

Demolition of Listed Section of Façade of Former Tay Ropeworks

KEY INFORMATION

Ward West End

Address

51 Magdalen Yard Road
Dundee DD1 4LQ

Applicant

55 Commissioner Street
Crieff PH7 3AY

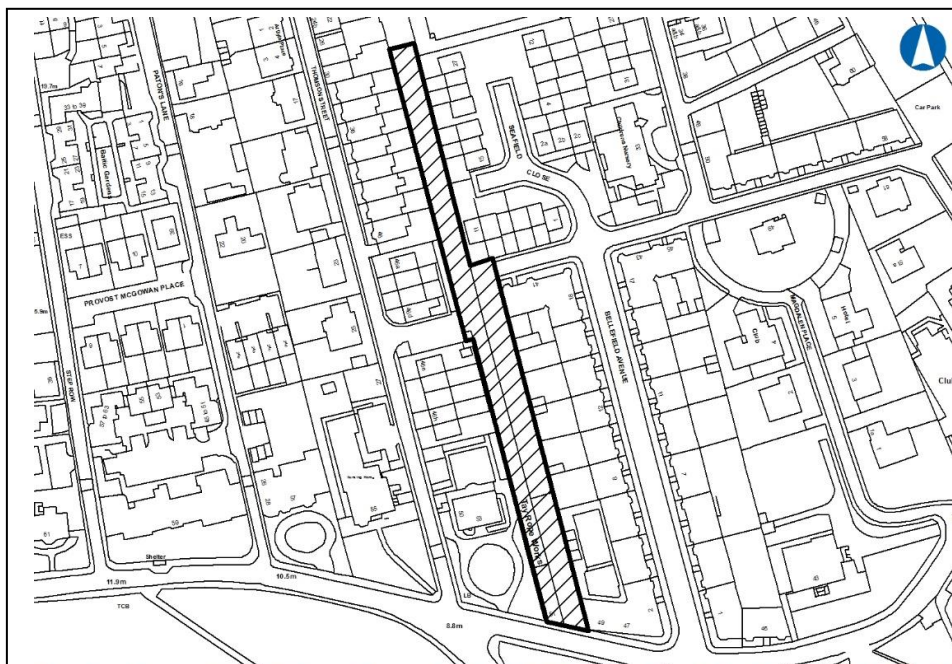
Agent

Denholm Partnership

Registered 30 April 2019

**Report by Head of Planning
& Economic Development**

Contact: Craig Swankie



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SUMMARY OF REPORT

- The application proposes the demolition of the Category C listed façade of the former Tay Ropeworks to facilitate a residential development within the site of the former Rope works.
- The site of the former Tay Rope Works comprises two long narrow strips of land bounded by housing to the east and west. It is predominantly vacant and derelict with a southern elevation to Magdalen Yard Road comprising the listed façade of the original building.
- The application was the subject of statutory advertisements advising that this application would affect a listed building and the West End Lanes Conservation Area. Six letters of objection were received.
- The application is being referred to the Planning Committee as six valid objections have been received and the application is recommended for approval.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/simpleSearchResults.do?action=firstPage>.

RECOMMENDATION

The proposed development satisfies the requirements of the relevant provisions of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and by approving the application the Council would be discharging its statutory duties in an appropriate manner. The application complies with Policy 50 of the Dundee Local Development Plan 2019. The application is therefore recommended for APPROVAL subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 Listed Building Consent is sought for the demolition of the facade of the former Tay Rope Works, to facilitate a residential development at the site.
- 1.2 An associated application for the erection of 5 houses and 4 flats is for determination in a separate paper to Planning Committee (19/00297/FULL).
- 1.3 The applicant has submitted the following in support of the application:
 - Planning Statement;
 - Design Statement;
 - Stone Condition Report; and
 - Structural Report.

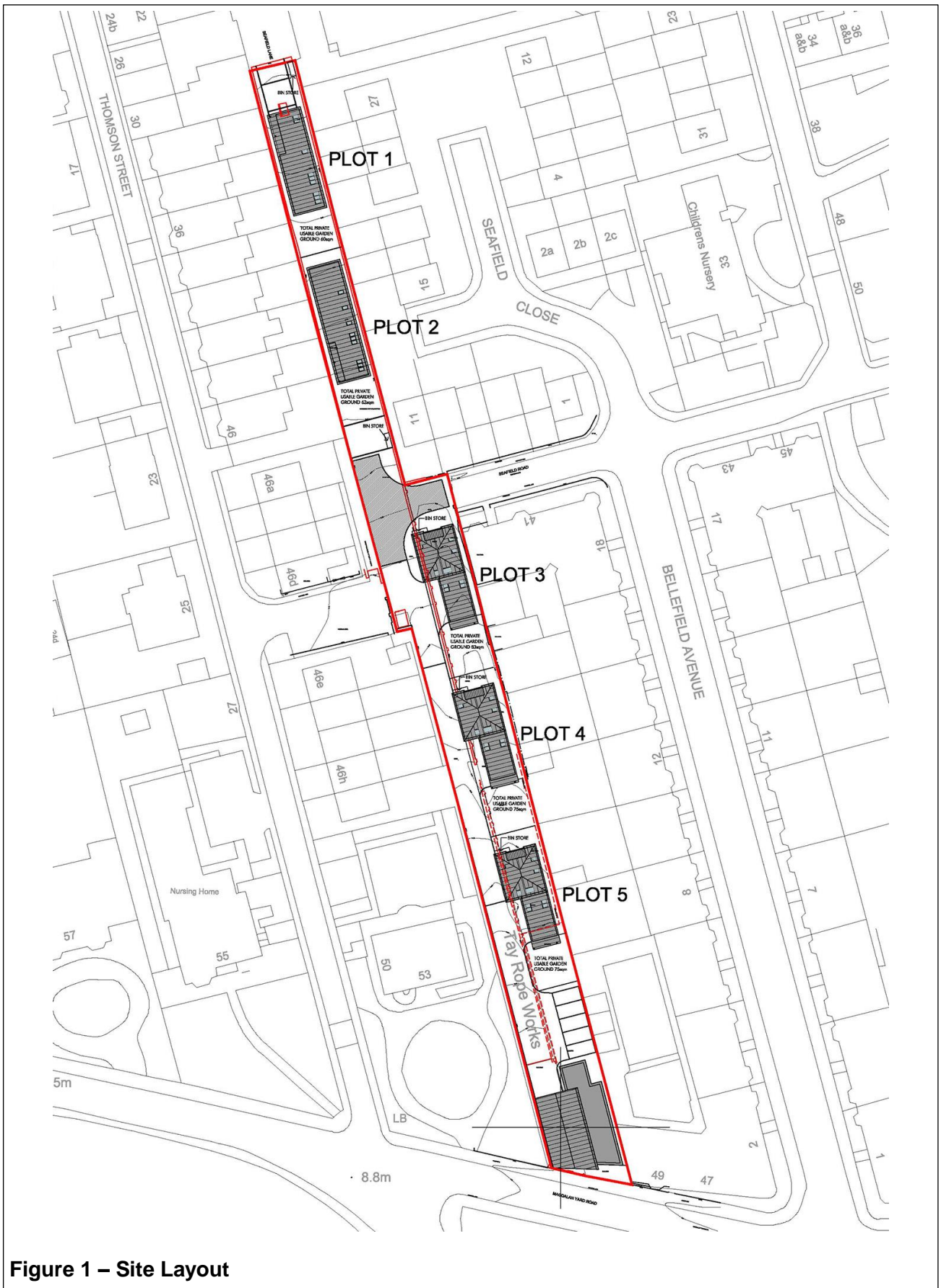


Figure 1 – Site Layout

2 SITE DESCRIPTION

- 2.1 The site was originally occupied by the Tay Rope Works which dated from mid-19th Century. The listed structure at the southern elevation on to Magdalen Green is the ground floor gateway of the original building with a later stone facade at upper level. The entablature at the facade is dated 1885. The original building was partly destroyed by fire in 1986. The adjoining facade is not listed.
- 2.2 The surrounding area is residential in character with dwellings to the north, east and west. To the south is Magdalen Yard Road with open space beyond including a play park and Magdalen Green.



Figure 2 – Site Photo



Figure 3 – Site Photo

3 POLICY BACKGROUND

3.1 The following plans and policies are considered to be of direct relevance:

TAYPlan 2016-2036

The application raises no issues of relevance.

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 50: Demolition of Listed Buildings and Buildings in Conversation Areas

NON-STATUTORY STATEMENTS OF COUNCIL POLICY

The following Scottish Planning Policies, PAN's and Circulars are relevant to this application:

Scottish Planning Policy 2014

Historic Environment Policy for Scotland 2019

3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

4 SITE HISTORY

4.1 The following applications are of relevance:

- 14/00616/FULL sought to renew an existing planning permission (11/00110/FULL) for the erection of the residential development. 14/00616/FULL was approved subject to a Section 75 Agreement and conditions in March 2015;
- 14/00617/LBC sought to renew listed building consent 11/00111/LBC for the dismantling and rebuilding of the façade of the former Tay Rope Works. 14/00617/LBC was approved subject to conditions in April 2015;
- 18/00127/FULL sought to renew 14/00616/FULL for the erection of 5 houses and 2 flats. Planning committee resolved to approve 18/00127/FULL subject to a Section 75 Agreement and conditions in May 2018;
- 18/00146/LBC sought to renew listed building consent 14/00617/LBC for the dismantling and rebuilding of the facade to be incorporated into the new development proposed under 18/00127/FULL. 18/00146/LBC was approved subject to conditions in May 2018;
- 18/00353/FULL sought planning permission for 5 houses and 4 flats. The application was refused in November 2018;
- 18/00372/LBC sought consent for the demolition of the Tay Rope Works façade. The application was refused in November 2018; and
- 19/00297/FULL proposes the erection of 5 houses and 4 flats. 19/00297/FULL is to be determined by the Planning Committee.

5 PUBLIC PARTICIPATION

- 5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- 5.2 Six letters of objection have been received. The detailed concerns raised by the objectors relate to the following issues:
- the proposals do not exhaust options for retention of the existing façade; and
 - the proposed frontage fails to incorporate elements of the original façade resulting in a development which fails to maintain or reflect the sites historic character.
- 5.3 Members will have had access to these letters and the issues raised are considered in the Observations section below.
- 5.4 The valid grounds of representation are taken into account in the material considerations section of this report.

6 CONSULTATIONS

- 6.1 **Historic Environment Scotland** – has no objection to the proposal, but recommend the proposals re-erect elements of the distinctive façade where possible.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.**

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997

- 7.2 Section 14 of the above Act requires planning authorities, in considering applications that affect listed buildings, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.3 The ground floor gateway is all that remains of the original building, the stone urns and pediment which are shown in early photographs were removed and replaced by the current stone facade on the upper floor around 1910.
- 7.4 The applicant proposes to demolish the façade to accommodate a residential development within the site of the former Tay Rope Works. The principle of demolition is established through previous approvals of listed building consent, including 18/00146/LBC which was approved in May 2018. However, previous permissions included the stone of the former façade being retained and re-used within the proposed development. The present proposal, as previous application 18/00372/LBC, would see the façade demolished and new build flatted development erected at the site.
- 7.5 The applicant states the re-use of the existing stone façade is no longer possible due to the deteriorating condition of the stonework. The applicant has submitted a Structural Report and Stone Condition Report which state that lower areas of the external façade have been

adversely affected by the application of exterior paint. The report considers the exterior paint has prevented the stone from breathing, trapping water and consequently causing the structural deterioration of the saturated sandstone due to frost and constant wetting and drying. In addition, growth and foliage are present over the façade whose roots shall have caused damage to the masonry elements. There may be limited sandstone freestone elements which could be salvaged and used in other building work. However, the bulk of the brickwork, concrete blockwork, random rubble masonry and freestone shall not be suitable for re-use in the proposed development.

- 7.6 The reports conclude that down taking the façade would result in poor recovery of structurally reliable usable freestone. The existing stonework is therefore not suitable for re-use and would not allow for the reconstruction of the façade in its pre-existing form. As the existing stone is not of a sufficient quality to be used in the proposed development, the applicant proposes to demolish the façade and build flats within the south of the site from modern materials.
- 7.7 The proposed flats which would occupy the site would be of a design which reflects the form and character of the Tay Rope Works façade. Whilst the proposals would result in the loss of the Category C listed façade it would allow for the redevelopment of the application site, bringing a long standing vacant site into use.
- 7.8 The stone of the existing façade may not be suitable for re-use, however there is scope for features such as the existing “Tay Rope Works” signage to be retained and used in the proposed development. This would support the preservation of historic features within the façade. It is recommended that a condition requiring the submission of a Method Statement detailing the demolition of the façade and retention of Tay Rope Works signage is attached to any consent granted. The incorporation of the signage is considered within associated planning application 19/00297/FULL.
- 7.9 It is considered that the re-development of the site removes an area of dereliction which has been partly vacant for many years and of little benefit to the character of the Listed Building or the Conservation Area. The new development can incorporate listed elements into a sympathetic design using appropriate materials.
- 7.10 The applicant has provided sufficient justification for the demolition of the listed building and the proposals for redevelopment of the site are considered to preserve the character of the West End Lanes Conservation Areas.
- 7.11 **The proposal therefore satisfies the requirements of the relevant provisions of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.**
- 7.12 **It is considered that the approval of the proposals would discharge the above statutory duties.**

MATERIAL CONSIDERATIONS

- 7.13 The material considerations to be taken into account are as follows:
- A - DUNDEE LOCAL DEVELOPMENT PLAN 2019**
- 7.14 The provisions of the Development Plan relevant to the determination of this application are specified in the Policy Background section above.
- 7.15 The requirements of Policy 50 (Demolition of Listed Buildings and Building in Conservation Areas of the Local Development Plan) is satisfied by the discharge of the statutory duties

outlined by Sections 14 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and as discussed above.

- 7.16 It is considered, for the reasons set out above, that sufficient justification has been provided for the demolition of the Tay Rope Works façade to facilitate the development of a long standing derelict site and to demonstrate re-use of the existing stone would no longer be feasible.
- 7.17 **The proposal complies with the provisions of the Development Plan.**

B - VIEWS OF OBJECTORS

- 7.18 The Council has carried out the statutory neighbour notification procedure detailed in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.
- 7.19 Six objections have been received.
- 7.20 The concerns raised by the objectors raise the following issues:
- 7.21 **Objection** – the proposals do not exhaust options for retention of the existing façade. The submitted stone reports do not provide a thorough assessment of the existing façade and sufficient stone could be retained to incorporate elements of the listed façade into the new build element.
- 7.22 The existing façade is not of a suitable form or structural integrity to be incorporated into the proposed residential development in its existing form. The principle of demolition is established through previous consents granted for the rebuilding of the Tay Rope Works façade.
- 7.23 With regard to the re-use of the existing stonework, the applicant has submitted a Structural Report and Stone Condition Report which conclude the stonework has deteriorated to a state which would make it unsuitable for use within any new development. The applicant has not provided any further assessment of the façade following the refusal of previous application 18/00372/LBC, however the findings of the stone work report are considered to be satisfactory and the stone is of a quality which is not suitable for re-use within the proposed development. There is however scope to include some elements of the façade within the flatted development, including the existing Tay Rope Works signage. The incorporation of the signage is considered within associated planning application 19/00297/FULL.
- 7.24 **Objection** – The proposed frontage fails to incorporate elements of the original listed façade resulting in a development which fails to maintain or reflect the sites historic character.
- 7.25 The demolition of the façade is proposed to facilitate the redevelopment of a long standing vacant site. The opening within the frontage requires to be expanded to ensure vehicles can enter the site. Whilst the proposed frontage does not incorporate the original stonework or architectural features of the Tay Rope Works façade it is of a form and proportion which respects the character of the existing façade. The glazed element of the Magdalen Yard Road frontage is of an appropriate modern design which integrates into the site and wider street scene.
- 7.26 The views of the objectors are not of sufficient weight to justify refusal of the application.

C - NATIONAL POLICY AND GUIDANCE

- 7.27 Scottish Planning Policy (2014) and the Historic Environment Scotland Policy Statement (2019) should be taken into account when determining applications for listed building consent.

Scottish Planning Policy (Historic Environment) advises that change to a listed building should be managed to protect its special interest while enabling it to remain in active use; development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and its setting. The Historic Environment Scotland Policy Statement seeks to identify the key characteristics of the historic environment and establish the boundaries within which change can continue so that it enhances rather than diminishes historic character. Proposals for the demolition of a listed building are required to evidence that:

- a the building is not of special interest; or
- b the building is incapable of repair; or
- c the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
- d the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

7.28 The applicant has considered the setting of the façade, the condition of the building, and demonstrated through the submission of a stone report that retention or rebuilding of the façade with the original stone is no longer achievable. The demolition of the façade would facilitate a residential development within a site which has been vacant for a significant period of time and is in a deteriorating condition. It is therefore concluded that the proposed works comply with national planning guidance with regard to development affecting a listed building.

7.29 **It is concluded from the foregoing that the material considerations support the approval of listed building consent.**

8 CONCLUSION

8.1 The proposed development satisfies the requirements of the relevant provisions of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and by approving the application the Council would be discharging its statutory duties in an appropriate manner. The application complies with Policy 50 of the Dundee Local Development Plan 2019. There are no material considerations which justify refusal of listed building consent.

9 RECOMMENDATION

9.1 It is recommended that consent be GRANTED subject to the following condition:

- 1 **Condition** - a Method Statement detailing the demolition of the listed facade and retention of Tay Rope Works signage shall be submitted to the City Council for written approval prior to the commencement of any demolition works on site. Works shall thereafter be carried out only in full accordance with the agreed Method Statement.

Reason – in order to safeguard the original fabric of the listed facade and ensure that as much material as possible is available to be incorporated into the new building.