

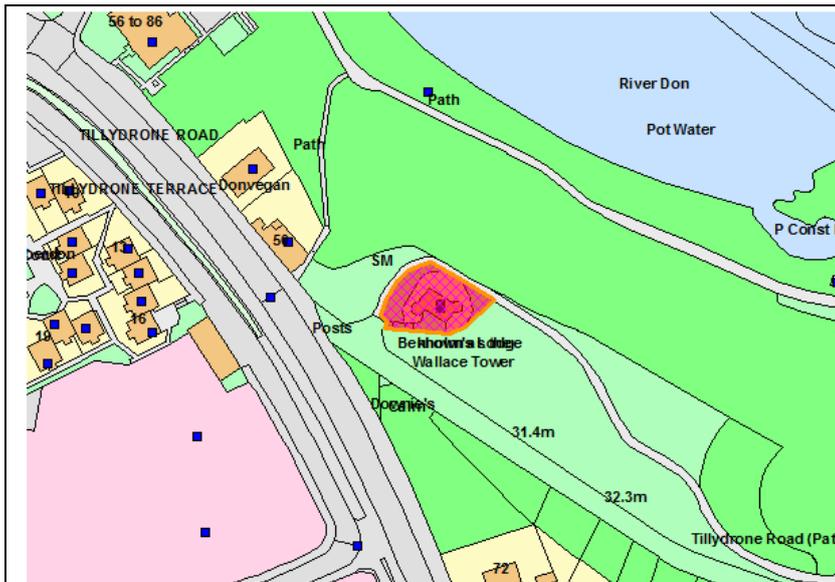


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 18 April 2024

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, 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
Application Ref:	231583/DPP
Application Type	Detailed Planning Permission
Application Date:	19 December 2023
Applicant:	Tillydrone Community Development Trust SCIO
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council:	Old Aberdeen



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site is formed by an irregular shaped site extending to c.450m² 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 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 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 30th 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 30th 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 24th 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 69.5m² compared to 71.7m² 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 19th 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 or 01224-053746.

