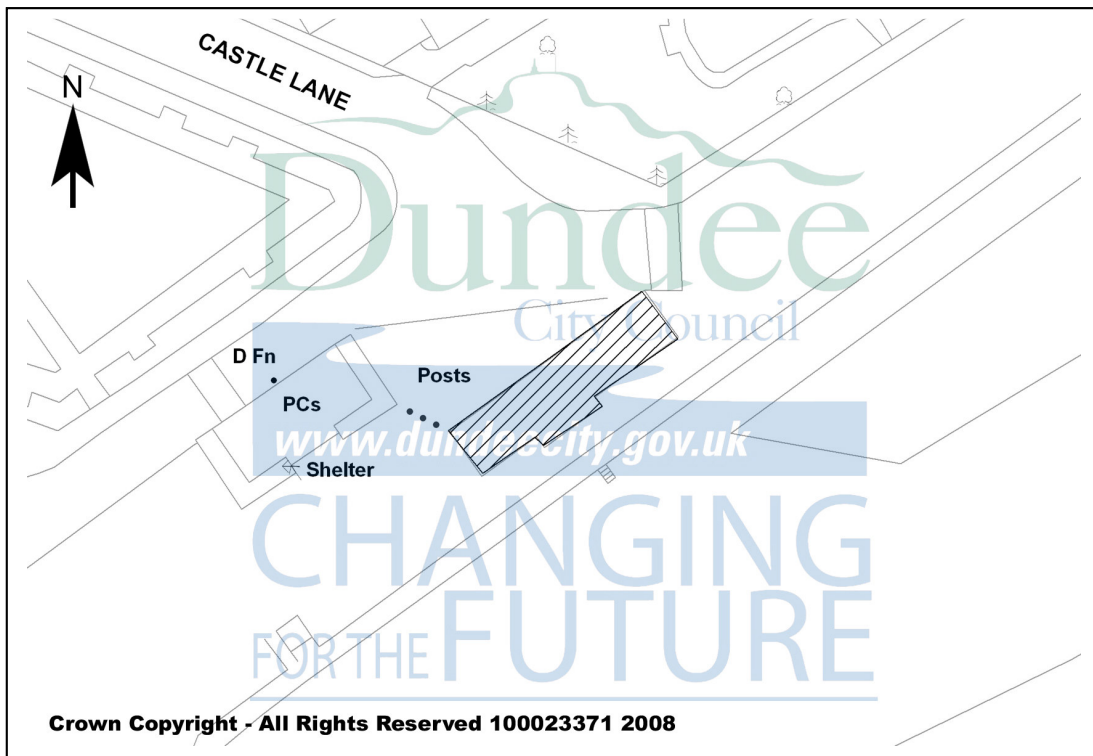


KEY INFORMATION

Ward The Ferry

Proposal

Demolition of bathing shelter

AddressBathing Shelter
The Esplanade
Broughty Ferry**Applicant**N K Development
Unit GF2D Old Mill Complex
Brown Street
Dundee**Agent**Peter Inglis Architects
Unit 3
Prospect 111
Gemini Crescent
Dundee
DD2 1SW**Registered** 25 April 2008**Case Officer** C Walker

Former Bathing Shelter Proposed for Demolition at the Esplanade

The demolition of a bathing shelter is **RECOMMENDED FOR APPROVAL** subject to conditions.
Report by Director of Planning and Transportation

RECOMMENDATION

The proposed demolition of this building can be justified on the basis of its poor visual character and negative impact on the conservation area. Satisfactory proposals for the redevelopment of the site have been submitted. The application is recommended for **APPROVAL**.

SUMMARY OF REPORT

- Conservation Area Consent is sought to demolish the former bathing shelter, an unlisted building in the Broughty Ferry Conservation Area. The building is visually unattractive and in a poor state of repair. This application is linked to proposals to redevelop the site.
- Policy 62 of the Local Plan and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 are relevant to the determination of this application.
- 2 letters of objection were received stating that the building should not be demolished in the absence of suitable proposals for the redevelopment of the site.
- The proposed demolition of this building can be justified on the basis of its poor visual character and negative impact on the conservation area. Satisfactory proposals for the redevelopment of the site have been submitted. The application is recommended for Approval subject to Historic Scotland's opportunity to call it in for determination.

DESCRIPTION OF PROPOSAL

Conservation Area Consent is sought to demolish the former bathing shelter, an unlisted building in the Broughty Ferry Conservation Area. The applicants state that the building is beyond repair. It has been vacant for some time and is poorly maintained. Plans have been submitted for the redevelopment of the site, the report on which appears elsewhere in this Agenda - application 08/00338/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 150m² 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.

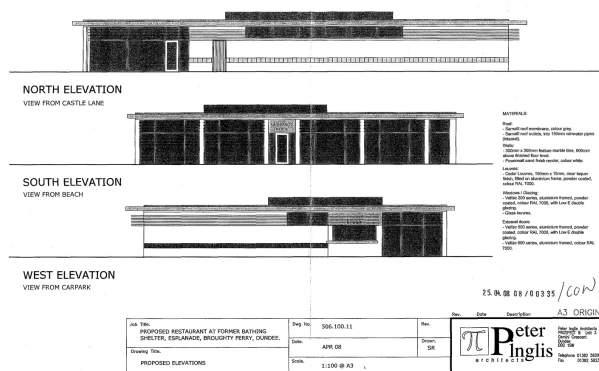


Scottish Planning Policies, Planning Advice Notes and Circulars

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

Applications for planning permission and conservation area consent by the current applicant to demolish the existing beach shelter building and erect a 2 storey restaurant and function suite building of some 800m² were refused in January 2008- applications 07/00972/FUL and 07/00971/CON refer. The reason for refusal of conservation area consent was that demolition should not be approved in the absence of acceptable proposals for the redevelopment of the site.

There is an accompanying application for planning permission to redevelop this site, the Report on which is contained elsewhere in this Agenda - application 08/00338/FUL refers.

PUBLIC PARTICIPATION

The proposal was advertised as an application to demolish a building in a conservation area.

2 letters of objection were received on grounds that there is no justification for demolishing the building in the

18 August 2008

absence of suitable proposals for the redevelopment of the site.

Copies of these submissions 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 will be formally consulted if 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. It is considered that it is now in such poor condition that it cannot be adapted for reuse.

The proposals for the redevelopment of the site are set out in the report on the accompanying planning application (08/00338/FUL) elsewhere in this Agenda. That Report recommends approval of the redevelopment. The redevelopment of the site will provide a building of significantly better quality than the existing building proposed for demolition. In these circumstances it is considered that the proposed demolition and

redevelopment will enhance the character and appearance of the conservation area.

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 and redevelopment will enhance the character and appearance of the conservation area.

B - The Views of the Objectors

The objectors state that there is no justification for demolishing the building in the absence of suitable proposals for the redevelopment of the site.

These views have been considered in the assessment of the proposal against Section 64 of the Act and it has been concluded that there are suitable proposals for the redevelopment of the site and that demolition is 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 considered to enhance the character and appearance of the conservation area, the demolition of the existing structure should be encouraged.

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 08/00338/FUL elsewhere in this Agenda.

CONCLUSION

The proposed demolition of this building can be justified on the basis of its poor visual character and negative

impact on the conservation area. Satisfactory proposals for the redevelopment of the site have been submitted.

RECOMMENDATION

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 Government.

Recommendation 2

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

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.

Reason

- 1 To comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.