

KEY INFORMATION

Ward The Ferry

Proposal

Planning permission in principle for demolition of 2 storey dwellinghouse and erection of hotel incorporating Health Club

Address

Land west of Library
Queen Street
Broughty Ferry

Applicant

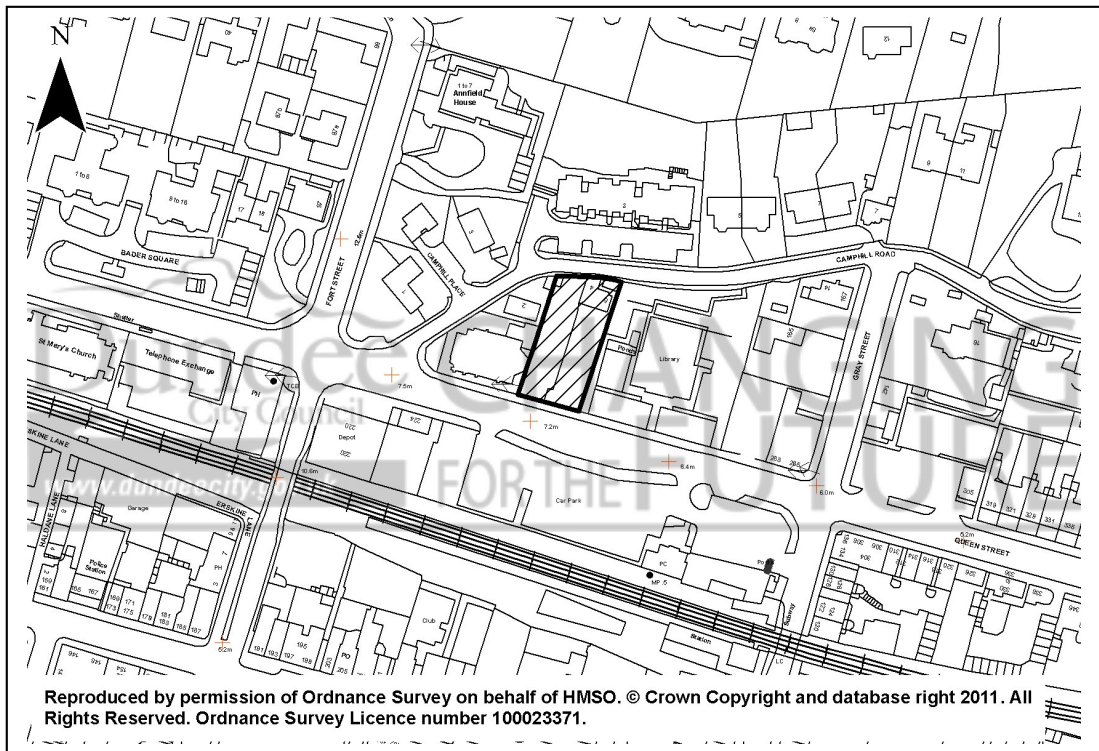
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Registered 9 Dec 2010

Case Officer Paul Macari



Proposed Hotel at Queen Street, Broughty Ferry

Planning permission in principle for demolition of a 2 storey dwellinghouse and erection of hotel incorporating a Health Club is **RECOMMENDED FOR REFUSAL**. Report by Director of City Development.

RECOMMENDATION

The proposed hotel development is contrary to the requirements of Policies 53, 55 and 61 of the Dundee Local Plan Review 2005. The proposals also fail to satisfy the requirements of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997. The views of Objectors are supported. The application is therefore recommended for REFUSAL.

SUMMARY OF REPORT

- This application seeks planning permission in principle for the erection of a hotel and health spa on land to the west of Broughty Ferry Library, Queen Street, Broughty Ferry.
- Policy 30 (Visitor Accommodation), Policy 53 (Licensed and Hot Food Premises Outwith the City Centre), Policy 55 (Urban Design) and Policy 61 (Development in Conservation Areas) of the Dundee Local Plan Review 2005 are relevant to the outcome of this application.
- 12 letters of objection have been received from neighbouring residents.
- Broughty Ferry Community Council has objected to the proposed hotel development.
- The concerns of Objectors and the Community Council are supported.

DESCRIPTION OF PROPOSAL

This application seeks planning permission in principle for the erection of a hotel and health spa on land to the west of Broughty Ferry Library, Queen Street, Broughty Ferry.

The proposed hotel shall be located in place of the existing 2 storey dwellinghouse on site that is the subject of conservation area consent application ref: 10/00661/CON which appears elsewhere on the agenda.

This application is accompanied by detailed site layout plans, floor plans and elevations, 3D images of the proposed hotel building in relation to the surrounding built form and a design, access and parking statement. The agent has confirmed that the only matters reserved relate to the finish of the proposed hotel building and the landscaping of the roof top garden.

The proposed hotel building shall occupy the whole of the application site and shall be accessed at ground floor level from Queen Street with a first floor vehicular staff and service access to the rear from Camphill Road.

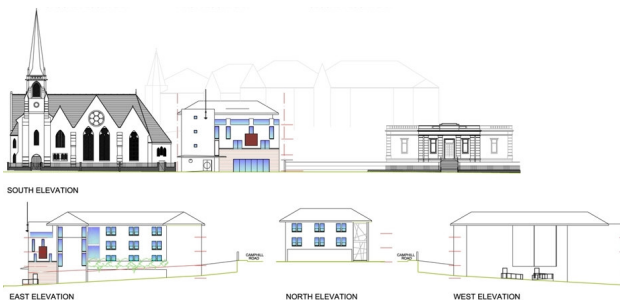
The proposed hotel is of a modern design. The hotel shall be spread over 4 levels and shall comprise of the main entrance/ reception area, gymnasium, studio, changing rooms, kitchen, lifts and main stairwell on the ground floor. On the first floor the hotel shall comprise of a licensed dining/ function suite with a capacity of 104, a large south facing balcony, a roof top garden, 3 en-suite bedrooms and a staff parking area. The second floor of the building shall comprise of 10 en-suite bedrooms with the third floor comprising of 10 en-suite bedrooms with the 3 south facing rooms benefiting from large south facing private balconies.

The hotel shall be C shaped with bedrooms on the first, second and third floors looking into the roof top garden. The hotel shall have floor to ceiling glazed panels on the ground floor of the southern elevation with 2 sets of French doors leading from the dining/ function suite to the first floor

balcony. The second storey of the southern elevation of the proposed hotel shall have 3 vertically proportioned windows providing light and views over central Broughty Ferry to the south facing bedrooms. On the



third floor of the southern elevation, the third floor south facing bedrooms shall have French doors opening out on to extensive south facing balconies. The uniformly proportioned window openings on the eastern elevation shall open out on to the 1st floor roof top



garden and Broughty Ferry Library. The hotel shall also have uniformly proportioned window openings on the western elevation and on the second and third floors of the northern elevation facing the B listed Gulistan restaurant and Carbet Castle housing



development on the northern side of Camphill Road.

The hotel shall not benefit from any in-curtilage parking with guests to the hotel parking in the public car park on the southern side of Queen Street opposite the application site. The Applicant proposes to enter into an agreement with the Council to secure the use of part of the public car park for guest parking.

In accordance with the Council's Scheme of Delegation this application is being reported to the Council's Development Management Committee at the request of an Elected Member.

SITE DESCRIPTION

The application site is located between Camphill Road and Queen Street. The site takes the form of a rectangular piece of ground with the large 2 storey dwelling located in the northern sector of the site abutting Camphill Road. The existing house is split level with the ground floor accessed from Queen Street and the first floor accessed from Camphill Road.

The site is enclosed by stone built boundary walls. There is a 2-3m high privet hedge reinforcing the southern boundary of the site. Vehicle access to the site is taken from Queen Street along a driveway which follows the western boundary of the site leading to a central parking area. The remainder of the site is sown in grass.

The existing house on site, is 2 storeys in height and is stone built with a pitched roof finished in natural slate. The building has a render finish on the southern (front) elevation with the rear elevation having been painted white. The existing house has timber framed sliding sash and case windows as well as cast iron rainwater goods.

The application site is situated between the C(s) listed library building and the B listed Gulistan restaurant and single storey dwelling at 2 Camphill Road. The site is also situated within Forthill Conservation Area.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan 2005

The following policies are of relevance:

Policy 30: Visitor Accommodation - the Council will support the provision of a range of high quality visitor accommodation and conference facilities in and close to the City Centre, where they are consistent with the Central Waterfront Masterplan. Additional visitor accommodation will be encouraged within central Broughty Ferry to improve the attractiveness of this location for tourism.

There will be a presumption against additional out of centre hotel accommodation on or close to major routes through the City.

Policy 53: Licensed and Hot Food Premises Outwith The City Centre - in general, outwith the District Centres no licensed premises other than off-licences or hotels with a restricted license and no premises selling hot food are acceptable:

- a within 30 metres of existing and proposed housing if the outlet does not exceed 150m² gross floorspace (excluding cellar space) and;
- b within 45 metres if the 150 m² figure is exceeded.

In the District Centres some relaxation of the above controls on distance from residential property may be appropriate. However, proposals for hot food takeaways other than those outlined below, will not be permitted in premises directly adjoining (ie directly above or to either side) residential property which is not within the control of the takeaway proprietor/operator.

Where hot food carryout premises and snack bars/cafes/tea rooms are proposed which would not meet the above requirements these may be permitted subject to:

- a the hours of operation being limited to between 7.00am and 7.00pm; and

- b the hot food not requiring to be prepared on the premises and only requiring heating by means of a microwave oven or other method which would not cause a nuisance to surrounding residential property by virtue of smell.

Policy 55: Urban Design - for all new developments the emphasis will be on design quality and the City Council will seek the creation of new public places and points of interest which incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. All development should respect the setting of listed buildings.

The City Council require the use of Design Statements for planning applications or listed building applications for new buildings or extensions to existing buildings on significant sites.



All development will, in its design and layout, be expected to contribute to an environment which is safe and accessible to all.

Policy 61: Development In Conservation Areas - within Conservation Areas all development proposals will be expected to preserve or enhance the character of the surrounding area. This will require the retention of all features which contribute to the character and appearance including unlisted buildings of townscape interest, trees and landscape features and the historic pattern of streets and spaces, as identified in the Conservation Area management plans to be advanced in the near future.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

- Scottish Historic Environment Policy 2009; and
- Scottish Planning Policy (SPP) 2010.

Non Statutory Statements of Council Policy

The following are of relevance:

Breaches in Boundary Walls: Policy and Guidance for Dundee's Listed Buildings and Conservation Areas.

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

Conservation area consent application ref: 10/00661/CON is currently being considered by the Council and appears elsewhere on the agenda. This application seeks consent to demolish the existing 2 storey dwellinghouse on site to make way for the proposed hotel.

PUBLIC PARTICIPATION

The Council has followed the statutory neighbour notification procedure stipulated by the Town and Country Planning (Development Management Procedure)(Scotland) Order 2008. This application was also advertised in the Dundee Evening Telegraph as a departure to the Development Plan.

12 letters of objection have been received from neighbouring residents. The concerns raised include:

- road safety;
- out of character due to scale, massing and the design of the hotel building;
- over provision of hotel accommodation within Dundee;
- overdevelopment of the application site;

- impact upon listed buildings and character of Forthill Conservation Area;
- loss of a building of architectural and historic merit;
- contrary to the requirements of the Development Plan;
- loss of daylight;
- noise disturbance; and
- smell nuisance.

Members will already have had access to the objection letters and it is intended to comment on them in the Observations Section of the report below.

CONSULTATIONS

Scottish Water has no objections to the proposals.

Broughty Ferry Community Council has objected to the proposed development on the grounds that the proposed hotel is contrary to Policy 30 of the Adopted Local Plan, shall be an overdevelopment of the application site, shall adversely impact upon the level of amenity afforded to neighbouring properties, shall adversely affect the character and setting of adjacent listed buildings and the surrounding conservation area.

OBSERVATIONS

STATUTORY REQUIREMENTS

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance the development plan unless other material considerations indicate otherwise.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Council to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy Background section above

It is the aim of Policy 30 (Visitor Accommodation) to support proposals for the provision of high quality visitor accommodation within central Broughty Ferry to improve the attractiveness of this location for tourism. The application site is situated within central Broughty Ferry and therefore adheres to the requirements of Policy 30.

It is the aim of Policy 53 to restrict the location of licensed and hot food premises outwith the city centre to minimise the impact of such premises on the level of amenity afforded to residential properties.

Policy 53 stipulates that licensed and hot food premises with a floor area greater than 150m² should be situated no less than 45m from residential properties. This is principally to prevent licensed and hot food premises impacting upon the level of environmental quality afforded to neighbouring residential properties by virtue of smell nuisance and noise disturbance.

In this instance the proposed hotel with a footprint of 686m² shall be located no less than 5m from a neighbouring residential property at 2 Camphill Road. The kitchen and dining/function suite shall be situated in the southern sector of the building with the en-suite bedrooms in the western wing of the building being closest to neighbouring residential properties. The first floor service and staff access and parking area of Camphill Road shall be located 30m from the 4 storey flatted development at Carbet Castle to the north of the application site.

Instances of smell nuisance can normally be controlled through planning conditions requiring the installation of high level ventilation. Should the Committee be minded to approve this application, this matter shall be addressed by condition.

Due to the proximity of the proposed hotel to neighbouring residential properties, the proposals are contrary to the requirements of the Dundee Local Plan Review 2005.

Policy 55 (Urban Design) requires all development to respect the setting of listed buildings. The proposed hotel building is of a simple yet very modern design. The building shall be 4 storeys in height and shall encompass the whole of the application site. The building shall have large south facing balconies serving the 1st floor function suite and 3rd floor bedrooms. On the ground floor the hotel shall incorporate floor to ceiling glazed panels on the southern elevation.

The hotel building shall have a ridge height of approximately 14m above ground level and while this shall exceed the ridge height of the C(s) listed Broughty Ferry Library it shall not exceed the ridge height of the B listed former church that is now the Gulistan restaurant which stands at approximately 15m above ground level.

In relation to the position of the building on the application site, the hotel shall encompass the whole of the site and shall maintain the southern building line of the former church building to the west of the site. However, the B listed former church building to the west of the application site is strategically located on the eastern corner of the junction between Queen Street and Camphill Road where both roads bound the curtilage of the former church building. The existing building on the application site was positioned to the north of the site with extensive south facing garden grounds. Similarly the C(s) listed Broughty Ferry Library building is positioned to the north of its site with extensive landscaped gardens to the south and west of the building. Even though the application site and the site of Broughty Ferry Library slope from north to south and are enclosed by stone built boundary walls and mature landscaping the library building and the existing house on site as well as the B listed former church building to the west of the application site are prominently visible from views along Queen Street.

By virtue of scale, massing and height, the proposed hotel building shall obscure the library building from views east along Queen Street while the B listed former church building to the west of the proposed hotel shall be obscured from views west along Queen Street.

Due to the massing of the proposed building and its proximity to the B listed former church building to the west of the application site, the proposed hotel shall have an overbearing impact on the B listed former church building and the existing single storey dwelling at 2 Camphill Road.

The design statement submitted in support of the proposed hotel highlights that the design of the hotel evolved from the requirement to respect the character and setting of the flanking listed buildings and the surrounding conservation area. However, from an assessment of the design of the proposed hotel it has been concluded above that the building by virtue of its scale and massing is an overdevelopment of the application site that shall adversely affect the setting of the flanking listed building as well as the level of environmental quality afforded to the house at 2 Camphill Road.

In this instance the proposals are therefore contrary to the requirements of Policy 55 of the Adopted Local Plan.

It is the aim of Policy 61 to support proposals that shall enhance or preserve the character of conservation areas. This application has been submitted with no supporting information justifying the removal of the existing building on site.

The existing house on site dates from the mid 19th century and is not listed. The house is of a stone construction with a pitched roof finished in natural slate. The house has timber framed sliding sash and case windows and black painted cast iron rainwater goods. The existing building does not appear to have any structural defects with the external appearance of the building appearing to be in good condition. In its current form the existing building on land to the west of Broughty Ferry Library by virtue of its traditional form and split level design is considered to contribute positively to the character of the Forthill Conservation Area and is an integral part of the historic Camphill Road streetscape.

In stark comparison the proposed hotel building shall have a conspicuous appearance that shall overdevelop the application site, detract from the appearance and setting of adjacent listed buildings, the respective historic

Queen Street and Camphill Road streetscapes as well as the character of the surrounding Forthill Conservation Area.

As well as the loss of the existing building on site, the proposals shall also involve the removal of a significant stretch of the historic stone built wall forming the northern boundary of the application site. The high stone built boundary walls on either side of Camphill Road give the historic streetscape an enclosed appearance that contributes significantly to the character of the Forthill Conservation Area. The loss of part of this boundary wall to make way for the proposed hotel shall disrupt the continuity in the appearance of the enclosed Camphill Road streetscape detracting from the character of the conservation area.

In this instance the proposals fail to satisfy the requirements of Policy 61 (Development in Conservation Areas) of the Adopted Local Plan.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

Statutory Duty

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Council to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. It has been concluded from the assessment of the proposals against the requirements of the Development Plan that the proposed development shall adversely affect the setting of the listed buildings situated to the east and west of the application site.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area. It has been concluded from the assessment of the proposals against the Development Plan that the proposed hotel shall adversely affect the setting of the Forthill Conservation Area.

Other Material Considerations

The other material considerations to be taken into account are as follows:

National Policy and Guidance

Similar to the requirements of the Development Plan and Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) 1997, the Scottish Planning Policy 2009 and the Scottish Historic Environment Policy 2009 stipulate that all development proposals should have special regard for preserving or enhance the setting of listed buildings and the character of conservation areas.

From the level of information submitted with this planning application there is no justification for the removal of the existing house located on the application site. In addition the proposed hotel building is considered to overdevelop the application site adversely affecting the setting of the listed buildings bounding the site to the east and west. The general form of the hotel building by virtue of scale, massing and design shall not respect the appearance of the Camphill Road streetscape or the historic Forthill Conservation Area. In this instance the proposals fail to adhere to the guidance contained within the Scottish Planning Policy 2009 and the Scottish Historic Environment Policy 2009.

Breaches in Boundary Walls: Policy and Guidance for Dundee's Listed Buildings and Conservation Areas

The Council's non-statutory policy on breaches in boundary walls advises that applications for planning permission involving the creation of a breach in a boundary wall shall not be recommended for approval where the wall is considered to contribute to the character of the conservation area and where the proposed alteration would detract from this character.

The stone boundary walls delineating the northern and southern sides Camphill Road contribute significantly to the overall character of the Forthill Conservation Area. The removal of a significant stretch of the existing stone built wall forming the northern boundary of the application site shall adversely affect the appearance of Camphill Road which is characterised by continuous high stone built boundary walls enclosing the street. The removal of part of the existing

northern boundary wall shall therefore adversely impact upon the character of the conservation area.

The proposals shall also involve the removal of the existing stone wall bounding the application site to the south. Each of the properties on the northern side of Queen Street are enclosed by low stone built boundary walls or ornate railings which contributes to the traditional appearance of the historic Queen Street streetscape. The loss of this boundary wall shall detract from the appearance of Queen Street and the character of the surrounding conservation area.

Supporting Information

A Design, Access and Parking Statement.

Throughout pre-application discussions the Council has raised concerns about vehicle access from Queen Street to a hotel development on the application site. This is because such a development would generate a significant number of vehicle movements from guests, staff and service vehicles entering and exiting the application site in close proximity to the signalised junction between Queen Street and Fort Street and the junction between Queen Street and Camphill Road to the detriment of driver and pedestrian safety. The parking and access statement uses this reasoning as justification for the use of the public car park on the south side of Queen Street adjacent to the application site to provide guest parking.

The access statement highlights that delivery vehicle, guest and staff parking shall be facilitated by the creation of a new access point on Camphill Road to the North of the site. The parking provision allocates five accessible spaces for guest and staff car parking.

While 5 parking spaces is not sufficient to serve the proposed hotel development, the creation of a vehicle access on Camphill Road shall give rise to significant issues of road safety as the proposed access and service yard is not of sufficient size to allow for cars and service vehicles to enter and exit the site in a forward gear.

The supporting statement demonstrates that the hotel building has been designed to be completely barrier free. However, in terms of justifying the

scale, massing and design of the proposed hotel building the supporting statement fails to demonstrate that the hotel building shall not adversely affect the setting of neighbouring listed buildings or the character of the surrounding Forthill Conservation Area.

Views of Objectors

12 letters of objection have been received from neighbouring residents. The concerns raised include:

Road safety - many of the letters of objection received raise road safety as the primary source of concern over the proposed hotel development. There is concern that the proposed hotel shall generate additional traffic on Queen Street and surrounding streets from visitors attempting to find nearby parking free from costs. In addition there is concern that the proposed hotel shall generate significant levels of traffic on Camphill road from service vehicles and workers travelling to and from the hotel.

The site of the proposed hotel is located in close proximity to a variety of public car parking facilities within Central Broughty Ferry. In addition the proposed access on Camphill Road is insufficient to allow for vehicles to enter the site, turn and exit the site in a forward gear. In this instance the proposed access shall give rise to significant issues of road safety.

Out of character due to scale, massing and design of hotel building - these concerns have been addressed in the assessment of the proposals against the requirements of the Development Plan in the Observations section above. It has been concluded that the proposed hotel building by virtue of scale and massing shall have an overbearing impact upon neighbouring properties.

Over provision of hotel accommodation within Dundee - in terms of hotel provision within Broughty Ferry, the proposals comply with the requirements of Policy 30 (Visitor Accommodation) of the Adopted Local Plan. It should be noted that there are not many hotels within Broughty Ferry and the main thrust of Policy 30 is to attract visitors to the town in order to boost the tourism industry within Dundee. In this instance the proposals are not considered to contribute to or result in an over provision of hotel accommodation within the city.

Overdevelopment of the application site - these concerns have been addressed in the assessment of the proposals against the requirements of the Development Plan in the Observations section above. The proposed hotel with a footprint of 686m² shall take up 69% of the application site which has an area of only 991m². Given that the hotel accommodation proposed is spread over 4 levels, the building by virtue of scale and massing shall overdevelop the application site.

Impact upon listed buildings and character of Forthill Conservation Area - these concerns have been addressed in the assessment of the proposals against the requirements of the Development Plan in the Observations section above. It has been concluded that the proposed hotel by virtue of scale, design and massing shall adversely affect the setting of the listed buildings bounding the application site to the east and west. In addition the proposed development is considered to detract from the character of the surrounding Forthill Conservation Area.

Loss of a building of architectural and historic merit - these concerns have been addressed in the assessment of the proposals against the requirements of the Development Plan in the Observations section above. It has been concluded that the existing building located on the application site makes a positive contribution to the character of the Forthill Conservation Area and its loss for the erection of the proposed hotel would adversely affect the character of the conservation area.

Contrary to the requirements of the Development Plan - the proposals have been assessed against the requirements of the Development Plan and have been found to contravene the requirements of Policy 30, Policy 53, Policy 55 and Policy 61 of the Adopted Local Plan.

Loss of daylight - the proposed hotel by virtue of scale and massing shall block significant amounts of daylight from the property at 2 Camphill Road until 12am during the day. Thereafter, the existing B listed former church building to the south of 2 Camphill Road blocks daylight from the property for the remainder of the day. In this instance the proposed hotel shall have an adverse impact upon the level of environmental quality afforded

to the existing property at 2 Camphill Road.

Noise disturbance - these concerns have been addressed in the assessment of the proposals against the requirements of the Development Plan in the Observations section above. Given the proximity of the proposed hotel building to neighbouring residential properties it has been concluded that noise from late night and early morning vehicle movements and from guests leaving the hotel late at night or early in the morning has the potential to adversely affect the level of environmental quality afforded to neighbouring residents.

Smell nuisance - these concerns have been addressed in the assessment of the proposals against the requirements of the Development Plan in the Observations section above. It is considered that any potential issues of smell nuisance can be controlled by condition to minimise the impact of smell nuisance on neighbouring properties.

Views of Broughty Ferry Community Council

The Community Council has objected to the proposed development on the grounds that the proposed hotel is contrary to Policy 30 of the Adopted Local Plan, shall be an overdevelopment of the application site, shall adversely impact upon the level of amenity afforded to neighbouring properties, shall adversely affect the character and setting of adjacent listed buildings and the surrounding conservation area.

Although the proposals comply with the requirements of Policy 30 of Dundee Local Plan Review, the remaining concerns of the Community Council are largely supported as is evident from the assessment of the proposals against the requirements of the Development Plan above.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations to justify the refusal of planning permission. It is therefore recommended that planning permission be refused.

Design

The existing dwellinghouse located on the application site is of a traditional design and finish typical of the period in which it was built. The split level

design of the house is characteristic of properties located on the southern side of Camphill Road and is considered to contribute positively to the historic Camphill Road streetscape and the character of the surrounding Forthill Conservation Area. The proposed hotel is of a very modern yet simple design. The hotel by virtue of scale and massing shall overdevelop the application site while also dominating the Queen Street and Camphill Road streetscapes detracting from the appearance of the B listed Gulistan restaurant and C(s) listed Broughty Ferry Library.

CONCLUSION

The proposed hotel development is contrary to the requirements of Policies 53, 55 and 61 of the Dundee Local Plan Review 2005. The proposals also fail to satisfy the requirements of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997. The views of Objectors are supported. It is therefore recommended that planning permission is refused.

RECOMMENDATION

It is recommended that consent be REFUSED for the following reasons:

Reasons

- 1 The proposed hotel development shall be located within 45m of neighbouring residential properties. By virtue of noise disturbance from late night/ early morning vehicle movements and guests/ visitors arriving and leaving the premises the proposed hotel shall adversely affect the level of environmental quality afforded to neighbouring residential premises. The proposals are therefore contrary to the requirements of Policy 53 (Licensed and Hot Food Premises) of the Dundee Local Plan Review 2005. There are no other material considerations that would justify laying aside the provisions of the Development Plan to grant planning permission.
- 2 By virtue of scale, massing, design and positioning on the application site the proposed hotel building shall have an

overbearing impact upon the B listed former church building to the west of the application site and shall obscure from view the C(s) library building from the junction between Fort Street and Queen Street. The proposed hotel building shall therefore adversely affect the setting of the listed buildings to the east and west of the application site. The proposals are contrary to the requirements of Policy 55 (Urban Design) of the Dundee Local Plan Review 2005 and Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no other material considerations that would justify laying aside the provisions of the Development Plan to grant planning permission.

- 3 The proposed hotel building by virtue of scale, massing and design shall have a conspicuous appearance that shall overdevelop the application site, detract from the appearance and setting of adjacent listed buildings as well as detract from the setting of the historic Queen Street and Camphill Road streetscapes. The proposed hotel shall therefore adversely affect the setting of the Forthill Conservation Area. The proposed hotel development is contrary to the requirements of Policy 61 (Development in Conservation Areas) of the Dundee Local Plan Review 2005 and Section 64 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997. There are no other material considerations that would justify laying aside the provisions of the Development Plan to grant planning permission.
- 4 The proposals shall involve the removal of a significant portion of the existing stone built wall that bounds the site to the north of the application site and also the stone wall bounding the site to the south. These boundary walls contribute significantly to the character and appearance of the historic Camphill Road and Queen Street streetscapes where their removal shall have an adverse affect on the character of the surrounding Forthill

Conservation Area. The proposals are therefore contrary to the requirements of Policy 61 (Development in Conservation Areas) of the Dundee Local Plan Review 2005 and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations that would justify laying aside the provisions of the Development Plan to grant planning permission.