

## Planning Development Management Committee Conservation Area Consent

**160728:** Demolition of side and rear walls to facilitate redevelopment of former public toilets (front granite facade to be retained) at Former Public Toilets, High Street, Old Aberdeen, Aberdeen AB24 3HE

For: Mr Harry Miller

Application Date:	21 June 2016
Officer:	Alex Ferguson
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council:	Old Aberdeen
Advertisement:	Conservation Area Consent
Advertised Date:	6 July 2016



**RECOMMENDATION: Approve Conditionally**

**APPLICATION REF: 160728**

## **SITE DESCRIPTION**

A single storey granite-fronted building dating from 1932, formerly used as Public Toilets. It is 49m<sup>2</sup> in footprint and fronts onto High Street within Old Aberdeen.

The front elevation is of granite ashlar blockwork and has the word 'SHELTER' engraved above the door. There are two boarded up windows and an entrance door on the front elevation, the roof is flat, other windows to the sides and rear are also boarded up, with these walls harled and in a poor state of repair.

To the south is a 2 storey 18<sup>th</sup> Century Category 'B' Listed building, east is an electricity substation building, to the north are residential flats within the 'C' listed Market Lane, whilst to the west is the High Street - containing the Category 'A' listed Town House and Mercat Cross, a Scheduled Monument.

The southern part of the site is Baillie's Place, an approximately 3m wide lane.

## **RELEVANT HISTORY**

**P160727** – A corresponding planning application for alterations and an extension to the building in order to convert it into a two storey café is yet to be determined.

**P120242** – Conditional planning permission was approved under delegated powers in October 2012 for the change of use of the building to a Class 3 (food and drink) premises. No external alterations were proposed.

## **DESCRIPTION OF PROPOSAL**

Demolition of the side and rear walls of the building as part of a redevelopment of the site to accommodate a café. The granite façade of the building which faces on to High Street is to be retained and a contemporary pitched roof extension is to be added to the refurbished building. Full details of the proposed extensions and alterations are being assessed in corresponding planning application P160727.

## **SUPPORTING DOCUMENTS**

All drawings and supporting documents listed below can be viewed on the Council's website at [www.publicaccess.aberdeencity.gov.uk](http://www.publicaccess.aberdeencity.gov.uk).

- Supporting Statement

## **CONSULTATIONS**

**ACC Roads Development Management** – No observations

**ACC Environmental Health** – No observations

**ACC Flooding** – No observations

**Historic Environment Scotland** – No objection and no comments to make on the proposals.

**Old Aberdeen Community Council (OACC)** – Are supportive of the principle of the demolition of the side and rear walls and the retention of the façade as part of a new café use for the site. However, they object to the application as they feel the modern materials proposed in the redevelopment would not complement the character and appearance of the historically sensitive surrounding area and wish the application to be determined by the Planning Committee, rather than under delegated powers.

## **REPRESENTATIONS**

Two letters of objection have been received raising concerns in relation to the design of the proposed redevelopment (which is subject of a separate planning application P160727), rather than raising any specific objection to the principle of the demolition.

## **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 proposals in a joint objection to this application and the corresponding planning application P160727. The application therefore requires to be determined by the Planning Committee, in accordance with the Council's Scheme of Delegation.

## **PLANNING POLICY**

Scottish Planning Policy (SPP)

Historic Environment Scotland Policy Statement (HESPS)

Aberdeen Local Development Plan (ALDP)

- Policy D4 (Aberdeen's Granite Heritage)
- Policy D5 (Built Heritage)

Proposed Aberdeen Local Development Plan (PALDP)

- Policy D4 (Built Heritage)
- Policy D5 (Our Granite Heritage)

Historic Environment Scotland guidance

Managing Change in the Historic Environment: Demolition

Supplementary Guidance

- Old Aberdeen Conservation Area Character Appraisal (OACACA)

## **EVALUATION**

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Under Sections 59(1) and 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the determination of an application for demolition of a building in a Conservation Area shall have special regard to the desirability of preserving the building or any features of special architectural or historic interest it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas.

### Principle of the proposed demolition

There are two main considerations in the assessment of this application for the demolition of the side and rear walls. First is to identify the contribution the building makes to the character and appearance of the conservation area and secondly, would the replacement development preserve the character and appearance of the area.

### Contribution of the building to the character and appearance of the conservation area

The 1932 ashlar-cut granite fronted former Public Toilets building is somewhat alien to the character of the surrounding area, given the vast majority of the surrounding buildings date from the 18<sup>th</sup> Century and remain relatively unaltered. Nonetheless, it is acknowledged that the former Public Toilet building's neat granite façade has been a part of the streetscape for over 80 years and it is considered to contribute toward the character and appearance of the area. The remainder of the building behind the façade however, is neither of any architectural merit, nor in a good condition, with the building having been out of use and boarded up for several years. This element behind the façade makes no positive contribution to its surroundings and in its current state, arguably detracts from the character and appearance of the conservation area. Indeed, the OACACA highlights 'empty and/or neglected properties on High Street' as a particular negative factor which the Old Aberdeen Heart area (encompassing High Street) suffers from.

Were the proposals as part of this application and the corresponding planning application (P160727) to demolish the entire building, including façade, then the proposals could have a more detrimental impact on the character and appearance of the conservation area, as well as fail to comply with Policy D4 (Aberdeen's Granite Heritage) of the ALDP, which seeks to retain granite buildings across the city, regardless of whether they are located within a conservation area.

The proposals, however, seek to retain the granite façade and remove the poor quality rendered walls which hold up a flat-roof. This demolition and retention of the façade is considered to be appropriate in principle, provided the redevelopment scheme is considered appropriate and in accordance with the principles of HESPS and HES's Managing Change guidance on demolition.

### Contribution of the proposed replacement building

A full detailed assessment of the proposed redevelopment of the building has been made as part of corresponding planning application P160727. In essence, it is

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recommended that, although contemporary in terms of the materials to be used, the basic form of the replacement building would respect the traditional massing locally, having a pitched roof with gable end facing onto the street. The proposed use of the building as a café would be complementary and ancillary to the mix of uses on High Street, which support the local community, visitors and the surrounding University campus. As such, it is considered that the replacement building, which is of good design and material quality, would be a significant improvement on the existing dilapidated unit, thus having a positive impact on the character and appearance of the conservation area, in accordance with the general principles of SPP, HESPS and Policy D5 of the ALDP.

As per HES's guidance on demolition, a condition should be added to ensure that the demolition works do not commence until evidence is given of contracts being let for the new development, in order that a gap site is not created, thereafter leaving the site to lie undeveloped for a significant period of time, resulting in a detrimental impact on the character and appearance of the conservation area.

### Concerns raised by the Community Council and in letters of objection

The Old Aberdeen Community Council have objected to both this application and planning application P160727, primarily due to concerns regarding the modern materials to be used in the redevelopment of the building. The OACC are satisfied with the principle of the demolition of the side and rear walls, as well as the forms and scale of the proposed roof extension. It is therefore considered that the OACC's objection relates more to the corresponding planning application and the concerns regarding the proposed design are primarily a material consideration in the determination of that application. Clearly if that planning permission was not to be granted this corresponding application for conservation area consent would also fall.

### Stop the Clock

An email was sent to the agent requesting the submission of amended plans and further information on 9 August 2016. A response was not received until 14 September. Following that, further amendments were requested on 26 September and not received until 3 November. The clock has therefore been stopped for the two intervening time periods.

### Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015 and the Reporter has now reported back. The proposed plan constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

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The Reporters response does not affect policies in a manner that is relevant to this application. In relation to this particular application proposal policies in the Proposed LDP are not materially different from those in the adopted LDP.

Approval to adopt the LDP will be sought at the Full Council meeting of 14 December 2016. The actual adoption date is likely to be around the third week in January 2017.

## **RECOMMENDATION: Approve Conditionally**

### **REASONS FOR RECOMMENDATION**

The granite façade of the building, which contributes to the character and appearance of the conservation area, is to be retained, in accordance with Policy D4 (Aberdeen's Granite Heritage) of the Aberdeen Local Development Plan (ALDP). The remainder of the building, consisting of flat roof, side and rear walls, are not of any historical or architectural value, do not contribute to the character or appearance of the conservation area and their removal is considered to be acceptable in order to facilitate the redevelopment of the site as proposed in planning application P160727. The demolition proposals are therefore considered to comply with the general principles of Scottish Planning Policy, Historic Environment Scotland Policy Statement and Policy D5 (Built Heritage) of the ALDP, as well as Historic Environment Scotland's 'Managing Change' guidance on demolition. The proposals also comply with the relevant corresponding policies D4 & D5 of the Proposed ALDP.

### **CONDITIONS**

- 1) That no demolition shall take place unless evidence that contracts have been let for the new development approved under planning application reference P160727 (or other as may subsequently be approved and agreed in writing by the Planning Authority) has been submitted to and agreed in writing by the planning authority.

Reason - in the interests of ensuring that the building is not demolished and left without implementing the approved development for a significant period of time, which would have a detrimental impact on the character and appearance of the Old Aberdeen Conservation Area.