

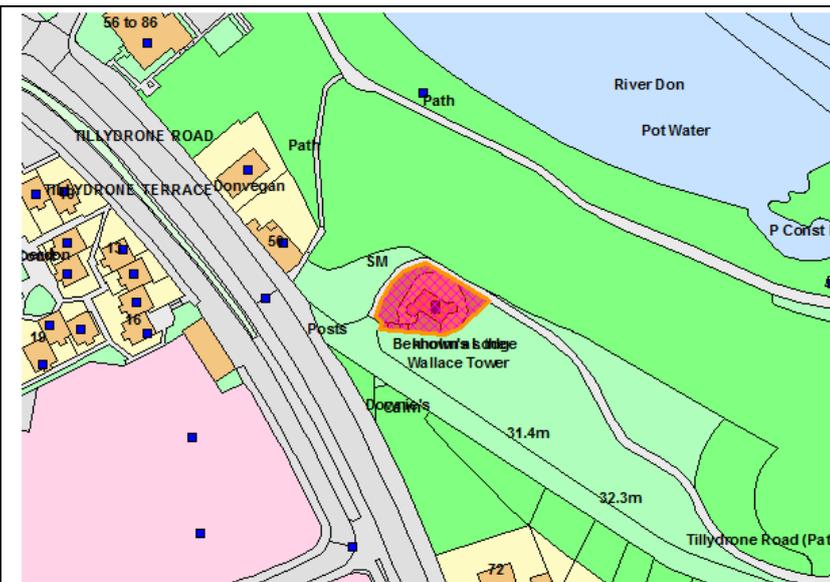


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 18 April 2024

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



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## **RECOMMENDATION**

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

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

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

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

### **Relevant Planning History**

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

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

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

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

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

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

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

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

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

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

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

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

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

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

## **Amendments**

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

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

## **Supporting Documents**

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S5PO9KBZIK300>

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

## **Reason for Referral to Committee**

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

## **CONSULTATIONS**

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

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

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

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

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

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

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

Additional comments:

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

## **REPRESENTATIONS**

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

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

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

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

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

Where a proposal affects a listed building, sections 14(2) and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining an application for Listed Building Consent to have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses. This is the primary consideration in the determination of applications for Listed Building Consent. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

### **Development Plan**

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

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan.

- Policy 7 (Historic Assets and Places)

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

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

## **Aberdeen Planning Guidance**

- Materials

## **Other National Policy and Guidance**

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

## **Other Material Considerations**

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

## **EVALUATION**

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

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

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

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

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

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

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

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

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

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

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

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

### **Buildings at Risk Register**

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

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

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

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

Additional comments:

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

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

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

listed building;

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

## **RECOMMENDATION**

Approve Conditionally

## **REASON FOR RECOMMENDATION**

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

## **CONDITIONS**

### (01) EXTERNAL MATERIALS DETAILS

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

Reason – In the interests of visual amenity

## **ADVISORY NOTES FOR APPLICANT**

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