

**REPORT TO: PLANNING & TRANSPORTATION COMMITTEE  
1 DECEMBER 2003**

**REPORT ON: GARDYNE'S LAND, 71 HIGH STREET, DUNDEE**

**REPORT BY: DIRECTOR OF PLANNING & TRANSPORTATION**

**REPORT NO: 619-2003**

## **1 PURPOSE OF REPORT**

- 1.1 This report updates the Committee with regard to progress on the restoration of Gardyne's Land and seeks authority to promote a Compulsory Purchase Order (CPO) which is essential to enable the restoration of this important building to be guaranteed.

## **2 RECOMMENDATIONS**

- 2.1 It is recommended that Committee agrees to promote a Compulsory Purchase Order to acquire the second floor property at 1 New Inn Entry (also know as 2<sup>nd</sup> floor, 68 High Street), currently owned and occupied by the Western Club, subject to Tayside Building Preservation Trust entering into a back to back agreement with the Council whereby the Trust agrees to meet all costs incurred by the Council in connection with the promotion and confirmation of the CPO, and agreeing to the conveyance of the subjects following the CPO.

## **3 FINANCIAL IMPLICATIONS**

- 3.1 Tayside Building Preservation Trust has agreed to take ownership of the subjects at 1 New Inn Entry acquired through the CPO. All costs and liabilities of the CPO including all compensation claims payable and the Council's reasonable legal expenses will be met by the Trust.

## **4 LOCAL AGENDA 21 IMPLICATIONS**

- 4.1 There are no Local Agenda 21 implications of relevance to this report.

## **5 EQUAL OPPORTUNITIES IMPLICATIONS**

- 5.1 There are no equal opportunities implications of relevance to this report.

## **6 BACKGROUND**

### **6.1 Historic Merit and Feasibility**

Gardyne's Land is a complex of unique historic interconnecting buildings located in High Street, opposite City Square. The small 1560 merchant's house is Dundee's oldest surviving domestic building and the larger more complete front building of the mid-1600s is of similar importance. These are connected by a building of the 1870s and the complex is extended to the west by a building of the late 18<sup>th</sup> Century. The buildings are at risk and the repair and restoration of the complex is considered to be of national importance. This small group of buildings is representative of the built heritage that Dundee has lost though the various city centre redevelopments dating back to the mid 19<sup>th</sup> Century.

Tayside Building Preservation Trust's interest in the restoration of Gardyne's Land dates back to 1995, when they decided to undertake a feasibility study to determine whether to proceed towards acquiring the buildings as their next restoration project. Report number 52/97, to the Planning and Transportation Committee, January 1997, informed Members of the conclusions of the feasibility study (which had received grant assistance) and obtained Members support and encouragement for the project in principle, by enablement through the planning system and through supporting bids for external funding.

Following the success of the Feasibility Study the Trust, with significant support from the Council, entered into protracted negotiations with the owners and tenants of the building group and acquired it in early 2000, along with sufficient development funding to secure Phase 1 of the project, being the consolidation of the structure and making the fabric wind and water tight. Phase 1 was completed in February 2002 at a cost of £292,000.

## **6.2 Appropriate New Use and Additional Accommodation Requirement**

By early 1997 the Trust had identified a youth hostel as a possible future use for the premises, with housing a less attractive alternative. The hostel use was seen as attractive to both the city and to funding organisations. The buildings were suitable for conversion to a hostel and this use would secure future public access. Discussions were progressed with the Scottish Youth Hostels Association (SYHA), who gave the project their full support as end user.

A conversion scheme was designed to the SYHA's brief and it became clear that in order to be viable as a hostel some additional accommodation would be required. Negotiations were progressed with the Northern Rock Building Society, in the adjacent property at 68 High Street, who had vacant upper floors. The Trust negotiated the acquisition of the third floor and attic of the front building and the first floor of the rear building at 68 High Street (above the Arctic Bar) from a development company who had bought on the NRBS's interest.

## **6.3 Negotiations with the Western Club**

In 1997 the Trust also began negotiations with the Western Club as owner and occupier of the second floor of this building. The Club uses 1 New Inn Entry as a private men's club, the accommodation providing members with a bar and two snooker tables.

In 1999 the Trust asked the Council to assist with acquiring the Western Club premises. A meeting was held with the Club's then president, with Planning and Transportation and Economic Development Department officers present. The Club's president indicated that if suitable alternative accommodation could be found the Club would be prepared to relocate, subject to the agreement of its members. A verbal brief was obtained and the Economic Development Department undertook to try to identify alternative accommodation. A number of properties were suggested by the Council, but for a variety of reasons these were either unsuitable or unavailable.

Listed building consent and planning permission were approved for alterations and change of use for Gardyne's Lane and the Northern Rock and Western Club properties to a youth hostel in April 2000. At that time the Club objected to the planning application on the (invalid) grounds that it included their premises.

Dialogue between the Council, Trust and Club continued through 1999, 2000, 2001 and 2002. In October 2002 the Council's Convener of Economic Development chaired a further meeting of officers from the Planning and Transportation and Economic Development departments with two committee members of the Western Club (being the club's former President, now Secretary and its Property Convener). The Club officers were again supportive of the project and again discussed the principle of the Club relocating. They agreed to provide an up-dated brief for their future requirements and the Economic Development Department again undertook to assist with the identification and acquisition of a suitable property on the open market. However, once again no properties identified were considered suitable.

The Economic Development Department liaised with the Trust's Surveyor, J&E Shepherd, who in turn made contact with other surveyor firms in the City to source a suitable property on the open market. From early 2003, communication with the Club became difficult, to the point where the Club has refused the Trust's consultants access to the Club premises to survey the structural loadings of the floor above. To date, no alternative properties have been identified that are deemed by the Western Club to be suitable.

#### **6.4 Change of End User**

In January 2003, SYHA decided to withdraw from the project due to other difficulties in their organisation, and by April 2003, a respected independent operator with a long track record, Edinburgh Backpackers Limited, trading as Hoppo, was confirmed as the new end user. Hoppo confirmed that the acquisition of the Western Club was essential to their project. While this caused a minor delay to funding applications, all parties have agreed that the change in end user is a positive achievement.

#### **6.5 Funding Phase 2**

Following the completion of Phase 1, the Trust progressed funding applications for Phase 2, which involves total project costs of over £3.8 million. The funding partners for the overall project include the Heritage Lottery Fund, Historic Scotland, the European Union Regional Development Fund, Scottish Enterprise Tayside, Sears Group Properties Plc, Dundee City Council (award of FECS grant), various charitable trusts and commercial contributions, the Trust's volunteers input and the sale of the property to Hoppo.

The assembly of so many inter-meshing funding partners has been complicated and its success is dependent on the project being progressed within a tight timescale. Local commitment is such that £130,000 has been raised from donations from individuals, trust funds and local companies. The intention is for Phase 2 to start on site in May 2004. All the funding has either been secured or indicatively secured. The largest funding partner is the Heritage Lottery Fund (HLF), which in June 2003 approved a development grant of £181,000 and a stage one pass to provide what will total a contribution of approximately £1.8m, subject to conditions. The most significant condition being that "the application will acquire the space required to provide a 90 bed hostel required to make the project viable".

There is no other suitable adjacent property. Hence the HLF condition means that the Trust must acquire the Western Club in order to progress the project. The

acquisition of the Western Club is essential in order to secure the carrying out of the redevelopment.

## **6.6 Conclusion**

The Trust's officers sought a meeting with the Director of Planning & Transportation in July 2003 to ask for the Council's assistance. To summarise, the Gardyne's Land complex is Dundee's only significant domestic survival of the mediaeval period and has been at risk for many years. Tayside Building Preservation Trust has been developing a project to save it since 1995 and has achieved ownership, established a suitable use which is badly needed in Dundee, obtained planning permission and listed building consent for this use and has put together a funding package from external sources to invest £4 million in its restoration. All of this will, it is anticipated, be lost if the Western Club premises cannot be acquired by the Trust.

Since 1997 the Trust has negotiated with the Club, seeking to find them suitable alternative premises. They have been assisted in this by the Council's Economic Development Department and by the Trust's Surveyors and by other surveyors in the City. However, it has not been possible to identify an available property which the club has found suitable.

The Trust has had the District Valuer value the Western Club premises at £40,000 and has budgeted for this and for relocation expenses for the Club.

In conclusion, whilst the Trust will continue to seek a negotiated acquisition of the Club's premises, the Council should now promote a Compulsory Purchase Order to acquire the property in order to ensure that there is a backstop which ensures that this important project can proceed. The Trust has agreed to meet all the costs of the Council in promoting the CPO and the Western Club will be fully compensated for the cost of moving to alternative premises.

## **7 CONSULTATIONS**

- 7.1 The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance), Assistant Chief Executive (Community Planning) and Director of Economic Development have been consulted and are in agreement with the contents of this report.

## **8 BACKGROUND PAPERS**

- 8.1 Planning and Transportation Committee Report, January 1997, number 52/1997.

Mike Galloway  
Director of Planning & Transportation

Ian Mudie  
Head of Planning