 (Windows and Doors) of the 2023 ALDP. The proposed alterations to the existing listed building are considered appropriate and would not have an adverse impact on the fabric and character of the listed building, in compliance with the relevant parts of Policy 7 (Historic Assets and Places) of NPF4, Policies D6 (Historic Environment) and D8 (Windows and Doors) of 2023 ALDP and relevant parts of Historic Environment Policy for Scotland (HEPS).

The proposal would see the removal of a section c.3m length of granite boundary wall to the northwest. The removal of this relatively short section of granite boundary wall would not result in a detrimental impact on the special character of the building, or would adversely affect its setting. Similarly, removal of the low metal railings forming the east and north boundary of the curtilage of the building would not have an impact on the setting of the Category-B listed building.

Externally, an enclosure formed out of corten steel cladding would accommodate bins and an air source heat pump. This enclosure would be to the west of the building, set behind and protruding slightly, above the existing granite boundary wall. The enclosure is minimal in its design and height to reduce the impact this essential feature would have on the appearance of the wider site. Due to the proposed site layout, the area to the west of the building acts as a more functional, utilitarian part of the site, in part due to the limited amount of space in this area and the additional screening provided by the existing granite boundary wall. The proposed enclosure would thus not intrude on the character and appearance of both the existing listed building and the main elevations of the proposed extension and its positioning is appropriate whilst allowing for sufficient space to store and manoeuvre all required bins.

Level access into the site would be provided through regrading of ground to the north west of the Wallace Tower leading from the existing footpath. This section would be finished in granite setts. The remainder of the hard surfaced area surrounding the Tower would be finished in resin bound gravel with an element of reclaimed granite flagstones to the south and in the entrance into the site in the north east corner. Cycle stands are proposed to the south of the building, with space for an external seating area to the east. Further pedestrian entrances into the site comprise a stepped entrance from the footpath running along the north immediately adjacent to the east of the extension; and from the existing steps leading up to the building from Tillydrone Road to the south west.

Taken together, it is considered that due to the high quality of the proposed design of the extension, its massing and positioning to the secondary north elevation and associated landscaping, the

proposed extension would not have an adverse impact on the special character of the existing category B listed building and its setting. In addition, internal alterations, including the replacement of internal doors, would not have an adverse impact on the special character and fabric of the category B listed building. External alterations, including alterations and removal of metal railings and part of the granite boundary wall, would not adversely impact the setting of the listed building. The proposal thus suitably complies with all relevant local and national policies as listed previously.

### **Buildings at Risk Register**

The Wallace Tower has been vacant for a period of around 20 years and is currently on the Building at Risk Register as maintained by Historic Environment Scotland. The Buildings at Risk Register has been in operation throughout Scotland since 1990 in response to a concern at the growing number of listed buildings and buildings in conservation areas that were vacant and falling in a state of disrepair. The Wallace Tower is one of a total of 57 buildings and structures within the Aberdeen City Council local authority area that is on this Buildings at Risk Register. It was first included on the Register in February 2005 when it had been vacant for about two years. At the last inspection by Historic Environment Scotland, in 2019, its condition was noted as fair but with signs of deterioration with windows and doors boarded up, a decorative sculpture damaged and mould growing on masonry. Its inclusion on the Buildings at Risk Register is a material consideration in the determination of this application.

This current application, alongside the existing permissions 230610/LBC and 230611/DPP for replacement windows and restorations to the building, would see the building renovated and brought back into use, thus removing this building from the Building at Risk Register and securing its future. As the building has been vacant for around 20 years, and no other viable options for its restoration and reinstatement have been promoted during that time, which can be demonstrated by the absence of other planning applications for any other use, this current scheme is considered to provide a much needed opportunity to restore the building and bring it back into use. The development proposal and removal of the Wallace Tower from the Buildings at Risk Register would improve both the condition of the building itself, but also the setting and character of this part of Seaton Park and the wider Old Aberdeen Conservation Area. In that respect, it is noted that the Old Aberdeen Conservation Area Character Appraisal notes the inclusion of the building on the Buildings at Risk Register as a weakness in its assessment of this part of the Conservation Area, which would be addressed through implementation of the proposal.

### **Matters raised by Old Aberdeen Community Council**

1. Matters raised in relation to the potential impact of the proposed air source heat pump on the surrounding area is not a material consideration in relation to this application for listed building consent.

Additional comments:

2. Matters raised in relation to design, hard and soft landscaping and impact on listed building have been addressed in the evaluation above;
3. Matters raised in relation to removal of trees; requirement for additional advertisement consent; and lighting are not material considerations in relation to this application for listed building consent;
4. All relevant conditions from decision notice 221379/LBC where applicable are proposed to be carried over into any new decision notice.

### **Matters raised in letters of objection**

1. Matters raised in relation to design, use of materials, soft and hard landscaping and impact on the existing listed building have been addressed in the evaluation above;
2. Matters raised in relation disabled access; protected species; removal of trees; and off premises consumption of drinks are not relevant material considerations in relation to this application for

listed building;

3. Matters in relation to location of other cafes in the area and the sale of the Wallace Tower are not material planning considerations;
4. The Planning Service can only assess the proposal that is submitted and not explore other options that are not subject of a planning application.

## **RECOMMENDATION**

Approve Conditionally

## **REASON FOR RECOMMENDATION**

The proposed extension, due to its high quality design, scale, massing and positioning is considered to make a suitable assertive contrast with the existing category B-listed building whilst ensuring it remains subservient to the scale and character of the original building. It would allow the listed building, which has been vacant for around 20 years, to be brought back into use, thus removing it from Historic Environment Scotland's Building at Risk Register. Proposed alterations to the listed building itself, comprising the formation of an opening in the north elevation to link the proposed extension to the listed building, and internal alterations including replacement of doors and removal and creation of partition walls; and existing boundary treatments respect the fabric and special character of the listed building. This would be in compliance with Policy 7 (Historic Assets and Places) of NPF4 and policies D6 (Historic Environment) and D8 (Windows and Doors) of the 2023 ALDP and relevant parts of Historic Environment Policy for Scotland; and Historic Environment Scotland: Managing Change in the Historic Environment: Extensions.

## **CONDITIONS**

### (01) EXTERNAL MATERIALS DETAILS

That no development shall take place unless a scheme/samples detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed.

Reason – In the interests of visual amenity

## **ADVISORY NOTES FOR APPLICANT**

The applicant is advised that any freestanding signage in the locations indicated on drawing PL(00)103A require separate advertisement consent. For further information, please contact Planning and Building at [pi@aberdeencity.gov.uk](mailto:pi@aberdeencity.gov.uk) or 01224-053746.