

## Relocation of boundary wall at 146 Princes Street

### KEY INFORMATION

**Ward** Maryfield

**Address**

146 Princes Street

**Applicant**

Mr Richard McWilliam  
Alba Chiropractic

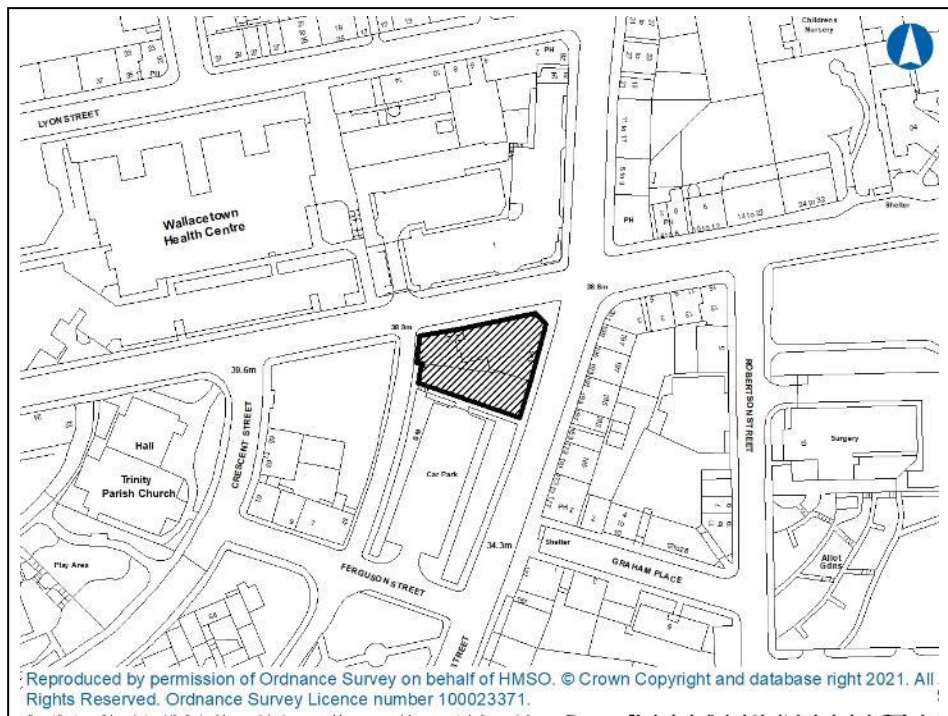
**Agent**

Gary Kennedy

**Registered** 26 Nov 2021

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

**Contact:** Sharon Dorward



### SUMMARY OF REPORT

- The application seeks listed building consent for relocation of a curtilage listed boundary wall.
- The proposed relocation is necessitated by the formation of a car park for an existing business use of the property.
- The application is in accordance with Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Development Plan.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. One letter of objection has been received from the Stobswell Forum – a Neighbourhood Representative Structure.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as there is an objection from a statutory consultee.
- More details can be found at <https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=R2TTXPGCMHJ00>

### RECOMMENDATION

The proposal is in accordance with the Development Plan. There are no material considerations of sufficient weight to justify refusal of listed building consent. It is therefore recommended that listed building consent be **APPROVED** subject to a condition.

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## 1 DESCRIPTION OF PROPOSAL

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- 1.1 Listed building consent is sought for the relocation of a curtilage listed boundary wall in association with the formation of a new car park for an existing business.
- 1.2 The existing wall which forms the boundary of the site would be demolished and repositioned. The original wall was extended in 2003 to form a new stone boundary wall with a total length of approximately 23 metres with an average height of 1.4 metres high. It is proposed to create a new boundary wall to the car park using this stonework, carefully re-constructed with Lime Mortar. The new wall would be 40 metres long and 0.9 metres high.
- 1.3 The applicant has submitted a site location plan, proposed site plan and design statement in support of the application.

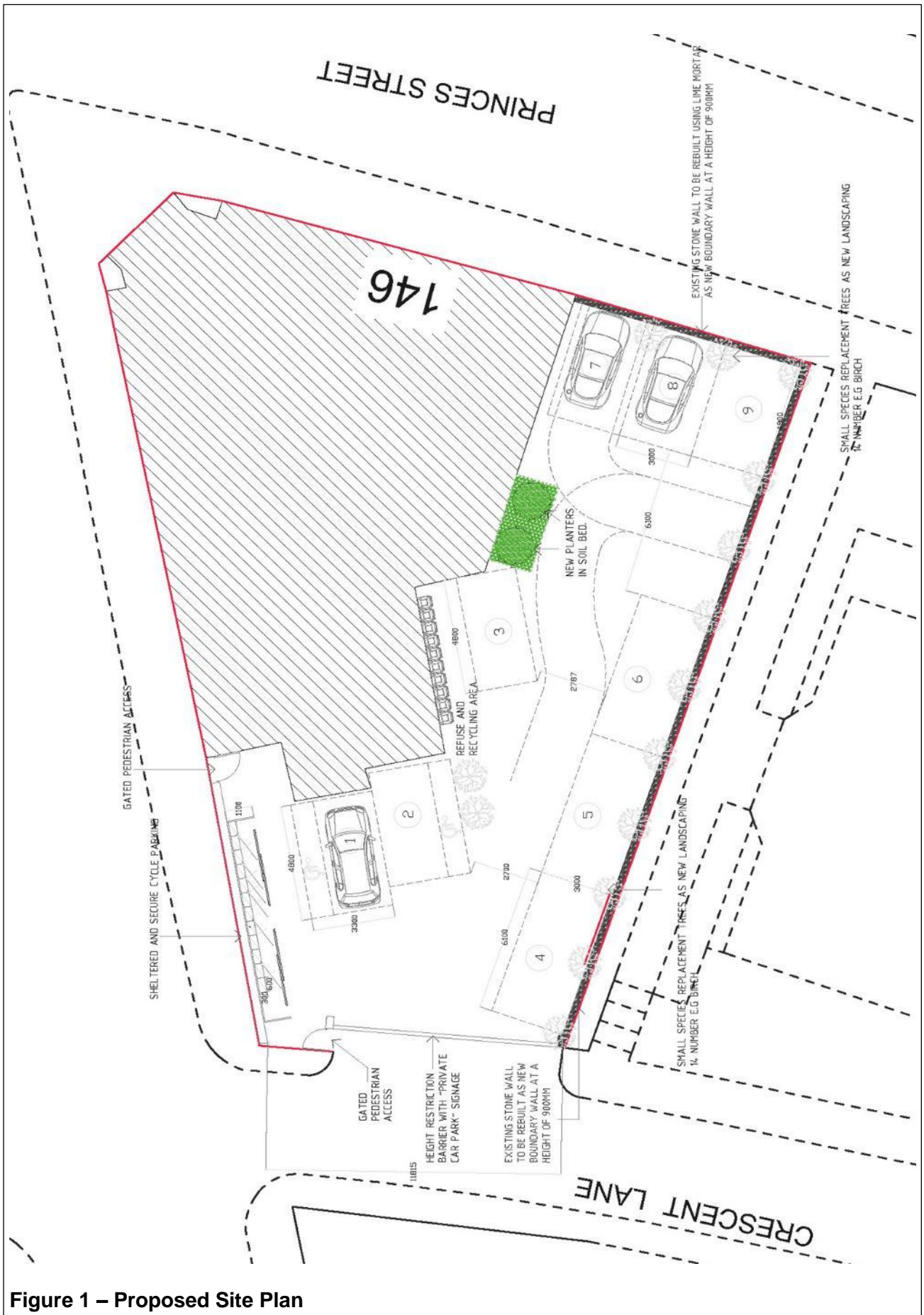


Figure 1 – Proposed Site Plan

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## 2 SITE DESCRIPTION

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- 2.1 The application site measures 672m<sup>2</sup> and is located to the north east of the City Centre. The application relates to an existing building occupied by a chiropractic clinic and an area of open space measuring 294m<sup>2</sup> to the south of the property curtilage. The building is a Category B listed former bank, which is formed in ashlar on a rock faced base with a prominent corner clock tower. The former bank building is bound by stone ashlar walls with coping to the north and south site boundaries. There is a small area of hardstanding to the west of the chiropractor building which is used for parking.
- 2.2 The open space to the south of the curtilage within the application site measures 294m<sup>2</sup> and is landscaped with some trees and low growing shrubs. The area is bordered with a blue painted metal railing. Surrounding land uses are residential and commercial, with open space beyond the site to the west and a public car park to the south beyond a public footway covered by a wooden pagoda.





Figure 2 – View of Site from Crescent Lane



Figure 3 – View of Site from Princes Street

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### 3 POLICY BACKGROUND

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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 49: Listed Buildings

**SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTICES AND CIRCULARS**

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.

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### 4 SITE HISTORY

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4.1 Planning application 85/105401/D was approved in January 1985 for the temporary renewal of a car park.

4.2 Planning application 87/12298/D was approved in March 1987 for the change of use from a bank to a church hall.

4.3 Planning application 90/15106/D was approved in April 1990 for the temporary renewal of the use as a car park.

4.4 Listed Building Consent 94/00919/DLB to demolish a wall to the west boundary was withdrawn in April 1996.

4.5 Planning application 02/00109/COU was approved in May 2002 for the change of use from church hall to chiropractor clinic and first floor flatted development.

4.6 Listed Building Consent 02/00377/LBC was approved in August 2002 for alterations to the building.

4.7 Planning application 21/00272/FULL is currently under consideration for the creation of a car park and relocation of the boundary wall.

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### 5 PUBLIC PARTICIPATION

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5.1 The statutory neighbour notification procedure has been undertaken.

5.2 One letter of objection has been received from the Stobswell Forum. The letter of objection raised the following concerns:

- lack of detail for the re-construction of the wall and insufficient height; and
- removal of greenspace and replacement trees.

- 5.3 The matters raised in the representation are taken into account in the material considerations section of this report.

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## 6 CONSULTATIONS

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- 6.1 **Historic Environment Scotland** – has advised that they have no comments to make on the proposal.

## 7 DETERMINING ISSUES

- 7.1 Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special regard shall be given to the desirability of preserving listed buildings or their setting or any features of special architectural interest which they possess.
- 7.2 The application relates to a Category B Listed Building and more specifically to the boundary, which forms part of the curtilage listing. It is proposed to take down the existing wall and re-use the duntakings to reposition the wall to create a border to the site. The original part of this existing wall is approximately 11 metres long with an average height of 1.4 metres. The wall was extended in 2003 to form a boundary wall with a combined length of 23 metres. The new section complements but does not match the original listed wall. A new boundary wall is proposed for the proposed car park, using the existing stone and constructed using a lime mortar. A condition is proposed to seek further details for the re-use of the duntakings and to ensure that the new wall would be constructed and finished appropriately with an acceptable mortar.
- 7.3 This new wall, constructed using appropriate materials and methods, would not diminish the architectural integrity of the building or its historic interest.
- 7.4 The proposal would therefore preserve the Listed Building and the statutory duty set out in Section 14 of the Act would be satisfied.

### MATERIAL CONSIDERATIONS

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

#### A - DUNDEE LOCAL DEVELOPMENT PLAN 2019

- 7.6 **Policy 49: Listed Buildings** - of relevance to this application is part b) of this policy which relates to alterations to listed buildings. The policy states that alterations to a listed building will only be acceptable where the proposals have regard to the preservation or enhancement of the building or its setting or any features of special architectural or historic interest which it possesses. Alterations will not be permitted where the works would diminish the architectural integrity of the building or its historic interest.
- 7.7 The section of boundary wall to be removed forms part of the curtilage listing of a Category B Listed Building. The original part of this existing wall is approximately 11 metres long with an average height of 1.4 metres. The wall was extended in 2003 to form a boundary wall with a combined length of 23 metres. The new section complements but does not match the original listed wall. It is proposed to re-use the duntakings to construct the new boundary wall. A

planning condition is proposed to seek further details for the re-use of the doughtings and to ensure that it would be finished appropriately with an acceptable mortar.

- 7.8 The existing wall is not within a prominent view and the re-use of the stone to form a new boundary would be welcomed. The use of the area as a car park would not have a detrimental impact on the setting of the listed building. This new wall, constructed using appropriate materials and methods, would not diminish the architectural integrity of the building or its historic interest.
- 7.9 **With the addition of a planning condition, the proposal would be in accordance with Policy 49 and with the Dundee Local Development Plan.**

#### **B - NATIONAL POLICY AND GUIDANCE**

- 7.10 Scottish Planning Policy (2014) and Historic Environment Policy for Scotland (2019) should be taken into account when determining applications for development which may affect the historic environment. Scottish Planning Policy (Valuing the Historic Environment) advises that the planning system should promote the care and protection of the historic environment and its contribution to sense of place, including settings and the wider cultural landscape; 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 Policy for Scotland sets out principles and policies for the recognition, care and sustainable management of the historic environment. It seeks to influence decision making that will be sufficiently flexible and adaptable to deal with wide-ranging and ongoing changes to society and the environment, and to achieve the best possible outcome for the historic environment, maximising its benefits.
- 7.11 It is concluded for the reasons set out above that the proposed works would comply with national planning guidance concerned with the historic environment, including the policies within the Historic Environment Policy for Scotland.

#### **B - REPRESENTATION**

- 7.12 One letter of objection has been received in relation to the proposals. Concerns raised are in relation to:
- lack of detail for the re-construction of the wall and insufficient height;
  - removal of greenspace and replacement trees.
- 7.13 In response, it is proposed to re-construct the wall with the stone from the original listed wall and the later addition, using a lime mortar. A condition is proposed to seek further details to ensure that these would be appropriate. The wall would be reconstructed to a height of 0.9m for a length of 40m. This would create a uniform approach and at 0.5 metres lower than the original this would not diminish the architectural integrity of the building or its historic interest.
- 7.14 The issues raised in relation to loss of greenspace and replacement trees are not relevant to the consideration of this listed building consent application, but have been fully considered in the consideration of the associated planning application.
- 7.15 The issues raised in the representations have been considered and addressed in the report and the grounds raised are not of sufficient weight to justify refusal of planning permission.
- 7.16 **It is concluded that there are no material considerations of sufficient weight in this case to justify refusal of listed building consent.**



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## 8 CONCLUSION

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- 8.1 The reasoning behind the decision to grant this application has been outlined in this report and is reflected in the terms of the decision arrived at on behalf of the Council. In summary, the application has been granted because the proposed works would not diminish the architectural integrity of the building in accordance with Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, relevant policies of the Dundee Local Development Plan (2019) and National Planning Guidance for development affecting listed buildings.

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## 9 RECOMMENDATION

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- 9.1 It is recommended that planning permission be GRANTED subject to the following conditions:

- 1 **Condition** - the stone from the doughtings shall be re-used at the boundary to the site, and a traditional mortar mix shall be used consisting of lime and aggregate (no cement), a specification for which shall be submitted to this Planning Authority for approval in writing prior to the commencement of any works on site.

**Reason** - in the interests of visual amenity; to ensure that the external finishing materials are appropriate to the character of the area.