

Formation of 2no Hotels and a Licensed Restaurant

KEY INFORMATION

Ward Maryfield

Address

Willison House
56 Barrack Street, Dundee

Applicant

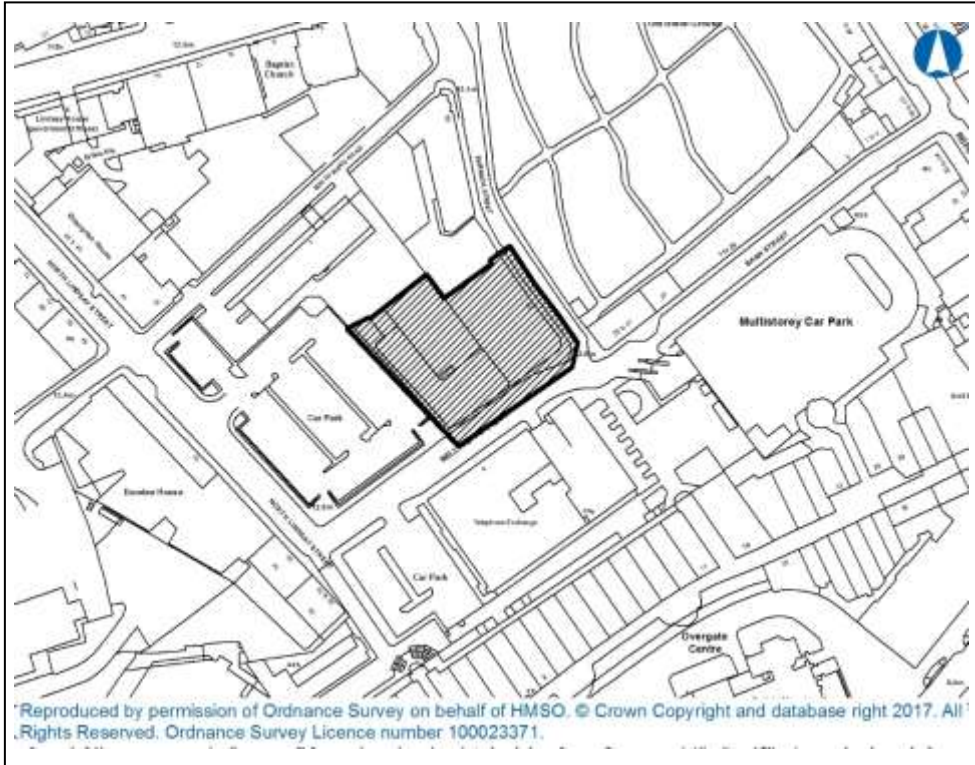
Structured House (Barrack Street) Ltd
16 Robertson Street
Glasgow G2 8DS

Agent

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Glasgow G2 8DS

Registered 26 Sep 2017

Report by Executive Director
of City Development



SUMMARY OF REPORT

- The proposal seeks permission for the development of 2no hotels and a licensed restaurant on the site of Willison House. The proposal involves the demolition of the main buildings forming the B-listed Willison House with the Art Deco façades to be retained, repaired and refurbished and incorporated into the redevelopment of the site.
- A proposed 6 storey hotel block (115 beds) will be set back from the retained tiled façade and to the west of this, a separate 6 storey hotel building (100 beds) is proposed to sit perpendicular to the street and provide elevations to the adjoining sites. A ground floor restaurant is also proposed (265 m²) as part of the development.
- The proposal site is within the Central Conservation Area.
- The proposals are in accordance with the Development Plan.
- 2 letters of objection have been received from the City Centre and Harbour Community Council and Dundee Civic Trust respectively which raise concern about the impact on the surrounding road network and car parking; the proposed restoration of the façade and the development's potential adverse impact on the Central Waterfront.
- The proposal is a major planning application and in accordance with the scheme of delegation, major planning applications are to be determined by the Council's Planning Committee.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/simpleSearchResults.do?action=firstPage>.

RECOMMENDATION

Formation of 2no hotels and a licensed restaurant unit, all with associated facilities and ancillary works to include infrastructure, landscaping etc following demolition (except for substantial facade retention) of existing structures on site is recommended for APPROVAL subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 The proposal involves the demolition of the main buildings forming the B-listed Willison House with the tiled facade to be retained, repaired and refurbished. A proposed hotel block (115 beds) will be set back from the retained tiled facade, creating 6 storeys finished in clay brick which will follow the line of the original street but on a recessed plane. The building services are located in a recessed roof top plant room and a licensed restaurant is proposed on the ground floor (265m²).
- 1.2 To the west of this, a separate 6 storey hotel building (100 beds) is proposed to sit perpendicular to the street and provide elevations to the adjoining sites. The south elevation of the proposed hotel building, facing Willison Street, will be clad in copper coloured panels with the other elevations finished in a mix of brick, glass and aluminium metallic panelling. The building services are located to the rear of the building and are also recessed at roof level.
- 1.3 The proposed buildings are arranged in a splayed U-form around a central courtyard. The development will be served by a landscaped area to the west which provides access to a landscaped central courtyard, cycle parking and services.
- 1.4 An associated listed building application for the substantial demolition of the listed building and the retention of the façade is presented in a separate paper to the Planning Committee (17/00736/LBC).
- 1.5 The proposal falls into the category of a Major Planning Application as defined by Regulation 2(1) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2013. Accordingly, the applicant was required to undertake statutory pre-application consultation with the local community. As part of this, a public event was held in the Central Library, The Wellgate on 21 February 2017.
- 1.6 The public event is evidenced in the Pre-application Consultation Report submitted as part of this application. The applicant has also submitted the following documents to accompany the application drawings:
 - Design and Access Statement;
 - Conservation Statement;
 - Drainage Strategy;
 - Landscape Plan;
 - Transport Statement;
 - Geo-environmental Investigation Report;
 - Sustainability Statement;
 - Ecological Survey Report;
 - Structural Report; and
 - Planning Statement.



Figure 1 – Proposed Ground Floor Plan



Figure 2 – Proposed East Elevation

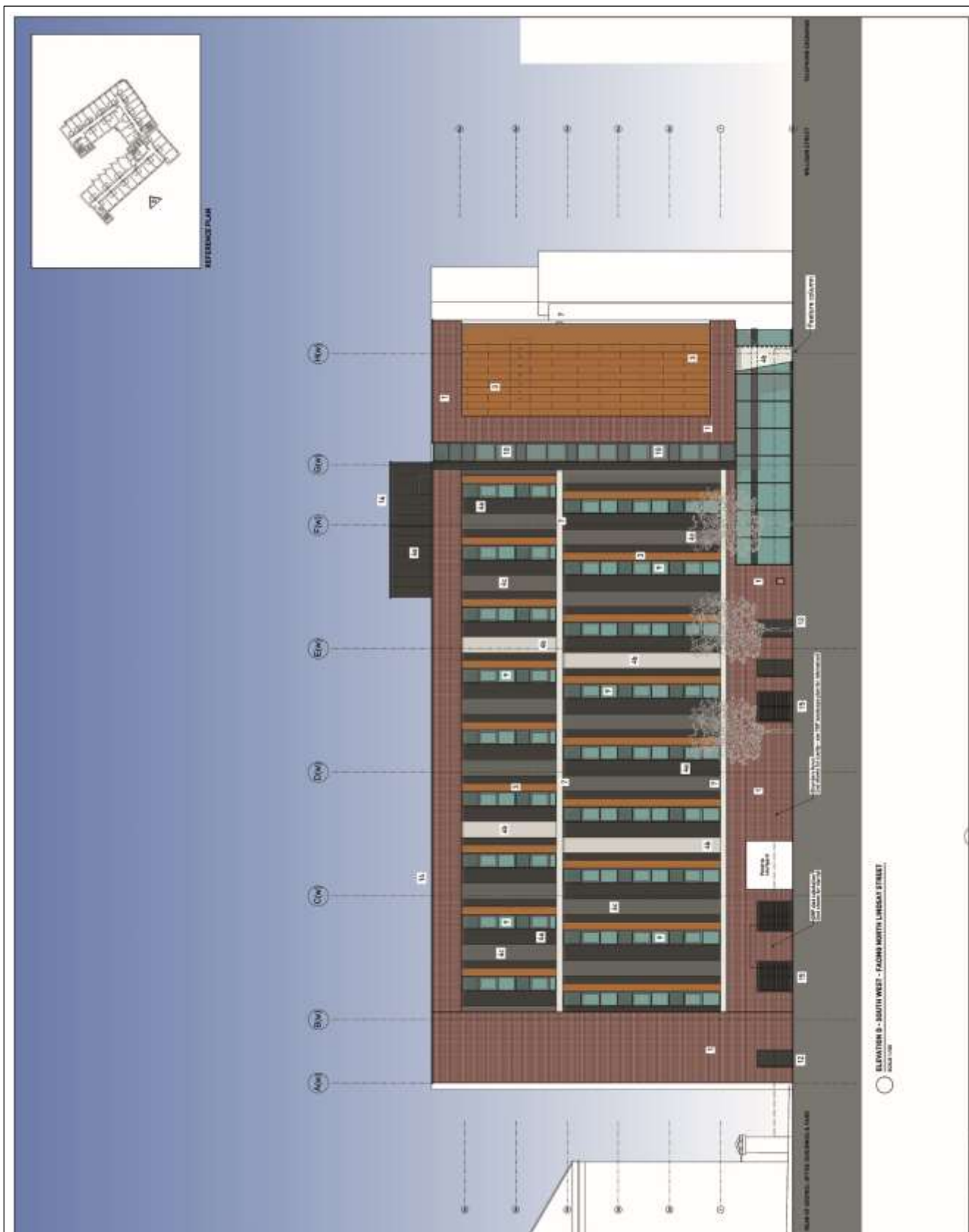


Figure 3 – Proposed West Elevation

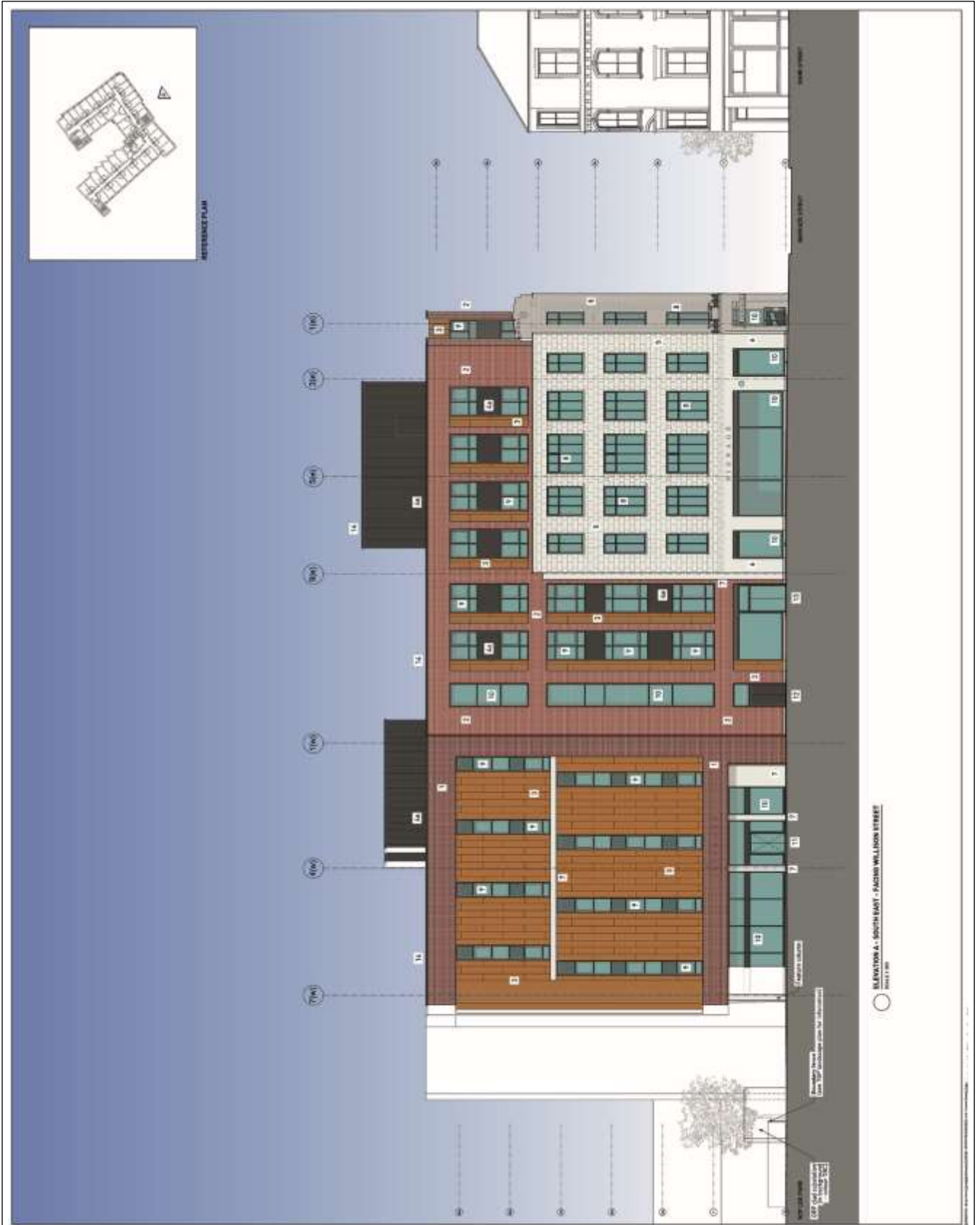


Figure 4 – Proposed South Elevation



Figure 5 – 3D Image of Proposed Development

2 SITE DESCRIPTION

- 2.1 The proposal site is the B-Listed Willison House and associated hard standing located on a corner site on the west side of the junction of Barrack Street and Willison Street.
- 2.2 The 4 storey B-Listed property has a feature faience-clad corner elevation and art deco style doorway to Barrack Street and Willison Street. The building was the premises of the long established Robertson's house furnishers and has been vacant since 2011.
- 2.3 The proposal site is located in the Central Conservation Area within the city centre.
- 2.4 To the east of the proposal site is the A-Listed The Howff and the 4 storey classically detailed B-Listed buildings on Bank Street. To the north of the site is the B-Listed Fairfield House, to the west is a NCP Ltd Car Park and to the south is the Telephone Exchange Building and adjacent to this pedestrian access to the Overgate Shopping Centre.



Figure 6 – Existing South Elevation (Willison Street)



Figure 7 – Former Entrance

3 POLICY BACKGROUND

3.1 The following plans and policies are considered to be of direct relevance:

TAYPLAN STRATEGIC DEVELOPMENT PLAN 2016-2036

Policy 5: Town Centres First

DUNDEE LOCAL DEVELOPMENT PLAN 2014

Policy 6: Visitor Accommodation

Policy 7: High Quality Design

Policy 29: Low and Zero Carbon Technology in New Development

Policy 35: Protected Species

Policy 42: Sustainable Drainage Systems

Policy 44: Air Quality

Policy 45: Land Contamination

Policy 47: Environmental Protection

Policy 48: Listed Buildings

Policy 49: Demolition of Listed Buildings and Buildings in Conservation Areas

Policy 50: Development in Conservation Areas

Policy 55: Accessibility of New Developments

Policy 57: Car Parking

PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN 2

Policy 1: High Quality Design and Placemaking

Policy 2: Public Art Contribution

Policy 8: Visitor Accommodation

Policy 21: Town Centre First Principle

Policy 34: Protected Species

Policy 37: Sustainable Drainage Systems

Policy 39: Environmental Protection

Policy 40: Air Quality

Policy 41: Land Contamination

Policy 46: Delivery of Heat Networks

Policy 48: Low and Zero Carbon Technology in New Development

Policy 49: Listed Buildings

Policy 50: Demolition of Listed Buildings and Buildings in Conservation Areas

Policy 51: Development in Conservation Areas

Policy 54: Safe and Sustainable Transport

Policy 56: Parking

SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS

Scottish Planning Policy 2014

Historic Environment Scotland – Managing Change in the Historic Environment: Demolition (2010)

Historic Environment Scotland Policy Statement (2016)

3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

4 SITE HISTORY

- 4.1 15/00863/PAN – CLOSED - demolition of derelict warehouse and erection of student accommodation, licensed restaurant and coffee shop units and ancillary works including infrastructure, landscaping etc.
- 4.2 17/00003/PAN – CLOSED - Formation of hotel, student accommodation, and licensed restaurant unit all with associated facilities and ancillary works to include infrastructure, landscaping etc.
- 4.3 17/00226/FULM – WITHDRAWN - Formation of hotel, student accommodation and licensed restaurant unit, with associated facilities and ancillary works
- 4.4 17/00227/LBC – WITHDRAWN - Demolition of vacant building/structures with substantial retention of existing facade and incorporation of this into new build proposals on site.
- 4.5 17/00736/LBC - demolition of vacant building/structures with substantial retention of existing facade and incorporation of this into new build – PENDING CONSIDERATION.

5 PUBLIC PARTICIPATION

- 5.1 The Council has carried out the statutory neighbour notification procedure detailed in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.
- 5.2 The application was also advertised in the Dundee Evening Telegraph for neighbour notification purposes and for falling under Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.
- 5.3 Two letters of objection were received including an objection from the City Centre and Harbour Community Council.
- 5.4 An objection was received from Dundee Civic Trust. This stated that the retention of the existing facades, as proposed, will only be worthwhile if it is possible to faithfully restore the badly patched faience facing to its original condition and the maintenance of the gap between the retained frontage and the new construction requires careful attention. The objection also points out that there is a finite demand for hotel space in the city and it is important to the community that this be developed at the most strategic locations such as the Central Waterfront. It states that approval of this development must surely impact adversely on better-located hotel projects that are in the pipeline, such as site 6 on the Waterfront.

6 CONSULTATIONS

- 6.1 **City Centre and Harbour Community Council** – raised an objection with regards to the development in an area which can be heavily congested due to the multi storey car park and the impact of the development on existing car parks. It also contained a request for information on the supply of hotel space in the City which was responded to.
- 6.2 **Historic Environment Scotland** - have no comment to make on the planning application. A consultation response was received for the listed building application 17/00736/LBC.
- 6.3 **SEPA** - have no objection to the proposal.

- 6.4 **Scottish Water** – have no objection to the proposal.
- 6.5 **Head of Environmental Management** - an Ecological Survey Report (Version 4 dated 18/9/17) submitted with the application outlined the findings of survey work which included a bat survey and an extended Phase 1 Habitat survey commissioned by the applicant. The bat survey confirmed a small number of bats using the site and as this species is widespread and common in the area, the impact of the loss of habitat are of negligible value. The development proposals will not have a significant effect on a European protected species. The report recommends a number of mitigation measures for non-maternity roosts of a low number of common pipistrelle bats. The desk study indicates the presence of a number of birds listed on the local biodiversity action plan in the vicinity of the development such as swift. The report recommends September/October would be the optimal time for demolition. A European Protected Species (EPS) licence will need to be applied for from Scottish Natural Heritage (SNH) before any works that could disturb or destroy a bat roost can go ahead. Prior to obtaining this licence, no work should be undertaken which will contravene the legislation outlined in the report. No other key ecological features were noted and no other impacts are predicted. The Head of Environmental Management agrees with contents of the report and the mitigation measures proposed.
- 6.6 **The Head of Community Safety and Protection** - was consulted on the following matters:
- **Air Quality** - The Head of Community Safety and Protection requested that a condition is attached to any consent granted for full details of the proposed means of providing heat, hot water and emergency power to the building, including details of any boilers, flues or extracts or other similar related works to be submitted to and approved in writing by the Council prior to the commencement of development. An air quality assessment may be required depending on the size, location and fuel type of any combustion appliances.
 - Also a condition is requested for a demolition and construction risk assessment and dust management plan to be prepared in accordance with IAQM Guidance and submitted for the approval of the Council prior to the commencement of any works on site.
 - **Contamination** - the Head of Community Safety and Protection noted that a preliminary risk assessment was submitted in support of the withdrawn application for a hotel, restaurant and student accommodation (17/00226/FULM). It is requested that conditions are attached to any consent granted to request that the risk assessment is updated to reflect the new uses proposed and if required intrusive investigation and a scheme to deal with contamination at the site shall be submitted to and approved in writing by the Council prior to the commencement of any works on site. Further before any unit is occupied the remediation strategy shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved in writing by the Council.
 - **Noise and Odour** – no comment.

7 DETERMINING ISSUES

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

THE DEVELOPMENT PLAN

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

TAYPLAN STRATEGIC DEVELOPMENT PLAN 2016-2036

- 7.2 **Policy 5: Town Centres First** – this policy aims to protect and enhance the vitality, viability and vibrancy of city/town centres. It advises that Local Development Plans should focus land uses that generate significant footfall in city/town centres to encourage their vitality and diversity of economic and social activity in both the day and the evening.

The proposal for a hotel and restaurant development within the city centre is supported by this policy.

- 7.3 **The proposal satisfies Policy 5.**

DUNDEE LOCAL DEVELOPMENT PLAN 2014

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

- 7.4 **Policy 6: Visitor Accommodation** – this policy supports the provision of a range of high quality visitor accommodation within the city centre. Any development within the City Centre should not have an adverse effect on the integrity of any Natura site.

- 7.5 The proposal for a hotel and restaurant development would provide additional high quality visitor accommodation within the city centre and would not have any adverse impact on the integrity of any Natura site given the separation distance from the Tay Estuary. As such, the proposal is supported by Policy 6.

- 7.6 **The proposal satisfies Policy 6.**

- 7.7 **Policy 7: High Quality Design** – this policy requires all development to contribute positively to the quality of the surrounding built and natural environment and to respect the character and amenity of the place. The policy adopts a design criteria approach which requires development proposals to consider and respect site topography and any supporting important landmarks, views or skylines; contribute to a sense of identity; complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours; existing buildings structures and natural features that contribute to the local townscape should be retained and sensitively integrated into the proposals.

- 7.8 The existing 4 storey B-listed building is clad in faience tiles in a simple, paired-back Art Deco style, with detailing to the chamfered corner. The proposal involves the demolition of the main buildings forming the listed building with the tiled facade to be retained, repaired and refurbished. The proposed hotel block (115 beds) will be set back from the retained tiled facade by 755mm-1050mm, creating a new facade of 6 storeys finished in clay brick which will follow the line of the original street but on a recessed plane. The building services are located in a recessed roof top plant room and a licensed restaurant is proposed on the ground floor.

- 7.9 A separate 6 storey hotel building (100 beds) is proposed to the west of this to sit perpendicular to the street and provide elevations to the adjoining sites. The south elevation of the proposed hotel building facing Willison Street will be clad in copper coloured panels with other elevations

finished in a mix of brick, glass and aluminium metallic panelling. The building services are located to the rear of the building and are also recessed at roof level.

- 7.10 The proposed new buildings are arranged in a splayed U-form around a central courtyard. The development aims to achieve an appropriate separation between uses. A landscaped area on the west elevation will provide access to cycle parking, an electrical sub-station and to the landscaped central courtyard.
- 7.11 The proposed buildings seek to provide an active frontage at street level. The hotels entrances, reception and foyers provide a fully glazed and open frontage to the street with the licensed restaurant unit offering an active frontage on the main corner on Willison Street.
- 7.12 Supporting documents submitted with the application highlight that the listed facade is fundamental to the overall design and the new buildings are designed to respect this and to be read as distinct elements within an overall composition.
- 7.13 A mixed palette of materials is proposed for the new build elements of the proposal. The red/brown fired clay bricks proposed for the hotel building to sit behind the façade provide a distinctive visual contrast to the retained tiled façade. This differentiation allows visual separation helping the retained facades to be read as an independent building.
- 7.14 Correspondence from Historic Environment Scotland has been submitted with the application. This highlights that the majority of the architectural interest of Willison House is in the tiled façade and a high quality restoration of this element is important to help maintain the more significant qualities of the listed building. For this reason, it is recommended that a condition is attached to any consent granted to request full details of the refurbishment including materials and a method statement for the works to restore the facade of the B-listed building.
- 7.15 In the interests of visual amenity and to ensure a high quality finish, it is also recommended that a condition is attached to any consent granted to request that samples of the finishing materials for the new build elements are submitted to the Council for written approval prior to the commencement of work on site.
- 7.16 Discussion with the applicant during the application process has resulted in the height of the proposed hotel adjacent to the car park being reduced in height from 8 storeys to 6 storeys. This responds better to the height of adjacent buildings and respects the character of the surrounding historic built environment forming part of the Central Conservation Area.
- 7.17 This policy requires all developments with a construction cost of £1 million or over to allocate at least 1% of construction costs towards an art project in a publicly accessible/visible place. It is recommended that a standard condition is attached to any consent granted to request a contribution towards an art project.
- 7.18 The proposed development has been sensitively designed to respect the character and amenity of the surrounding area. The proposal will restore a key element of the architectural interest of B-listed building and bring a prominent vacant building in the city centre and Central Conservation Area back into use.
- 7.19 **With the inclusion of conditions the proposal satisfies Policy 7.**
- 7.20 **Policy 29: Low and Zero Carbon Technology in New Development** – this proposal requires proposals for all new buildings to comply with the carbon emissions reduction standard set by Scottish Building Standards (2007). This is to be met through the installation and operation of zero-carbon generating technologies. A statement is required to be

submitted demonstrating compliance with this requirement. The change of use or conversion of buildings is exempt from this.

- 7.21 A sustainability statement has been submitted with the application. This states that the building shall contribute a 15% reduction in carbon emission set by 2007 Building Regulations (Scotland) as specified in the policy. This will be confirmed at the building warrant stage.
- 7.22 **The proposal satisfies Policy 29.**
- 7.23 **Policy 35: Protected Species** - development proposals which are likely to have a significant effect on a European protected species will not be supported unless:
- 1 there is no satisfactory alternative; and
 - 2 the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature or which have beneficial consequences of primary importance for the environment. Development proposals which would be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range will not be supported. Development proposals that would be likely to have an adverse effect on a species protected under the Wildlife and Countryside Act 1981 (as amended) will not be supported unless the development is required for preserving public health or public safety. For development affecting a species of bird protected under the 1981 Act there must also be no other satisfactory solution.
- 7.24 The applicant commissioned a desk study, bat survey and an extended Phase 1 Habitat survey and the subsequent Ecological Survey Report (version 4 dated 18 September 2017) was submitted with the application.
- 7.25 In respect of the bat survey, the nocturnal watches identified two small non-breeding roosts for common pipistrelles within the roof of the single storey building section with a maximum of four bats recorded emerging. Due to the small number of bats using the site and as this species is widespread and common in the area, the impact of the loss of habitat are of negligible value. The report recommends a number of mitigation measures for non-maternity roosts of a low number of common pipistrelle bats including installation of at least one Schwegler bat box on or close to the site prior to the commencement of works (The Howff); removal of roost areas under the supervision of a licensed bat worker and other potential areas as deemed appropriate by the bat worker and installation of built in bat boxes within the new structure in a location agreed by the bat worker. The report states that September/October would be the optimal time for demolition as this is a less sensitive stage of their lifecycle.
- 7.26 The desk study indicates the presence of a number of birds listed on the local biodiversity action plan, such as swift, in the vicinity of the development. Due to the presence of breeding birds, it is recommended that demolition works do not take place during breeding bird season (March-September) unless pre-demolition checks have been made for nesting birds. No other key ecological features were noted and no other impacts are predicted.
- 7.27 The Head of Environmental Management agrees with the contents of the Ecological Survey Report and the recommended mitigation measures. It is recommended that a condition is attached to any consent granted to request that the recommendations within the Ecological Survey Report (Version 4 dated 18/9/17) are carried out. It is also recommended that the developer should consult with the Council's Forestry Officer for advice on the most suitable tree locations before siting the recommended Schwegler bat boxes in The Howff.

- 7.28 The proposal will not have a significant effect on a European Protected Species. A European Protected Species (EPS) licence will need to be applied for from Scottish Natural Heritage (SNH) before any works that could disturb or destroy a bat roost can go ahead. Prior to obtaining this licence, no work should be undertaken which will contravene the related legislation.
- 7.29 **With the inclusion of conditions the proposal satisfies Policy 35.**
- 7.30 **Policy 42: Sustainable Drainage Systems** - surface water from new development must be treated by a Sustainable Urban Drainage System (SUDS) except for single houses or where discharge is to coastal waters.
- 7.31 The applicant has submitted a proposed drainage plan with the application. Further detail is required in respect of this and as such it is recommended that standard conditions are attached to any consent granted to request this prior to the commencement of any works on site.
- 7.32 **With the inclusion of conditions the proposal satisfies Policy 42.**
- 7.33 **Policy 44: Air Quality** - there is a general presumption against development proposals that could significantly increase air pollution or introduce people into areas of elevated pollution concentrations unless mitigation measures are adopted to reduce the impact to levels acceptable to the Council.
- 7.34 The Head of Community Safety and Protection was consulted and requested that a condition is attached to any consent granted for full details of the proposed means of providing heat, hot water and emergency power to the building, including details of any boilers, flues or extracts or other similar related works to be submitted to and approved in writing by the Council prior to the commencement of development. An air quality assessment may be required depending on the size, location and fuel type of any combustion appliances.
- 7.35 The Head of Community Safety and Protection also requested a condition is attached to any consent granted for a demolition and construction risk assessment and dust management plan to be prepared in accordance with IAQM Guidance and submitted for the written approval of the Council prior to the commencement of any works on site.
- 7.36 **With the inclusion of conditions the proposal satisfies Policy 44.**
- 7.37 **Policy 45: Land Contamination** - development of potentially contaminated brownfield or statutorily identified contaminated land will be considered where:
- 1 a site investigation is submitted establishing the nature and extent of contamination; and
 - 2 the Council is satisfied that remediation measures proposed for the development, adequately address contamination risks to all receptors, such that the land demonstrably does not meet the statutory definition of contaminated land and is suitable for the planned use.
- 7.38 The Head of Community Safety and Protection was consulted and noted that a preliminary risk assessment was submitted in support of the withdrawn application for a hotel, restaurant and student accommodation (17/00226/FULM). It is requested that conditions are attached to any consent granted to request that the risk assessment is updated to reflect the new uses proposed and, if required, intrusive investigation and a scheme to deal with contamination at the site shall be submitted to and approved in writing by the Council prior to the commencement of any works on site. Further before any unit is occupied the remediation

strategy shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the Council.

7.39 **With the inclusion of conditions the proposal satisfies Policy 45.**

7.40 **Policy 47: Environmental Protection** - all new development or an extension to an existing development that would generate noise, vibration or light pollution will be required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area.

7.41 New development or an extension to an existing development in close proximity to existing sources of noise, vibration or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on viability of existing businesses or uses.

7.42 The Head of Community Safety and Protection was consulted and has no comment to make with regards to noise and odour. The proposed development can be accommodated without an unsatisfactory level of disturbance on the surrounding area.

7.43 **The proposal satisfies Policy 47.**

7.44 **Policy 48: Listed Buildings**

a Alternative Uses - suitable alternative uses will be considered for listed buildings where this is necessary to secure their future. Any adaptation of the fabric must be undertaken carefully and sensitively and have minimum impact on the architectural and historic interest, character and setting of the building. A detailed justification statement shall be required to be submitted to support an application proposing an alternative use.

b Alterations to Listed Buildings - the alteration of a listed building will only be acceptable where the proposals have regard to the preservation or enhancement of its architectural or historic character. Alterations will not be permitted where the works would diminish the architectural integrity of the building or its historic interest. A detailed justification statement shall be required to accompany an application for alterations to a listed building.

7.45 The B-listed building has been vacant since Robertson's house furnishers ceased trading in 2011. Supporting documents highlight that the property has been marketed as a whole or in parts without interest since 2011. Further, the hybrid nature of its form and structure reflects the evolution of the building over the course of a number of alterations to accommodate the changing needs of its original users. As a result, the structure is not considered robust. A structural engineering report outlines the need for substantial structural intervention in the historic fabric to create new retail floor plates. Supporting information confirms that even if the property was to be refurbished there is no demand for retail units of this size in this location.

7.46 Correspondence from Historic Environment Scotland, submitted with the application, highlights that the majority of the architectural interest of Willison House is in the tiled façade and a high quality restoration of this element is important to help maintain the more significant qualities of the listed building. The tiled façade is to be retained and restored and supporting documents submitted with the application highlight that the listed facade is fundamental to the overall design of the development. As outlined above, it is recommended that a condition is attached to any consent granted to request full details of the refurbishment works including materials and a method statement for the works to restore the facade of the B-listed building.

7.47 The proposal will restore a key element of the architectural interest of the B-listed building and will bring a vacant, prominent corner site in the city centre and Central Conservation Area back

into use. The Local Development Plan highlights the importance of providing a range of visitor accommodation in the city centre to meet the needs of tourists and business visitors. The proposed hotel and restaurant development offers a suitable alternative use for the listed building to comply with the Local Development Plan requirement for new hotel accommodation in the City.

7.48 **With the inclusion of a condition the proposal satisfies Policy 48.**

7.49 **Policy 49: Demolition of Listed Buildings and Buildings in Conservation Areas** – applications for the demolition of a listed building or an unlisted building that is worthy of retention in a conservation area must be fully supported by reports on the condition and marketing history of the building along with a feasibility study which explores the viability of retaining the building in active use. Applications for demolition shall be required to be in accordance with Historic Environment Scotland's Policy Statement.

7.50 Where the demolition of a building is acceptable, applications must be supported by acceptable proposals for the redevelopment or treatment of the cleared site.

7.51 Historic Environment Scotland define demolition as "the total or substantial demolition of a building". In this respect the definition can include the demolition of a building behind a retained façade. In line with national policy, there is a strong presumption against the demolition of any listed building. As outlined in national advice applications for demolition will be assessed against the following tests - importance of the building; condition of the building; economic viability of reusing the building and wider public benefits. To obtain consent for demolition, applications will need to meet at least one of the tests.

7.52 A Conservation Statement has been submitted to address the tests outlined above:

- a Importance of the building – the report concludes that the building is not of any significance in respect of age, architectural and historic interest and cultural significance. It highlights that the majority of the architectural interest of 56 Barrack Street is in the facades and notes the correspondence from Historic Environment Scotland which confirms this. The report refers to the Dundee Central Conservation Area Appraisal which states that the character of the area is composed of a mix of buildings, representing a range of styles and eras. As such the report considers that, Willison House does not form a constituent part of the Conservation Area nor would the interest of a group of listed buildings be damaged by the demolition or substantial change of a constituent part.
- b Condition of the building – reference is made to a Structural Engineer's report which states the existing building is not robust as a result of the hybrid nature of the structure and its complex development over a number of years with the conversion of another building. It is advised that in its present condition it could only maintain lightweight use and that this use would require robust management. The degradation of the existing building fabric is evident from water penetration; plant growth; corroding of the steel framed windows and the deterioration of masonry, flat roofs and the faience.
- c Economic viability of reusing the building - the B-listed building was the premises of Robertson's house furnishers and has been vacant since the business ceased trading in 2011. As a purpose built shop solely used by Robertson's, the building has never seen any other use. A Marketing Report examines the economic viability of the re-use of the existing building as a furniture warehouse. This clearly states that this is not a viable option. A structural engineering report notes that while the structural repair of the building is ultimately possible, the reuse of the building for a contemporary use, or alternative use, other than which it was originally designed in terms of modern structural integrity and use (a furniture warehouse) is problematic. The Structural Engineer's report states that

without substantial intervention to strengthen the timber joists, steel beams, floors and the foundation, the building could not easily accommodate a change in use. Supporting information confirms that even if the property was to be refurbished there is no demand for retail units of this size in this location.

- d Wider public benefit – the report notes that with an increased number of hotel guests, positive activity and associated spending will be brought to the area by way of support to local businesses.
- e The report outlines the discussion which has taken place between the applicant, the Council and Historic Environment Scotland since November 2015. The applicant previously brought forward a proposal to demolish the B-listed building and complete a new build scheme on the site. However, negative feedback on the demolition proposal was received from Historic Environment Scotland and the Council. A proposal to substantially retain the B-listed façade and incorporate this into a new build scheme was the subject of further pre-application discussion with the Council and Historic Environment Scotland.
- f Correspondence from Historic Environment Scotland, submitted with the application, states “*The move away from total demolition to incorporation of the paired-back Art Deco façades into the mixed-use development is a positive move. However, the proposals will still represent a significant intervention into the listed building and we had hoped that more of the existing structure could be retained. However, the majority of the architectural interest of 56 Barrack Street is in the façades and we welcome the commitment to repairing the faience.*” The proposal to retain the façade as part of a mixed use development was presented to the public in February 2017 as part of the statutory pre-application process.

7.53 The application is supported by sufficient information to meet at least one of the tests set out in national policy and support the substantial demolition of the listed building. It involves proposals for the redevelopment of the cleared site and the refurbished listed facade remains a prominent feature in the high quality design of the mixed use development.

7.54 The proposed hotel and restaurant development will restore a key element of the architectural interest of the B-listed building and will bring a vacant, prominent corner site in the city centre and Central Conservation Area back into use.

7.55 **The proposal satisfies Policy 49.**

7.56 **Policy 50: 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 that contribute to the character and appearance of the conservation area.

7.57 Conservation areas provide opportunities to introduce good quality modern design and bring together old and new to create an attractive evolving urban landscape. The proposed development has been sensitively designed and will restore a key element of the architectural interest of a B-listed building. The design brings together old and new elements within an overall composition and a mixed palette of quality materials will bring visual interest to the streetscape.

7.58 The proposal will enhance the Central Conservation Area by bringing a prominent vacant building back into use.

7.59 **The proposal satisfies Policy 50.**

- 7.60 **Policy 55: Accessibility of New Developments** - all development proposals that generate travel should be designed to be well served by all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be afforded priority and allow walkable access to local amenities.
- 7.61 Development proposals will be required to:
- 1 incorporate facilities on-site (and/or off-site through developer contributions) for walking, cycling and public transport networks, including road/junction improvements and cycle parking. Developments without direct links to adjacent walking and cycling networks will not be supported; and developments without direct links to adjacent walking and cycling networks will not be supported;
 - 2 incorporate measures to permit access to public transport networks within a walking distance of no more than 400 metres from the centre of the development;
 - 3 have no detrimental effect on the capacity or functioning of the existing road or rail networks;
 - 4 ensure that safe and adequate provision is made for road freight and waste access, loading and unloading; and
 - 5 comply with Dundee City Council's roads design standards Streets Ahead.
- 7.62 A Transport Statement has been submitted and its findings are accepted. In respect of the criterion above:
- 1 No dedicated parking is proposed within the site given its city centre location and the location of car parks in the surrounding area which have sufficient capacity to cater for the development. The site is well located for access to a range of sustainable modes of transport including walking, cycling and public transport networks. The Seagate Bus Station and Dundee Railway Station are located within walking distance of the site. Provision for cycle parking is to be made within the site.
 - 2 The assessment of numbers of pedestrians shows that the level is high enough to warrant a pedestrian crossing. The developer has agreed to the provision of a new signalised pedestrian crossing on Willison Street prior to the development opening. It is recommended that a condition is attached to any consent granted to request that full details of the pedestrian crossing is submitted to the Council for written approval and that the crossing is installed prior to the commencement of development.
 - 3 The roads/footways leading to the site have capacity to cater for the proposed development as outlined in the Transport Statement. The proposed development will not have a detrimental effect on the capacity or functioning of the existing road network. In the interests of promoting sustainable transport it is recommended that a condition is attached to any consent granted to request that a Travel Plan must be agreed with the Council and implemented within one year of the development opening.
 - 4 The Transport Statement recommends amendments to existing traffic orders on Willison Street to allow for the safe and adequate load and unloading of goods and waste. It is recommended that a condition is attached to any consent granted to request that the details of the proposed alterations to existing traffic orders shall be submitted to and approved by the Council and the process completed prior to the opening of the development.

5 The proposal complies with Dundee City Council's roads design standards Streets Ahead.

7.63 **With the inclusion of conditions the proposal satisfies Policy 55.**

7.64 **Policy 57: Car Parking - City Centre Developments** - all new developments, or alterations to existing developments within the City Centre area will be required to comply with the Central Dundee Parking Strategy.

7.65 The findings of the Transport Statement confirms that the development is car free and there is no vehicular access except in the case of emergency service vehicles. As outlined above, the findings of the Transport Assessment are accepted and in the interests of promoting sustainable transport it is recommended that a condition is attached to any consent granted to request that a Travel Plan shall be prepared and agreed with the Council and in place within one year of the development opening.

7.66 **With the inclusion of a condition the proposal satisfies Policy 57.**

7.67 **It is concluded from the foregoing that the proposal complies with the provisions of the Development Plan.**

OTHER MATERIAL CONSIDERATIONS

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

A - STATUTORY DUTY

7.69 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special regard is given to the desirability of preserving listed buildings or their setting or any features of special architectural interest which they possess when determining applications for planning permission. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

7.70 For the reasons set out above the proposed development complies with national planning guidance with regard to development affecting a Conservation Area or the setting of a listed building.

7.71 The statutory duty set out in Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 would be discharged through the approval of planning permission.

B - PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN 2

7.72 The Proposed Dundee Local Development Plan 2 was approved by the Council on 21 August 2017. It sets out the spatial strategy that will guide future development up to 2029.

7.73 The proposed Dundee Local Development Plan 2 will in time replace the Dundee Local Development Plan 2014. Approval of the Proposed Dundee Local Development Plan 2 represents the Planning Authority's settled view as to what the final adopted content of the Plan should be. Whilst the Dundee Local Development Plan 2014 (along with TAYplan) constitutes the statutory Development Plan, the Proposed Dundee Local Development Plan 2 has the status of a material planning consideration to be taken into account in the assessment of planning applications.

- 7.74 The provisions of the Proposed Dundee Local Development Plan 2 relevant to the determination of this application are specified in the Policy background section above.
- 7.75 There are no material changes within these policies which would affect the outcome of the current application.
- 7.76 The requirements of policies of the Proposed Dundee Local Development Plan 2 are also satisfied.

C - VIEWS OF OBJECTORS

- 7.77 **City Centre and Harbour Community Council** – raised issues with regards to access to the development in an area which can be heavily congested due to the multi storey car park; impact of the development on existing car parks and a request for information on the supply of hotel space in the City.
- 7.78 **Response:** information on the supply of hotel space in the City was sent to the Community Council. With regards to congestion and car parking this matter is discussed fully in relation to Policy 55 (Accessibility of New Developments) and Policy 57 (Car Parking). A Transport Statement has been submitted and its findings are accepted. The proposed development will not have a detrimental effect on the capacity or functioning of the existing road network.
- 7.79 **Dundee Civic Trust** – stated that the retention of the existing facades, as proposed, will only be worthwhile if it is possible to faithfully restore the badly patched faience facing to its original condition and the maintenance of the gap between the retained frontage and the new construction requires careful attention. The objection also points out that there is a finite demand for hotel space in the city and it is important to the community that this be developed at the most strategic locations such as the Central Waterfront. It states that approval of this development must surely impact adversely on better-located hotel projects that are in the pipeline, such as site 6 on the Waterfront.
- 7.80 **Response:** the design of the proposal is fully assessed in relation to Policy 7 (High Quality Design). A high quality restoration of the tiled facade is important to help maintain the more significant qualities of the listed building, as recognised in correspondence from Historic Environment Scotland submitted with the application. As outlined above, it is recommended that a condition is attached to any consent granted to request full details of the refurbishment including materials and a method statement for the works to restore the facade of the B-listed building. The Local Development Plan highlights the importance of providing a range of visitor accommodation in the city centre to meet the needs of tourists and business visitors. The proposed hotel and restaurant development offers a suitable alternative use for the listed building to comply with the Local Development Plan requirement for new hotel accommodation in the city.
- 7.81 The concerns of the objectors are not of sufficient weight to justify refusal of the application.
- 7.82 **It is concluded from the foregoing that there are no material considerations of sufficient weight to justify refusal of planning permission.**

8 CONCLUSION

- 8.1 The proposal satisfies the requirements of the Development Plan. There are no material considerations that would justify refusal of planning permission. Therefore, it is therefore recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

9.1 It is recommended that consent be GRANTED subject to the following conditions:

- 1 **Condition** - prior to the commencement of work on site, details and samples of the proposed finishing materials of the development hereby approved shall be submitted to the Council for written approval. Thereafter, the proposed development shall be finished in strict accordance with the details approved by this condition.

Reason - in the interests of visual amenity.

- 2 **Condition** - prior to the commencement of work on site, details of the method and sample materials to be used for the repairs and refurbishment of the tiled façade shall be submitted to the Council for written approval. Thereafter, the proposed works to the facade shall be completed in strict accordance with the details approved by this condition.

Reason - in the interests of restoring the facade of the listed building.

- 3 **Condition** - prior to the commencement of work on site details of a scheme of public art to be provided within the development hereby approved shall be submitted to the Council for written approval. Thereafter, the approved scheme of public art shall be installed prior to the completion of the development hereby approved.

Reason - in the interests of enhancing the amenity and environmental quality of the development.

- 4 **Condition** - all recommendations contained in the Ecological Survey Report (Version 4 dated 18 September 2017) prepared by Direct Ecology shall be complied with. As per the mitigation measures recommended, before siting the Schwegler bat boxes in the Howff, the developer shall consult the Council's Forestry Officer who will be able to advise the most suitable tree locations.

Reason - to protect the ecological interests of the site.

- 5 **Condition** - prior to the commencement of any works on site, a detailed surface water drainage/SUDS design including drawings, calculations, full modelling, simulation results, design risk assessment, signed Dundee City Council Design Compliance and Independent Check Certification, evidence of compliance with the Simple Index Approach as described in Section 26.7.1 of the CIRIA SUDS Manual (C753), and where appropriate SEPA comments shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to the first occupation of the development hereby approved.

Reason - in the interests of flood protection.

- 6 **Condition** - prior to the commencement of any works on site, maintenance responsibilities along with a maintenance schedule for the surface water drainage system/SUDS features shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out in perpetuity.

Reason - in the interests of flood prevention and visual amenity.

- 7 **Condition** - prior to the commencement of any works on site, evidence of Scottish Water approval for the proposed drainage system for the development hereby approved shall be submitted to the Council for written approval.

Reason - in the interest of flood protection.

- 8 **Condition** - prior to the commencement of the development hereby approved, full details of the proposed means of providing heat, hot water and emergency power to the building, including details of any boilers, flues or extracts or other similar related works shall be submitted to and approved in writing by the planning authority. Depending on the size, location and fuel type of any combustion appliances the Council reserves the right to require an air quality assessment to be provided. Thereafter, the development shall be implemented in accordance with the approved details and be maintained as such.

Reason - in the interest of safeguarding amenity.

- 9 **Condition** - prior to the commencement of any works on site, a demolition and construction risk assessment and dust management plan shall be prepared in accordance with IAQM Guidance, and submitted for the prior approval of Dundee City Council as Planning Authority. Thereafter any mitigation measures identified and approved shall be implemented in full.

Reason - in the interest of safeguarding amenity.

- 10 **Condition** - development shall not begin until the Stage 1 Geo-environmental Investigation Report is updated to reflect the new plans and, if then required, the Intrusive Investigation and a scheme to deal with contamination at the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of proposals to deal with contamination to include:

- i assessment of the risks associated with contaminant sources, pathways and receptors specific to the proposed use of the site, and if necessary;
- ii a remediation Implementation Plan detailing measures to treat/remove contamination and mitigate risks to ensure the site is fit for the proposed use;
- iii measures to deal with contamination during construction works; and
- iv verification of the condition of the site on completion of decontamination measures.

Reason - in the interests of providing a site suitable for future development.

- 11 **Condition** - before any unit is occupied the remediation strategy shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority.

Reason - in the interests of providing a site suitable for future development.

- 12 **Condition** - details of the proposed alterations to existing traffic orders shall be submitted to and approved by the Council prior to the opening of the development.

Reason - in the interests of vehicle and pedestrian safety.

- 13 **Condition** - prior to the commencement of the development hereby approved full details of the pedestrian crossing on Willison Street shall be submitted for written approval by the Council. Thereafter the pedestrian crossing shall be installed and operational prior to the opening of the development.

Reason - in the interests of vehicle and pedestrian safety.

- 14 **Condition** - any existing accesses that are no longer required as part of the proposed development must be made good as footway to Dundee City Council specifications. Details of these alterations must be agreed prior to any works on site.

Reason - in the interests of vehicle and pedestrian safety.

- 15 **Condition** - a Travel Plan must be in place and agreed with the Local Authority within one year of the development opening.

Reason - in the interests of promoting sustainable transport.