

City Chambers  
DUNDEE  
DD1 3BY

3rd January, 2025

Dear Colleague

You are requested to attend a MEETING of the **PLANNING COMMITTEE** to be held remotely on Monday, 13th January, 2025 at 5.00 pm.

Members of the Press or Public wishing to join the meeting should contact Committee Services on telephone (01382) 434205 by Friday 10th January, 2025.

Should you require any further information please contact Committee Services on telephone (01382) 434228 or by email at [committee.services@dundeecity.gov.uk](mailto:committee.services@dundeecity.gov.uk).

Yours faithfully

GREGORY COLGAN

Chief Executive

## **AGENDA OF BUSINESS**

### **1 DECLARATION OF INTEREST**

Members are reminded that, in terms of The Councillors Code, it is their responsibility to make decisions about whether to declare an interest in any item on this agenda and whether to take part in any discussions or voting.

This will include all interests, whether or not entered on your Register of Interests, which would reasonably be regarded as so significant that they are likely to prejudice your discussion or decision-making.

### **2 DEPUTATIONS**

- (a) 24/00247/FULL – CHANGE OF USE OF BUILDING TO FORM 13 SELF CATERING APARTMENTS – JESSIES KITCHEN, BROOMFIELD NURSERIES, 3 ALBERT ROAD, BROUGHTY FERRY, DUNDEE - FOR OLIVIER PROPERTIES LTD

Requests have been made for a deputation to address the Committee relative to objections to and in support of the abovementioned application which is recommended for approval.

- (b) 24/00246/LBC – INTERNAL AND EXTERNAL ALTERATIONS TO ACCOMMODATE CHANGE OF USE TO 13 SELF CATERING APARTMENTS - JESSIES KITCHEN, BROOMFIELD NURSERIES, 3 ALBERT ROAD, BROUGHTY FERRY, DUNDEE - FOR OLIVIER PROPERTIES LTD

Requests have been made for a deputation to address the Committee relative to objections to and in support of the abovementioned application which is recommended for approval.

- (c) 24/00369/CON – APPLICATION FOR CONSERVATION AREA CONSENT TO DEMOLISH PART OF THE BUILDINGS AT 16 AND 18 AIRLIE PLACE – 16 AND 18 AIRLIE PLACE, DUNDEE – FOR UNIVERSITY OF DUNDEE ESTATES & CAMPUS SERVICES

Requests have been made for a deputation to address the Committee relative to objections to and in support of the abovementioned application which is recommended for approval.

### **3 PLANNING APPLICATIONS**

(Copy attached).

# Planning Applications

Reports by Head of Planning & Economic Development to the Planning Committee

<b>Item No</b>	<b>Case No/Ward</b>	<b>Location</b>	<b>Page</b>
1	24/00247/FULL W08-The Ferry	Jessie's Kitchen, Broomfield Nurseries, 3 Albert Road, Broughty Ferry, Dundee, DD5 1AY	1
2	24/00246/LBC W08-The Ferry	Jessie's Kitchen, Broomfield Nurseries, 3 Albert Road, Broughty Ferry, Dundee, DD5 1AY	32
3	24/00369/CON W03-West End	16 and 18 Airlie Place, Dundee, DD1 4HJ	47

*Members may be aware that in making any determination under Planning Legislation, it shall be made in accordance with The Development Plan, unless material planning considerations indicate otherwise. NB: Background papers relating to these reports comprise letters of objection, correspondence with the applicants and/or their agents, comments from consultees and the Development Plan and other policy documents referred to.*

*This page is intentionally left blank*

# Change of Use of Building To Form 13 Self-catering Apartments and Events Space

## KEY INFORMATION

**Ward** – Broughty Ferry

### Address

Jessies Kitchen  
Broomfield Nurseries  
3 Albert Road  
Broughty Ferry

### Applicant

Olivier Properties Ltd  
2 Castle Terrace  
Broughty Ferry

### Agent

Jon Frullani Architect  
140 Perth Road  
Dundee

**Validated:** 10 April 2024

**Report by Head of Planning  
& Economic Development**

**Contact:** Laura Stewart



© Crown copyright and database rights 2024 OS AC0000849497. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.

## SUMMARY OF REPORT

- Planning permission is sought to change the use of Broomhall House to 13 self-catering apartments with the eastern wing of the building, including the conservatory, to be used as an events space.
- The physical works, internal and external alterations are assessed within an associated Listed Building Consent application (24/00246/LBC).
- The application is not fully in accordance with the Development Plan as it is not located in the defined Central Broughty Ferry area.
- Conditions are recommended to minimise impacts on neighbouring amenity from the proposed multi-use events space.
- The statutory neighbour notification process was undertaken, and the application advertised in the local press. 19 letters of objection and 10 letters of support have been received.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as the application has more than six objections which includes an objection from Broughty Ferry Community Council.

## RECOMMENDATION

**The proposal is not fully in accordance with the Development Plan. There are material considerations of sufficient weight to justify approval of planning permission. It is therefore recommended that planning permission be APPROVED subject to conditions.**

---

## 1 DESCRIPTION OF PROPOSAL

---

- 1.1 It is proposed to convert Broomhall House into 13 self-catering apartments and provide an events space which is bookable by guests and members of the public/groups. Broomhall House is a Category B Listed Building. A separate application has been submitted for Listed Building Consent for the internal and external alterations required to accommodate the proposed change of use. These works are assessed in detail under 24/00246/LBC.
- 1.2 12 of the proposed apartments are one bedroom with a kitchenette and en-suite bathroom. One of the apartments on the upper floor has two bedrooms. Most of the apartments are open plan with the bedroom/living and kitchenette facilities all being within the same room.
- 1.3 The basement of the property currently comprises storage and this area is to be retained. The ground floor will provide the main access to the proposed apartments and includes the existing hallway and kitchen areas; the creation of a new reception area and staff WC; six of the apartments; and the proposed events space, storage and the conservatory which is denoted on the plans as a dining and lounge area.
- 1.4 The first floor of the property shall accommodate seven apartments with a shared communal lounge area central to this. There are no changes proposed to the roof of the main building. However, works are required to the conservatory to repair and maintain the frame and replace glazing. These works are assessed in detail within the Listed Building Consent application.
- 1.5 The access into the site is via the existing driveway between numbers 3 and 3A on the north side of Albert Road. The driveway leads to an existing parking area comprising 31 car parking spaces including three EV charging spaces alongside two disabled bays. There are existing bike racks on the eastern boundary wall and a covered bike store is proposed adjacent to this.
- 1.6 Due to concerns raised by third party objectors and Council Officers, additional information was sought through the course of the application. This included further clarification on how the proposed events element was to operate, types of events, timing of events and management of these. Clarity was also sought over the use of the existing kitchen facility and existing equipment within this.
- 1.7 The applicant has submitted the following in support of the application:
- Operational Statement;
  - Planning and Listed Building Statement;
  - Justification/Background Information Statement;
  - Transport Statement;
  - Noise Impact Assessment; and
  - Town Centre First Assessment.

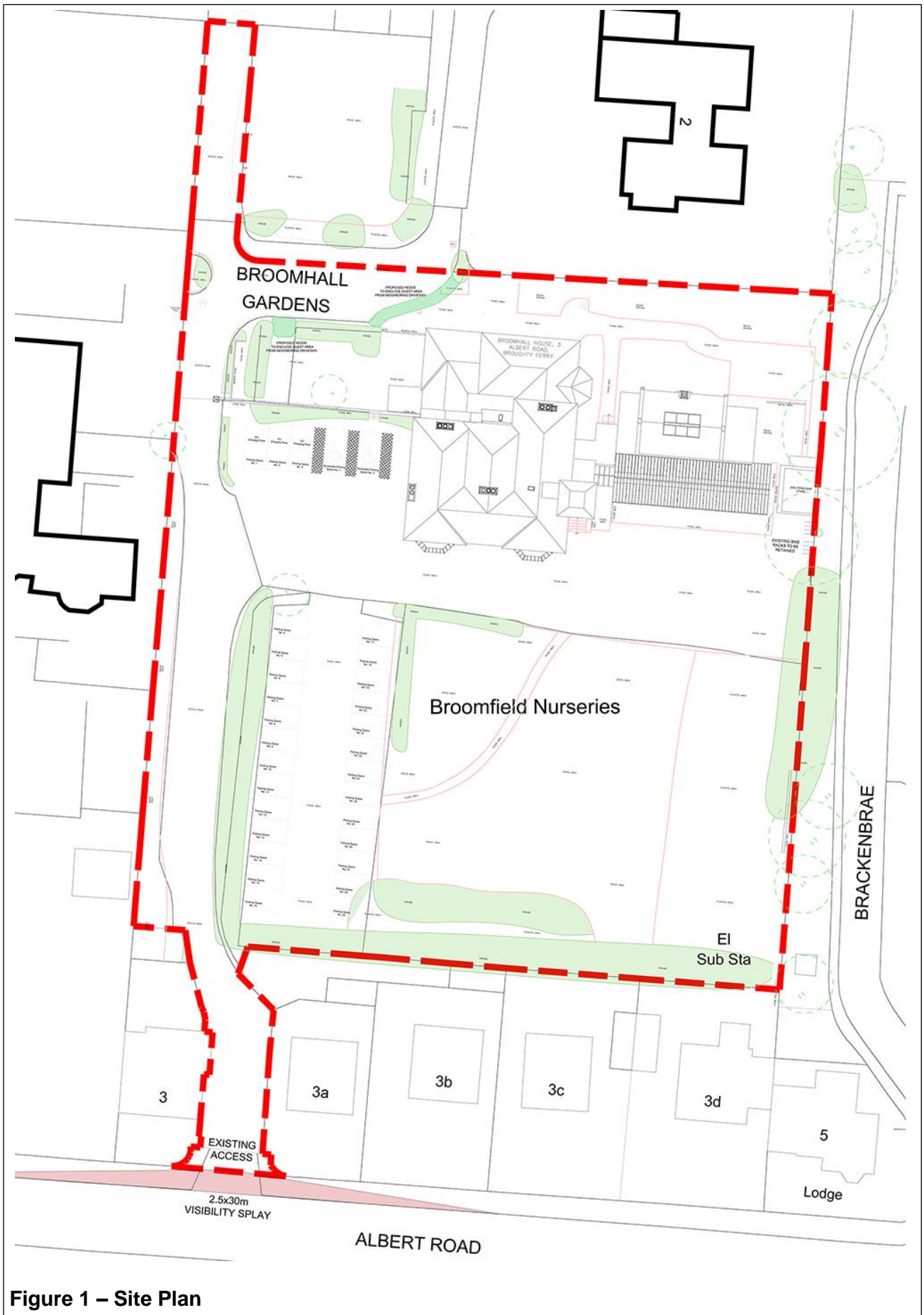


Figure 1 – Site Plan



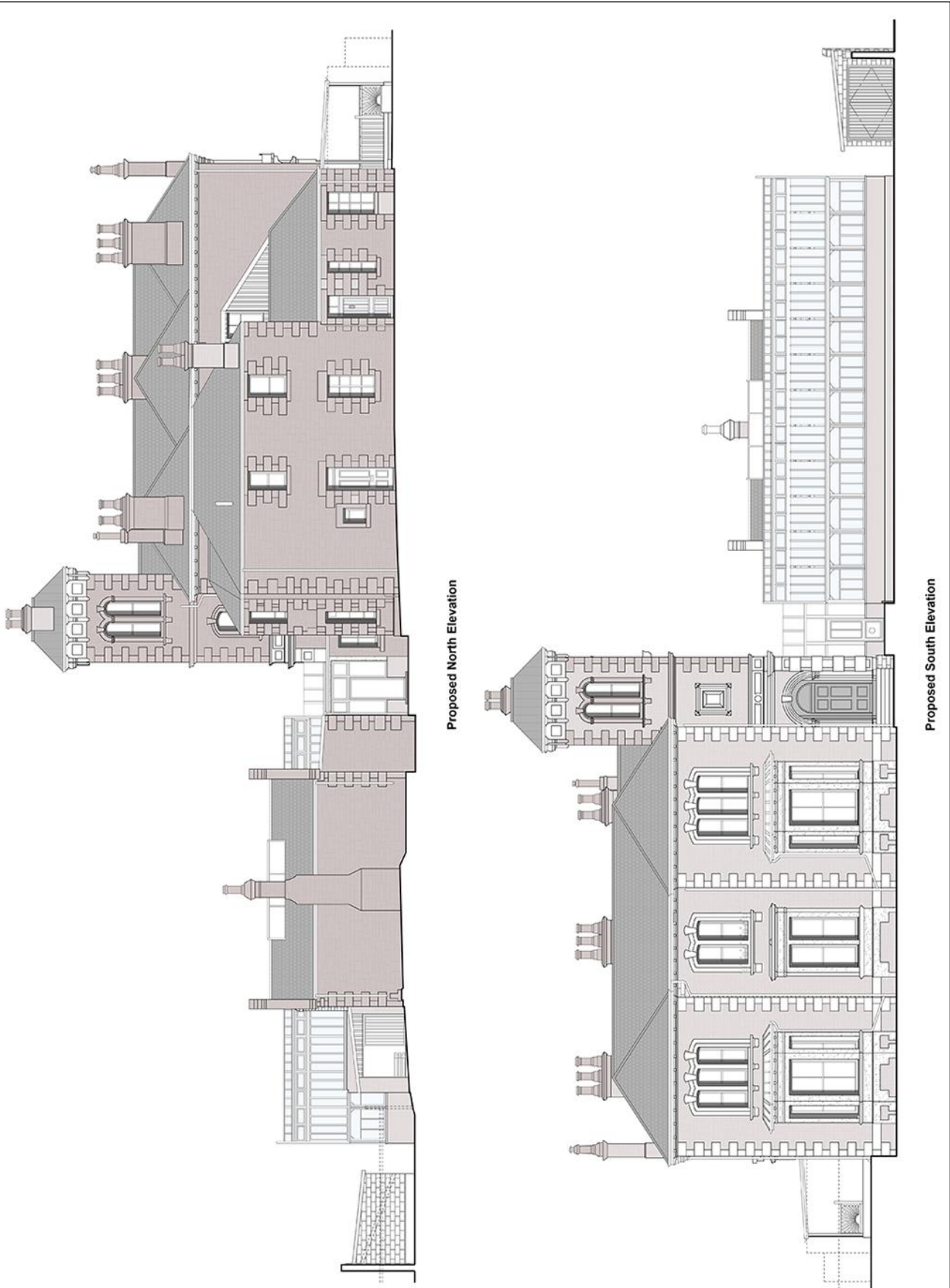


Figure 2 – Proposed North and South Elevations



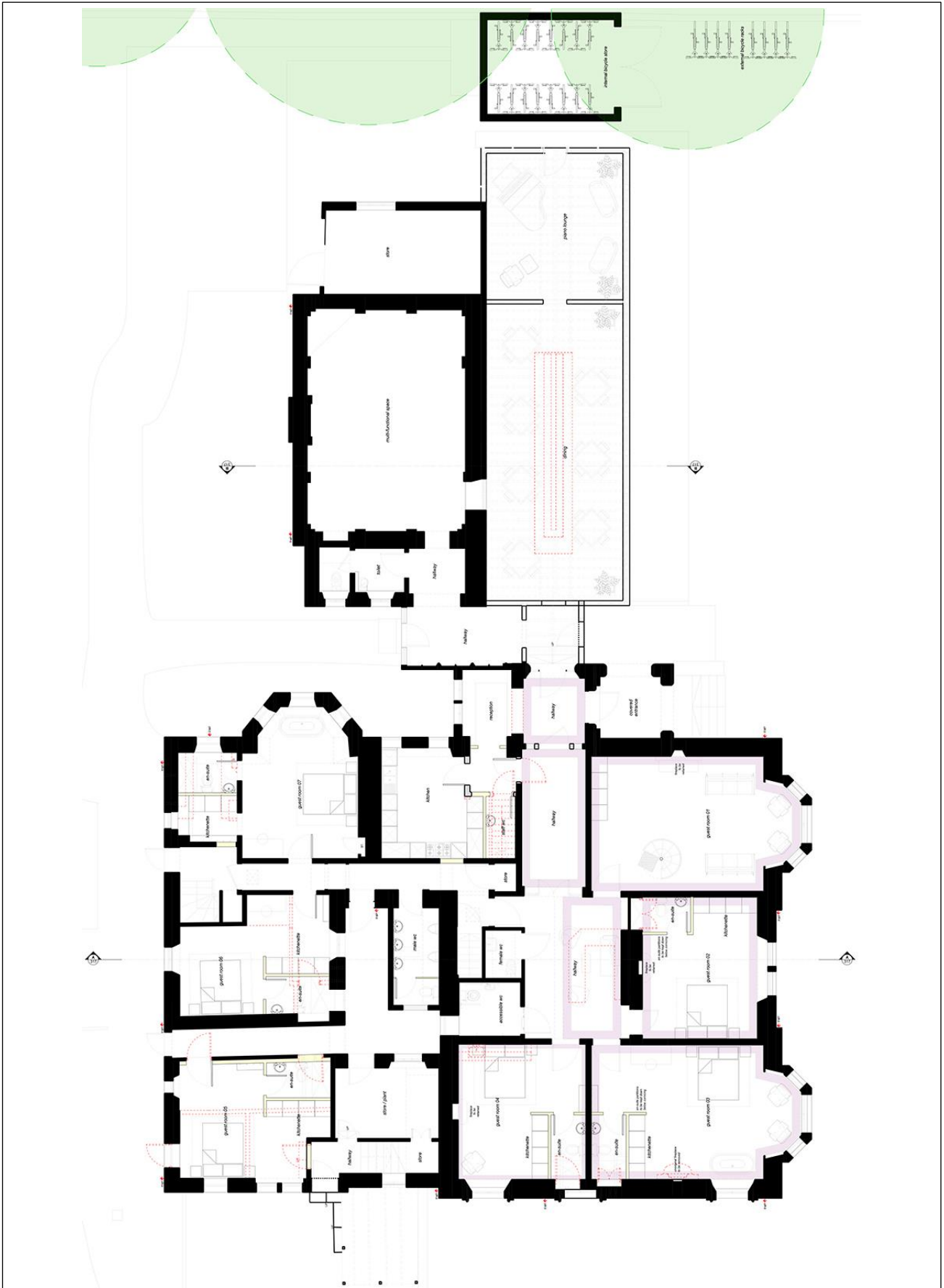


Figure 3 – Proposed Ground Floor Plan



Figure 4 – Proposed First Floor Plan

---

## 2 SITE DESCRIPTION

---

- 2.1 The site is located on the north side of Albert Road, Broughty Ferry. Broomhall House is a category B listed Italianate villa built of sandstone rubble with a slate roof. It is largely a two-storey building with a single-storey element and three-storey tower. A conservatory is located on the eastern elevation of the property.
- 2.2 The property has been subdivided over the years and has most recently been in use as a coffee shop (Jessie's Kitchen), garden centre and residential flats on the first floor. The Historic Environment Scotland listing from 1991 also recorded the building as previously being in use as three apartments.
- 2.3 The property sits within generous grounds which mainly comprise a large front lawn with some high boundary hedges, located between the driveway and Brackenbrae to the east. The site falls just outside the West Ferry Conservation Area, the boundary of which is located to the west of the site. The immediate area has a mixed density of residential properties. This includes contemporary bungalows and housing on the opposite side of Albert Road to the south. Larger traditional buildings set within generous plots are located to the west, north and east. Properties to the east and west have also been subdivided into flats.





**Figure 5 – Broomhall House and Garden**



**Figure 6 – Shared Driveway and Western Elevation**





Figure 7 – Conservatory

---

## 3 POLICY BACKGROUND

---

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

### **NATIONAL PLANNING FRAMEWORK 4**

Policy 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation

Policy 3: Biodiversity

Policy 7: Historic Assets and Places

Policy 9: Brownfield, Vacant and Derelict Land

Policy 12: Zero Waste

Policy 13: Sustainable Transport

Policy 14: Design, Quality and Place

Policy 22: Flood Risk and Water Management

Policy 23: Health and Safety

Policy 27: City, Town, Local and Commercial Centres

Policy 30: Tourism

### **DUNDEE LOCAL DEVELOPMENT PLAN 2019**

Policy 1: High Quality Design and Placemaking

Policy 8: Visitor Accommodation

Policy 21: Town Centre First Principle

Policy 37: Sustainable Drainage Systems

Policy 39: Environmental Protection

Policy 40: Air Quality

Policy 44: Waste Management Requirements for Development

Policy 48: Low and Zero Carbon Technology in New Development

Policy 49: Listed Buildings

Policy 54: Safe and Sustainable Transport

Policy 56: Parking

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 Listed Building Consent 24/00246/LBC for Internal and external alterations to accommodate change of use to 13 self-catering apartments is pending consideration.

4.2 Planning permission 16/00758/FULL for Erection of 2 Detached Dwellings and Upgrading of Existing Roadway was approved 28 October 2016.

4.3 Planning permission 13/00802/FULL for Demolition of existing house, greenhouses and boiler house and erection of 6 detached dwellings and garages including upgrading of existing access roadway was approved 24 January 2014.

4.4 Planning permission 14/00013/FULL for Proposed change of use of part of garden ground and yard area to provide additional car parking was approved 17 April 2014.

4.5 Planning permission 10/00648/FULL for Proposed change of use from existing Residential Flat to Coffee Shop was approved 17 December 2010.

- 4.6 Planning permission 12/00432/FULL for Part change of use of ground floor flat to form extension to coffee shop was approved 14 September 2012.

---

## 5 PUBLIC PARTICIPATION

---

- 5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- 5.2 19 objections have been received raising the following valid material grounds:
- disruption to residential character of the area due to transient population;
  - noise from unspecified numbers of guests and music from events consequential impacts to health of neighbours;
  - impacts to neighbouring residential amenity from use of gardens and marquees during events;
  - overlooking from windows to neighbouring properties;
  - impact to neighbours from odours/smells;
  - increased traffic and congestion from visitors, events visitors and deliveries and disruption to use of shared driveway and pedestrian safety on this;
  - parking issues when events are on and conflicts with neighbouring uses including school;
  - waste management issues and littering;
  - proposed change of use and operation is not comparable to the former café/kitchen due to opening hours, no alcohol sales;
  - contrary to LDP Policy 1 as will not contribute positively or respect the character and amenity of place, create a sense of community and identity or be appropriate to the local context;
  - contrary to LDP Policy 8 Tourist accommodation as out with Central Broughty Ferry and City Centre;
  - no Policy 49 (LDP Listed Buildings) justification for the change of use;
  - contrary to NPF4 Policy 7 – Historic assets and places;
  - Scottish Government presumes against short term lets and party houses;
  - description of development and supporting information conflicts (relates to references to self-catering apartments and “boutique hotel”);
  - drainage impacts;
  - no security or on-site management to ensure amenity protected; and
  - extra footfall to a residential area is not a good thing as no facilities nearby.



5.3 Concerns were also raised in relation to:

- behaviour of guests;
- guests accessing neighbouring properties;
- incompatibility with TayPlan (as it is now no longer in force this is not material);
- contrary to LDP Policies 10, 11, 16 and 17 (Design of New Housing, Householder Development, HMOs, Small Scale Commercial Uses – not applicable as that is not what is proposed);
- one flat is currently occupied, not vacant as stated in the supporting information;
- value of property; and
- existing hedge not mentioned in plans and is overhanging neighbouring properties.

However, these are not valid material planning considerations.

5.4 10 letters of support have been received raising the following valid material planning considerations:

- continued use for hospitality supported;
- use is sympathetic to building and location;
- valuable addition/asset to Broughty Ferry;
- restorations will be in keeping and high quality;
- lack of high-quality accommodation lacking;
- events space useable for community groups;
- bring opportunities for residents and businesses;
- promote Broughty Ferry and economic benefit to local economy;
- preservation of historic asset including transformation of conservatory to former glory;
- type of accommodation would not target stag/hen dos and no garden overspill and noise issues;
- ample parking available; and
- will ensure build retained as a unit and not separated/sold off separately.

5.5 The valid grounds of representation are taken into account in the material considerations section of this report.

---

## 6 CONSULTATIONS

---

- 6.1 **Broughty Ferry Community Council** – objects to the application. Note that as required by LDP Policy 49a a detailed justification statement is required to be submitted to support an application proposing an alternative use. Concerns are raised around the intention of the proposal as it is unclear if this is to be a boutique hotel (which would be managed) or short-term letting which provides accommodation for functions. The proposal introduces many unknowns to local residents which the statement submitted fails to address including the density of accommodation, on-site management, noise, parking, licensing laws, and effect on local environment among others.
- 6.2 **Head of Communities, Safety and Protection** – has no objection to the application subject to conditions. The recommended conditions centre around restricting the timing of events, noise from music, plant and machinery both internal and external to the building, and the timing of deliveries. More information is also sought around the kitchen extraction and ventilation and a maintenance schedule for this.
- 6.3 **Head of Sustainable Transport and Roads** - has no objection to the application subject to conditions to secure detail on the existing and proposed cycle storage areas. The existing access meets the current guidelines with regard to layout and visibility. Conditions are recommended to secure a Travel Plan to promote sustainable transport, EV charging points and details of secured covered cycle parking for staff and customers.
- 6.4 **Scottish Water** – has no objection to the application. There are no capacity issues and any connections to the sewerage network requires to be applied for directly to Scottish Water.

## 7 DETERMINING ISSUES

- 7.1 **Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission 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.

#### Principle of Development

- 7.2 **NPF4 Policy 30: Tourism** – as an application for self-catering apartments for visiting guests it would constitute a tourist accommodation use. NPF4 Policy 30b states that proposals for tourism related development will take into account:
- i the contribution made to the local economy;
  - ii compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;
  - iii impacts on communities, for example by hindering the provision of homes and services for local people;
  - iv opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;

- v accessibility for disabled people;
  - vi measures taken to minimise carbon emissions; and
  - vii opportunities to access the natural environment.
- 7.3 Taking each point in turn, with regard to criterion i, the proposal will support the visitor economy in the area by providing further choice in accommodation, creating jobs in hospitality and tourism alongside supporting local supply chains through operation and construction. The proposal complies with criterion i.
- 7.4 With regard to criterion ii and compatibility with the surrounding area, part of the building at present has a lawful use as a coffee shop which hosted up to 70 covers and 18 staff in addition to a homeware and produce shop. There are also two existing residential apartments which could be lived in by multiple people. The proposed use of the building for short-term letting accommodation (13 self-contained apartments) would not generate more activity than the current lawful use at the site. The applicant has provided information that indicates the proposed use as accommodation would generate less than currently permitted, with a maximum of 28 guests with an average occupancy rate of 62% over a 12 month period.
- 7.5 There is ample parking within the site to accommodate the proposed use (31 spaces) so there will be no parking impacts outside the site. There is an extensive garden to the front of the property, including the flat area in front of the conservatory that was used as an external seating area for the former coffee shop use. There is also potential for the front lawn to be used, although this is already permitted through the current lawful uses at the site.
- 7.6 Taking into account the nature of the site, including separation from neighbours, extent of grounds, parking availability, as well as the current lawful use, the proposed development is compatible with the surrounding area. The proposal complies with criterion ii.
- 7.7 With regard to criterion iii, it is acknowledged that 2 existing flats would be lost however, this would not constitute a significant impact on the provision of homes in the area and services would be maintained for local people. The supporting information notes that the multi-use events space will be open to bookings from members of the public. The facility may therefore benefit the local community. The proposal complies with criterion iii.
- 7.8 With regard to criterion iv, the proposal will support sustainable travel. It is located within 15 minutes of Broughty Ferry train station, and within a 5-minute walk to local bus routes (bottom of Bayfield Road and Claypotts Road) to the city centre for both staff and guests. EV charging is provided for on the proposed plans and would be secured by planning condition. There are 8 existing cycle stands on site, and an existing lean-to shed to the east of the conservatory is to provide covered bike storage.
- 7.9 A planning condition is proposed requiring the submission of a Travel Plan to demonstrate how active and sustainable travel will be promoted by the developer. The proposal therefore complies with criterion iv subject to conditions.
- 7.10 With regard to criterion v, there will be a requirement through the building warrant to ensure that the development is fully accessible to all abilities. Two disabled parking bays are proposed. The proposal complies with criterion v.
- 7.11 Criterion vi requires tourism proposals to utilise measures to minimise carbon emissions. The re-use of an existing building minimises carbon emissions. As a change of use of an existing building, the proposal is exempt from requirements to demonstrate carbon emissions

reductions as required by LDP Policy 48 – Low and Zero Carbon in New Development. The proposal complies with criterion vi.

- 7.12 With regard to criterion vii, there is access to high-quality open spaces Broughty Ferry beach. The proposal complies with criterion vii.
- 7.13 **The proposal is in accordance with NPF4 Policy 30b subject to conditions.**
- 7.14 **NPF4 Policy 30e** - states that development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposals result in:
- i an unacceptable impact on local amenity or the character of a neighbourhood or areas;  
or
  - ii the loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.
- 7.15 As assessed under Policy 30b above, the proposed 13 single bedroom units on a large, contained site within a built-up residential area, is compatible with existing uses within the area. The area can be busy at peak times due to the nearby schools. Conditions are recommended to ensure that there is no live event music noise within the garden and that music within the building for events shall be inaudible to other premises.
- 7.16 Further to this it is unlikely the development will be fully occupied seven days a week. The applicant anticipates an annual occupancy rate of 62%. Residents of the proposed accommodation along with visitors will be able to use space within the building and the extensive garden area for socialising. This would be in keeping with the existing lawful use at the site and neighbouring residential uses. The number of people and comings and goings would be less than currently permitted at the site. It is acknowledged however that the transient nature of guests may result in comings and goings over an increased timeframe than that of the coffee shop use. This would have a lesser impact than larger numbers of people and vehicles coming throughout the day as the proposed use would be spread across a longer timeframe.
- 7.17 It is proposed that music from external events is restricted by planning conditions to minimise impacts to neighbouring amenity. The proposal would not have an unacceptable or significant impact on local amenity or character in the context of the area being a well-established built-up residential area with schools, a care home and the Broughty Ferry district centre a short distance away.
- 7.18 The main useable external area of the site is the paved area to the south of the building itself. The neighbouring properties to the east and west are separated by driveways. Due to the sloping nature and existing landscaping around the area of lawn to the south of the site, it is in shade for part of the day and is not the most usable area of the garden. The houses to the north are protected from garden usage as they are separated by Broomhall House. The proposal will not have an unacceptable impact on amenity or the character of the neighbourhood. The proposal complies with NPF4 Policy 30e, criterion i, subject to conditions.
- 7.19 With regard to criterion ii, the current lawful use of the property includes two flats which could provide permanent accommodation. This is not a significant loss of residential accommodation and the economic benefits along with securing the future of a heritage asset arising from the development would outweigh any such loss of two flats. It is submitted that the development would support jobs, including roles in facilities management, catering and housekeeping. The development will support the broader objectives of Dundee's growing commercial and tourism sector along with providing a new offering within Broughty Ferry with

there being no comparable accommodation offering locally. In addition, there will be a local economic benefit via increased spending within local shops and restaurants in Broughty Ferry district centre. The proposal complies with NPF4 Policy 30e,ii.

- 7.20 **The proposal is in accordance with NPF4 Policy 30e subject to conditions.**
- 7.21 **LDP Policy 8: Tourist Accommodation** - directs visitor accommodation to the City Centre and Central Broughty Ferry in the first instance. It is stated that the provision of a range of high-quality visitor accommodation within the City Centre is supported. Additional visitor accommodation that is complementary to the existing townscape, will be supported within the Central Broughty Ferry area to further enhance its attractiveness as a location for smaller scale tourism.
- 7.22 LDP Policy 8 then states that visitor accommodation, with the exception of small-scale B&B and guesthouse style accommodation will not be supported out with the City Centre or Central Broughty Ferry except where these involve enhancements to existing facilities.
- 7.23 The proposed accommodation is located approximately 250 metres from the northern edge of the Central Broughty Ferry area. The applicant submits that there are no other similar sites within Central Broughty Ferry which could accommodate the proposed development.
- 7.24 **The proposal is not accordance with LDP Policy 8.**
- 7.25 **NPF4 Policy 9: Brownfield, vacant and derelict land and empty buildings** states that development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has been naturalised should be taken into account.
- 7.26 The proposal would involve the reuse of a partially vacant category B listed building. It will have no impact on any land which has been naturalised as the associated garden grounds will be unaffected by the change of use.
- 7.27 **The proposal is in accordance with NPF4 Policy 9a.**
- 7.28 **NPF4 Policy 9d** - states that development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.
- 7.29 The proposal is for the conversion of a partially vacant existing building. No demolitions are proposed.
- 7.30 **The proposal is in accordance with NPF4 Policy 9d.**

#### **Town Centres First**

- 7.31 **NPF4 Policy 27: City, Town, Local and Commercial Centres** - part a states that development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.
- 7.32 The proposed development would generate footfall to Broughty Ferry district centre which is within walking distance.
- 7.33 **The proposal is in accordance with NPF4 Policy 27a.**

- 7.34 **NPF4 Policy 27b:** - states that development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces:
- i will be supported in existing city, town, and local centres, and
  - ii will not be supported out with those centres unless a town centre first assessment demonstrates that:
    - all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable;
    - the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and
    - the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres.
- 7.35 **LDP Policy 21: Town Centre First Principle** - similarly seeks to direct development to the City Centre and ensure that development does not have an adverse effect on the vitality and viability of the City Centre or district centres.
- 7.36 The proposed use is not a significant footfall generating use over and above how the site could currently operate. Therefore, it will not displace a large amount of footfall from the nearby district centre and is more likely to increase footfall visitors to the district centre by visitors. The self-catering accommodation is in accordance with the town centre first principle.
- 7.37 With regard to the events space, the supporting Town Centre First Assessment states that the current lawful use of part of the site is a coffee shop within Class 1A. Permitted development rights allow a change from Class 1A into Class 3 Food and Drink meaning that the premises could be used as a restaurant without the need for planning permission.
- 7.38 The footfall generated by the proposed events space would be less than the current lawful use as a coffee shop. It is therefore considered that the proposed accommodation and events space will not have a detrimental impact on the town centre (Broughty Ferry District Centre). Indeed, it is likely that residents of the accommodation will visit Broughty Ferry, encouraging additional footfall.
- 7.39 **The proposal is in accordance with NPF4 Policy 27b and LDP Policy 21.**

### **Design and Layout**

- 7.40 **NPF4 Policy 14a: Design, Quality and Place** - states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Part b requires proposals to be consistent with the six qualities of successful places, these are:

**Healthy:** - supporting the prioritisation of women's safety and improving physical and mental health.

**Pleasant:** - supporting attractive natural and built spaces.

**Connected:** - supporting well connected networks that make moving around easy and reduce car dependency

**Distinctive:** - supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

**Sustainable:** - supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

**Adaptable:** - supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time

- 7.41 **NPF4 Policy 14c** - states that development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of places, will not be supported.
- 7.42 The six qualities of successful places align with the principles of Policy 1 – High Quality Design and Placemaking of the Dundee LDP. This requires that all development proposals follow a design-led approach to sustainable, high quality placemaking. Development should contribute positively to the quality of the surrounding built and natural environment.
- 7.43 The development will not have a significant impact in terms of Policy intent around women's safety and physical and mental health. It will provide a viable use for a partially vacant listed building and its grounds. It is accessible to a range of public transport networks and within walking distance of Broughty Ferry district centre. No significant changes are proposed to the building which already has its own distinctive local architectural style. As the re-use of an existing building, the change of use would be sustainable. Finally, the change of use is a commitment to the long-term investment of a locally important historic building and secures its ongoing maintenance for future generations.
- 7.44 **The proposal accords with the six qualities of place and NPF4 Policy 14a and LDP Policy 1.**

#### **Historic Environment**

- 7.45 **NPF4 Policy 7: Historic Assets and Places** - with reference to part a states that development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change. Proposals should also be informed by national Policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.
- 7.46 The physical works which are proposed to the building would preserve the future of the building. The proposed works would not have a significant impact on the historic asset. The works are assessed in detail within the Listed Building Consent which is recommended for approval.
- 7.47 **The proposal is in accordance with NPF4 Policy 7a.**
- 7.48 **NPF4 Policy 7c states that** - development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.



- 7.49 The works do not propose any significant alterations such as demolitions, extensions or substantial internal down takings. The proposed works would preserve the character and special architectural and historic interest of the building thereby securing the future of the historic asset. However, conditions are recommended on the Listed Building Consent to secure a full condition survey of the conservatory with a detailed methodology statement to ensure that repairs are fully justified and appropriately undertaken. As recommended by HES on the LBC application (they are not a statutory consultee on planning applications affecting a Category B Listed Building), more specific details are requested in regard to the re-use of joinery work and fireplaces. This matter will be secured by condition on the associated LBC application.
- 7.50 **The proposal is in accordance with NPF4 Policy 7c.**
- 7.51 **LDP Policy 49: Listed Buildings** - part a relates to alternative uses. This states that 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.
- 7.52 The application is supported by a Planning and Listed Building statement alongside a "Justification Statement" which sets out the recent history of the building along with some headline figures as to the renovation cost. The building was most recently in use as two flats along with a coffee shop, prior to which it was a garden centre.
- 7.53 The building was on the market for 7 months and cost £1 million to purchase. It is estimated that the cost of carrying out joinery works on the conservatory will be £120,000. Glazing also requires to be installed to retain this feature of the building which is part of the listing description.
- 7.54 The works to the conservatory and billiard room could cost approximately £250,000. Due to the relationship of these rooms within the building, these could only serve as communal spaces. It would not be economically viable to upgrade these communal spaces if the building was to be converted into three apartments (the existing apartment alone was valued at £300,000). It is submitted therefore that in order to secure the future of the heritage asset that a change of use of the building is required.
- 7.55 The sensitive restoration and reuse of the building would only be secured through a commercially viable proposal. The justification for the change of use to self-contained visitor accommodation along with the events element is therefore supported to preserve the future of the heritage asset.
- 7.56 **The proposal is in accordance with LDP Policy 49a.**
- 7.57 **LDP Policy 49b** - is concerned with alterations to listed buildings, it is stated that: the alteration of a listed building will only be acceptable where the proposals have regard to the preservation or enhancement of the building or its setting or any features of special architectural or historic interest which it possesses. 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.
- 7.58 As assessed under NPF4 Policy 7c above the works as proposed are acceptable. They do not diminish the architectural integrity of the building or its historic interest. The works which

are detailed within the supporting Planning and Listed Building Statement will be controlled through conditions attached to the associated Listed Building Consent.

**7.59 The proposal is in accordance with LDP Policy 49b.**

**Traffic and Transport**

**7.60 NPF4 Policy 13: Sustainable Transport** - with reference to part b states that:

Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

- i provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
- ii will be accessible by public transport, ideally supporting the use of existing services;
- iii integrate transport modes;
- iv provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
- v supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking; and
- vi are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles.
- vii have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
- viii Adequately mitigate any impact on local public access routes

7.61 With regard to criterion i. the proposed development is located within an established residential area. There are existing safe links via walking, wheeling, and cycling to bus stops and Broughty Ferry District Centre. The proposal complies with criterion i.

7.62 With regard to criterion ii, the site is accessible by public transport. There are bus stops at Bayfield Road and near to Claypotts Road approximately 5 minutes' walk from the site. The proposed development is a 10 minute walk from the Broughty Ferry district centre and the train station that provides public transport options to Dundee and other cities. The proposal complies with criterion ii.

7.63 Criterion iii relates to larger scale development than what is proposed here. It would not be expected that this proposal delivers integration of transportation modes.

7.64 With regard to criteria iv – vi, a condition is recommended to ensure the delivery of onsite EV charging. There are existing cycle parking stands at the site, and additional covered storage is proposed. A condition is recommended to secure more specific details on cycle parking for both staff and guests. Given the established nature of the area there are already adequate safety measures and crossings for walking, wheeling and cycling.

- 7.65 With regard to vii and viii, there will be disabled parking bays available, accessibility is also a matter for consideration under the Building Warrant process. There will be no impact to local public access routes.
- 7.66 **LDP Policy 54: Safe and Sustainable Transport** - sets out similar criteria to NPF4 Policy 13.
- 7.67 **The proposal is in accordance with NPF4 Policy 13b and LDP Policy 54 subject to condition.**
- 7.68 **NPF4 Policy 13f** - states that development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.
- 7.69 As assessed under Policy 30b it is recommended that a Travel Plan is secured by condition in order to promote sustainable transport to and from the site.
- 7.70 **The proposal is in accordance with NPF4 Policy 13f subject to condition.**
- 7.71 **LDP Policy 56: Parking** - states that for proposals out with the city centre all new developments shall be required to comply with Dundee City Council's adopted guidance on road standards; with the national maximum parking standards; and the national minimum disabled parking standards. All parking facilities at commercial developments should include the provision of charging stations for electric vehicles.
- 7.72 LDP Policy 56 also requires EV charging to be provided within car parking areas and covered secure cycle parking and changing facilities within new development.
- 7.73 The Head of Sustainable Transport and Roads does not object to the proposed parking arrangements. Cycle parking along with staff changing facilities are accommodated within the building.
- 7.74 **The proposal is in accordance with LDP Policy 56 subject to condition.**

#### **Flood Risk and Drainage**

- 7.75 The site is not identified as being at any risk of flooding, therefore does not require to be assessed against flood risk policies.
- 7.76 **NPF4 Policy 22: Flood risk and water management** – part c relates to surface water drainage. It is stated that development proposals will:
- i not increase the risk of surface water flooding to others, or itself be at risk;
  - ii manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer; and
  - iii seek to minimise the area of impermeable surface.
- 7.77 **LDP Policy 37: Sustainable Drainage Systems** - states that surface water discharging into the water environment from new development must be treated by SUDs and should be

designed so that the water level during a 1:200-year rainstorm event plus allowance for climate change and future urban expansion is at least 600mm below finished floor levels. This incorporates an allowance for the effect of climate change. In addition, proposals will be encouraged to adopt an ecological approach to surface water management, ensure an appropriate level of treatment and exploit opportunities for the system to form an integral part of the Dundee Green Network through habitat creation or enhancement. Proposals should have no detrimental impact on the ecological quality of the water environment.

7.78 There are existing surface water arrangements at the site which are to be utilised. There is no new built development, or areas of hardstanding to be formed which would increase surface water and necessitate a need to provide any new arrangements at the site.

7.79 **The proposal is in accordance with NPF4 Policy 22c and LDP Policy 37.**

7.80 **NPF4 Policy 22d** - states that development proposals will be supported if they can be connected to the public water mains. The application form clarifies that the proposed development will connect to public water mains as existing. Any such connection or need for any additional capacity arising from the development will require to be agreed with Scottish Water who have no objections.

7.81 **The proposal is in accordance with NPF4 Policy 22d.**

#### **Zero Waste**

7.82 **NPF4 Policy 12: Zero Waste Parts a, b and c** - Part a states that development proposals shall seek to reduce, reuse or recycle materials in line with the waste hierarchy. Part b states that development proposals will be supported where they:

- i reuse existing buildings and infrastructure;
- ii minimise demolition and salvage materials for reuse;
- iii minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life;
- iv use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials; and
- v use materials that are suitable for reuse with minimal reprocessing.

7.83 **NPF4 Policy 12c** - states that development proposals that are likely to generate waste when operational including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:

- i provision to maximise waste reduction and waste separation at source; and
- ii measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.

7.84 **LDP Policy 44: Waste Management Requirements for Development** - requires development proposals to demonstrate that they adequately address the Scottish Government's Zero Waste Policy and that sufficient provisions are made to maximise opportunities for waste reduction and waste separation at source and enable the separate collection of recyclable material as outlined in the Waste (Scotland) Regulations 2012.

7.85 The proposal utilises an existing building and infrastructure and no demolitions are proposed. Therefore, there will be no salvageable waste which requires to be recycled/re-used within the site. With regard to waste management, it is recommended that an Operational Waste Management Plan is secured by condition to ensure compliance with NPF4 Policy 12 and LDP Policy 44.

7.86 **The proposal is in accordance with NPF4 Policy 12 and LDP Policy 44 subject to conditions.**

#### **Amenity**

7.87 **NPF4 Policy 23: Health and Safety Part d)** - states that development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.

7.88 **LDP Policy 40: Air Quality** - states that there is a general presumption against development proposals that could significantly increase air pollution.

7.89 The proposal does not raise significant concerns regarding the impact on air quality as it will not generate significant traffic over and above the current lawful use of the property.

7.90 **The proposal accords with NPF4 Policy 23d and LDP Policy 40.**

7.91 **NPF4 Policy 23e** - states that development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

7.92 **LDP Policy 39: Environmental Protection** - requires states that development which would generate noise, vibration, odour, emissions to air, dust or light pollution will require to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area.

7.93 The application is supported by a Noise Impact Assessment. The Head of Communities, Safety and Protection has considered the proposal. There were initial concerns regarding the use of the conservatory and gardens for events on the impact the amenity of neighbouring residents. The information submitted with the application did not fully specify how this element would operate.

7.94 Through the course of the application, it has been clarified through an Operational Statement that the events element of the proposals shall operate as follows.

7.95 The existing kitchen shall be for communal use of those using the building. It can also be used for events. These events could be funeral teas/birthday parties. The kitchen could not be used as a takeaway/formal restaurant under the provisions of this application. A condition is recommended to secure further detail on the existing kitchen facilities and if these are to be upgraded then details of this require to be submitted prior to first use. With the addition of conditions to control the use of the kitchen, there are no concerns around cooking and use of such facilities within the building.

7.96 Whilst management of the facility is not a planning matter, an Operations Manager will oversee daily housekeeping and maintenance with an on-call element provided. Detail has also been

provided on CCTV to ensure 24/7 surveillance of the property when there is no on-site manager.

- 7.97 An Honesty Bar which was included when the application was submitted is no longer proposed. Any planning permission granted would not give approval for the site to operate a bar. Purchase of alcohol by guests on the premises would be a matter for the Licensing Authority to consider.
- 7.98 It is noted that previously the coffee shop use had up to 70 covers and 18 staff. The coffee shop use is permitted to operate between 08:30 – 16:30 Monday to Saturday and 10:00 to 16:00 on Sundays. The maximum occupancy of the proposed self-contained accommodation is 28 people. The event spaces within the building would accommodate approximately 30 people, although events are unlikely to be taking place on a full daily basis.
- 7.99 Conditions are attached to restrict events to between 9.00am – 7.00pm to minimise any potential disruption in the evenings.
- 7.100 The Noise Impact Assessment did not find that noise levels within the billiard room would create issues with amenity. A condition is proposed to ensure that noise from music/events is inaudible within adjacent properties. A further condition is recommended to restrict external music noise from events. These controls will limit the type, scale and nature of events which can be held at the site to ensure no unacceptable impact to neighbouring amenity.
- 7.101 **The proposal is in accordance with NPF4 Policy 23e and LDP Policy 39 subject to conditions.**

#### **Climate and Nature Crises**

- 7.102 **NPF4 Policy 1: Tackling the Climate and Nature Crises** - states that when considering all development proposals significant weight will be given to the global climate and nature crises.
- 7.103 **NPF4 Policy 2: Climate Change and Adaptation** - goes further, parts a) and b) are of most relevance to this proposal, these require all development proposals to be sited and designed to minimise lifecycle greenhouse gas emissions; and for proposals to be sited and designed to adapt to current and future risks from climate change.
- 7.104 **LDP Policy 1: High Quality Design and Placemaking** - also makes reference to proposals being designed with reference to climate mitigation and adaptation.
- 7.105 The site is not at current or future risk of climate change. The proposal involves the re-use of an existing building which minimises the need for new materials and associated emissions with the production of these.
- 7.106 **LDP Policy 48: Low and Zero Carbon Technology in New Development** - states that proposals for all new buildings will be required to demonstrate that a proportion of the carbon emissions reduction standard set by Scottish Building Standards will be met through the installation and operation of low and zero carbon generating technologies.
- 7.107 Exceptions to Policy 48 include the change of use or conversion of buildings.
- 7.108 **The proposal is in accordance with NPF4 Policies 1 and 2 and LDP Policies 1 and 48.**

## **Biodiversity**

- 7.109 **NPF4 Policy 3: Biodiversity** - applies to all development proposals. The intent of this Policy is to reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Part a of Policy 3 states that development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- 7.110 There will be no biodiversity loss at the site. Net biodiversity gain could be secured through the provision of planting, bird/bat boxes, bee/bug hotels etc. A condition is recommended to secure a plan to demonstrate biodiversity gain at the site.
- 7.111 **The proposal complies with NPF4 Policy 3 subject to condition.**
- 7.112 **It is concluded that the proposal is not fully in accordance with the Development Plan subject to conditions.**

## **STATUTORY DUTIES**

### **Planning (Listed Buildings and Conservation Areas) Scotland Act 1997 as amended.**

- 7.113 Section 59(1) of the Planning (Listed Buildings and Conservation Areas) Scotland Act 1997 as amended states that in considering whether to grant planning permission for a development which affects a listed building or its setting, the planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Through consideration of NPF4 Policy 7 and LDP Policy 50 and the Listed Building Consent the Council would discharge its statutory duty in this regard.
- 7.114 The proposal will secure the future of a Category B Listed Building. Repairs and minor alterations are to be carried out to accommodate the development. Works to the listed building are assessed in detail within a Listed Building Consent which runs in tandem with this planning application.

## **MATERIAL CONSIDERATIONS**

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

### **A – DEPARTURE FROM THE DEVELOPMENT PLAN**

- 7.116 The proposed self-contained accommodation would be located out with Dundee City Centre and Central Broughty Ferry and contrary to Policy 8 (Visitor Accommodation) of the Dundee Local Development Plan. The accommodation is not akin to Bed and Breakfast style accommodation.
- 7.117 The property is in a predominantly residential area approximately 250m from Central Broughty Ferry. The site is also within a short walking distance to public transport and active travel routes. The accommodation would be in the vicinity of a wide range of retail uses and food and drink establishments.
- 7.118 The ground floor of the building can lawfully operate as a coffee shop, a footfall generating use. Due to the size of the building, the footfall generated by the proposed accommodation and events space is anticipated to be similar to the footfall that could be generated by the coffee shop use.



- 7.119 The building is an important heritage asset which is falling into a state of disrepair. As described under the Historic Environment section of the report, it would not be viable to carry out the necessary works to deliver mainstream residential accommodation. The proposed use would therefore provide a sustainable re-use of a heritage asset.
- 7.120 The proximity to Central Broughty Ferry; the comparable level of footfall that could be generated by the proposed uses against the previous coffee shop use; and the safeguarding of a category B listed building are material considerations of sufficient weight to justify approval of planning permission despite being contrary to LDP Policy 8.

## **B – SUPPORTING INFORMATION**

- 7.121 The Supporting Information has been considered and assessed within the main body of the report relative to the specific policy areas that it seeks to address.

## **C – REPRESENTATIONS**

19 objections have been received raising the following valid material grounds:

- 7.122 **Objection** - disruption to the residential character of the area due to transient population.
- 7.123 **Response** – the area is a busy built up and well-established residential area which also serves as a through route for pupils at schools nearby. The site can be lawfully used as a coffee shop which could accommodate up to 70 covers and 18 staff on site. The number of people passing through the area either by car or pedestrians will not significantly impact the character of the area.
- 7.124 **Objection** - noise from unspecified numbers of guests and music from events consequential impacts to health of neighbours.
- 7.125 **Response** – the timing of events is restricted to sociable hours between 9am and 7pm. No events with music are permitted externally and those within the building require to be inaudible from adjacent residential properties.
- 7.126 **Objection** - impacts to neighbouring residential amenity from use of gardens and marquees during events.
- 7.127 **Response** – as above, the timing of events is restricted and no music is permitted within any events within the garden area. This shall minimise impacts to residential amenity.
- 7.128 **Objection** - overlooking from windows to neighbouring properties.
- 7.129 **Response** – there is already a degree of overlooking through the existing use of the building. The distances between windows exceed 18m, which is an acceptable level of intervisibility between windows.
- 7.130 **Objection** - impact to neighbours from odours/smells.
- 7.131 **Response** – cooking will be largely on a domestic scale utilising existing facilities at the site. A condition is recommended to secure information on ventilation and extraction should the arrangements require to change in order to mitigate impact from odours. The main impact in this regard will be to those using the building and not neighbours due to separation distances.
- 7.132 **Objection** - increased traffic and congestion from visitors, events visitors and deliveries and disruption to use of shared driveway and pedestrian safety on this.

- 7.133 **Response** – there is already a level of traffic permitted to the site through the current lawful use as a coffee shop where there could be comings and goings frequently throughout service. Additional vehicular movements through the new use for self-contained accommodation is likely to be less than the current use.
- 7.134 **Objection** - parking issues when events are on and conflicts with neighbouring uses including school.
- 7.135 **Response** – there are 31 car parking spaces within the site. There are also informal parking arrangements available within the site. There should be no parking conflicts with the public street usage. The Head of Sustainable Transport and Roads has no objection to the proposed development.
- 7.136 **Objection** - waste management issues and littering.
- 7.137 **Response** – an Operational Waste Management Plan is secured by condition to ensure waste is managed sustainably within the site.
- 7.138 **Objection** - the proposed change of use and operation is not comparable to the former café/kitchen due to opening hours, no alcohol sales.
- 7.139 **Response** – the change of use is likely to have less footfall than the existing lawful use of the property. It is unlikely that the event space will be fully booked at all times or the accommodation fully booked 365 days per year. The previous use had up to 70 covers and 18 staff. The maximum number of occupants will be 28, and events will accommodate a maximum of 30 attendees. Timings of this are largely in line with the previous coffee shop use which was permitted between 08:30 and 16:30 Monday – Saturday and 10:00 – 16:00 on Sundays. The proposal will not operate as a bar and the sale of alcohol from the premises is an issue for Licensing should this be progressed.
- 7.140 **Objection** - contrary to LDP Policy 1 as will not contribute positively or respect the character and amenity of place, create a sense of community and identity or be appropriate to the local context.
- 7.141 **Response** – the proposals have been assessed against Policy 1 within the report and are considered to comply.
- 7.142 **Objection** - contrary to LDP Policy 8 Tourist Accommodation as out with Central Broughty Ferry and City Centre.
- 7.143 **Response** –as set out in the report, there are material consideration of sufficient weight which justify approval of planning permission contrary to Policy 8.
- 7.144 **Objection** - no Policy 49 (LDP Listed Buildings) justification for the change of use.
- 7.145 **Response** – the Planning and Listed Building Statement submits that the development will safeguard the future of the Category B Listed Building with a sustainable function. Features within the building will be retained. A further statement sets out the recent history of the building including costs to upgrade and repair features set out why operating the building as anything other than a business use would be unviable.
- 7.146 **Objection** - contrary to NPF4 Policy 7 – Historic assets and places.
- 7.147 **Response** – the proposal has been assessed against Policy 7 within the report and it is considered that the proposals comply.

- 7.148 **Objection** - Scottish Government presumes against short term lets and party houses.
- 7.149 **Response** – there is no presumption against short term lets. The Government recently introduced legislation to give Local Authorities greater control over short term lets which are assessed on a case-by-case basis through Planning Authorities where planning permission is required along with Licensing Authorities.
- 7.150 **Objection** - description of development and supporting information conflicts (relates to references to self-catering apartments and “boutique hotel”).
- 7.151 **Response** – there are references within supporting information to a boutique hotel. However, as the proposed accommodation has individual kitchens and bathrooms the units are capable of being lived in independently these are therefore self-contained apartments and not what would be expected from a conventional hotel with bedrooms. The description of development therefore accurately reflects the proposed use.
- 7.152 **Objection** - drainage impacts.
- 7.153 **Response** – the site is not identified as being at risk of flooding or surface water flooding as per SEPA flood maps. There are no new areas of hardstanding proposed so there shall be no additional surface water run-off. The site will continue to utilise existing services. Any increased capacity to the public network required to accommodate the development is a matter for Scottish Water.
- 7.154 **Objection** - no security or on-site management to ensure amenity protected.
- 7.155 **Response** – there will be no 24/7 security at the site. An Operational Statement submitted in support of the application clarifies that a facility management company will oversee the development. In addition, details have been provided on CCTV cameras. The management and security at the facility is not a planning matter and it is the responsibility of the applicant to ensure that the development will be a ‘good neighbour’. This is a matter for the Licensing Authority when considering the short term letting proposals.
- 7.156 **Objection** - extra footfall to a residential area is not a good thing as no facilities nearby.
- 7.157 **Response** - the additional footfall is not considered to be significant over and above what is current experienced at the site through its lawful use as a coffee shop and flats.
- 7.158 The issues raised in the objections have been considered and addressed in the report and the grounds raised are not of sufficient weight to justify refusal of planning permission.
- 7.159 10 representations in support of the application have been received stating the following:
- continued use for hospitality supported;
  - use is sympathetic to building and location;
  - valuable addition/asset to Broughty Ferry;
  - restorations will be in keeping and high quality;
  - lack of high-quality accommodation lacking;
  - events space useable for community groups;

- bring opportunities for residents and businesses;
- promote Broughty Ferry and economic benefit to local economy;
- preservation of historic asset including transformation of conservatory to former glory;
- type of accommodation would not target stag/hen dos and no garden overspill and noise issues;
- ample parking available; and
- will ensure build retained as a unit and not separated/sold off separately.

7.160 The issues raised in the support comments have been considered and addressed in the report.

7.161 **It is concluded that there are material considerations of sufficient weight to support approval of the application.**

---

## 8 CONCLUSION

---

8.1 Although the application for the change of use of Broomhall House to form 13 self-catering apartments and events space is not fully in accordance with the Development Plan, there are material considerations of sufficient weight that support approval of the application. There are no material considerations of sufficient weight that would justify refusal of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

---

## 9 RECOMMENDATION

---

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

- 1 **Condition:** the development hereby permitted shall be commenced within three years from the date of this permission.

**Reason:** to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 2 **Condition:** the short-term letting accommodation shall be retained as such in perpetuity and at no time shall any of the 13 units hereby approved be sold, let or disposed as separate dwellings for permanent occupancy.

**Reason:** the relationship between the units including shared facilities and amenity space is such that they would be unacceptable as individual permanent residences.

- 3 **Condition:** prior to the first occupation of the development hereby approved a Travel Plan shall be submitted to and approved in writing by the Planning Authority. Thereafter the Travel Plan shall be available prior to the first occupation of the development hereby approved.

**Reason:** in the interest of promoting sustainable transport.

- 4 **Condition:** no development shall commence until full details including the number and location of electric vehicle car charging points have been submitted to, and approved in

writing by the Planning Authority. Thereafter, the EV charging points shall be installed and available for use prior to the first occupation of the development.

**Reason:** to support sustainable modes of transport within the site.

- 5 **Condition:** no development shall commence until full details of the location and design of secure covered cycle parking storage for both staff and visitors have been submitted to and approved in writing by the Planning Authority. Thereafter, the agreed cycle parking arrangements shall be installed prior to the first occupation of the development hereby approved.

**Reason:** to support sustainable modes of transport within the site

- 6 **Condition:** prior to first occupation of the development hereby approved an Operational Waste Management Plan shall be submitted to, and approved in writing by the Planning Authority. Thereafter, the Operational Waste Management Plan shall be implemented and maintained in perpetuity unless otherwise agreed in writing by the Planning Authority.

**Reason:** to ensure that waste on site is managed on site in a sustainable manner

- 7 **Condition:** any event at the premises shall only be permitted between 09:00 hours and 19:00 hours and at no other time.

**Reason:** in order to ensure that the use of the premises remains compatible with the character of the surrounding area, and that no activities or processes take place which may be detrimental to its amenities.

- 8 **Condition:** any music noise originating from events shall be so controlled as to be inaudible within any adjacent residential property.

**Reason:** in order to ensure that the use of the premises remains compatible with the character of the surrounding area, and that no activities or processes take place which may be detrimental to its amenities.

- 9 **Condition:** at no time shall music or vocals be provided or performed at any external events.

**Reason:** in order to ensure that the use of the premises remains compatible with the character of the surrounding area, and that no activities or processes take place which may be detrimental to its amenities.

- 10 **Condition:** the total noise from mechanical and electrical plant/services shall not exceed NR45 during the day and shall not exceed NR35 during night-time, as measured 1 metre external to the facade of adjacent residential property.

For the avoidance of doubt night time shall be 23:00 to 07:00 hours.

**Reason:** in order to ensure that the use of the premises remains compatible with the character of the surrounding area, and that no activities or processes take place which may be detrimental to its amenities.

- 11 **Condition:** deliveries and servicing of the premises including loading, unloading or lay-up, shall not take place between 19:00 hours and 09:00 hours.

**Reason:** in order to ensure that the use of the premises remains compatible with the character of the surrounding area, and that no activities or processes take place which may be detrimental to its amenities.

- 12 **Condition:** no development shall commence until details of all kitchen extraction and ventilation system to be upgraded and installed, and a maintenance schedule for the proposed upgraded ventilation and extraction system shall be submitted to, and approved in writing by the Planning Authority. Thereafter, the final approved extraction and ventilation system shall be installed prior to the kitchen becoming operational and maintained in accordance with the details approved by this condition in perpetuity. The installed system shall operate whenever food is being cooked within the application premises.

**Reason:** in order to protect the amenity of the occupants and neighbouring properties of the development.

- 13 **Condition:** no development shall commence until a scheme of features or measures to conserve, restore and enhance biodiversity, such as those measures set out in the NatureScot Developing with Nature guidance, shall be submitted for the prior approval of this planning authority. The approved details thereafter shall be implemented prior to the first operation of the development and then retained and maintained for their designed purpose in accordance with the approved scheme. For the avoidance of doubt any such plan shall include measures to support the red squirrel population which have been found adjacent to the site.

**Reason:** In the interests of conserving, restoring and enhancing biodiversity and to support protected species known to be using the area.

# Internal and External Alterations To Accommodate Change of Use To 13 Self-catering Apartments

## KEY INFORMATION

**Ward** – Broughty Ferry

**Address**

Jessies Kitchen  
Broomfield Nurseries  
3 Albert Road  
Broughty Ferry

**Applicant**

Olivier Properties Ltd  
2 Castle Terrace  
Broughty Ferry

**Agent**

Jon Frullani Architect

**Validated:** 10 April 2024

**Report by Head of Planning & Economic Development**

**Contact:** Laura Stewart



© Crown copyright and database rights 2024 OS AC0000849497. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.

## SUMMARY OF REPORT

- Listed Building Consent is sought for internal and external alterations to Broomhall House.
- The Listed Building Consent application covers the physical works to the building only. This includes internal alterations to install partition walls and relocate internal joinery work including fireplaces, to change one door to a timber sash and case window on the north elevation and for the repair of the conservatory.
- The application for a change of use to 13 self catering apartments is also pending consideration under reference 24/00247/FULL. The principle of development and technical issues associated with the proposed change of use are not for consideration under this application which seeks Listed Building Consent only.
- The application is fully in accordance with the Development Plan.
- The statutory neighbour notification process was undertaken, and the application was advertised in the local and national press. Two letters of objection have been received.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as Broughty Ferry Community Council has objected and the recommendation is to grant Listed Building Consent.

## RECOMMENDATION

**The proposal is fully in accordance with the Development Plan. There are no material considerations of sufficient weight to justify refusal of listed building consent. It is therefore recommended that listed building consent be APPROVED subject to conditions.**



---

## 1 DESCRIPTION OF PROPOSAL

---

- 1.1 Listed Building Consent is sought for internal and external alterations to the building. The change of use which is proposed under 24/00247/FULL assesses the principle of the change of use alongside other technical and amenity issues. This is not for consideration under the application for Listed Building Consent.
- 1.2 Seven apartments are proposed to the first floor, these are single room, with one which has two bedrooms. There is also a shared communal living space/hallway to the first floor. There are 6 single bedroomed apartments on the ground floor. The floor plan is to remain the same as existing which would largely retain the original floor plan of the building and internal features such as cornicing and joinery work. There is a set of stairs to the upper floor which is to be removed. The staircase is not an original feature, the original stairs from the ground to the first floor having been removed in previous ownership.
- 1.3 Each of the rooms shall include a kitchenette and en-suite. To accommodate the en-suites internal partition walls will require to be installed within guest rooms. All original fireplaces where they exist within rooms are to be retained. The only removals proposed are those which are not original features of the building.
- 1.4 Externally, it is proposed to change an existing door to the ground floor north elevation to a timber sash and case window with sandstone cill and infill below to match the existing surround.
- 1.5 The conservatory is to be repaired. It is proposed to install a 45mm aluminium capping piece to the roof and install new glazing units. Timbers will be repaired where possible or replaced on a like for like basis.
- 1.6 All other features including windows, doors and roof are to be made good where necessary.
- 1.7 The applicant has submitted the following in support of the application:
  - Operational Statement;
  - Planning and Listed Building Statement; and
  - Transport Statement.

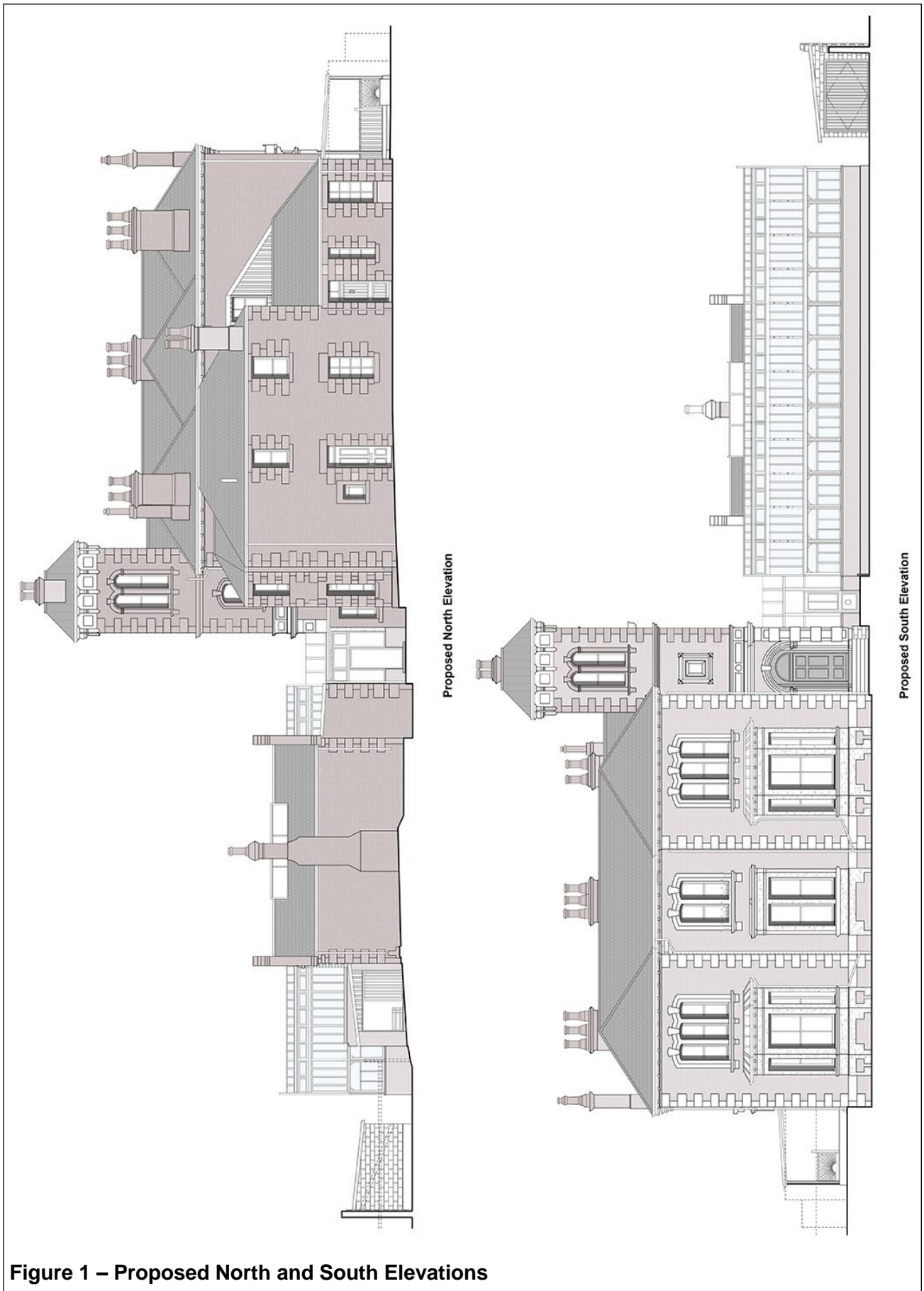
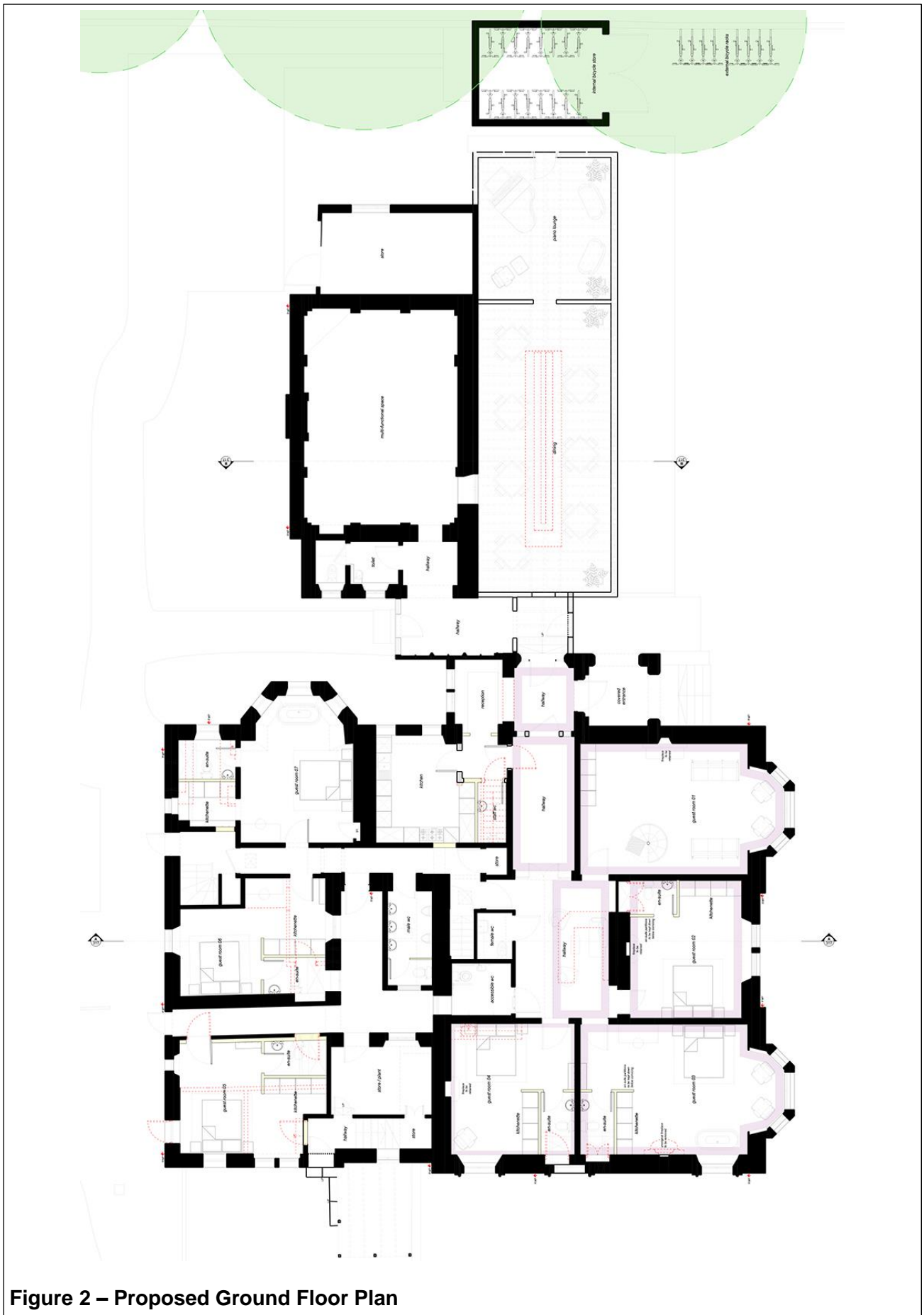


Figure 1 – Proposed North and South Elevations



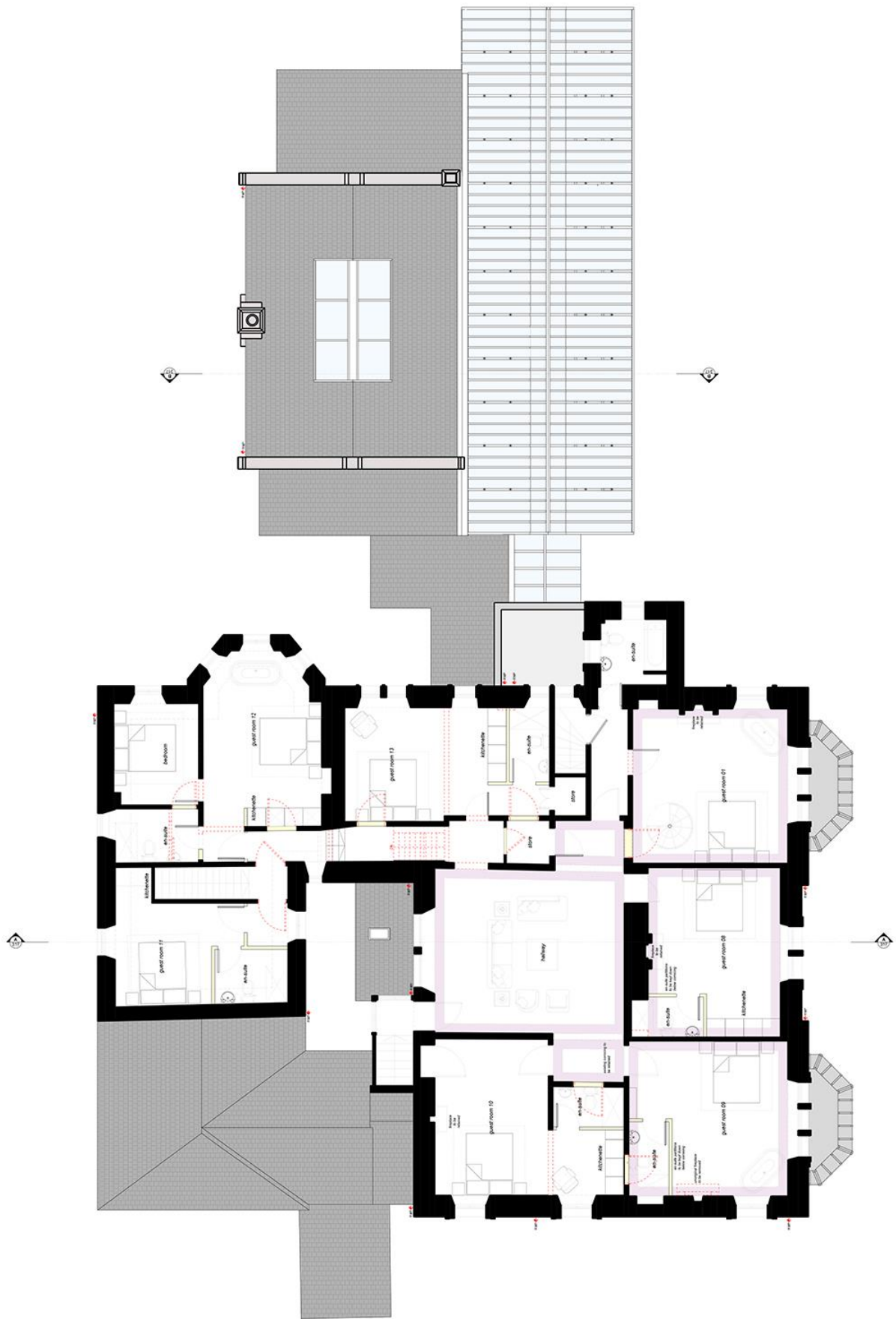


Figure 3 – Proposed First Floor Plan

## 2 SITE DESCRIPTION

---

- 2.1 The site is located on the north side of Albert Road in Broughty Ferry. It is submitted that the property has been subdivided over the years and has most recently been in use as a café, garden centre and a residential flat on the first floor.
- 2.2 The property sits in generous grounds which mainly comprise a large front lawn, located between the access to Broomhall Gardens (also the site access between 3 and 3A Albert Road) and Brackenbrae. The site falls just out with West Ferry Conservation Area, the boundary of which lies to the west of the site. The immediate area has a mixed density which includes contemporary bungalows and housing on the opposite side of Albert Road to the south. Larger traditional buildings set within generous plots are located to the west, north and east. Properties to the east and west have also been subdivided into flats.
- 2.3 The Listing description is as follows (LB25907):
- attributed to James McLaren, dated 1865. Single and 2-storey with 3-stage tower, irregular-plan Italianate villa. Snecked sandstone rubble, raised chamfered quoins (tooled at N), grey slate roof. Mainly 2- and 4-pane sash and case windows, architraves moulded and painted at ground floor, moulded and keystone segmental (unpainted) at 1st floor, with bracketed cills and some decorative cast-iron window guards. Cast-iron rainwater goods with decorative hoppers, dentilled eaves course, corniced linked stacks, pined-roofs;
  - E (ENTRANCE) ELEVATION: asymmetrical. Tower advanced from main house at off-centre left; painted open porch at ground floor with keystone, round-headed arches and banded pier, extended to right by single storey bay, moulded cornice and band course; window at 2nd stage and at right re-entrant (uPVC) frames), painted and sculpted name/date panel at left; moulded cornice, keystone round-headed bipartite windows with bracketed cills at N, S and E of 3rd stage, deep moulded and bracketed wallhead course, flat-top pyramidal roof with brattishing and 4 angle weathervanes. 1st floor window with balcony at main house recessed at left; window at ground floor right, 2 bipartites and single window at 1st; service wing at far right with 2-storey canted window and windows at ground and 1st floor right;
  - S ELEVATION: 3-bay, symmetrical. Bipartite window at centre with bracketed lintel, segmental bipartite with balcony at 1st floor. Slightly advanced bays at left and right each comprising keystone tripartite canted window at ground floor, segmental tripartite at 1st.
  - W ELEVATION: main house at right; corbelled chimney at 1st floor with monogrammed panel, 2 bays at left and 1 at right, each consisting of window at ground and 1st floor (cast-iron balcony at 1st). Single storey service block at far left with door and 4 windows.
  - N ELEVATION: single and 2-storey service block with various windows and doors; enclosed staircase to door at former stair window.
  - CONSERVATORY: at E with large ventilator ridge linked to porch extension at centre; single storey billiard room adjoining at N with coped skewes and massive mannered finials; and
  - INTERIOR: staircase and original chimneypiece removed; ornate plaster cornices; encaustic tile floor in hall extending to conservatory and billiard room entrance; billiard room with pilasters, ornate entablature, Peterhead granite chimneypiece, coffered wagon ceiling with fine stained glass rooflight depicting putti playing billiards.





**Figure 4 – Broomhall House and Garden**





Figure 5 – Billiard Room





Figure 6 – Conservatory



---

## 3 POLICY BACKGROUND

---

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

**NATIONAL PLANNING FRAMEWORK 4**

Policy 7: Historic Assets and Places

**DUNDEE LOCAL DEVELOPMENT PLAN 2019**

Policy 49: Listed Buildings

3.2 Historic Environment Policy for Scotland (HEPS)

3.3 There are no other plans, policies and non-statutory statements that are of direct relevance.

---

## 4 SITE HISTORY

---

4.1 Listed Building Consent 24/00246/LBC for Internal and external alterations to accommodate change of use to 13 self-catering apartments is pending consideration.

4.2 Planning permission 16/00758/FULL for Erection of 2 Detached Dwellings and Upgrading of Existing Roadway was approved 28.10.2016.

4.3 Planning permission 13/00802/FULL for Demolition of existing house, greenhouses and boiler house and erection of 6 detached dwellings and garages including upgrading of existing access roadway was approved 24.01.2014.

4.4 Planning permission 14/00013/FULL for Proposed change of use of part of garden ground and yard area to provide additional car parking was approved 17.04.2014.

4.5 Planning permission 10/00648/FULL for Proposed change of use from existing Residential Flat to Coffee Shop was approved 17.12.2010.

4.6 Planning permission 12/00432/FULL for Part change of use of ground floor flat to form extension to coffee shop was approved 14.09.2012.

---

## 5 PUBLIC PARTICIPATION

---

5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.

5.2 One objection was received. However, the grounds of objection are not material to the Listed Building Consent, raising concern in relation to the following matters:

- Noise and impacts to amenity;
- Management of the facility;
- vehicular access and traffic;
- site is outwith Central Broughty Ferry; and
- inconsistencies around the proposed use of the building and manner of events within the Planning and Listed Building Statement.

However, these are not valid considerations in assessing the Listed Building Consent which is for the physical works to the building only. The issues raised have been considered within the detailed planning application (24/00247/FULL) which is currently pending consideration.

---

## 6 CONSULTATIONS

---

- 6.1 **Broughty Ferry Community Council** - objects to the application. No detailed justification statement as required by LDP Policy 49 (Listed Buildings) has been submitted. Concern is raised around the use of the building and inconsistencies within the supporting Planning and Listed Building Statement.
- 6.2 **Historic Environment Scotland** – has no objection. HES consider the scheme to be sympathetic to the traditional character of the building. It is recommended that down stands and nibs are retained where internal walls are to be taken down to provide visual reference to the historic plan form of the building. ¾ height partitions for en-suites is supported.
- 6.3 It is recommended that where original doors/openings are to be removed that they are fixed shut and upgraded on the internal face rather than infilled, historic doors should be re-used elsewhere where this is not possible.
- 6.4 A Condition Survey of the conservatory could be secured prior to full replacement, should this be deemed necessary it shall be designed to match the existing.

## 7 DETERMINING ISSUES

- 7.1 **Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission shall be determined in accordance with the Development Plan unless material considerations indicate otherwise.**
- 7.2 Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on Planning Authorities in determining an application for Listed Building Consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possesses. Regard will be had to this in the following appraisal.

### THE DEVELOPMENT PLAN

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

- 7.3 **Policy 7: Historic Assets and Places** - with reference to part a states that development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change. Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.
- 7.4 The physical works which are proposed to the building are not significant interventions and would preserve the future of the building. The proposed works would not have a significant impact on the historic asset.
- 7.5 **The proposal is in accordance with NPF4 Policy 7a.**

- 7.6 **NPF4 policy 7c** - states that: development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.
- 7.7 An assessment of the principle of the proposed re-use of the building is contained within the associated report for planning permission under 24/00247/FULL. The works which are proposed as described earlier in this report seek to retain and provide repairs to as much of the historic assets as practicably possible. The works do not propose any significant alterations such as demolition, extensions or substantial internal downtakings. The proposed works would preserve the character and special architectural and historic interest of the building thereby securing the future of the historic asset. Conditions are however recommended to secure a full condition survey of the conservatory with a detailed methodology statement to ensure that repairs are fully justified and appropriately undertaken. As recommended by HES more specific details are requested in regard to the re-use of joinery work and fireplaces.
- 7.8 **The proposal is in accordance with NPF4 policy 7c subject to conditions.**
- 7.9 **LDP Policy 49: Listed Buildings** – part a relates to alternative uses. This states that 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.
- 7.10 The application is supported by a Planning and Listed Building statement alongside a “Justification Statement” which sets out the recent history of the building along with some headline figures as to the renovation costs and scenarios of keeping the building in permanent residential use/conversion to 3 flats. The building was most recently in use as two flats along with a café, before this it was a garden centre.
- 7.11 It is submitted that the building itself was on the market for 7 months and cost £1 million to purchase, a quote was obtained last year to carry out joinery works on the conservatory, this was estimated to be £120,000. Glazing also requires to be installed to retain this feature of the building which is part of the listing description.
- 7.12 It is submitted that the main areas of works being the conservatory and billiard room could cost approximately £250,000 and due to the relationship of these rooms within the building these could only serve as communal spaces. If the building was converted into 3 apartments (the existing apartment alone was valued at £300,000) then it would be uneconomically viable to upgrade the communal parts of the building.
- 7.13 It is submitted that due to the layout of the building as existing it would be difficult to redevelop the building into 5 flats, however, even if this was proposed, at a value of £300,000 each it would generate £1.5 million. This would be unviable when considering the purchase cost of the building and the upgrades needed.
- 7.14 It is concluded that restoration of the building would only be viable if a sustainable business can be created that can, over time, start to repay the significant development costs with a positive cash flow. The justification for the change of use to self-contained visitor accommodation along with the multipurpose events element is therefore supported to preserve the future of the heritage asset.
- 7.15 **The proposal is in accordance with LDP Policy 49a.**

- 7.16 With regard to **Policy 49b**, which is concerned with alterations to listed buildings, it is stated that: the alteration of a listed building will only be acceptable where the proposals have regard to the preservation or enhancement of the building or its setting or any features of special architectural or historic interest which it possesses. 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.
- 7.17 As assessed under NPF4 policy 7c above the works as proposed are acceptable. They do not diminish the architectural integrity of the building or its historic interest. The works which are detailed within the supporting Planning and Listed Building Statement, as provided on plan, and further secured by condition are supported.
- 7.18 **The proposal is in accordance with NPF4 policy 49b subject to conditions.**
- 7.19 **It is concluded that the proposal is in accordance with the Development Plan.**

## STATUTORY DUTIES

### Planning (Listed Buildings and Conservation Areas) Scotland Act 1997 as amended

- 7.20 These matters have been considered in the assessment of the proposed works the provisions of National Planning Framework 4 and the Dundee Local Development Plan 2019. In light of the assessment above, it is concluded that the alterations to the building would support the continued use and retention of the listed building and the works proposed would preserve the character and appearance of the building. Therefore, in approving Listed Building Consent, subject to conditions, the Council will discharge its statutory duty in this regard.

## OTHER MATERIAL CONSIDERATIONS

### A - SUPPORTING INFORMATION

- 7.21 The supporting information and plans have been considered within the main body of the report.

### B - OTHER RELEVANT STATUTORY OR NON-STATUTORY STATEMENTS OF POLICY

- 7.22 Historic Environment Policy for Scotland (HEPS) seeks that changes to specific assets and their context should be managed in a way that protects the historic environment and opportunities for enhancements should be identified where appropriate.

For the reasons set out in the assessment above, the proposal would comply with HEPS.

### C – REPRESENTATIONS

- 7.23 One objection which raised material planning grounds was received, the comment is summarised:
- 7.24 **Objection** - No detailed justifiable statement as required by LDP Policy 49 (Listed Buildings) has been submitted.
- 7.25 **Response** – A statement has been submitted which sets out some of the costs involved with the renovation of the property. This sets out two scenarios of developing the site for three flats, or five flats as not having a high return. As assessed under Policy 49a above, the proposed use of the building is supported. It will also ensure that the entire building is retained by one owner. The proposal complies with LDP Policy 49.

- 7.26 The issues raised in the representations have been considered and addressed in the report and the grounds raised are not of sufficient weight to justify refusal of listed building consent.
- 7.27 **It is concluded that there are no material considerations of sufficient weight in this case to justify refusal of listed building consent.**

---

## 8 CONCLUSION

---

- 8.1 The application for the internal and external alterations to Broomhall House complies with the requirements of Section 14(2) of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 and is in accordance with the Development Plan. There are no material considerations of sufficient weight that would justify refusal of Listed Building Consent. Therefore, it is recommended that Listed Building Consent be approved subject to conditions.

---

## 9 RECOMMENDATION

---

- 9.1 It is recommended that Listed Building Consent be GRANTED subject to the following conditions:

- 1 **Condition** – no development or work shall commence until a statement which details how all repairs will be carried out to the conservatory has been submitted to, and approved in writing by the Planning Authority. For the avoidance of doubt this shall include:
  - i a full Condition Survey including photographs to be carried out by a suitably qualified professional;
  - ii Elevation Plans showing areas where replacement glazing, and joinery is required; and
  - iii a Method Statement detailing how all repair work will be carried out including a specification for all materials including any paintwork.

Thereafter, the works shall progress in accordance with the approved details.

**Reason** - in the interests of preserving the historic character and interest of the listed building.

- 2 **Condition** – no development or work shall take place until the following details have been submitted to, and approved in writing by, the Planning Authority:
  - i a Statement including plans and photographs which detail all internal joinery work and fireplaces which are to be retained in situ and which will be removed;
  - ii a method for the careful removal of internal joinery and re-use of this within the building; and
  - iii a plan(s) detailing where in the building removed joinery work shall be utilised.

For the avoidance of doubt internal joinery includes features such as timber panelling, doors, fitted cupboards, staircases, beams, skirtings, architraves etc.

Thereafter, the removal and subsequent reinstatement of internal joinery work shall be carried out in accordance with the details approved by this condition.

**Reason** - in the interests of preserving the historic character and interest of the listed building.

# Application for Conservation Area Consent to Demolish Part of the Buildings at 16 and 18 Airlie Place

## KEY INFORMATION

**Ward** West End

**Address**

16 and 18 Airlie Place  
Dundee

**Applicant**

University Of Dundee Estates  
& Campus Services

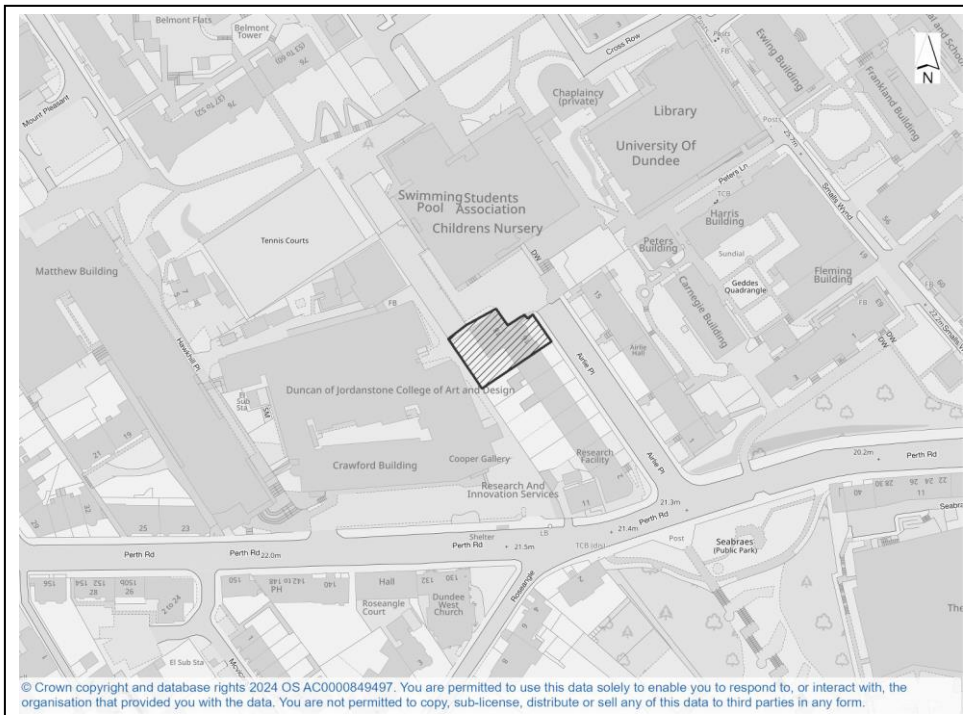
**Agent**

Wellwood Leslie Chartered  
Architects

**Validated:** 31 May 2024

**Report by Head of Planning  
& Economic Development**

**Contact:** Amy Russell



## SUMMARY OF REPORT

- Conservation Area consent is sought for the substantial demolition of the unlisted buildings at 16 and 18 Airlie Place. The applicant proposes to retain the ground and first floor parts of the main façade.
- The application is in accordance with the Development Plan.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. Two letters of objection and one letter of support have been received.
- Supporting information including a Planning Statement and a statement which includes a feasibility assessment have been provided within the application.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as an elected member requested that it be submitted to the Planning Committee.
- More details can be found at <https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=SECV4DGCKX600>.

## RECOMMENDATION

The proposal is in accordance with the Development Plan. There are no material considerations of sufficient weight to justify refusal of Conservation Area consent. It is therefore recommended that consent be APPROVED subject to conditions.

---

## 1 DESCRIPTION OF PROPOSAL

---

- 1.1 The application seeks Conservation Area Consent for the substantial demolition of the properties at 16 and 18 Airlie Place within the University Conservation Area.
- 1.2 The five and four storey tenement buildings at 16 and 18 Airlie Place have been vacant since 2007 after the building began to show signs of structural deterioration. The applicant has submitted a structural report which highlights the building is in a deteriorating condition with major structural issues to the exterior facades, windows and their cills, lintels and mullions and the gable of number 18. Furthermore, the report also states that the interior is in very poor condition with major cracks and exposed lath to the walls and ceilings. The refurbishment of the buildings is considered unviable due to costs and the existing structure of the building.
- 1.3 It is therefore proposed to substantially demolish the buildings to allow redevelopment of the site. The proposal includes the partial retention of the front façades of both buildings. The applicant has separately applied for planning permission to use the space behind the retained facades as a children's sensory playground which will serve the Dundee University nursery which is also situated at Airlie Place. These proposals are considered separately under planning application 24/00371/FULL.
- 1.4 The application has been amended since it was first submitted with the proposal now showing the retention of both the ground and first floor parts of the main façade rather than just the ground floor level. The Supporting Statement containing a feasibility assessment was also submitted several months after the application had been submitted.
- 1.5 The applicant has submitted the following in support of the application:
  - Design Statement which includes a structural report of both buildings;
  - Planning Statement; and
  - Supporting Statement which includes a feasibility assessment.





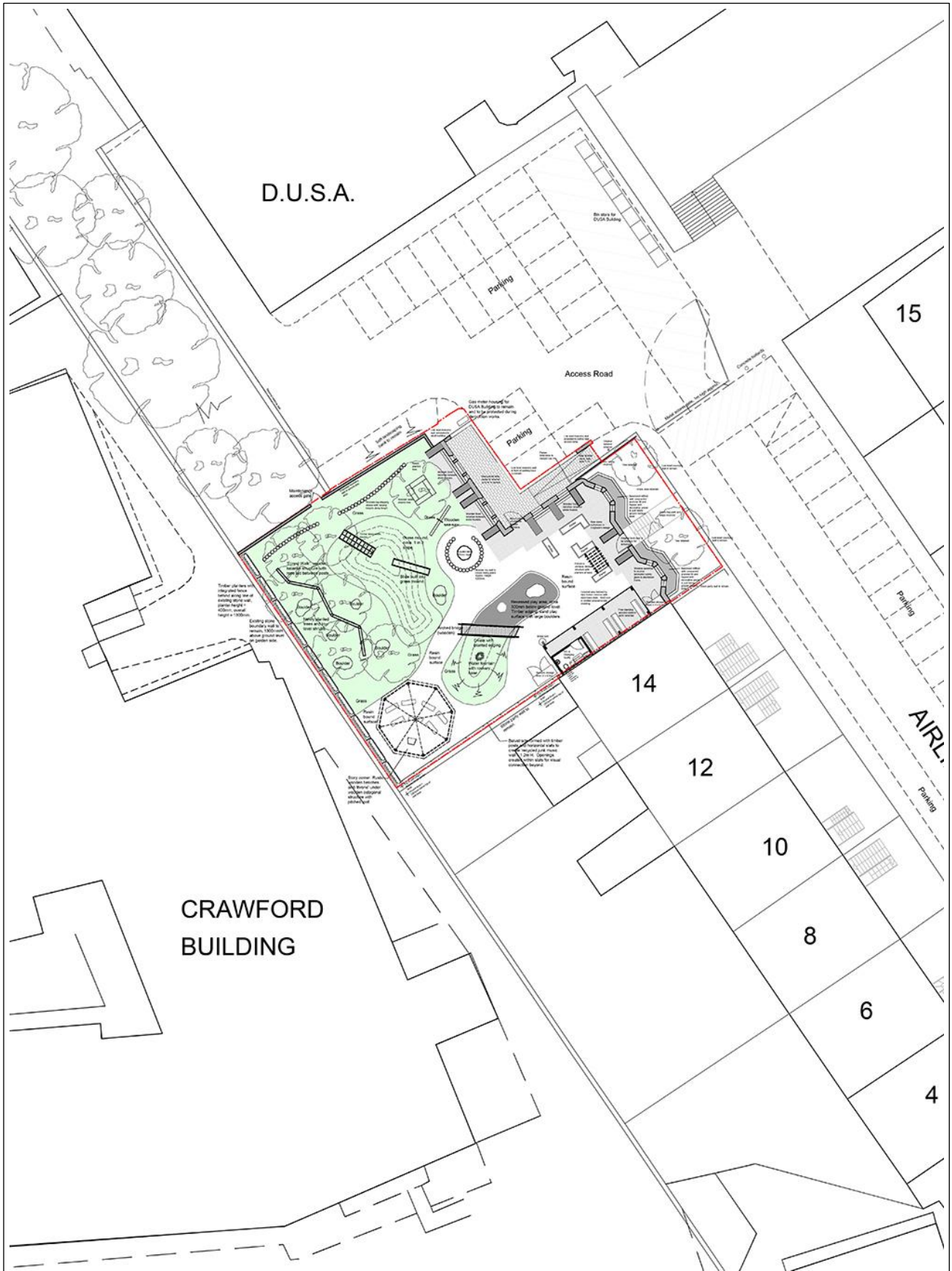


Figure 2 – Proposed Site Plan

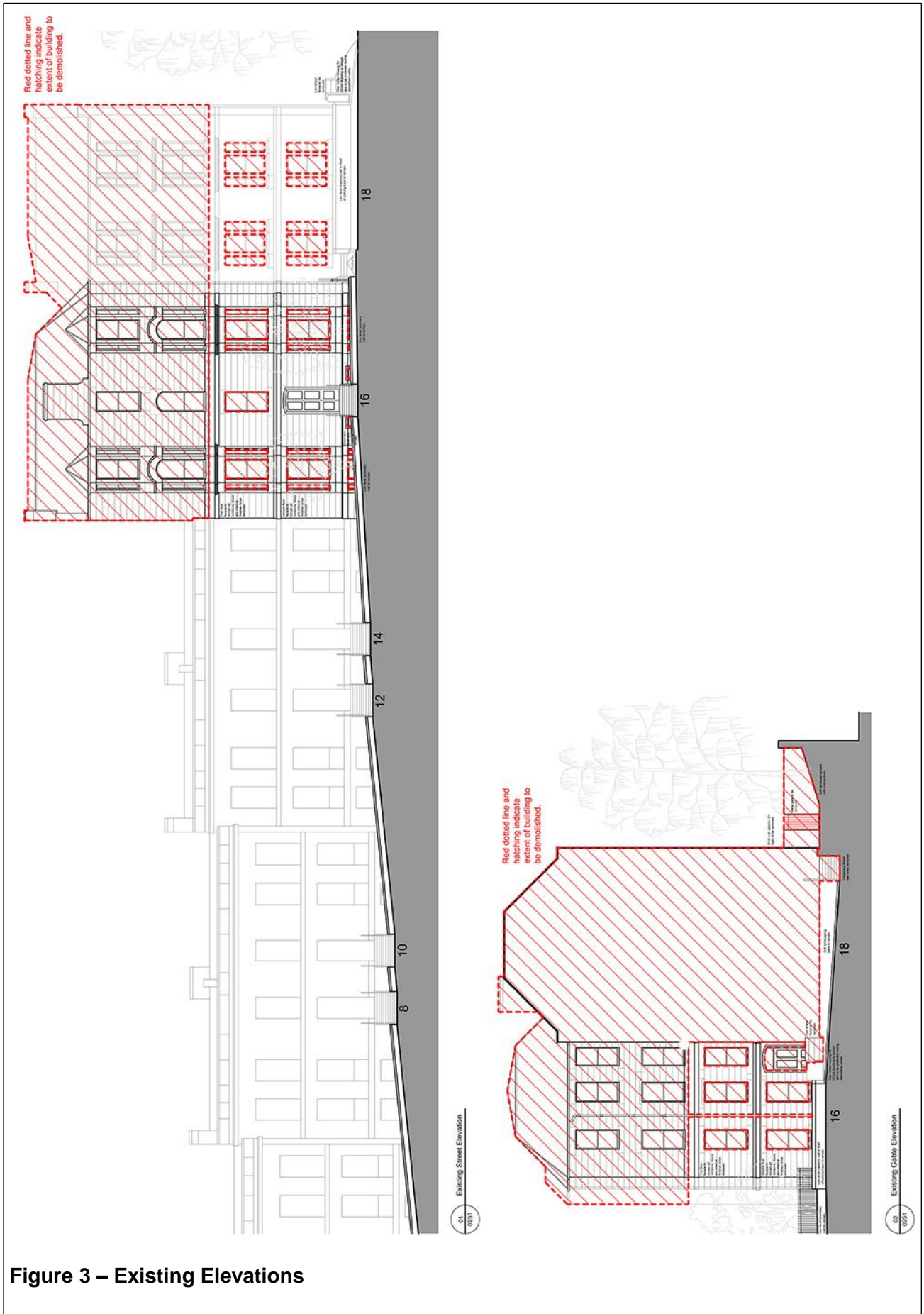


Figure 3 – Existing Elevations



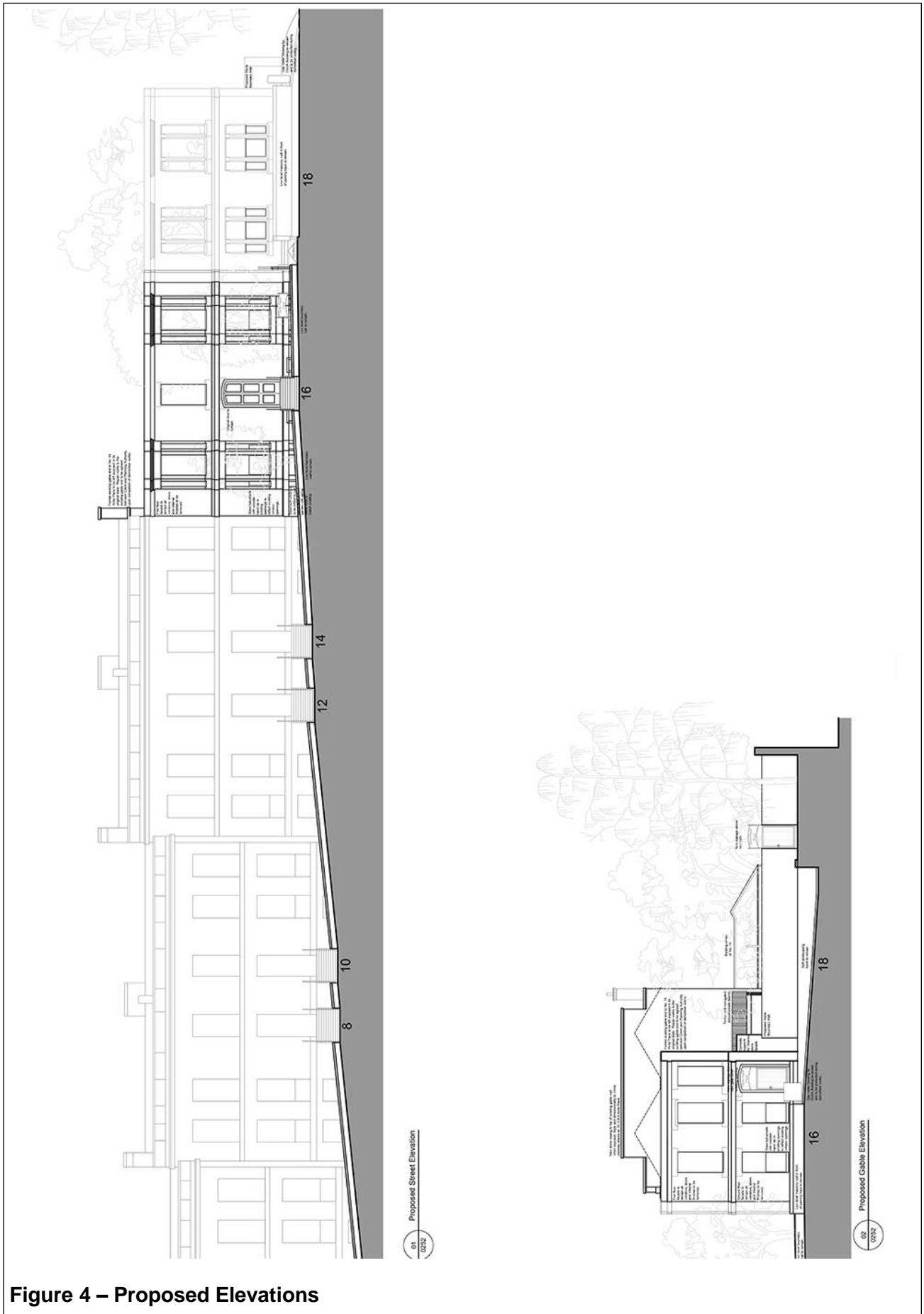


Figure 4 – Proposed Elevations

---

## 2 SITE DESCRIPTION

---

- 2.1 The application site comprises two tenement buildings on the west side of Airlie Place. These buildings were constructed in the late 19<sup>th</sup> century and were originally built as part of a square to the northern end of Airlie Place. Much of this square was previously demolished to make way for the development of the Dundee University Students Association building (the DUSA Union).
- 2.2 The buildings are finished with traditional stone masonry with a pitched slate roof. The site is bound to the north by the DUSA Union building, to the east by Airlie Place and to the south and west by further buildings under the ownership of the University of Dundee, including the Cooper Gallery and buildings used for educational purposes and offices.
- 2.3 The buildings at 16 and 18 Airlie Place were used as student accommodation up until 2007, when they were vacated due to the buildings showing signs of structural deterioration. The surrounding area forms part of the University of Dundee Campus with a mix of office, educational and residential buildings. Airlie Place is characterised by its prominent stone-built terraces occupying either side, which step up from Perth Road, framing the DUSA Union building to the North.



Figure 5 – 16 & 18 Airlie Place





Figure 6 – 16 & 18 Airlie Place





Figure 7 – Airlie Place from Perth Road



---

### 3 POLICY BACKGROUND

---

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

**NATIONAL PLANNING FRAMEWORK 4**

Policy 7: Historic Assets and Places

**DUNDEE LOCAL DEVELOPMENT PLAN 2019**

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

University Conservation Area Appraisal

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 Conservation Area Consent (20/00197/CON) for a complete Demolition in a Conservation Area withdrawn in June 2020.

4.2 Planning Application (20/00199/FULL) for the change of use to amenity space for children's nursery following proposed demolition of 16-18 Airlie Place was withdrawn in June 2020.

4.3 Planning Application (24/00371/FULL) for the change of use to amenity space for sensory garden and children's playground. Submitted 31 May 2024. Pending consideration.

---

### 5 PUBLIC PARTICIPATION

---

5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.

5.2 Two objections have been received raising the following valid material grounds:

- insufficient information has been submitted to demonstrate compliance with criteria 1, 2, 3 and 4 of Policy 50 of the Dundee Local Development Plan 2019 (Demolition of Listed Buildings and Buildings in a Conservation Area);
- insufficient evidence has been submitted by way of a feasibility study to demonstrate that the refurbishment of the buildings is beyond economic viability;
- the cost of refurbishment is likely to be a cheaper alternative than new build student housing and therefore the demolition is not justified;
- the feasibility study does not include a whole life carbon calculation of an equivalent new build student accommodation versus the refurbishment of these existing tenements; and
- failure to produce a conservation statement which considers the conservation value of the tenements.

- 5.3 One letter of support raising the following valid material planning considerations:
- positive re use of a vacant building which is currently a safety risk;
  - the proposed use will provide an outdoor play space for children;
  - the proposed redevelopment of the site would be a positive improvement on the visual amenity of the site and the surrounding area;
  - the proposed use will retain some of the historic building; and
  - the proposal considers improving the biodiversity value of the site.
- 5.4 The valid grounds of representation are taken into account in the material considerations section of this report.

---

## 6 CONSULTATIONS

---

- 6.1 **Historic Environment Scotland** – following the submission of further information during the consideration of the application, HES has no objection to the proposal and has suggested that should the application be granted, as many of the building's original features such as blockwork and timber joinery could be salvaged and reused within the redeveloped scheme in line with National Planning Framework 4's zero waste and circular economy aspirations.

## 7 DETERMINING ISSUES

- 7.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that a building in a Conservation Area shall not be demolished without the consent of the appropriate authority (in this case the planning authority).
- 7.2 In accordance with the provisions of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, special regard must be given to the effects of the proposed development on the character and appearance of the Conservation Area. This statutory duty should always be borne in mind when considering demolition applications.
- 7.3 The buildings proposed for substantial demolition are 16 and 18 Airlie Place. The application site forms the end of the existing terrace on the west side of Airlie Place. The terrace has a consistent frontage onto Airlie Place and each building steps up in height as the street rises to the north. Number 16 is a 5-storey tenement, including a basement level and number 18 is a 4-storey tenement with no basement. These buildings are the surviving elements of the later 19th century development of a square at the northern end of Airlie Place. The other buildings forming the square were later demolished to make way for the student Union building. These traditional stone-built tenements are situated within the University Conservation Area but are not listed.
- 7.4 Supporting documents have been submitted with the application including a Design Statement, Planning Statement and Building Survey Report. The supporting documents outline that the building is in a deteriorating condition with major structural issues to the exterior facades, windows and their cills, lintels and mullions and the gable of number 18. Furthermore, the report also states that the interior is in very poor condition with major cracks and exposed lath to the walls and ceilings. The refurbishment of the buildings is considered unviable due to costs and the existing structure of the building.

- 7.5 In the supporting statement, the applicant considers the existing buildings do not have any townscape value in that they are not listed, and not directly referred to as having townscape value within the University Conservation Area Appraisal. Following a review of the proposal Historic Environment Scotland (HES) initially objected to the application on the grounds that insufficient information was submitted to justify the demolition of these buildings. Within that response it was raised that numbers 16 and 18 are the surviving elements of the later 19<sup>th</sup> Century development to the north of Airlie Place and given their visual prominence within the streetscape, HES disputed that they were not of townscape value.
- 7.6 The University Conservation Area Appraisal states that “*The University Conservation Area includes a distinctly varied townscape in terms of architecture and building type*”. It is considered that number 16 and 18 Airlie Place, while not listed, are the last remaining elements of the development in the late 19<sup>th</sup> century and their presence contributes to the varied townscape as referenced within the Conservation Area Appraisal. This is further justified by the visual prominence and openness of Airlie Place and its relationship and impact on the character of the wider University Conservation Area.
- 7.7 While the buildings are considered to be of townscape value, and the preference would be for their retention, the detailed condition survey and further supplementary statement outline costings for a full refurbishment, concluding that its current structural condition rules out retention at a reasonable cost.
- 7.8 HES has reviewed this further information and has since removed its initial objection to the application. HES states that a case for substantial demolition has been made on these grounds. Furthermore, it is also recognised that the University Conservation Area appraisal highlights the area's ability to adapt and change for the future while considering and enhancing traditional elements.” As such, the substantial demolition of the tenements and redevelopment of the site with the retention of the façade to first floor level is considered to be acceptable as this enables reuse of the site whilst preserving elements of the historic façade.
- 7.9 It is acknowledged that these works will have an impact on the character and appearance of the Conservation Area. However, the retention of the façade as proposed reduces this impact. Furthermore, the applicant has proposed the redevelopment of the site behind the façade for use as a children’s playground, to be used in conjunction with the adjacent nursery. While that use is subject to a separate planning application, it is clear that the applicant has considered how to bring the site back into use rather than remaining in a derelict and deteriorating condition. This together with the conclusions of the supporting statement and feasibility report are sufficient to allow this application to be supported.
- 7.10 The statutory duty set out in Section 64 of the Act would be satisfied by the approval of this application, as the refurbishment of the buildings to modern day standards would not be economically viable and the proposed redevelopment of the site will retain elements of the existing façade, which will minimise the overall impact on the character of the Conservation Area.

## **OTHER MATERIAL CONSIDERATIONS**

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

### **A – NATIONAL PLANNING FRAMEWORK 4 AND DUNDEE LOCAL DEVELOPMENT PLAN 2019**

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

**Demolition within a Conservation Area**

## 7.13 National Planning Framework 4 Policy 7(f) - Historic Assets and Places:

NPF4 Policy 7(f) states demolition of buildings in a Conservation Area which make a positive contribution to its character will only be supported where it has been demonstrated that:

- i reasonable efforts have been made to retain, repair and reuse the building;
- ii the building is of little townscape value;
- iii the structural condition of the building prevents its retention at a reasonable cost; or
- iv the form or location of the building makes its reuse extremely difficult.

## 7.14 Dundee Local Development Plan 2019 Policy 50 - Demolition of Listed Buildings and Buildings in Conservation Areas: LDP Policy 50 (Demolition of Listed Buildings and Buildings in Conservation Areas) states 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. Where the demolition of a building is acceptable, applications must be supported by acceptable proposals for the redevelopment or treatment of the cleared site.

7.15 The existing buildings are of townscape value as the last surviving elements of the 19<sup>th</sup> century development to the north of Airlie Place, and this variety in age and style of buildings is important to the character of the University Conservation Area. However, the buildings are presently uninhabitable due to the severe structural deterioration. The supporting statement outlines that since the buildings were vacated, the applicant has undertaken works to keep them watertight and has put in place temporary supports and ties to ensure that the condition of the building does not continue to deteriorate at such a pace. Furthermore, the applicant has demonstrated that works to return the buildings to a habitable condition would be unviable, and that re-development of the site as proposed through this application and the related planning application could maintain the character of the local streetscape and University Conservation Area through the retention of the existing façade to first floor level.

## 7.16 The applicant proposes to create a children's sensory playground on the site of the demolished buildings. While that is the subject of a separate planning application, it is clear that the site can be developed with an acceptable design, layout and material finish as required by LDP Policy 50.

## 7.17 The proposal meets criteria i and iii of Policy 7f of NPF4 and meets the requirements of Policy 50 of the adopted LDP.

**Redevelopment of the Site**

## 7.18 NPF4 Policy 7g) states where demolition within a Conservation Area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.

## 7.19 The front façade will be retained to first floor level of both buildings. For the reasons discussed in the main body of this report, this is appropriate and will ensure that the stepped appearance of the terraces framing Airlie Place is preserved. The buildings would still contribute positively to the local streetscape and reflect the design and massing of buildings within the surrounding

area. The proposed development would have no detrimental impact upon the historic character of the University Conservation Area.

- 7.20 The proposed children's sensory playground (as planning application 24/00371/FULL) has been designed with the essence of a walled garden, which will sit within the retained façade of the historic tenements. Furthermore, a new boundary wall is to be constructed from salvaged stone on the north elevation to enclose the site. While that is the subject of a separate planning application, it is clear that the site can be developed with an acceptable design, layout and material finish as required by Policy 7g of NPF4.
- 7.21 The proposed substantial demolition of 16 and 18 Airlie Place meets the requirements of the Development Plan.

## **B – NATIONAL POLICY AND GUIDANCE**

- 7.22 Historic Environment Policy for Scotland (2019) should be taken into account when determining applications for development which may affect the historic environment. Scottish Planning Policy (Valuing the Historic Environment) advises that the planning system should promote the care and protection of the historic environment and its contribution to sense of place, including settings and the wider cultural landscape; development which will affect a listed building, or its setting should be appropriate to the character and appearance of the building and its setting. The Historic Environment Policy for Scotland sets out principles and policies for the recognition, care and sustainable management of the historic environment. It seeks to influence decision making that will be sufficiently flexible and adaptable to deal with wide-ranging and ongoing changes to society and the environment, and to achieve the best possible outcome for the historic environment, maximising its benefits.
- 7.23 For the reasons set out in the assessment above, the proposed works would comply with national planning guidance concerned with the historic environment.

## **C – REPRESENTATIONS**

- 7.24 Two objections have been received raising the following valid material grounds:
- insufficient information has been submitted to demonstrate compliance with Criteria 1, 2, 3 and 4 of Policy 50 of the Dundee Local Development Plan 2019 (Demolition of Listed Buildings and Buildings in a Conservation Area);
  - insufficient evidence has been submitted by way of a feasibility study to demonstrate that the refurbishment of the buildings is beyond economic viability;
  - the cost of refurbishment is likely to be a cheaper alternative than new build student housing and therefore the demolition is not justified;
  - the feasibility study does not include a whole life carbon calculation of an equivalent new build student accommodation vs the refurbishment of these existing tenements; and
  - failure to produce a Conservation Statement which considers the conservation value of the tenements.
- 7.25 The grounds of objection are considered and assessed as follows:
- 7.26 **Objection** - insufficient information has been submitted to demonstrate compliance with Criteria 1, 2, 3 and 4 of Policy 50 of the Dundee Local Development Plan 2019 (Demolition of Listed Buildings and Buildings in a Conservation Area).

- 7.27 **Response** - further information was requested and submitted to justify the reasons for demolition as part of this application. This is assessed in the main body of this report.
- 7.28 **Objection** - insufficient evidence has been submitted by way of a feasibility study to demonstrate that the refurbishment of the buildings is beyond economic viability.
- 7.29 **Response** - as above, further information was requested and submitted by the applicant to demonstrate the feasibility of reusing the buildings. The response from the applicant included updated figures based on current build costs. This was also assessed by HES and the costs were found to be reasonable and beyond the current market value of comparable properties within Dundee. As such the refurbishment of the buildings is not considered to be economically viable.
- 7.30 **Objection** - the cost of refurbishment is likely to be a cheaper alternative than new build student housing and therefore the demolition is not justified.
- 7.31 **Response** - the supporting statement adequately considers alternative uses for the site in the first instance. Many of these are not suitable for the university given modern-day standards for accommodation and educational facilities. The University has a contractual restriction which prohibits it from selling property for the development of student housing to anyone other than its development partner. The submitted information sufficiently demonstrates that the existing buildings could not be refurbished and redeveloped into private flats and remain economically viable.
- 7.32 **Objection** - the feasibility study does not include a whole life carbon calculation of an equivalent new build student accommodation versus the refurbishment of these existing tenements.
- 7.33 **Response** - there is no requirement for the applicant to provide such an assessment.
- 7.34 **Objection** - failure to produce a conservation statement which considers the conservation value of the tenements.
- 7.35 **Response** - the applicant has provided a supplementary statement which outlines the history of the buildings and Airlie Place. This, together with the comments from HES, were considered sufficient to assess the townscape value and contribution that these buildings make to the University Conservation Area.
- 7.36 One representation was received in support of the application have been received stating the following:
- positive re-use of a vacant building which is currently a safety risk;
  - the proposed use will provide an outdoor play space for children;
  - the proposed redevelopment of the site would be a positive improvement on the visual amenity of the site and the surrounding area;
  - the proposed use will retain some of the historic building; and
  - the proposal considers improving the biodiversity value of the site.
- 7.37 The issues raised in the representation(s) have been considered and addressed in the report and the grounds raised are not of sufficient weight to justify refusal of Conservation Area consent.

- 7.38 **It is concluded that there are no material considerations of sufficient weight in this case to justify refusal of Conservation Area consent.**

---

## **8 CONCLUSION**

---

- 8.1 The application for the substantial demolition of numbers 16 and 18 Airlie Place is in accordance with the Development Plan. There are no material considerations of sufficient weight that would justify the refusal of Conservation Area consent. Therefore, it is recommended that consent be granted subject to conditions.

---

## **9 RECOMMENDATION**

---

- 9.1 It is recommended that Conservation Area consent be GRANTED subject to the following condition(s):
- 1 **Condition** – no demolition shall take place until a method for the careful removal and storage of all salvageable materials, including stone, internal joinery and panelled doors has been submitted to, and approved in writing by the Planning Authority. Thereafter, all salvageable materials shall be stored as agreed and re-used within the site unless otherwise agreed in writing by the Planning Authority.

**Reason** - in the interest of preserving materials for re-use as they are part of the character of the site and Conservation Area.