

KEY INFORMATION

Ward West End

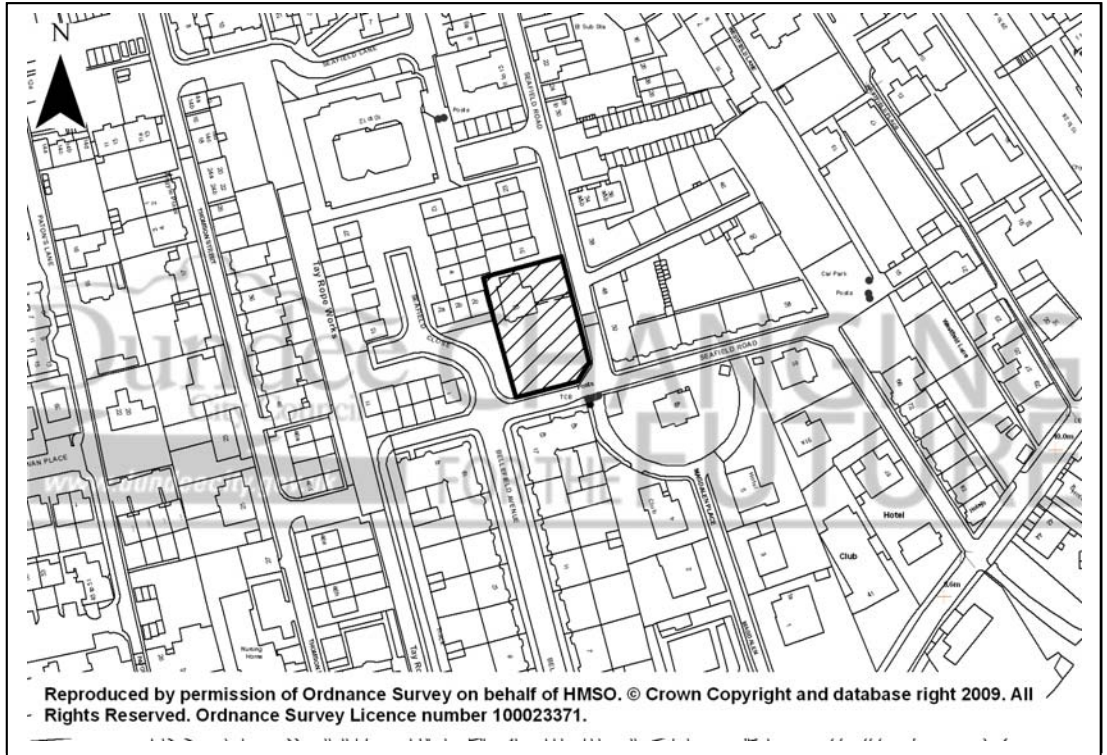
Proposal

Demolition of Building

Address33 Seafield Road
Dundee
DD1 4NR**Applicant**Taylor Brothers (Property
Development) Ltd
c/o Gavin Robertson
Accountants
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Guardbridge
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Registered 30 June 2009

Case Officer E Jones



Proposal to Demolish Unlisted Building in Seafield Road

The demolition of a Building is **RECOMMENDED FOR APPROVAL** subject to Historic Scotland.
Report by Director of City Development.

RECOMMENDATION

The proposed demolition of this building would not detract from the Perth Road Lanes Conservation Area subject to the acceptable redevelopment proposals. If Members are minded to approve, the application will be referred to Historic Scotland.

SUMMARY OF REPORT

- Consent is sought for the demolition of the unlisted stone building at 33 Seafield Road which lies within the Perth Road Lanes Conservation Area.
- Scottish Historic Environment Policy - July 2009; SPP 23 - Historic Environment and PAN 71 - Conservation Area Management and Dundee Local Plan 2005 Policy 62: Demolition of Listed Buildings and Buildings in Conservation Areas apply.
- In November 2000, planning permission was granted for the erection of a children's nursery (00/24751/D) and for the demolition of this building (00/00173/DS). Before the planning consent expired, work began on site however, the Conservation Area consent for demolition expired.
- Twelve individual objections and representations have been made but only three specifically object to the loss of the building. Ten letters of support were submitted. The objections are not supported.
- The general presumption should be in favour of retaining buildings that make a positive contribution to the conservation area. Technical reports have been submitted which state that the building is not economically viable and is structurally unsafe. The replacement building is acceptable in terms of its scale, design and materials.
- National and local plan policies advise that demolition is followed by acceptable redevelopment. This can be the subject of an appropriate condition. The application will also be referred to Historic Scotland.

DESCRIPTION OF PROPOSAL

Consent is sought under the terms of Section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 for the demolition of the unlisted building at 33 Seafield Road which lies within the Perth Road Lanes Conservation Area. The stone wall around the site is to be retained.

SITE DESCRIPTION

The site is rectangular and lies at the corner of Seafield Road where it turns west to join Bellefield Avenue. The vacant and part derelict former office lies in the north west corner of the site. It is a two storey stone building with a slate roof. The site is bounded by a stone wall with a gated access off Seafield Road. The majority of the site is occupied by trees and shrubs which form an overgrown garden to the building. The trees are the subject of Tree Preservation Order (TPO) 03/1986.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 2005

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:

Scottish Historic Environment Policy - July 2009

SPP 23 - Historic Environment

PAN 71 - Conservation Area Management

Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application. However an appraisal of the West End Lanes Conservation Area which was prepared in 1999 but has not been formally adopted by the City Council has been consulted.



SUSTAINABILITY ISSUES

The following sustainability policy implication(s) arise from this application: Policy 5 Built Environment.

The issue is discussed in greater detail below.

SITE HISTORY

This site has a long planning history. Applications to demolish the building and erect nine flats were withdrawn in 1998 and in 1999 similar applications were refused and the subsequent appeals were dismissed.

In November 2000, planning permission was granted for the erection of a children's nursery (00/24751/D) and consent was granted for the demolition of the office building (00/00173/DS). Before the

planning consent expired, the developer commenced work on site. However the building was not demolished and therefore the Conservation Area consent expired.

Applications to renew the planning permission for the nursery and the conservation area consent for the demolition were submitted in 2005 and withdrawn before being determined.

In 2008, applications to erect ten flats (08/00426/FUL) and demolish the building (08/00443/CON) were submitted and withdrawn before being determined. A later application for demolition only (08/00730/CON) was also withdrawn.

PUBLIC PARTICIPATION

This application was not required to be notified to neighbours but it was the subject of a statutory notice in the local press and a notice was posted on the site. It was also the subject of a statutory notice in the Edinburgh Gazette.

Ten individual objections have been made by neighbours but only three specifically object to the loss of the building and suggest it should be retained and renovated. Five more object but their concerns are related to loss of trees and concern that the nursery will not actually be built. One objects to the building of a nursery on the site.

Two representations make comments relating to the loss of trees and the need to link the demolition to the construction of the nursery.

Ten letters of support for the demolition have been submitted by neighbours using a standardised letter.

Members will already have had access to the letters.

These submissions will be considered in the Observations below.

CONSULTATIONS

An email has been received from West End Community Council which does not object to the demolition but has concerns about any delay in the redevelopment of the site. On this basis they wish to maintain an objection to the application but would

withdraw this objection if they could obtain assurances on the early redevelopment of the site.

Historic Scotland was consulted informally and had no comments to make on the proposed demolition.

OBSERVATIONS

Statutory Requirements

In accordance with 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 Scottish Historic Environment Policy (SHEP) statement requires that planning authorities take account of:

- " - the importance of the building to the character or appearance of any part of the conservation area;
- proposals for the future of the cleared site."

It goes on to state that, "If the building is considered to be of any value, either in itself or as part of a group, a positive attempt should always be made by the planning authority to achieve its retention, restoration and sympathetic conversion to some other compatible use before proposals to demolish are seriously investigated. In some cases, demolition may be thought appropriate, for example:

- if the building is of little townscape value,
- if its structural condition rules out its retention at reasonable cost,
- or if its form or location makes its re-use extremely difficult."

Other national policy guidance is also of relevance in this consideration.

SPP32 advises that, "The general presumption should be in favour of retaining buildings that make a positive contribution to the conservation area, particularly where it can be demonstrated that the building is able to support a new viable use, or might be so capable in the future. Where demolition is considered

acceptable, careful consideration should be given to a replacement scheme in terms of its design and quality."

PAN 71 states that consent for demolition will not normally be granted in the absence of a detailed application, approved in parallel, for the replacement development.

The criteria in the SHEP statement will be considered in order.

Townscape value

The building is part of a 19th Century former villa of stone construction with a slate roof. It appears that it may previously have formed part of the



Tayfield Works which has since been demolished and redeveloped. It had a separate property on its east elevation which has since been removed. The building has been unoccupied for several years and was previously in use as an office. It lies within a walled garden containing many trees and overgrown shrubbery. The boundary walls are to be retained.

The existing impact of this site on the character of the West End Lanes Conservation Area is a combination of the enclosed nature of the walled site, the dense overgrown trees and to a lesser extent, the actual building which is a modest villa set back from the road frontages. The 1999 appraisal of the Conservation Area does not highlight this site but does identify the characteristics of stone walls, trees and individual villas.

The stone boundary walls will be retained. The management of the trees has already been the subject of an application under the relevant legislation for works to the trees, including selected felling, which are the subject of TPO 03/1986. Consent for this work was granted following

consultations with the City Council's Forestry Officer. Works to the trees do not form part of this application but the tree assessment was submitted as supporting information.

The site was the subject of an application for demolition in 1998. There was an opportunity to list the building at that time if it was considered to be worthy of retention for townscape or historic reasons. The building was not listed and indeed conservation area consent was granted for its demolition in 2000.

Whilst it is acknowledged that the building makes a limited contribution to the character of the Perth Road

Lanes Conservation Area it is not considered to be a significant contribution such as to support refusal of the application given the planning history of the site.

Structural condition

The application contains two technical reports on the structural condition of the building and the condition of the timber. Both reports identify the poor condition of the building with decayed stone, extensive damp penetration and missed and slipped slates. The building relies on internal framed walls to carry significant loads and the timber is affected by wet and dry rot. The surveys were not invasive and further unseen damage was predicted. The reports regarded the building as not economically viable and structurally unsafe.

Form or location

A building of this type in this location could be converted to residential use if it was in good enough condition.

It is concluded that this building has little architectural merit and is not considered worthy of retention. It is in poor structural condition and cannot be retained at reasonable cost.

Proposals for the site

As noted in the planning history, planning permission was granted for the construction of a children's nursery on this site in 2000 and the partner application for Conservation Area consent for the demolition of the building was also approved. Whilst the planning permission was implemented, the Conservation Area consent was allowed to lapse.

Details of the proposed nursery have been submitted as supporting information and show a single storey building with a slate roof. The walls will be white render with a feature masonry wall on the principle east elevation facing the street. As noted, the stone boundary walls which contribute to the character of the street scene will be retained with the formation of one additional vehicle access. The scale, design and materials proposed and the position of the building within the site are all acceptable in this location.

Members should consider whether the case has been made to demolish the building regardless of the quality of the replacement building or whether, due to the site characteristics and the location, it is necessary, by means of condition, to ensure that demolition of the building is followed by the construction of an acceptable development.

National policy guidance and policy in the Dundee Local Plan Review all indicate that within a Conservation Area, demolition should not normally be permitted without acceptable redevelopment proposals in order to ensure that a site is not left vacant.

The applicants have indicated their intentions to develop the site, in accordance with the planning permission, by the submission of a Building Warrant for the new construction. They have an operator for the nursery and have indicated their willingness to be bound by a planning condition to have legally binding contracts in place before demolition takes place.

If Members are minded to approve this application, it is considered that a condition is appropriate in this case to demonstrate that redevelopment of the site, in accordance with an approved scheme, will follow demolition of the building.

For these reasons, it is considered that the statutory duty set out in Section 64 of the Act is discharged.

Other Material Considerations

The other material considerations to be taken into account are as follows:

a The Development Plan

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

"Applications for the demolition of a listed building or 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."

In terms of Policy 62 of the Dundee Local Plan Review 2005, this matter has already been considered in the assessment of the proposed development under Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. It is considered that the removal of the building will not detract from the preservation or enhancement of the conservation area. The removal of this building and its replacement with a building of a quality contemporary design will not contravene the terms of Policy 62.

Consequently, as the building is not considered worthy of retention, the terms of Policy 62 that relate to the condition of the property, marketing history and a feasibility of the re-use of the building should be set aside in this instance.

Statutory Consultations

West End Community Council. As noted above they do not object to the demolition and a condition as detailed in the Observations is considered appropriate to address their concerns.

Historic Scotland. Historic Scotland has been consulted informally on the application and had no comments to make. Members are advised that if they are minded to approve the application, it will then be referred to Historic Scotland. If Scottish Ministers are not minded to require the application to be referred to them, consent for demolition would then be issued.

Objections, representations and letters of support.

Only three of the ten objections specifically object to the removal of the building and support its retention and renovation. As detailed above, the building is considered to be in a poor

structural condition, and is not worthy of retention.

The remaining objections and representations relate to the proposed redevelopment of the site for the nursery, the impact on the trees. These issues have been addressed above and do not form part of this application other than as supporting information. Several residents express suspicion that the nursery will not be built and the site left vacant for a future flats development. This issue has been discharged above.

The ten letters of support do not include reasons.

It is considered that the objections are not sufficiently strong to justify the refusal of the application for the reason given.

Sustainability Policy 5 Built Environment seeks to protect the quality and diversity of the City's built heritage and enhance local environments through ongoing regeneration. This building does not make a positive contribution to the local environment and its redevelopment for a purpose built children's nursery in a safe landscaped setting will provide a local facility which will enhance the environment. The trees will be managed and replanting will ensure tree cover for the future. It is considered that the proposal complies with the policy.

Design

The proposal involves the demolition of the existing building on site. It has been concluded that the demolition of this building would not detract from the Perth Road Lanes Conservation Area. The scale, design and materials of the proposed replacement building are acceptable and appropriate in this location within the Conservation Area.

CONCLUSION

The proposed demolition of the existing building on site would not detract from the Perth Road Lanes Conservation Area subject to the acceptable redevelopment proposals.

RECOMMENDATIONS

Recommendation 1

This consent notice shall not be issued unless and until Historic Scotland

formally determines not to call in the application.

Recommendation 2

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

- 1 The works must be begun not later than the expiration of five years beginning with the date of this consent.

Prior to the demolition of the existing building on the site the applicant shall:

- 1 Submit written evidence of building contracts and contracts with the nursery operator in respect of the works for redevelopment of the site in accordance with application ref 00/24751/D.
- 2 Obtain the written acceptance of the Planning Authority to the submitted evidence.

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 an unattractive gap does not exist in the street scene to the detriment of the character and appearance of the area.