

**KEY INFORMATION**

**Ward** Tay Bridges

**Proposal**

Demolition of Category B Listed Building

**Address**

Land to East of West Marketgait  
Overgate Lane  
Dundee

**Applicant**

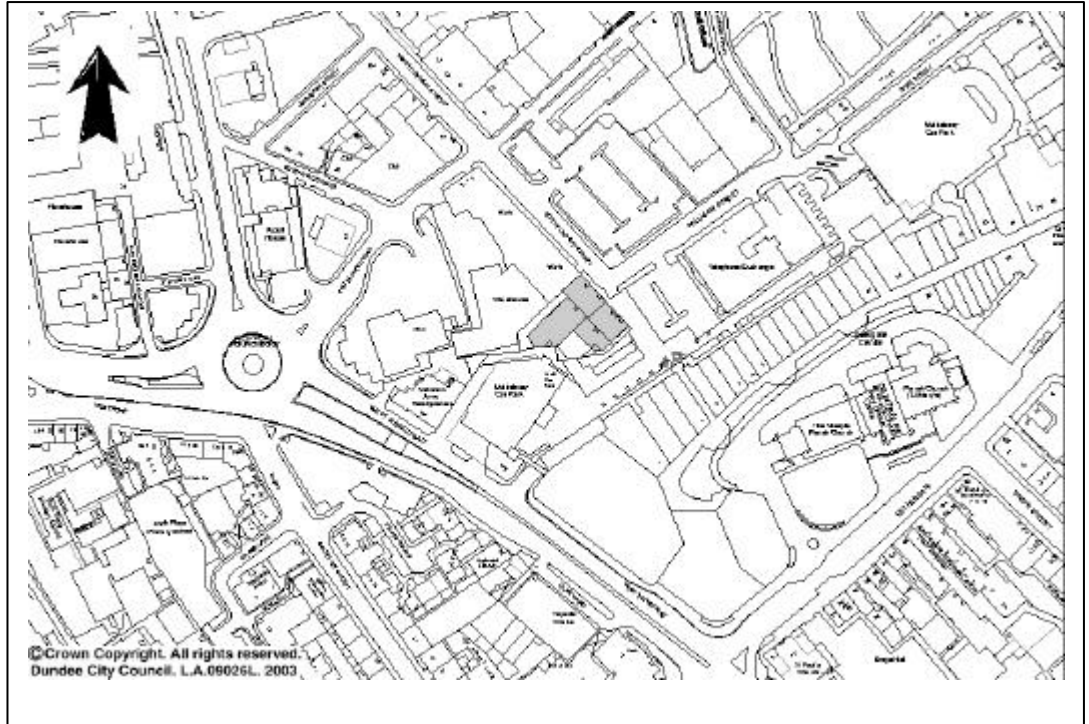
Overgate GP Ltd  
Level 2  
10 Maltravers Street  
London WC2R 3NG

**Agent**

Keppie Planning  
160 West Regent Street  
Glasgow G2 4RL

**Registered** 8 Sep 2005

**Case Officer** G S Reid



# Demolition to Make Way for Overgate Extension

The Demolition of Category B Listed Building is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

**RECOMMENDATION**

It is considered that the proposal is in accordance with Section 14 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 and the policies of the development plan.

The application is recommended for **APPROVAL** subject to conditions and referral to Historic Scotland for their consideration.

**SUMMARY OF REPORT**

- Listed Building Consent is sought for the complete demolition of the "B" listed tenement at 26-32 North Lindsay Street, the demolition with retention of the facade of the "B" listed tenement at 34-36 North Lindsay Street. In addition the proposal includes the demolition of the "B" listed extensions to the rear (West) of the tenements. The demolitions are proposed to make way for the two storey extension to the Overgate Shopping Centre (05/00815/FUL refers).
- This proposed development represents a major investment in city centre retailing. It secures the future the better quality tenement facade. The extent of demolition is considered to be justified by the difficulties in reusing the existing buildings and the mitigation measures proposed.
- A letter of objection was received from a local resident. The main concern was that too many of Dundee's listed building and historic street patterns have already been demolished to make way for modern developments.
- It is considered that the development is in compliance with the statutory duties to have regard to listed buildings. In addition, it is concluded that the application has satisfied the requirements of NPPG 18, the Memorandum of Guidance on Listed Buildings and Conservation Areas and Policy 62 of the Dundee Local Plan Review 2005. It is considered that the concerns raised by the objector are of insufficient weight to warrant refusal of the application.

## DESCRIPTION OF PROPOSAL

Listed Building Consent is sought for the complete demolition of the "B" listed tenement at 26-32 North Lindsay Street, the demolition with retention of the facade of the "B" listed tenement at 34-36 North Lindsay Street. In addition the proposal includes the demolition of the "B" listed extensions to the rear (West) of the tenements. The demolitions are proposed to make way for the two storey extension to the Overgate Shopping Centre (05/00815/FUL refers).

The applicants originally intended to completely demolish both of the tenements in North Lindsay Street and develop a new replacement building. Having examined the potential of providing a replacement building they concluded that a facade retention was a more appropriate solution in terms of the visual appearance of the streetscape. As a result the proposal now includes the retention of the facade of the tenement at 34-36 North Lindsay Street. As part of the facade retention the applicants propose to reinstate some of the original features that have been lost over the years.

In support of the proposals the applicants have submitted revised documentation setting out their case for the demolition of the buildings, the retention of the facade and related heritage impacts.

## SITE DESCRIPTION

The listed buildings are located on the west side of North Lindsay Street. To the north is the former Halley Brothers Works building which is now vacant and a Lidl Foodstore. To the east are surface level car parks. To the south is an electricity sub-station with the Overgate Shopping Centre beyond. To the west is a multi-storey car park operated by NCP and serving the Overgate Shopping Centre and the premises of the Salvation Army.

The site includes "B" listed tenement buildings. These are late 19th century, 4-storey, ten-bay tenements with shops on the ground floor. They are built with sandstone ashlar to the front with rubble to the side and rear with a slate roof. The shop fronts at 34-36 comprise a seven bay glazed arcade with door to centre and round-headed

moulded arches. These features have been removed at the ground floors of the tenement at 26-32 North Lindsay Street. The list description notes that the buildings have important streetscape value along with the adjacent Halley Brothers Works.

In addition to the tenements there are "B" listed structures to the rear. These are two storeys in height and built of coursed sandstone ashlar similar to the tenements. Whilst these are now attached to the tenements they would appear to have been originally separate from them.



## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

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

### Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 60: Alterations to Listed Buildings. This Policy requires alterations to a listed building to have regard to the restoration or enhancement of its architectural and historic character.

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 sets out the framework for dealing with applications affecting listed buildings.

The Memorandum of Guidance on Listed Buildings and Conservation Areas.

In accordance with the provisions of Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Council is required to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

## 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 15 requires that diversity and local distinctiveness are valued and protected. Key Themes 1, 7 and 13 support efficient use of resources, accessibility of facilities and services and the creation of useful and beautiful places.

## SITE HISTORY

There is no planning history of relevance to the consideration of this application.

## PUBLIC PARTICIPATION

The application was the subject of statutory notices in both local and national newspapers.

A letter of objection was received from a local resident. The main concern was that too many of Dundee's listed building and historic street patterns have already been demolished to make way for modern developments. Those that remain should therefore be protected, preserved and maintained as a matter of priority.

## CONSULTATIONS

Historic Scotland (HS) were consulted on the revised scheme which, included the retention of the north most tenement facade and asked to provide pre-determination comments

HS highlighted that a financial feasibility study was included with the documents which support the current proposals. This document states that the development of Overgate II is only viable if consent is gained to demolish a large proportion of the B listed building at 26-36 North Lindsay Street. HS advised that it was for the Council, in line with national policy guidance set down in NPPG 18 and the Memorandum of Guidance, to satisfy itself that the conclusions of the applicant's report were an accurate and comprehensive evaluation of the options.

HS also advised that the amended proposal was not acceptable in terms of national guidance, due to the design of the proposed replacement building, which is not 'of comparable quality in terms of design'. In particular the section of the development which will house a substation and car park has a significant length of frontage onto Willison Street, terminates the view down North Lindsay Street and will partially obscure views of the City Churches Tower. To comply with national policy, a development which replaces a listed building must be judged to be of better quality than the existing building, which in this case has good architectural detailing and makes a positive contribution to the character of the streets it addresses.

They stated that the proposed elevational treatment of the replacement building is functional in terms of design, massing and materials, and shows very little consideration of an architectural concept or treatment. As built, this would create the impression that the surrounding public space is a 'backland' which does not deserve quality architecture and streetscape.

They also advised that a proposed change in the depth of 32-36 North Lindsay Street would result in a significantly steeper roof pitch. This would have a highly deleterious effect on the character of the building.

Finally they advised that skews should be retained on the SE gable, and recommended that the applicant be asked to undertake appropriate stone repairs and reinstatement of the wall-head chimney as part of any consent.

In light of the above comments the applicants now propose to reinstate the wall-head chimney and amend the roof back to its original pitch. In addition,

they have made significant improvements to the design of the facade of the new building which faces onto Willison Street.

Historic Scotland has not as yet responded to these amendments to the proposed scheme.

There were no adverse comments from any of the other consultees

## OBSERVATIONS

In accordance with the provisions of Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Council is required to have special regard to the desirability of preserving listed buildings and their setting or any feature of special architectural or historic interest which they possess.

As outlined in the "Description of Development" Section the applicant's have submitted a case for the demolition of the buildings and partial facade retention. The case is based mainly on three reports:

- 1 An Assessment of the Built Heritage and,
- 2 Structural Inspection Report.
- 3 Financial Appraisal

In their case the applicant's highlight that the "B" listed tenements most important element is the principle facade which faces onto North Lindsay Street. However they consider that the facade in terms of decorative treatments is unspectacular when set in the context of town centre tenement blocks in Dundee as a whole. In addition, they highlight that the tenements have been subject to deleterious alteration and modification with the removal of important external features. In terms of the two listed extensions to the rear of the tenements the applicants conclude that they are of limited architectural interest given they have been extensively altered and modernised. As such they are not considered to be of greater than local importance.

The applicants carried out a structural inspection of the exterior of the tenements. They highlight that it has not been possible to carry out an internal structural inspection to date. The Report concludes that the tenements are in fair structural condition but do have a range of

defects typical for a building of this type and age.

The applicants highlight that in order to restore the tenements to a standard that would be commensurate with the quality of the retail development that is proposed would represent a significant financial undertaking.

The applicants highlight that they have examined the potential of retaining the listed tenements as part of the scheme. They conclude that due to the limited opportunities to extend the Centre and the space constraints of the site it is not possible to retain the tenements. Conversion of the units was also examined and ruled out due to the quality of the space that could be achieved and the difficulty in linking in with the new build. The applicants have also argued that it is not economically viable to retain the building other than the facade. Therefore the applicants conclude that to meet the minimum requirements to ensure commercial attractiveness and economic viability of the proposed extension the tenements could not be retained in their entirety.

The site has not been marketed for alternative uses as this is not a stand alone redevelopment proposal. The proposal to demolish is to make way for the construction of a purpose built two storey extension to the existing, adjoining Overgate Shopping Centre.

It is clear from the applicant's submission that the tenements are in a fair condition. They have however had some modifications to them and are showing physical signs of their age. The facade of the tenement at 26-32 North Lindsay Street has suffered from greater changes with the loss of the prominent arcading feature at ground floor level.

The list description highlights that the importance of these buildings is their contribution, in conjunction with the former Halley Brothers Works, to the visual quality of the streetscape. The amended proposal now seeks to retain the facade of the tenement at 34-36 North Lindsay Street. This is the more complete facade and is generally of better quality.

This development represents a major investment in city centre retailing. It secures the better quality tenement facade with the reinstatement of original features. It is considered that the extent of demolition is justified by

the difficulties in reusing the existing buildings and the mitigation measures in terms of retaining the facade of one of the buildings

Comments were made by Historic Scotland regarding the facade retention and the poor quality of the facade of the new building onto Willison Street. These are outlined in the "Consultations" section of the Report. In response to these comments the applicants now propose to reinstate the wall-head chimney and the original roof pitch. The applicants have also made significant changes to the design of the facade of the new building facing Willison Street. The amended facade is considered to be of a good quality of design and will enhance the visual appearance of the streetscape.

It is considered that given the proposal now includes the retention of the more complete facade a justifiable case has been made for the demolition of the listed buildings.

It is concluded that the statutory duty set out in Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is discharged in this instance.

## The Development Plan

The provisions of the Dundee Local Plan Review 2005 relevant to the determination of this application are specified in the Policy background section above. Policy 62 states that any application for demolition of a listed building 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 demolition is permitted, applications must be supported by acceptable proposals for the redevelopment of the site.

It is considered that the applicant's submission as discussed above complies with the requirements of Policy 62 and provides sufficient justification for the demolition which is proposed.

## Other Material Considerations

The guidance set out in NPPG 18 Planning and the Historic Environment advises that in all cases of proposed demolition, "prior consideration should be given to the scope for recycling buildings which have clear historic or architectural significance".

Consideration of applications for demolition should be based upon: the importance of the building; the condition of the building; the adequacy of efforts to retain the building in use and the extent to which the community would benefit from the redevelopment.

It is considered that taking into account the case put forward by the applicant, as outlined above, the proposal complies with the criteria in NPPG 18 in this regard.

The Memorandum of Guidance on Listed Buildings and Conservation Areas recommends that there should be a presumption in favour of the preservation of Listed Buildings except where a strong case can be made for demolition after full consideration of a) the importance of the building; b) the condition of the building and c) the possible alternative uses for the building.

It is considered that the submitted justification as detailed above is in accordance with these requirements.

Historic Scotland was asked to provide pre-determination comments on the application. These comments are set out in detail in the "Consultations" section above.

The main thrusts of their comments were:

- i that the Council should satisfy itself that the conclusion of the applicant's financial feasibility study is accurate and comprehensive.
- ii that the design of the new building facing Willison Street was not acceptable. The proposed elevational treatment shows very little consideration of an architectural concept or treatment and would create the impression that the surrounding public space is a 'backland' which does not deserve quality architecture and streetscape.
- iii that a proposed change in the depth of 32-36 North Lindsay Street would result in a significantly steeper roof pitch and have a highly deleterious effect on the character of the building.
- iv that skews should be retained on the SE gable, and recommended that the applicant be asked to undertake

appropriate stone repairs and reinstatement of the wall-head chimney as part of any consent.

The submitted proposals were also considered by the Design Review Panel of Architecture and Design Scotland (A+DS) in October 2005. They raised similar issues of concern with regard to the quality of the proposed replacement building.

In light of this the applicants have made significant amendments to the design of the facade of the new building as it faces Willison Street. This includes introducing a new glazed fronted shop unit and different architectural detailing to the car park/substation. They have also included the reinstatement of the wall-head chimney and amended the roof of the tenement back to its original pitch.

In terms of the feasibility Study the Council consider that a justifiable case has been put forward by the applicants for the demolition/facade retention.

In terms of the other comments it is considered that the applicants have made a positive response to the concerns raised by HS. They now propose to reinstate the wall-head chimney and maintain the original pitch to the roof of the tenement. In addition, they have made significant improvements to the design of the facade of the new building onto Willison Street. It is considered that the changes will enhance the visual appearance of the streetscape in this area.

At the time of writing this report HS had not commented on the revised designs.

Historic Scotland will have an opportunity to consider these changes when the application is formally referred to them.

## Objection

One objection was received from a Dundee resident, not a neighbour, who objected to the loss of the listed buildings. It is considered that sufficient justification has been made for the demolition which is proposed

## Design

As indicated the proposal has been amended to retain the facade of the tenement at 34-36 North Lindsay Street. The applicants in response to comments from Historic Scotland have

also included the reinstatement of the wall-head chimney and the realignment of the roof of the tenement back to its original pitch. In addition, they have significantly amended the design of the facade of the new building which faces onto Willison Street. It is considered that the overall design is a good quality solution and will enhance the streetscape.

## CONCLUSION

This development represents a major investment in city centre retailing. It secures the future of the better quality tenement facade. The extent of demolition is considered to be justified by the difficulties in reusing the existing buildings and the mitigation measures proposed.

The applicants have responded positively to the comments raised by Historic Scotland and now propose to retain the facade of one of the buildings including the reinstatement of some of the original features. They have also improved the quality of the design of facade of the new building facing onto Willison Street.

It is considered that the development is in compliance with the statutory duties to have regard to listed buildings.

In addition, it is concluded that the application has satisfied the requirements of NPPG 18, the Memorandum of Guidance on Listed Buildings and Conservation Areas and Policy 62 of the Dundee Local Plan Review 2005.

It is considered that the concerns raised by the objector are of insufficient weight to warrant refusal of the application.

It is recommended that listed building consent be granted with conditions. If Members are minded to approve the application, it must be referred to Historic Scotland in the first instance.

### Recommendation 1

This consent shall not be issued unless and until Historic Scotland has formally decided that the application will not be called in for determination by the Scottish Ministers.

### Recommendation 2

It is recommended that Listed Building consent be granted subject to the following conditions.

## 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 No part of the building shall be demolished until both a Joint Contracts Tribunal building contract or a building contract of a similar recognised form acceptable to the Council for carrying out of the works of redevelopment of the site in accordance with the plans hereby approved has been made and evidence thereof supplied to the Council.
- 3 A method statement providing full details of the retention, restoration and repair of the front façade shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 4 A schedule of the items to be salvaged and reused from the exterior of the building shall be submitted to the Council for approval before any demolition takes place or any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 5 Samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples.

## Reasons

- 1 To comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- 2 To ensure that redevelopment of this site takes place immediately following demolition of the existing building, thereby ensuring that the retained façade is not left for an extended period of time to the detriment of the

character and appearance of the area.

- 3 In order to safeguard the appearance of the statutorily listed building and to improve its architectural appearance.
- 4 In order to safeguard the appearance of the statutorily listed building and to improve its architectural appearance.
- 5 In order to safeguard the appearance of the statutorily listed building and to improve its architectural appearance.