

KEY INFORMATION

Ward Maryfield

Proposal

Application under Section 17 of Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 for the Variation of Condition 1 of Listed Building Consent 05/00816/LBC to allow additional time for the works to commence

Address

Land to East of West Marketgait, Overgate Lane Dundee

Applicant

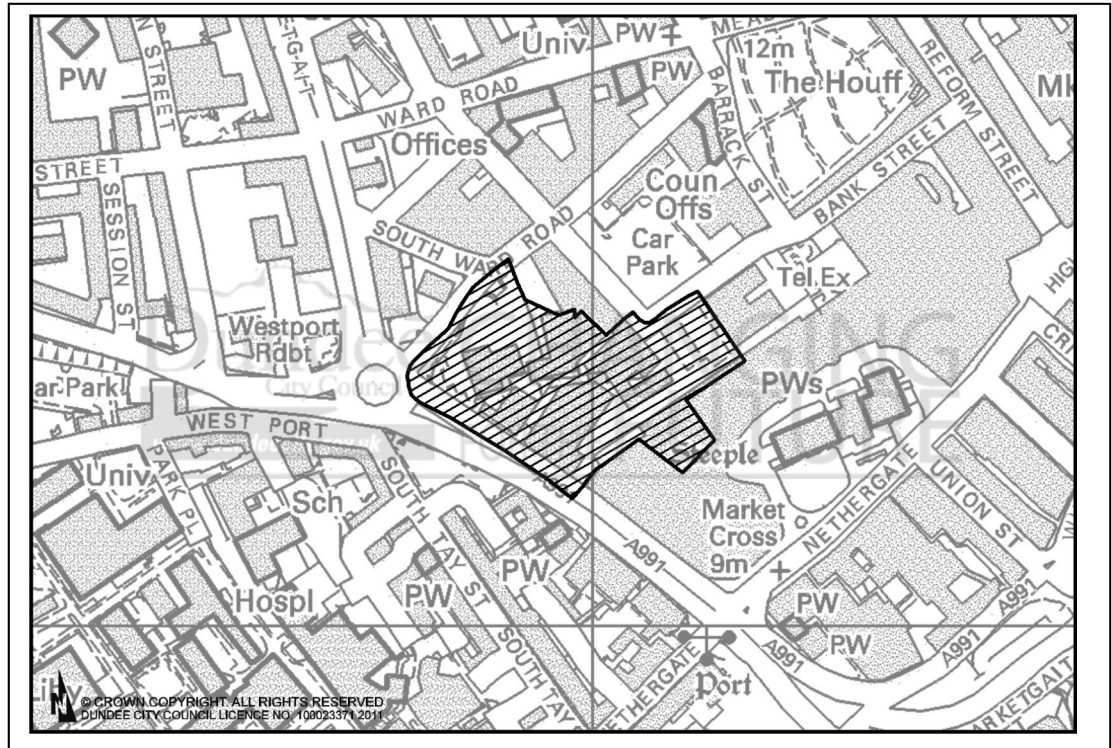
Land Securities
c/o GVA Grimley
Quayside House
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Edinburgh EH3 9QG

Agent

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127 Fountainbridge
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Registered 18 Mar 2011

Case Officer Eve Young



Additional Time Sought for Consent to Extend the Overgate Centre

The application under Section 17 of Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 for the Variation of Condition 1 of Listed Building Consent 05/00816/LBC to allow additional time for the works to commence is **RECOMMENDED FOR APPROVAL** subject to **Historic Scotland and subject to conditions**. Report by Director of City Development.

SUMMARY OF REPORT

- The application is lodged under Section 17 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 for a further 5 year period to allow additional time for the works approved under 05/00816/LBC to be implemented.
- 05/00816/LBC granted Listed Building Consent for the complete demolition of the "B" listed tenement at 26-32 North Lindsay Street, the demolition with retention of the facade of the "B" listed tenement at 34-36 North Lindsay Street and the demolition of the "B" listed extensions to the rear (West) of the tenements. The demolitions are proposed to make way for the two storey extension to the Overgate Shopping Centre.
- There is no statutory requirement within the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 for neighbour notification but the application was advertised. There were no objections.
- It is concluded that the proposal complies with Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Policies 60 and 62 of the Dundee Local Plan Review 2005 and the relevant national planning guidance. There are no material considerations that would justify refusal of this application which will allow time for the extension to the Overgate to commence.
- It is recommended that listed building consent be granted with conditions. If Members are minded to approve the application, it must be referred to Historic Scotland in the first instance.

RECOMMENDATION

It is concluded that the proposal complies with Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Policies 60 and 62 of the Dundee Local Plan Review 2005 and the relevant national planning guidance. There are no material considerations that would justify refusal of listed building consent. The application is therefore recommended for **APPROVAL** subject to **Historic Scotland and subject to conditions**.

DESCRIPTION OF PROPOSAL

The application under Section 17 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 seeks to vary condition no 1 of the consent 05/00816/LBC dated 14 April 2006. Condition 01 required the works to commence within 5 years of the date of the consent. This application requests that a further 5 year period be granted to allow additional time for the works to be implemented under the terms of that consent.

Section 17 affords the Committee, if it is so minded, the opportunity to look at all conditions attached to the consent irrespective of the variation sought. However, there are no planning reasons for varying those conditions and it is recommended that they should remain as per the original consent.

05/00816/LBC granted Listed Building Consent for the complete demolition of the "B" listed tenement at 26-32 North Lindsay Street, the demolition with retention of the facade of the "B" listed tenement at 34-36 North Lindsay Street. In addition the proposal included the demolition of the "B" listed extensions to the rear (West) of the tenements. The demolitions are proposed to make way for the two storey extension to the Overgate Shopping Centre.

This application is being reported to the Development Management Committee as the original Listed Building consent was approved by the Development Quality Committee and the partner planning application to extend the time limit for the planning permission to extend the Overgate is also reported to this Committee as a Major application.

SITE DESCRIPTION

The listed buildings are located on the west side of North Lindsay Street. To the north is the new Dundee House office development which incorporates the former Halley Brothers Works building and a Lidl Foodstore. To the east are surface level car parks. To the south is an electricity sub-station with the Overgate Shopping Centre beyond. To the west is a multi-storey car park operated by NCP and serving the

Overgate Shopping Centre and the premises of the Salvation Army.



The site includes "B" listed tenement buildings. These are late 19th century, 4-storey, ten-bay tenements with shops on the ground floor. They are built with sandstone ashlar to the front with rubble to the side and rear with a slate roof. The shop fronts at 34-36 comprise a seven bay glazed arcade with door to centre and round-headed moulded arches. These features have been removed at the ground floors of the tenement at 26-32 North Lindsay Street. The list description notes that the buildings have important streetscape value along with the adjacent Halley Brothers Works.



In addition to the tenements there are "B" listed structures to the rear. These are two storeys in height and built of coursed sandstone ashlar similar to the tenements. Whilst these are now attached to the tenements they would appear to have been originally separate from them.

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

The following policies are of relevance:

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

Policy 60: Alterations to Listed Buildings.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

Scottish Planning Policy 2010

Scottish Historic Environment Policy 2009.

Non Statutory Statements of Council Policy

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

SUSTAINABILITY ISSUES

The proposal includes the re-use of listed buildings and this is considered a sustainable solution to redevelopment of this site.

SITE HISTORY

05/00816/LBC granted Listed Building Consent for the complete demolition of the "B" listed tenement at 26-32 North Lindsay Street, the demolition with retention of the facade of the "B" listed tenement at 34-36 North Lindsay Street. In addition the proposal included the demolition of the "B" listed extensions to the rear (West) of the tenements. Listed Building Consent subject to conditions was issued on 14 April 2006.

05/00815/FUL: Planning permission was granted for an extension to the existing Overgate to accommodate in excess of 40 new retail units with approximately 20,000m² gross retail floor area on two levels. The works included the partial demolition and alteration to the listed buildings as detailed above. Permission granted subject to conditions and issued on 14 April 2006.

11/00124/FULM: The partner planning application to seek an

extension of time for the above planning permission is considered elsewhere on this agenda.

PUBLIC PARTICIPATION

There is no statutory requirement within the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 for neighbour notification. However, this application was advertised in the Edinburgh Gazette and Dundee Evening Telegraph. In addition a site notice has been displayed detailing the proposed redevelopment of the application site.

No letters of objection have been received from neighbouring residents. The partner planning application, as it is a Major application, required to be the subject of public consultation as detailed in the Committee report. The impact of the development on these listed buildings was not raised in any of the recorded comments.

CONSULTATIONS

There were no responses from consultees.

OBSERVATIONS

In accordance with Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Council is required to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Listed Building consent has already been granted for the proposed works. This application seeks to extend the time period for a further 5 years for the development to commence. There are no changes to the works proposed to be carried out to the Listed Buildings. The previous application was supported by detailed justification and the proposals were amended following consultations with Historic Scotland. The proposed development will allow the retention of part of the buildings in question and the incorporation of the facade into the new Overgate extension. An application under Section 17 affords the planning authority the opportunity to look at all conditions attached to the consent irrespective of the variation sought. It is considered that the same conditions

as were applied to application 05/00816/LBC will be appropriate.

It is concluded that the statutory requirements have been met for the reasons given.

Other material Considerations

The Development Plan

The provisions of the Dundee Local Plan Review 2005 relevant to the determination of this application are specified. These are the same policies as were relevant in determining the original listed building application and in respect of which there has been no change as far as this application is concerned.



SPP Scottish Planning Policy

Paragraph 33 encourages planning authorities to use the planning system to create a supportive business environment which can encourage sustainable economic growth in future. It is considered that granting an extension of time for the commencement of this listed building consent would enable the development to be carried out and would meet this guidance.

SHEP Scottish Historic Environment Policy

The SHEP notes that work which affects the character of a listed building will require listed building consent. Change should be managed to protect a building's special interest while enabling it to remain in active use.

As noted, listed building consent has previously been granted for these works to the listed buildings, there has been no significant change to the relevant legislation and guidance and

no changes to the details of the proposed development. For these reasons, it is considered that requirements of the SHEP have been met.

Design

The design of the proposal is considered acceptable and will preserve and enhance the character of the original building and surrounding area.

CONCLUSION

There has been no material change in planning circumstances relative to this proposed development. There is no indication that the development will not be implemented as the existing Overgate Centre has recently been bought and the new owners seek the additional time to progress the development.

Whilst Section 17 affords the planning authority the opportunity to look at all conditions attached to the consent irrespective of the variation sought, it is concluded that the same conditions should be applied to this consent as were applied to the earlier application 05/00816/LBC.

It is concluded that the proposal complies with Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the development plan and the relevant national planning guidance. There are no material considerations that would justify refusal to extend the time period for commencement of the works.

RECOMMENDATION

Recommendation 1

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 Listed Building consent be GRANTED subject to the following conditions:

1 The works must be begun not later than the expiration of 5 years beginning with the date of this consent.

- 2 No part of the building shall be demolished until both a Joint Contracts Tribunal building contract or a building contract of a similar recognised form acceptable to the Council for carrying out of the works of redevelopment of the site in accordance with the plans hereby approved has been made and evidence thereof supplied to the Council.
 - 3 A method statement providing full details of the retention, restoration and repair of the front façade shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
 - 4 A schedule of the items to be salvaged and reused from the exterior of the building shall be submitted to the Council for approval before any demolition takes place or any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
 - 5 Samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples.
- listed building and to improve its architectural appearance.
 - 5 In order to safeguard the appearance of the statutorily listed building and to improve its architectural appearance.

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 the retained façade is not left for an extended period of time to the detriment of the character and appearance of the area.
- 3 In order to safeguard the appearance of the statutorily listed building and to improve its architectural appearance.
- 4 In order to safeguard the appearance of the statutorily