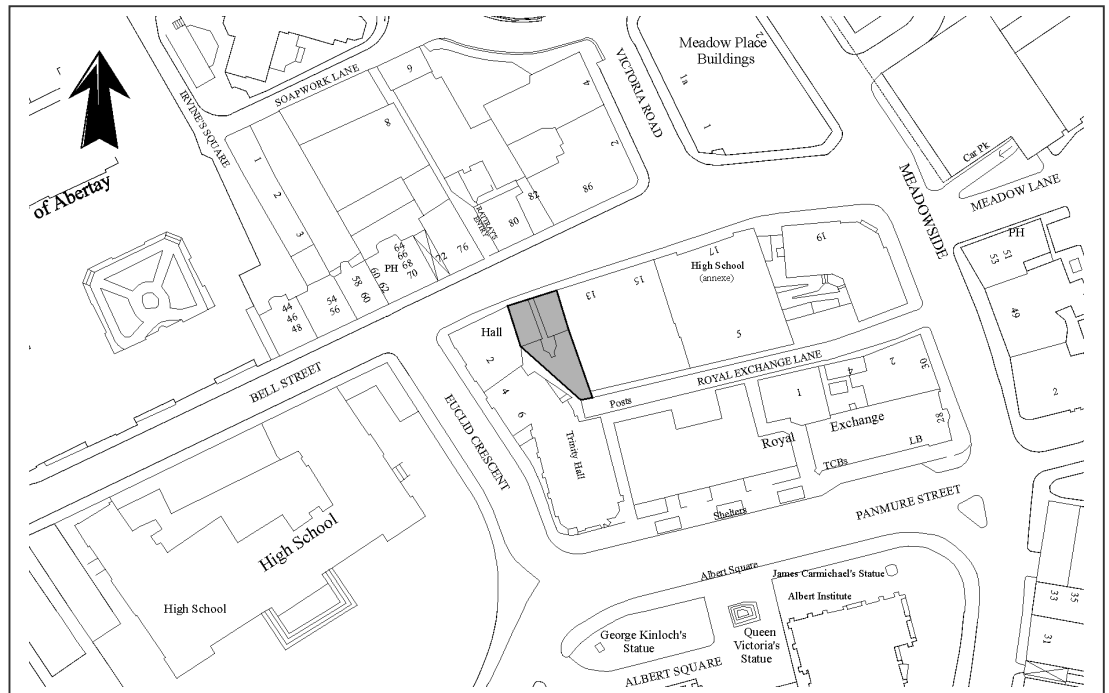


KEY INFORMATION**Ward** Tay Bridges**Proposal**

Demolition of tenement building

Address7-11 Bell Street
Dundee
DD1 1HP**Applicant**High School of Dundee
Euclid Crescent
Dundee DD1 1HU**Agent**Wellwood Leslie Architects
Fort Street House
Broughty Ferry
Dundee DD5 2AB**Registered** 27 Feb 2003**Case Officer** R Anderson

Proposal to Demolish Dangerous Tenement in Bell Street

The Demolition of tenement building is **RECOMMENDED FOR APPROVAL SUBJECT TO HISTORIC SCOTLAND**. Report by Director of Planning and Transportation

RECOMMENDATION

The demolition of the building is required by a notice served under Section 13 of the Building (Scotland) Act 1959 in the interests of public safety. Although the proposal does not conform to all aspects of local and national policy there are good reasons for recommending approval subject to conditions.

SUMMARY OF REPORT

- An application for Listed Building Consent has been received for the total demolition of the property at 7-11 Bell Street known as the "Baltic Chambers." The building is category B listed and located in the Central Area Conservation Area.
- The substantial demolition of the building is required as a notice under section 13 of the Building (Scotland) Act 1959 (repairs to dangerous buildings) has been served on the owners. Compliance with the notice is required by 22nd April 2003.
- One letter of objection has been received regarding the proposal. The main issues arising are the lack of redevelopment proposals and no evidence of adequate marketing of the building prior to demolition.
- It has been accepted by the council and Historic Scotland that the High School have intentions to develop the site in association with the school but an overall development programme including other sites is taking time to finalise. With the section 13 notice requiring demolition public safety is the council's main priority. It is considered that conditions attached to any consent can secure appropriate development of the site in the near future.
- The proposal does not conform to all aspects of local plan policy and national guidance, however in this instance there are good material reasons for setting aside policy considerations. Accordingly approval subject to conditions is recommended.

DESCRIPTION OF PROPOSAL

storey tenement building at the above address. The whole building is to be demolished and will generally be done from the top down by hand. The site will be left with an excavated floor to 1m in depth with infilled rubble making up the surface. The northern boundary of the site will have timber ply wood fencing at 3m in height and finished in a brown colour. The end buttresses of the front and rear elevations will remain to add stability to the adjacent buildings. The adjacent buildings are to be shored up with two metal pins up to first floor level. The inscription on the front elevation "Baltic Works" which gives the building its name is to be carefully removed and stored for future use. No alternative schemes have been put forward for the future use of the site. The applicants have indicated that in the past proposed uses such as a gym hall for the school were met at other sites in the city. The site remains part of the applicant's plans for future development but at present the High School is formulating a long term plan for all of its property of which this site is included. However at present no use is proposed for the site. A repairs notice under section 13 of the Building (Scotland) Act 1959 was served on the owners of the property by the city council in order to make the deteriorating building safe. This notice requires that the building be demolished in the interests of public safety. The applicants have until April 22nd 2003 to comply with the notice.

SITE DESCRIPTION

The site in question is located on the south side of Bell Street some 20m east of its junction with Euclid Crescent. The upper three floors of the building are currently derelict with one of the ground floor units currently operating as a hairdressers. It is category B listed and located in the Central Area Conservation Area. To the east and west are school buildings ancillary to the main school some 50m to the west. To the rear (south) is a car park area and office buildings in Panmure Street, with a mix of commercial and residential uses to the north.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 1998

The following policies are of relevance:

Policy BE16 - Demolition of Listed Buildings

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

Finalised Local Plan Review

The following policies are of relevance:

Policy 62: Demolition of Listed Buildings and Buildings in Conservation Areas

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:



NPPG 18 - Planning and the Historic Environment

The Memorandum of Guidance on Listed Buildings and Conservation Areas

Non Statutory Statements of Council Policy

There are no non-statutory Council policies relevant to the determination of this application

LOCAL AGENDA 21

Key Theme 8 indicates that health should be protected by creating safe, clean and pleasant environments

Key Theme 13 indicates that places, spaces, objects combine meaning and beauty with utility

SITE HISTORY

There is no site history of relevance to this application.

PUBLIC PARTICIPATION

One letter of objection has been received. The main issues arising are insufficient plans have been made to market the building successfully and no replacement plans for the subsequent use of the site have been submitted.

CONSULTATIONS

No adverse comments have been received

OBSERVATIONS

In accordance with the provisions of Section 59 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 the Committee is required to consider

a whether the proposals are consistent with the statutory requirement

b whether an exception to the provisions of the statutory requirement is justified by other material considerations

Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997

NPPG 18 paragraph 47 outlines the government's views on demolition of listed buildings, which echo the requirements of section 59 of the above act. These views are also stated in the Memorandum of Guidance on Listed Buildings and Conservation Areas paragraphs 2.10 - 2.14 & paragraph 7.0.0. Paragraphs 3.12 - 3.17 outline guidance on the treatment of dangerous buildings.

With regard to demolition of listed buildings the government's general view is that no listed building should

be lost to the environment unless it can be demonstrated that that every effort has been made to find practical ways of keeping it. Consideration should be given to the importance of the building, the condition of the building, efforts made to retain the building and the extent to which redevelopment would benefit the area. All applications require to be supported by a structural engineer's report to verify the condition of the building.

In assessing the importance of the building the context of the building must be taken into account. Either side of the structure has been redeveloped in the recent past with more modern buildings. In both cases the mass and appearance of these buildings is different to the one in question. One is single storey with the other being two storey with a flat roof. The tenement building does not have a similar context anymore and because of its mass and height it does tend to stand out and look rather incongruous. However it is still architecturally a striking building with a symmetrical window pattern and strong architectural features such as window banding deep reveals, rear stair tower, broad chimney stacks etc. However as there is a wide range of building types and materials in this area of Bell Street it is accepted that this building has a relatively low architectural and historic significance. Historic Scotland in a letter dated January 2003 has endorsed this view. In this respect although the building has merit and is an imposing mass in the streetscape it is considered to be of little overall importance to this area of the city.

With regard to the condition of the building there is little doubt that it is poor and dangerous. The fact the City engineer has served a notice requiring operations on a dangerous building under Section 13 of the Building (Scotland) Act 1959 gives strong indication as to the condition of the building. The applicants have also submitted a structural engineers report indicating the poor condition of the building and recommending demolition as refurbishment would be economically unviable. Such considerations are supported under paragraph 2.10(b) of the Memorandum. The council and Historic Scotland have accepted the report and its findings.

In terms of efforts to market the building not much has taken place since the school purchased the property in 1998. The reasons for this are two fold. The building was damaged by fire pre 1995, which limited it as a marketable asset and the property once purchased by the High School was always intended to be included as part of a property development strategy which included other sites in the city. This remained the case until the Repairs Notice was served and urgent works were required. The building was bought by the High School in a relatively poor condition. As progress of the development strategy (outlined above) has altered and other considerations have come on stream the use of the building has remained uncertain. However the school did not want to sell it because it was an integral part of the strategy albeit that its precise use was not known. For these reasons marketing of the building was unnecessary. Although this is not generally satisfactory and goes against the principles outlined in the NPPG and the Memorandum it is considered there are mitigating circumstances in this case why the building was not actively marketed over the last 5 years since it was purchased by the High School.

Following on from the recent history of the site and attempts to market the property, because the precise use of the site is not known at this stage no details of redevelopment proposals have been put forward. Again this runs contrary to the terms of the Memorandum of Guidance which indicates that proposals for demolition should not be granted without details of redevelopment being acceptable. However the council have accepted that as the future use of the site is not known at this stage it will be difficult to give any details at this stage.

In considering the last two issues i.e. marketing and alternative uses para. 2.11 of the memorandum indicates that before demolition proposals are accepted Planning Authorities should clarify their own and Historic Scotland's position. As indicated previously the council has had extensive discussions with the applicants and has accepted that the building is in a dangerous condition and requires to be demolished. Historic Scotland supports these views.

Paragraph 3.12 of the Memorandum outlines guidance on dangerous buildings and the procedures involved in making them safe. In serving a dangerous building notice the minimum requirements for making the building safe should be made clear. The notice indicates (among other things) that the building should be demolished with the front façade being retained. Historic Scotland have agreed that the façade of the building is not important in the street, architecturally and historically, and therefore demolition of the whole building at this stage is appropriate in the interests of public safety.

The application is necessary to regularise the position where demolition is authorised by other legislation and to deliver immunity from prosecution for the offence of demolishing a listed building without consent. The application could have therefore been made after demolition. The date of demolition in the notice was specified in order to utilise the Easter School holidays where no pupils will be passing the building during operations. This is in the best interests of public safety.

Dundee and Angus Structure Plan 2001-2016

Environmental Resources Policy 6: Design & Urban Renewal indicates that proposals that assist in urban renewal and re-use derelict land or buildings will be generally supported. Although the proposal does not involve the reuse of an existing building it will in time involve the redevelopment of the site to the benefit of the area. It is also considered that a strong case has been made for the demolition of the building, which could be considered as the first stage of urban renewal in this case.

Dundee Local Plan 1998

Policy BE16 - Demolition of Listed Buildings outlines similar criteria to the memorandum in justifying demolition. I.e. retention is financially and structurally impracticable; efforts have been made to dispose of the building; proposals for new development are acceptable and there is an essential need for the new development that cannot be met elsewhere. In terms of the first three criteria these have already been

assessed in the previous section. With regard to the new development of the site being met elsewhere in the city the site is in the ownership of the High School and in close proximity to the main School and associated buildings. The applicants have made it clear that they see the site as integral to their development strategy for the future. Although it could be argued that any use of the site for the school could be met on other sites, it is accepted that due to its proximity and ownership, it is desirable to retain the site for school use and maintain such uses together in this area of the city.

Other Material Considerations

Finalised Local Plan Review

Policy 62: Demolition of Listed Buildings and Buildings in Conservation areas indicates that where listed buildings are proposed for demolition, comprehensive information regarding its condition, marketing history and feasibility/viability studies to assess its retention should be submitted. This point has been assessed earlier and the case for demolition has been accepted. Although it could be argued that the proposal is contrary to this policy there are good material considerations for setting aside some of the criteria in this case.

Dangerous Building Notice under section 13 of the Building (Scotland) Act 1959

As previously indicated such a notice was served on the owners of the building, which had deteriorated to a state, which was potentially endangering public safety. The issue of public safety is paramount and all efforts are being made to comply with the terms of the notice. Where criteria associated with the statutory requirement and local plan policy has not been met conditions will be included to reflect this. It is considered that the issue of public safety and compliance with the notice is sufficient to override policy in this case.

The points raised by the objector

The issues of marketing and alternative uses have been explained previously in this report. It is accepted that the circumstances that have lead to the proposal are not ideal. However it is also accepted that the applicants have genuine plans for the site in the longer

term, which are influenced by other factors involving other sites in the city. It is considered that with the addition of conditions giving timescales for redevelopment the site can be developed in the near future in an exciting and appropriate way. The issue of public safety has taken priority and the building must be removed. Although it is conceded that the objector raises valid points in this case there has been a satisfactory case put forward to override the need for extra marketing of the site and detailed plans for its retention.

Design

As the application covers demolition a building design is not an issue to consider in this case.

CONCLUSION

It is concluded from the foregoing that the proposal does not completely comply with the provisions of the development plan. However because of the main issue of public safety certain criteria associated with the statutory requirement and local plan policy can be set aside in this case in order to make the building safe as soon as possible. This material consideration alone is sufficient to justify the grant of listed building consent in this case.

Recommendation 1

It is recommended that this permission not be issued unless and until Scottish Ministers decide not to formally call in this application.

Recommendation 2

RECOMMENDATION

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

- 1 The works must be begun not later than the expiration of 5 years beginning with the date of this consent
- 2 That detailed plans (in the form of appropriate formal applications) of the replacement building to be built on the site be submitted in writing and agreed to the satisfaction of the Planning Authority within 24 months of the date of this consent.

- 3 That details of the finish of the street elevation of the proposed protective fencing on the northern boundary be submitted to and agreed in writing to the satisfaction of the Planning Authority within 3 months of the date of this consent.
- 4 That the boundaries of the site are made secure so that unauthorised personnel cannot enter the site. The site shall be maintained as such thereafter on the completion of the demolition works. The site shall also be maintained free of litter and other debris and in a clean and tidy state thereafter to the satisfaction of the planning authority.
- 5 That the stone inscription reading "Baltic Chambers" on the northern elevation of the building should be removed and retained in tact so as to allow for its inclusion in any future development of the site. details of the method of storage should be submitted in writing and agreed to the satisfaction of the planning authority within one month of the date of this notice

Reason

- 1 To comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997
- 2 In order to secure appropriate redevelopment of the site and provide a reasonable timescale for this to take place.
- 3 In order to ensure that an interesting design and finish is secured to fencing on Bell Street in the interests of the appearance of the site and the streetscape in general.
- 4 In order to deter unwanted visitors from entering the site in the interests of public safety
- 5 In order to retain a valuable historic reference to the buildings past and incorporate it into any future development of the site.