



Planning Development Management Committee

Report by Development Management Manager

Committee Date: 29 June 2023

Site Address:	Wallace Tower, Tillydrone Road, Aberdeen, AB24 2TP
Application Description:	Change of use from residential dwelling (class 9) to mixed use (class 3 and 4) including community cafe, with ancillary office accommodation and meeting hall; erection of single storey extension to form additional seating areas to cafe; formation of access ramp, external seating area and erection of bin store with associated hard and soft landscaping works
Application Ref:	221380/DPP
Application Type	Detailed Planning Permission
Application Date:	15 November 2022
Applicant:	Tillydrone Community Development Trust SCIO
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council:	Old Aberdeen
Case Officer:	Dineke Brasier



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 - 2018

RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site comprises an irregular shaped site extending to c.450m² and consists of the

Wallace Tower (also known as Benholm's Lodgings) and its immediate 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. It is located in the very south west corner of Seaton Park near Tillydrone Road, which runs c.25m to its 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 and rebuilt in the 1960s as a Z-plan towerhouse, three storeys in height and 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. It includes various decorative features, including an armorial panel and recessed sculptured figure. 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 therefore 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's 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, (laid in granite cassies) historic section of Tillydrone Road separated from the main park and the Wallace Tower by a category B listed granite rubble wall. There is a distinct change in level 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

- 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 23rd 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 28th 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 cafe with ancillary office accommodation and meeting hall; erection of single storey extension to form additional seating areas to cafe; alterations to internal partitions; formation of access ramp, external seating area and erection of bin store with associated hard and soft landscaping works – Pending determination;
- 230610/LBC and 230611/DPP – Installation of replacement windows and restoration works to armorial panel and statue – Under consideration.

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.

To create the floorspace necessary for the café, a single storey extension of a modern design located to the north elevation of the building is proposed. The extension would project between c.6m and c.6.5m from the north elevation, would have a maximum length of c.17m, and would narrow somewhat to the east. The extension would be predominantly finished in corten steel standing seam cladding for both the walls and the roof, would feature a green wall to its west elevation and incorporate full height glazing to the south and east. The north elevation would be punctuated by two tall, relatively narrow windows with a vertical emphasis and a single window with a horizontal emphasis. A further tall, narrow window would be located in the west elevation. Level access would be formed into the east elevation of the extension. The roof would have a mono-pitched design sloping down towards the historic building and would incorporate two large rooflights set in line with the vertical windows in the north elevation. Vertical metal 'fins' would be set either side of the north elevation. Due to a change in levels across the site, the maximum height of the extension would be c.2.9m from ground level to the east, rising to c.4.1m to the west at its highest point.

Internally, the extension would be linked into the original listed building through the creation of a 1.5m wide slapping in the north elevation of the listed building at ground floor level. The extension would provide space for seating with a servery, whilst further seating would be located in the listed building with toilets and stores on the ground floor. A meeting hall would be created on the first floor and offices on the second floor in the original building.

Externally, an outdoor seating area would be formed to the east of the building within its curtilage, with space for a total of three 'Sheffield' stands for bike parking and a bin store to the west. A lighting strategy is proposed including uplighting of the two towers, vertical LED linear lighting over the metal 'fins' and the two vertical oriented windows in the north elevation, bollard lights to the east and west; and sensor activated security lighting in the gap between the extension and the original building.

For the avoidance of doubt, the current application only covers the proposed change of use, proposed extension and external alterations to the original listed building and its immediate curtilage to facilitate this proposed change of use, with the associated listed building consent application 221379/LBC also covering internal alterations.

Separate applications for detailed planning permission and listed building consent for replacement windows and restoration of the armorial panel and statue were submitted in May 2023 under references 230610/LBC and 230611/DPP and are currently under consideration. If any further alterations, such as replacement doors, would be required, then these again would trigger a requirement for further applications for detailed planning permission and listed building consent.

Amendments

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

- Alterations to the detailed design and materials of the extension including reduction in length, and reduction in overhang over the footpath to the north; slight repositioning to ensure west elevation of the extension lines up with the west elevation of the building; substitution of zinc cladding with corten cladding to walls and roof; substitution of render with a green wall to the west elevation and removal of signage zone; and alterations to window shapes and positioning.
- Additional detail added to site layout including proposed materials of hard surfacing materials; bin store and cycle parking.

Renotification and re-advertisement were undertaken as a result.

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=RLEF9MBZLGO00>

- Bat Survey Report by Countrywise, dated 12th June 2023;
- Design and Access Statement by Tinto Architecture; 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 Old Aberdeen Community Council has raised an objection, and six or more timeous letters of objection have been received.

CONSULTATIONS

ACC - Waste and Recycling – No objection. General comments provided in relation to bin storage and collection in relation to commercial properties.

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. Given no parking is provided on-site, the site/use will predominantly be aimed at serving the local community, university students etc. and would rely less on private car trips as the site is readily accessible in terms of walking, cycling and public transport. It is further noted that since the upgrades of Tillydrone Avenue/ Tillydrone Road as part of the 'Third Don Crossing' project there is no scope for indiscriminate parking due to the 'at any time' waiting restrictions in place.

In relation to disabled parking, as per previous applications for this site it is requested that some form of disabled parking provision will be provided to make the site accessible to disabled visitors. The most appropriate location to provide this 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 pedestrians and cyclists. 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.

Suitable cycle parking is provided through the provision of three 'Sheffield' stands.

ACC - Environmental Health – No objection to the proposal in principle. No commercial Local Extract Ventilation system is included on the drawings. However, the plans do also not indicate cooking equipment within the premises. On this basis, the premises 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 on the premises are restricted unless details of a suitable Odour Impact Assessment (including a Local Extract Ventilation needs assessment) have been submitted, agreed and implemented.

Archaeology Service (Aberdeenshire Council) – Supports the application following submission of amended/additional information. Recommends the inclusion of a suitably worded condition requesting a photographic survey of the building prior to development.

Old Aberdeen Community Council – Initial comments: Supportive of the principle that the building is returned to a sustainable use and advocates a careful and sensitive approach to any proposed adaptation or extensions with respect to the existing listed building and setting. However, raises the following objections to the current scheme:

1. Site plans provide insufficient consideration of the existing or proposed site conditions, including: proposed landscaping including paved or planted areas; modifications or treatments at the site boundaries, and particularly along the adjacent public path to the north; change of levels across site, and how the proposed 'accessible entrance' is accessed; vehicle parking provision; cycle parking provision; materials for the bin store. Updated plans would be required;
2. Questions retention of trees on the site, including a cherry tree within the eastern boundary. A tree survey and associated drawings are required;
3. The existing site anchors an edge of a valued area of dark night-time skies, an external lighting strategy is required.

Other concerns are noted as follows:

4. Further clarification required on use of first floor;
5. No clarification on intention for existing windows in the building; and
6. Given the location of the proposed café on a junction of cycle-oriented routes and due to the absence of car parking, sufficient cycle parking should be provided.

Following submission of amended drawings and renotification, a further consultation response was received, maintaining an objection to the proposed scheme on the following grounds:

7. External lighting could be of significant detriment to physical and visual amenity;
8. No details of a Local Extract Ventilation system and Odour Impact Assessment have been submitted;
9. Removal of cherry and maple trees near the Tower.

Provides the further additional comments:

10. Highly irregular to defer aspects of listed building works, such as potential replacement windows and doors, to a separate application. Usually these would be an integral part of the main LBC application. No information has been provided in relation to existing entry doors;
11. Noted that signage will be free-standing and subject to a further application;
12. Agrees with measures to minimise visual impact on the bin store;
13. No technical specification or maintenance plan provided for green wall. Fall-back scenario should be provided in case the green wall fails;
14. Removal of beech trees – have all possibilities to retain these been explored?;
15. Preferable arrangement for accessible access would be directly off the north-east corner, although it is acknowledged that this might not be achievable due to the site grading;
16. Six Sheffield stands currently provided, which is welcomed. Hopeful that this number can be expanded upon in the future if demand requires this.

REPRESENTATIONS

Due to the submission of amended drawings, the application was advertised and notified twice.

The first notification period resulted in a total of eight letters of objection and one letter of support, raising the following matters:

1. Objection in relation to sale of Wallace Tower to the applicant;
2. Design of proposed extension would have an adverse impact on and would be unsympathetic to the special character of the existing historic building;
3. No objection to principle of providing a small café, if this can be done without an extension;

4. Footprint of the extension would be larger than that of the original building, and can thus not be considered 'subservient' in relation to the historic building;
5. The inappropriate modern design would be highly visible from various viewpoints and would have an adverse impact on the integrity of the building;
6. The north elevation cannot be considered the 'rear' elevation of this building as all elevations are equally important due to the nature of the building;
7. Proposed modern materials would be inappropriate in relation to historic building and conservation area;
8. Creation of an outdoor seating area would adversely impact the character and special interest of the building;
9. Proposal could create a precedent for creation of modern extensions on other tower-houses across Scotland;
10. Insufficient information provided on internal alterations; proposals for existing windows; impact on trees in and around the site; lighting strategy; cycle parking; number of covers; project viability; site boundary definition and regrading of land;
11. Inaccuracies in drawings and 3D visuals;
12. Proposed location of disabled parking space – in bellmouth of Tillydrone Road, would harm the character and views along the historic section of Tillydrone Road;
13. 'Meeting hall' on the first floor would have no disabled access due to the absence of a lift;
14. Proposal would provide additional opportunities to re-energise the area.

The second notification period attracted a total of 13 timeous letters of objection, of which two had lodged a previous objection to the scheme. Matters raised can be summarised as follows:

15. Proposed extension would be unsympathetic and not subservient to the character of the historic building;
16. Proposed lighting would be detrimental to wildlife and plant life in the surrounding woodland;
17. Uncertainty surrounding commercial venture set up in the Wallace Tower. No viability statement submitted. What would happen if it would fail?;
18. Wallace Tower is Common Good Property and should be restored sympathetically using funds from the Common Good Fund and could then be let out either to the applicant, as a family house or art gallery without the need for an extension;
19. Removal of trees to facilitate development would have an adverse impact on surrounding flora and fauna and potential implications for stability of steep wooded bank;
20. Potential safety implications for children as the café would be located near a steep drop;
21. Do not support the transfer of ownership of building to Tillydrone Community Trust;
22. Inconsistencies and omissions noted in drawings of windows, doors and boundary walls;
23. No details submitted on proposed mix for re-pointing; removal of railings; safety/security fixings/ re-grading of grass; wash-down area for bins/ storage for outdoor tables/chairs; nappy changing area;
24. Would removal of boundary to east allow for outdoor seating area to spill out into the grassed area;
25. Location of cycle stands could result in damage to grass to east and would be inadequate for users.
26. Concern around inadequate operational café circulation space and fire exits.

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. The relevant provisions of NPF4 that require consideration in terms of this application are –

- 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

The following policies are relevant –

- 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 (Windows and Doors)
- Policy R5 (Waste Management Requirements in New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

Other National Policy and Guidance

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

Other Material Considerations

- Old Aberdeen Conservation Area Character Appraisal

EVALUATION

Principle of Development

The site is located in an area designated as 'Green Belt' 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 appropriate in a green belt setting, which includes 'the reuse, rehabilitation and conversion of historic environment assets' under 8(a)(i). These types of development generally align with that considered acceptable in principle under policy NE1 of the 2023 ALDP. This list 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, on the Buildings at Risk register maintained by Historic Environment Scotland. As such, it can clearly be considered a building of 'historic or architectural interest' and thus worthy of retention and its conversion would 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 will be discussed in detail below.

Policy 9 (Brownfield, vacant and derelict land and empty buildings) of NPF 4 encourages the reuse of vacant and empty buildings to ensure the use of existing assets is maximised. Under Policy 9(d) it specifically supports the sustainable reuse of vacant existing buildings to allow their embodied energy to be conserved. The proposal would see a long-vacant building brought back into use, and the proposal would thus suitably comply with this policy.

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 existing residential area. The site is easily accessible by sustainable means of transport, including walking, cycling and wheeling, and bike parking facilities 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 is currently on the Buildings at Risk Register as maintained by Historic Environment Scotland and 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; and that development in conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Historic Environment Policy Scotland (HEPS) contains various policies relevant in decision making in relation to historic assets. For this proposal, 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 ALDP sets out that development must protect, preserve and enhance Aberdeen's historic environment, and that there will be 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.

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 sets out that all development must follow 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 contemporary designed single storey extension to the northern elevation of the existing three storey historic tower house. The extension would face out onto a public footpath linking Tillydrone Avenue and Tillydrone Road to the west to the main body of Seaton Park and the Chanonry to the east. The extension would have a maximum width of c.5m and a maximum length of c.15m. It would be set in line with the west elevation of the historic building whilst projecting c.3m beyond the east elevation, with the footprint slightly angled to align with the footpath running along its north. Due to a change in levels across the site, the overall height of the extension would range from c.4.1m to c.2.9m. The extension would be finished in corten steel standing seam cladding with metal 'fins' to the roof and north elevation on a concrete look rendered basecourse and would feature a green wall to the west elevation and full height glazing to the south and east. It would link into the existing historic building through a structural glazed link and a new 1.5m wide opening would be formed in the original north elevation. To ensure this new opening would not have a detrimental impact on the fabric of the listed building, a suitably worded condition requesting a methodology statement providing details of the slapping and its finishes is recommended.

This design has gone through various iterations from a previous approval in 2015 (P141336 and P141400) for a fully glazed two storey extension in a similar location, which was not implemented and has now lapsed. Following submission of further applications in 2021 (P211613/LBC and 211657/DPP) for a similar proposal as that previously approved, it was considered, including through comments from Historic Environment Scotland, that this two storey form of extension could result in obscuring the form of the original listed building and that a single storey design would be preferred. These applications were subsequently withdrawn and the design significantly altered resulting in the proposal currently being assessed.

The single storey form of the proposed extension would reduce the impact of the proposal on the north elevation of the building to an acceptable extent. The modern design would provide an assertive contrast with the existing granite building and is considered to be a well-designed contemporary extension to this building as recommended in 'Managing Change'. It would include a minimal link to the Wallace Tower, which would emphasise the difference between the old and the new and its architectural form would provide a pleasing contrast with the traditional historic building. Proposed materials would be appropriate, with the corten cladding matching well and complementing both the colours of the granite in the original building and the soft colours of the landscaped setting of Seaton Park behind. The proposed green wall on the west elevation would provide a softer view of the extension from the approach on Tillydrone Road to the west as it would be seen against a backdrop of mature trees on the wooded bank to the rear.

Due to the nature of the detached building and its location within a park, it does not have a clear principal elevation. However, the positioning of the extension to the north can be considered to a secondary elevation when viewed from the main public thoroughfares of Tillydrone Road and Tillydrone Avenue with a further indication being that the main door into the building is currently located in the south elevation, again in line with guidance contained in 'Managing Change'. The single storey form has resulted in a larger footprint than previously approved, but due to this lower height and position to the north, the extension is considered subordinate and subservient in scale and form to the original building. The position of windows has focused on framing views towards the wooded bank to the north and the River Don below on the north elevation, whilst ensuring thermal efficiency through reducing the amount of glazing on that elevation. Full height glazing is incorporated in the east and south elevation, where most use can be made of solar gain, and where there would be a clear link between the café and the outdoor seating area proposed on the paved area to the east of the listed building with full views into the park to the east.

Internally, the main entrance into the building and into the café would be through new full height entrance doors in the south east corner of the extension. The reduction in height of the extension to single storey only would improve accessibility, and would simplify the layout of the café. The servery and seating would be located in the extension, with toilets, stores and some more tables on the ground floor of the original building. The first floor is proposed to be used as a meeting room, with offices on the second floor, and it is recognised that these uses are ancillary to the proposed main café use, and are to be flexible. Internal alterations would see the removal of modern partition walls within the listed building and their replacement with new partition walls to facilitate the proposed uses. In addition, existing doors are proposed to be replaced with fire doors. These doors are not original, and their replacement is therefore considered acceptable under policy D8 (Windows and Doors) of the 2023 ALDP. The proposed alterations to the existing listed building are considered appropriate and would not unduly harm the character and fabric of the listed building, in compliance with relevant parts of D6 (Historic Environment) of the 2023 ALDP and relevant policies in NPF4 and HEPS.

The proposal would see the removal of a section of c.3m length of granite boundary wall and a slapping in the north elevation constructed of granite 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 adaption 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 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, re-use of these materials in the landscaping scheme can be explored, and a condition to that effect is recommended.

Externally, a timber bin store would be proposed to the west, set behind and protruding slightly, above the existing granite boundary wall. The bin store 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 bin store 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. The existing granite setts to the south of the building would be retained whilst the new paved areas to the west and east of the building would be made up of locally sourced natural granite paving. An outdoor seating area and three Sheffield cycle stands would be located to the east of the building accessible both from the path running along the north of the building or from the grassed area to the east. Further entrances into the site would be through the existing steps leading up from Tillydrone Road to the south elevation and in the north west corner linking into the graded path down to Tillydrone Road providing level access.

Taking account of the high quality of 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 and its associated boundary treatments, the proposal is considered to take due cognisance of 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 all relevant local and national policies as listed previously.

Building 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 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. The listing of the Wallace Tower on the Buildings at Risk Register is a material consideration in the determination of this application.

This current application would see the building renovated and brought back into use, thus removing this building from the Buildings at Risk Register and securing 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 seems to provide a much needed opportunity to restore the building and bring it back into use. Removing 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 current listing 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 ADLP seeks to ensure that all development would not have a detrimental impact on residential amenity of existing properties, including due to smell and noise. Due to its location within Seaton Park, the nearest neighbouring residential property – 50 Tillydrone Road - is set at a distance of c.35m to the west. This distance ensures that the proposed change of use of the building would not have an adverse impact on the residential amenity of this property due

to noise, loss of privacy or overshadowing/loss of day and sunlight.

No detailed proposal has been submitted in relation to the preparation of hot food on the premises. Whilst Environmental Health would not object to the preparation of hot food on the premises in principle, at present they have insufficient information to establish whether this would result in an adverse impact in relation to smells. As such, a condition is 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 demonstrating that there would be no adverse impact on residential amenity.

In relation to the external lighting strategy, this is directly aimed at the Wallace Tower, and would not spill into Seaton Park, nor would it cause any reason for concern in relation to the residential amenity of the occupiers of 50 Tillydrone Road.

Trees

Policy 6 (Forestry, woodland and trees) of NPF4 aims to protect and expand forests, woodland 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, but, due to its location in the park, on the historic western approach to St Machar's Cathedral is in close proximity to a number of other trees. The application is supported by a detailed Tree Survey (Struan Dalgleish, dated March 2023) that surveys existing trees in the immediate area that may be affected by the development proposals. Immediately to the south and east is a cluster of trees including three Norway maples and two cherry trees and a group of smaller trees and shrubs. To the north, on the other side of the footpath, is a dense woodland sloping down towards the river, incorporating mature beech trees close to the footpath.

The proposal would see the loss of a total of eight trees. These would include the removal of the cherry tree within the application site and the trees immediately to the south and east of the application site, including the three Norway maples, and two ornamental cherry trees. The submitted Tree Survey Schedule 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 tower and the proposed works. A further three mature beech trees located to the north of the footpath at the top of the bank are proposed to be removed as the footprint of the proposed extension (between the northern elevation of the existing listed building and the footpath) would encroach significantly into their root protection area. It is acknowledged that the trees contribute positively to the visual amenity of the surrounding area, landscape character and biodiversity. As a result of the loss of these trees, the proposal would not be in line with Policy 6 (Forestry, woodland and trees) of NPF4 and policy NE5 (Trees and Woodlands) of the 2023 ALDP.

However, the applicant has indicated that replacement trees can be provided in other parts of Seaton Park. Details of number, species, size and exact location can be secured through a suitably worded suspensive condition, with the 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. It is further considered that, due to the tight site boundary and curtilage surrounding the Wallace Tower, the only possible location for the proposed 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 affected beech trees.

In this instance, taking account of the fact that the category B listed building is currently on the Building at Risk Register, and has been vacant for around 20 years, and that its proposed use as a café with meeting room and offices facilitated through a modest single storey extension to the north elevation is the only proposal that has come forward for its reuse and reinstatement during that time period, it is considered that the benefit of restoring the building and bringing it back into a community use outweighs the loss of these mature trees in this instance. The conflict with Policy 6 (Forestry, woodland and trees) of NPF4 and NE5 (Trees and Woodlands) of the 2023 ALDP is therefore accepted in this case.

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 an adverse impact on protected species. The site is located in an area considered suitable as a bat habitat due to its proximity to the River Don, wooded areas and the fabric of the building. As such, a bat survey was requested and duly submitted. This bat survey included a dawn and dusk survey of the building itself and was undertaken in May and June of this year. The surveys noted the presence of foraging bats around the tower and in the general area, but no bats were recorded roosting in the building. The bat survey included recommendations in relation to the installation of external lighting, with no lighting directed at the roof; and that an interior search of the building should be undertaken and a further survey of any trees proposed to be removed before any renovation works would take place. These recommendations can be captured in a suitably worded condition.

The proposed loss of the mature trees in and around the application site would have a negative impact on biodiversity in the immediate surrounding area. However, it is considered that, given the character of the surrounding area where these trees make up a small part of the overall wooded cover, this impact can be absorbed by the remaining tree cover and balancing necessary factors to allow the building to be redeveloped.

Other Matters

Parking and access

No on-site parking spaces would be provided, and this is considered acceptable given the location of the application site within the boundary of 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 30m 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 shortfall in parking is accepted. However, it is recommended that provision be made for the creation of a single disabled parking space. It is considered that there would be scope for this in the existing bellmouth, and that existing dropped kerbs are in place at this location which should facilitate this proposal. A condition is recommended requesting further details of the creation of this disabled parking space.

Three Sheffield cycle stands providing sufficient space for the parking of six bikes are shown on the proposed site plan, which would be an acceptable provision.

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.

National Planning Framework 4

Consideration must be given to Policy 1 (Tackling the Climate and Nature Crises); Policy 2 (Climate Mitigation and Adaptation) and Policy 12 (Zero Waste) 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. Policy 12 seeks the prioritisation of the reduction and reuse of materials in construction. In this case, the proposal would see the reuse of an existing long-vacant building, which would ensure it would be retained 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 generally have a lower impact on the environment than proposals for new buildings. The principle of extending this existing building would be 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 the introduction of a green wall; smaller elements of glazing to the north elevation and larger elements of glazing to the south and east elevations, would be considered to have been designed with climate change and adaptations in mind.

The loss of the trees required to facilitate the construction of the extension on the other hand, would not have a positive impact on the climate and nature crises. However, bringing the existing building back into use, taking into consideration the position of the building within a wooded landscape, where the removal of the trees would not harm any existing routes through this part of the park for wildlife, would outweigh the loss of these trees.

As such, it is considered that the proposal would generally comply with the relevant policies of NPF4 as listed above.

Matters raised by Old Aberdeen Community Council

1. Matters in relation to missing/insufficient information have been addressed through the planning process with all relevant information required to determine the application now submitted. Any information not submitted at this stage (e.g. Local Extract Ventilation System and Odour Impact Assessment; specification/maintenance of the green wall) can be submitted as part of suitably worded conditions;
2. Further details of the proposed lighting strategy can be requested as part of a suitably worded condition to ensure no adverse impact on wildlife and protected species;
3. Matters in relation to removal of trees are discussed in the evaluation above;
4. There is no legal requirement to cover all works to a listed building in a single application. The submission of further separate applications to cover other aspects such as replacement windows and restoration works to features is acceptable.

Matters raised in letters of objection

1. Matters in relation to the sale of Wallace Tower and the proposed Community Asset Transfer are civil matters and not material planning considerations;
2. Matters in relation to the design, proposed materials, impact of the proposal on the listed building and conservation area are addressed in the evaluation above;
3. It is not considered that the proposal would create a precedent given the unique nature of the building, its location within Seaton Park and the Old Aberdeen Conservation Area and the proposed design;
4. Matters in relation to missing/insufficient information have been addressed through the planning process and it is considered that all information required for the determination of the application is now available;
5. Matters in relation to disabled access are addressed through the Building Warrant process;
6. Matters in relation to the impact of the proposal on protected species and wildlife and removal of trees are addressed in the evaluation above;
7. The Planning Service can only assess the proposal that is submitted. Concerns in relation to

viability of the proposed venture are not a material planning consideration.

8. Matters related to internal circulation space and fire exits are considered under Building Standards legislation.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The principle of the proposed extension and conversion of the Wallace Tower would constitute a type of development compliant with Policy 8 (Green Belts) and Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 and NE1 (Green Belt) of the 2023 Aberdeen Local Development Plan (2023 ALDP) 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, 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 Buildings at Risk Register. Proposed alterations to the listed building itself, comprising the forming of an opening in the north elevation to link the proposed extension to the listed building, and existing boundary treatments respect the nature and special character 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 both Seaton Park and the Old Aberdeen Conservation Area. This would all 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 ALDP and relevant parts of Historic Environment Policy for Scotland; and Historic Environment Scotland: Managing Change in the Historic Environment: Extensions.

The community facility consisting of a café, meeting room and offices would be set within an existing network of walking and cycling routes serving the surrounding residential area, with direct access to bus routes running along Tillydrone Road. Cycle store facilities and, subject to a condition, a disabled parking space would be provided as would sufficient bin storage. Due to the distance of the application site to the nearest residential property, the proposal would have no adverse impact on residential amenity. This would 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 2023 ALDP.

The proposal would have no adverse impact on protected species, and given the premise of the proposal is the reuse of an existing 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 and 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 NE3 (Our Natural Heritage) of 2023 ALDP.

It is accepted that the proposal would result in the loss of a total of 8 trees within and immediately surrounding the application site. As such, the proposal would conflict with Policy 6 (Forestry, Woodland and Trees) of NPF4 and NE5 (Trees and Woodlands) of 2023 ALDP. However, in this instance it is considered that the proposed development, which would see a long-vacant listed

building being brought back into a use accessible to the public, and which would remove this building from the Historic Environment Scotland's Buildings 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 interests of visual amenity.

(03) GREEN WALL

That no development shall take place unless a scheme providing details and a maintenance scheme of the green wall to be installed to the west elevation of the extension 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

(04) LANDSCAPING DETAILS

That no development shall take place unless a landscaping scheme providing details of all soft and hard landscaping 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. For the avoidance of doubt, the landscaping scheme shall consider the reuse of granite to be removed from the existing boundary wall and north elevation.

Reason – in the interests of visual amenity

(05) METHODOLOGY STATEMENT (SLAPPING)

That no development shall take place unless a methodology statement providing details of the slapping to the north elevation of the original building and the finishing of the boundary wall 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 the special character of the listed building and the Old Aberdeen

Conservation Area

(06) EXTERNAL LIGHTING SCHEME

That no development shall take place, and notwithstanding any information contained within drawing PL(00)005, unless details of an external lighting scheme have 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. For the avoidance of doubt, this external lighting scheme shall take account of the recommendations contained within the Bat Survey prepared by Countrywise, dated 4th June 2023, which specifies that no lighting should be directed at the roof.

Reason – To ensure the development has no adverse impact on protected species

(07) INTERIOR BUILDING SEARCH – PROTECTED SPECIES

That prior to the commencement of the development hereby approved no works within the listed building shall take place until a further interior search of the Wallace Tower for bats and bat roosts has been carried out.

Reason – To ensure the development has no adverse impact on protected species

(08) TREE REMOVAL – PROTECTED SPECIES

That prior to the commencement of the development hereby approved no trees shall be removed until those proposed to be felled have been checked for signs of protected species.

Reason – To ensure the development has no adverse impact on protected species

(09) 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 have 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

(10) TREE PROTECTION MEASURES (1)

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

(11) TREE PROTECTION MEASURES (2)

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.

(12) 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

(13) INSTALLATION BIN AND BIKE STORE

That the development hereby approved shall not be occupied until the bin store and bike stands as specified on drawings PL(00)003B and PL(04)003A 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

(14) 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 and agreed in writing by the Planning Authority, and subsequently the disabled parking space shall be installed in accordance with the approved details.

Reason – To ensure accessible access to the development

(15) PHOTOGRAPHIC SURVEY

No demolition or other works in connection with the development hereby approved shall commence unless a photographic survey of the existing building on the application site has been submitted to and approved in writing by the Planning Authority. All external and internal elevations of the building together with the setting of the building and any unusual features of the existing building shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.

Reason: To ensure that a historic record of the building is made for the inclusion in the National Monuments Record for Scotland and in the local Historic Environment Record.

