

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

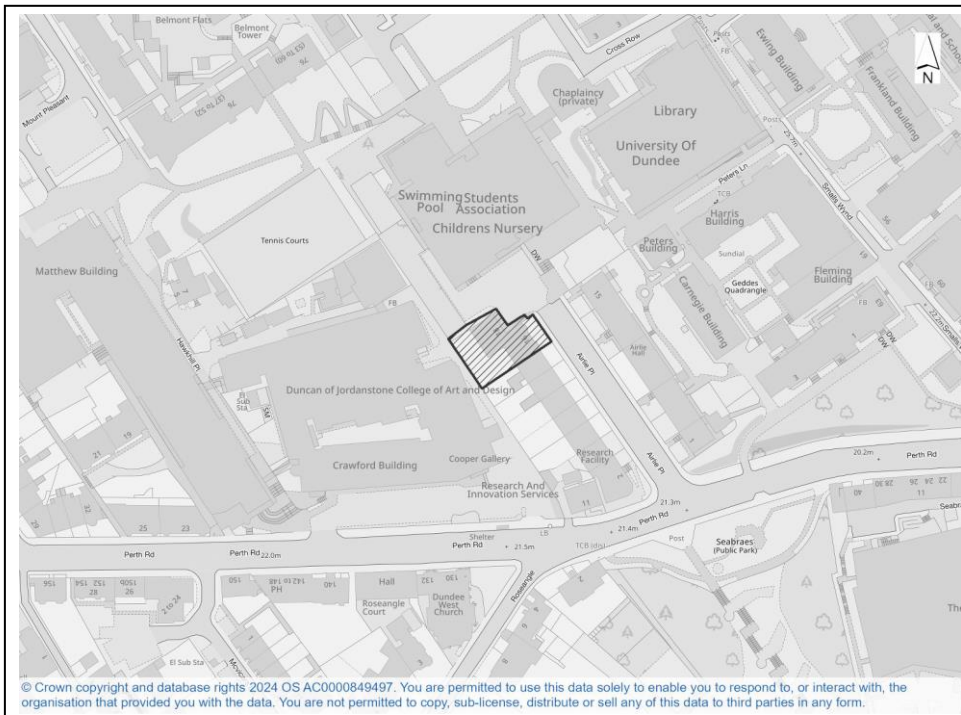
Agent

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.



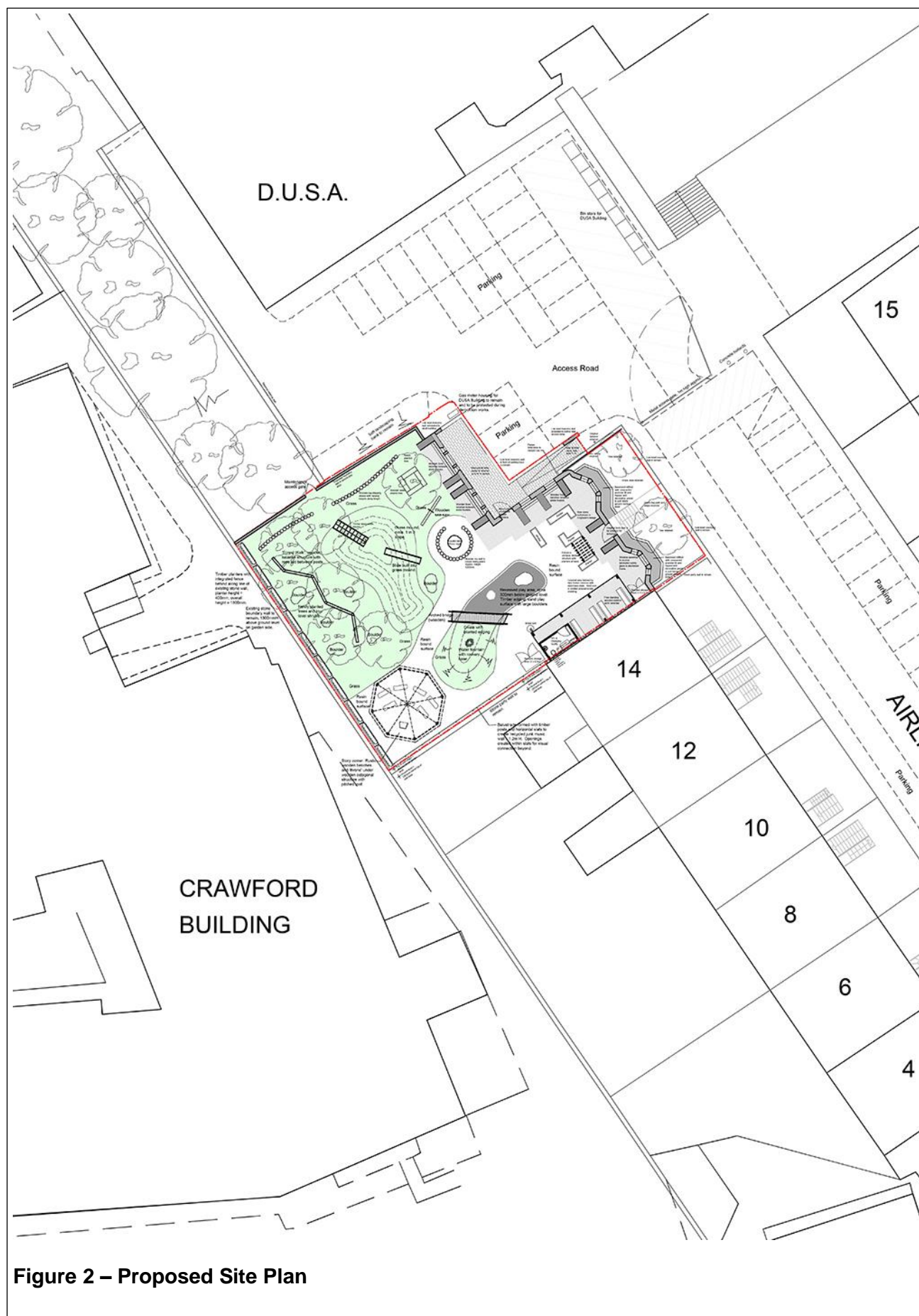
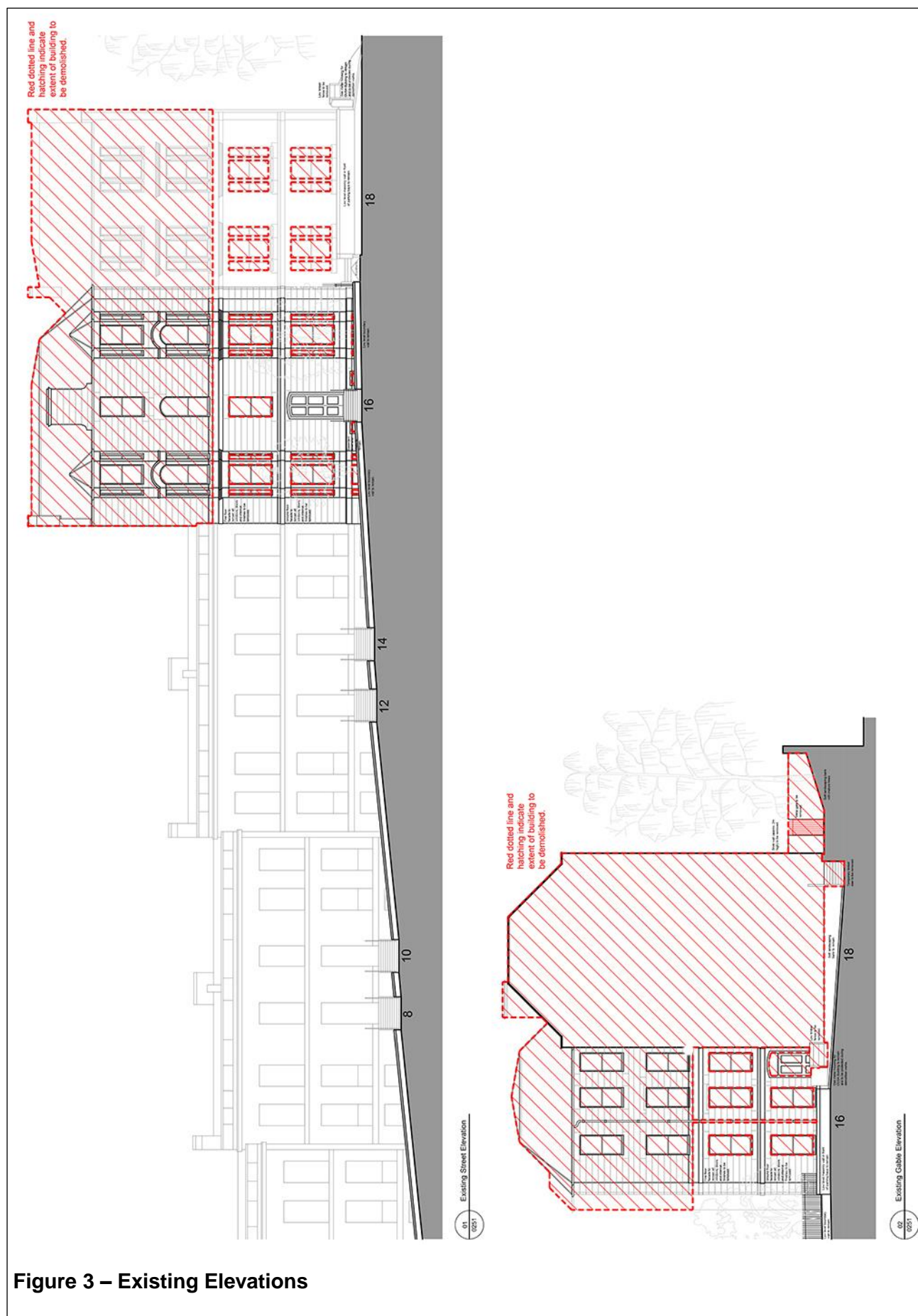
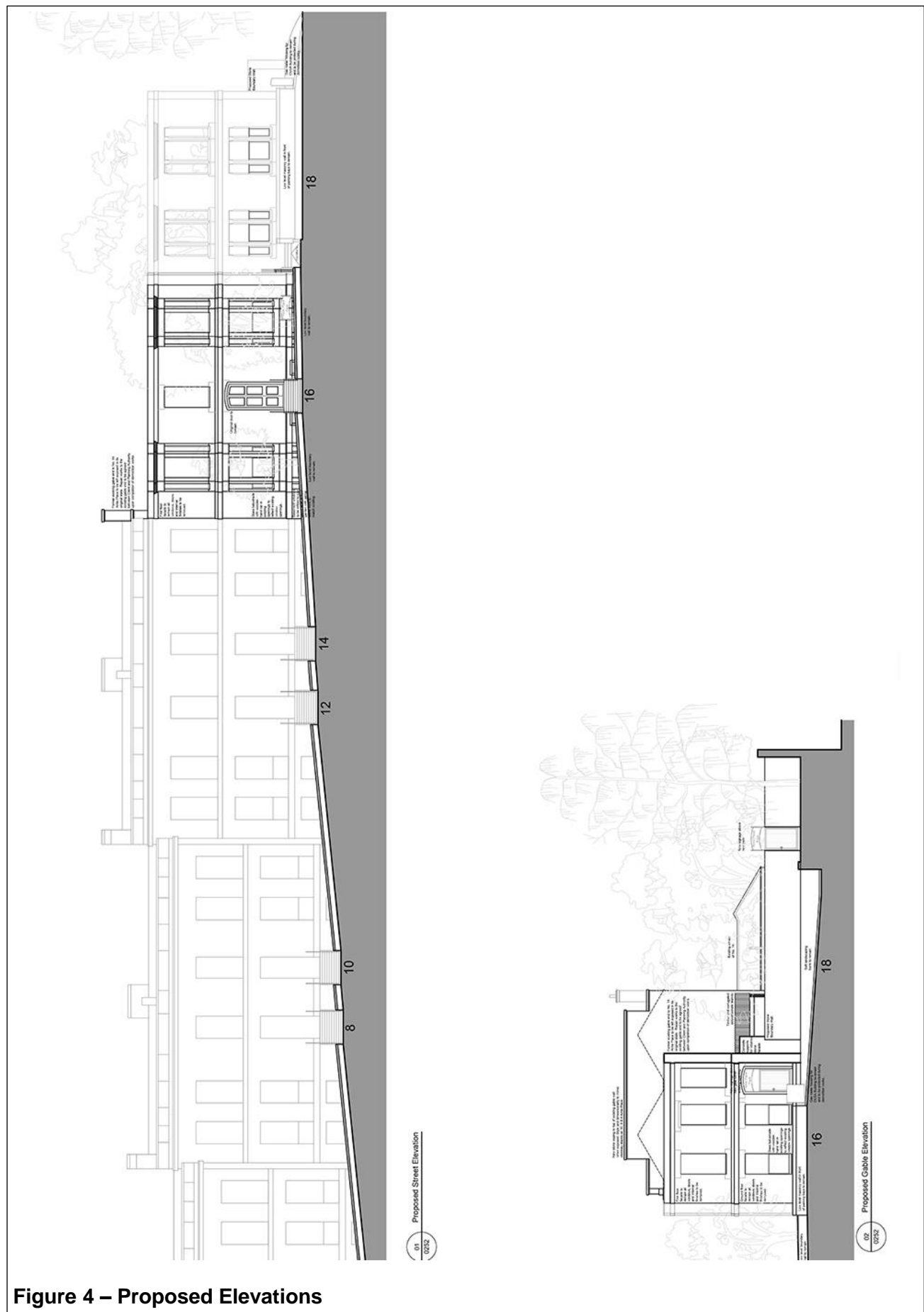


Figure 2 – Proposed Site Plan





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 19th 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 19th 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 19th 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 19th 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.