

KEY INFORMATION

Ward The Ferry

Proposal

Demolition of former bathing shelter and erection of two storey restaurant, function suite, kiosk and lifeguard station.

Address

Bathing Shelter
The Esplanade
Broughty Ferry

Applicant

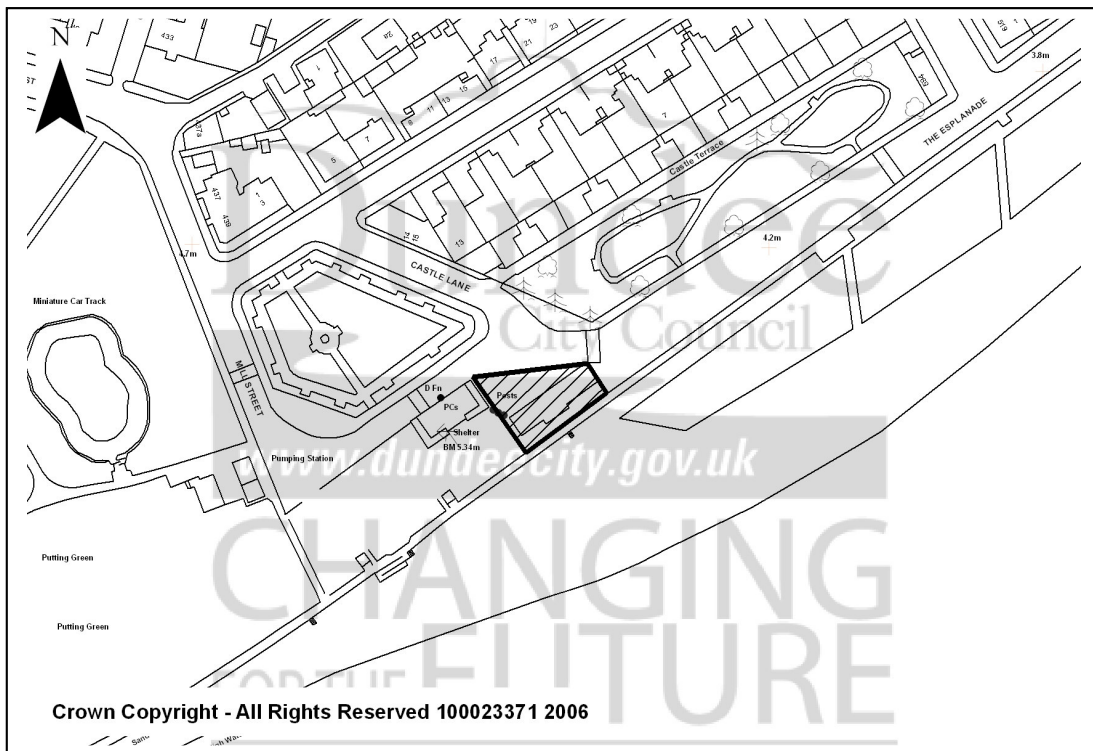
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Agent

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Registered 14 Nov 2007

Case Officer C Walker



Proposal to Demolish Former Bathing Shelter in the Esplanade

The demolition of former bathing shelter is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation.

RECOMMENDATION

The proposed demolition of this building cannot be justified as the proposals for the redevelopment of the site are unacceptable. The application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Conservation Area Consent is sought to demolish the former bathing shelter which sits in a prominent location in the Broughty Ferry Conservation Area. The applicant has stated that the size and condition of the building makes it uneconomic to restore. There is an accompanying application for planning permission to redevelop this site, the Report on which is contained elsewhere in this Agenda.
- Policy 62 of the Local Plan and Government advice states that where the demolition of buildings in conservation areas is permitted, applications must be supported by acceptable proposals for the redevelopment or treatment of the cleared site. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, states that special consideration must be given to the effects of proposed development on the character and appearance of the conservation area.
- A letter of objection was received from a local resident on grounds that there is no justification for demolishing the building and that although the existing building is of little visual merit, the proposals for its replacement are worse than retaining it.
- In this case the existing building is of little visual merit and certainly not worthy of retention. However its demolition cannot be justified as the proposals for the redevelopment of the site are unacceptable.

DESCRIPTION OF PROPOSAL

Conservation Area Consent is sought to demolish the former bathing shelter. No details of the condition of the existing building have been provided, although it has been vacant for some time and is poorly maintained. To justify the proposal the applicant has stated that the size and condition of the building makes it uneconomic to restore. Plans have been submitted for the redevelopment of the site, the report on which appears elsewhere in this Agenda - application 07/00972/FUL refers.

SITE DESCRIPTION

The site comprises a disused former bathing shelter, last operated as an ice cream kiosk, which sits directly on the beach front at the Esplanade. It is owned by the Council and has been vacant for some time. It has a gross internal floor area of some 150 sq metres and a fairly functional appearance with white rendered walls and a flat roof. Apart from a glazed area at the southern beach entrance, the other windows on the building are at a high level associated with its former use as a bathing shelter. There is a higher "tower" element at its eastern end.

To the south of the building is a pedestrian walkway and steps leading down to the beach. To the north west is a Victorian style toilet block with a pitched slated roof. To the west of the building is a car park with space for approximately 36 cars. To the north and north east are houses at Castle Terrace. There is a garden area in front of these houses and the closest houses to the application site are some 35 metres distant.

The site lies within the Broughty Ferry Conservation Area and the houses at 1-13 Castle Terrace to the north are Category C listed buildings. Broughty Castle, a Scheduled Monument and Category A listed building, lies just over 200 metres to the south west of the application site.

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

Policy 62 requires applications for the demolition of a 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 buildings is permitted, applications must be supported by acceptable proposals for the redevelopment or treatment of the cleared site.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

National Planning Policy Guideline 18: Planning and the Historic Environment - this document provides statements of Government policy in relation to the historic environment with a view to its protection, conservation and enhancement. This NPPG deals primarily with, amongst other things, conservation and listed buildings. Primary reference is made in this document to the Memorandum mentioned below.

Memorandum of Guidance on Listed Buildings and Conservation Areas 1998

This document by Historic Scotland offers Local Authorities and

developers best practice advice in dealing with developments which may have an impact on or affect listed buildings or conservation areas.

Non Statutory Statements of Council Policy

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

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

There is an accompanying application for planning permission to redevelop this site, the Report on which is contained elsewhere in this Agenda - application 07/00972/FUL refers.

PUBLIC PARTICIPATION

The proposal was advertised as an application to demolish a building in a conservation area. A letter of objection was received from a local resident on grounds that there is no justification for demolishing the building and that although the existing building is of little visual merit, the proposals for its replacement are worse than retaining it. Copies of this submission are available for inspection in the Members Lounges and the points raised are considered in the Observations Section of this Report.

CONSULTATIONS

The Royal Commission on the Ancient and Historic Monuments of Scotland have advised that if demolition consent is granted then they need to be notified of the proposed works and given the opportunity to record the building.

Historic Scotland is not formally consulted unless the Council are minded to approve the application.

OBSERVATIONS

In accordance with the provisions of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, special consideration must be given to the

effects of the proposed development on the character and appearance of the conservation area.

In assessing applications to demolish unlisted buildings in conservation areas the Memorandum of Guidance (which is referred to in NPPG18) states that an assessment should be made of the importance of the buildings to the character or appearance of the conservation area and the proposals for the redevelopment of the site. If the buildings are of any value it suggests that a positive attempt should be made to retain them. It also states that consent to demolish should be given only where there are acceptable proposals for the redevelopment of the site.

In this case the existing building is of little visual merit and certainly not worthy of retention. Although the applicant has not put forward a particularly cogent case for its demolition, it is considered that due to its poor visual quality and lack of recent maintenance that a case could be made for its demolition.

The proposals for the redevelopment of the site are set out in the report on the accompanying planning application (07/00972/FUL) elsewhere in this Agenda. That Report recommends refusal of the redevelopment for a number of reasons including its poor design, excessive size, poor relationship to the existing Victorian toilet block, unsatisfactory finishing materials and the adverse impact on the Broughty Ferry Conservation Area. In circumstances such as this the Memorandum of Guidance suggests that demolition consent should be refused.

Other Material Considerations

The other material considerations to be taken into account are:

a The Development Plan

In terms of Policy 62 of the adopted Local Plan, this matter has already been considered in the assessment of the proposed development under Section 64 of the Act and it was considered that the proposed demolition would not be acceptable as the proposals to redevelop the site would fail to preserve the character and appearance of the Broughty Ferry Conservation Area.

b The Views of the Objector

The objector states that there is no justification for demolishing the building and that although the existing building is of little visual merit, the proposals for its replacement are worse than retaining it. These views have been considered in the assessment of the proposal against Section 64 of the Act and it has been concluded that demolition is not justified.

c Condition of the Building

The building is of little visual merit and poorly maintained and account needs to be taken of the blighting effect of the building and the impact that this may have on the Broughty Ferry Conservation Area and on residential amenity. It is considered that since the proposals for the redevelopment of the site are unsatisfactory that there would be little to be gained in permitting demolition and indeed this could lead to the site being left in a derelict condition and worsen the situation in terms of the visual impact.

Design

The proposal involves the demolition of an existing building of poor visual merit so there are no design implications. The design of the proposed redevelopment is assessed separately under application 07/00972/FUL elsewhere in this Agenda.

CONCLUSION

The proposed demolition of this building cannot be justified as the proposals for the redevelopment of the site are unacceptable.

RECOMMENDATION

It is recommended that consent be REFUSED for the following reason:-

- 1 In the absence of acceptable proposals for the redevelopment of the site, the demolition of this building does not comply with the requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Policy 62 of the Dundee Local Plan Review 2005.