

Application for Conservation Area Consent to Demolish Existing Railway Footbridge at Magdalen Green

KEY INFORMATION

Ward West End

Address

Footpath From Magdalen Green
Over Railway To Riverside Park
Dundee

Applicant

Dundee City Council

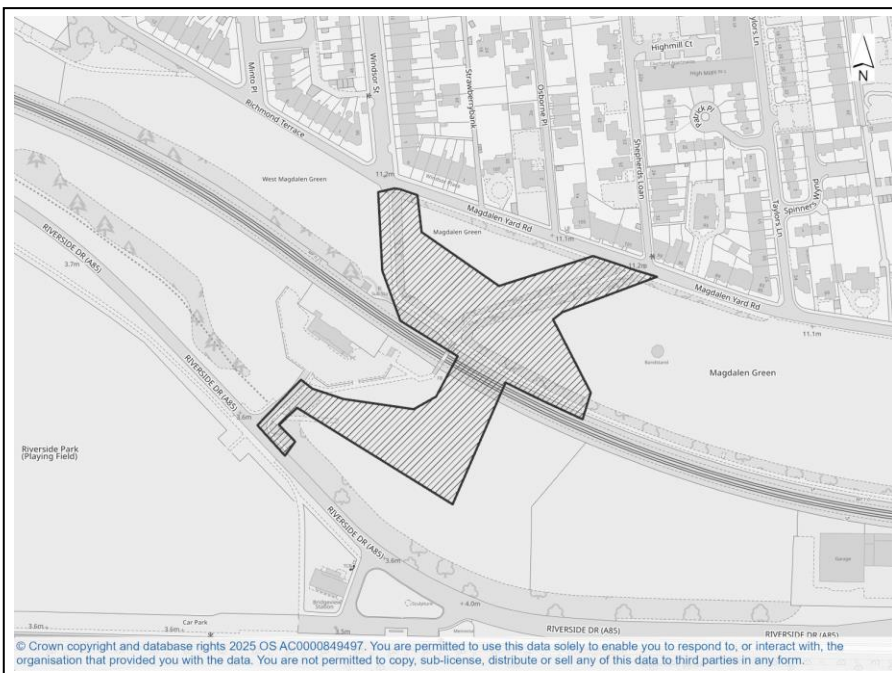
Agent

Dundee City Council

Registered: 27 November 2024

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

Contact: Edward Bean



SUMMARY OF REPORT

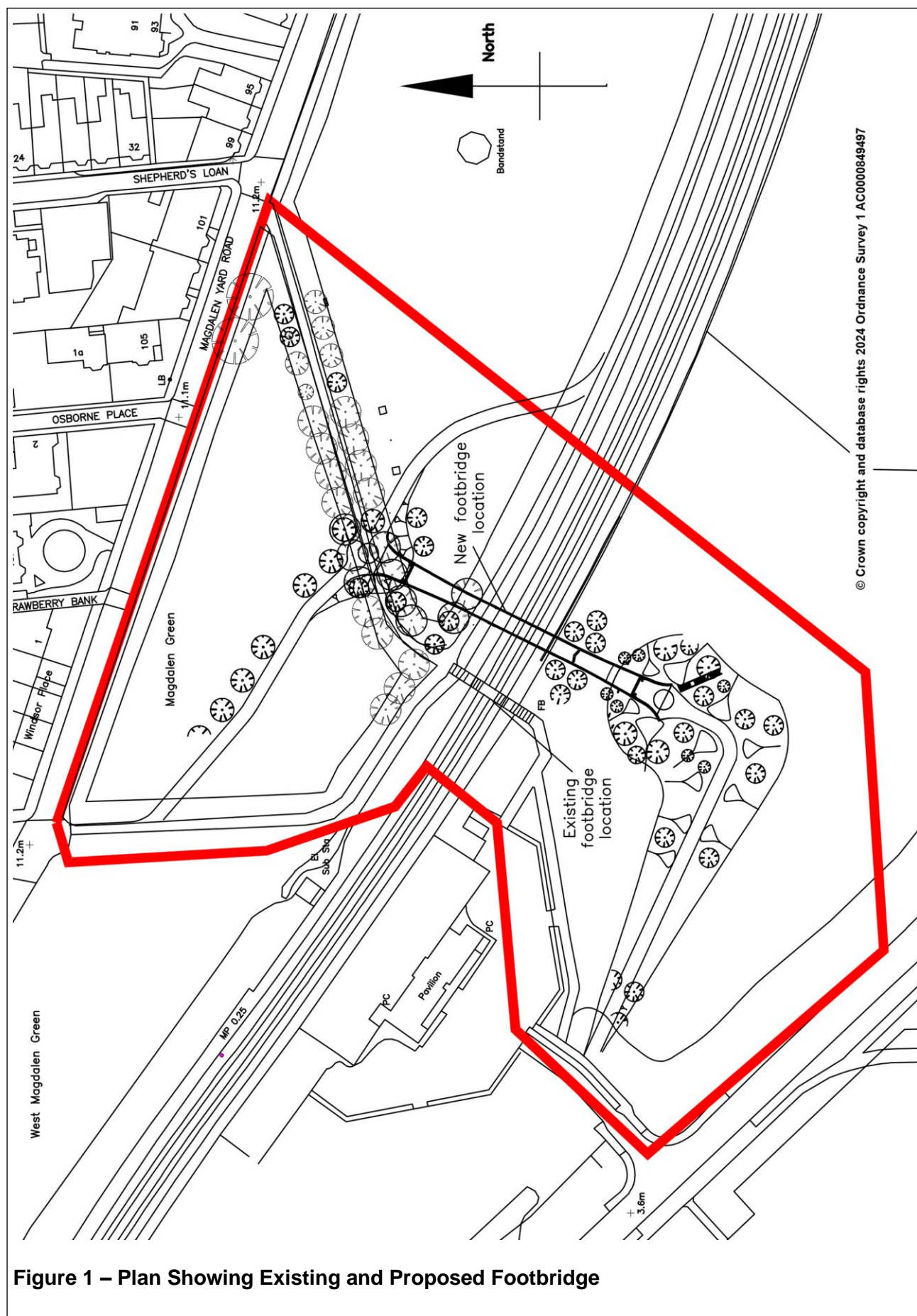
- Conservation Area Consent is sought for the complete demolition of the unlisted footbridge across the railway line between Magdalen Green to the north, and the playing fields to the south.
- The application is in accordance with the Development Plan.
- Detailed plans for the replacement footbridge including site layout, elevations and section drawings along with supporting information including a design statement, and landscaping plans have been submitted with the application.
- The statutory neighbour notification process was undertaken. In total, 21 letters of objection and three letters of support have been received.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as six or more valid written objections have been received and the recommendation is for approval.
- More details can be found at: <https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=SMUHWCGCGSO00>

RECOMMENDATION

The proposal is in accordance with the Development Plan. There are no material considerations of sufficient weight to justify refusal of Conservation Area consent. It is therefore recommended that consent be APPROVED.

1 DESCRIPTION OF PROPOSAL

- 1.1 Conservation Area Consent is sought for the complete demolition of the unlisted footbridge across the railway line between Magdalen Green to the north, and the playing fields to the south.
- 1.2 The existing footbridge spans over the railway line, between Magdalen Green and playing fields to the south. The existing footbridge, the adjacent land to the north (Magdalen Green) and to the south (playing fields) are maintained by Dundee City Council.
- 1.3 The statement submitted explains that the existing bridge can be accessed by existing footpaths but due to the steep steps arrangement it has limited access and does not meet accessibility standards for equality, nor is it cycle friendly. Disabled people, people with limited mobility, cyclists, prams and wheelchair users find it difficult to use the existing bridge for access.
- 1.4 The bridge was constructed in 1933, following closure of Magdalen Station and is over 90 years old. The application submission explains that with UK design codes require bridge design to be for a 100-120 year lifespan, meaning Magdalen footbridge is approaching the end of its design life.
- 1.5 The application seeks Conservation Area Consent for the complete demolition of the unlisted footbridge. A separate application has been made for planning permission for a new footbridge over the railway in close proximity to the existing bridge. The application for planning permission also includes new pathways, planting, several areas of seating, lighting, signposts and an informal play area. These proposals are assessed separately under planning application 24/00728/FULL.
- 1.6 The following documents have been submitted in support of the application:
 - Location/ Block plan;
 - Design statement; and
 - Feasibility Study.



2 SITE DESCRIPTION

- 2.1 The application site is an unlisted footbridge across the railway line between Magdalen Green to the north, and the playing fields to the south.
- 2.2 The land to the north of the railway line sits within the West End Lanes Conservation area and has the Category 'A' listed bandstand approximately 130 metres to the east of the existing footbridge. An avenue of cherry blossom trees stretches from the existing footbridge to Magdalen Yard Road to the north. The site is bound by Riverside Drive to the South, and Magdalen Yard Road to the North. To the east and the west, the site is bound by open space. To the southwest of the application site lies Riverside Pavilion and its car park.
- 2.3 The application site to the south of the railway line is relatively flat, whereas the land to the north of the railway line slopes gently uphill towards Magdalen Yard Road.
- 2.4 The majority of the application site is allocated as Public Open space (Riverside Drive and Magdalen Yard Road) as defined within the Dundee Local Development Plan 2019. The application site to the south of the railway line is also designated as a Wildlife Corridor (Riverside Drive (East)).



Figure 2 - View of Existing Bridge From Playing Fields



Figure 3 - View From Existing Bridge Facing North



Figure 4 - View of Existing Bridge Facing East



Figure 5 - View of Existing Cherry Tree Boulevard Facing East

3 POLICY BACKGROUND

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

NATIONAL PLANNING FRAMEWORK 4

Policy 7: Historic Assets and Places

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 50: Demolition of Listed Buildings and Buildings in Conservation Area

West End Lanes Conservation Area Appraisal

- 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 24/00728/FULL- installation of footbridge, formation of hard surfacing, landscaping and associated works – currently pending consideration.

5 PUBLIC PARTICIPATION

- 5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.

- 5.2 In total, 21 letters of objection and three letters of support were received.

- 5.3 **The letters of objection raise the following valid material grounds:**

- the existing bridge contributes significantly to the character of the area;
- the existing bridge is a historic landmark;
- removal of bridge would result in a lengthy detour; and
- lack of public consultation.

- 5.4 **The letters of support raise the following points:**

- the new bridge will improve accessibility for all users; and
- the existing bridge is ugly and not fit for purpose.

6 CONSULTATIONS

- 6.1 **Historic Environment Scotland** - has no objection to the proposal.

7 DETERMINING ISSUES

- 7.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that a building in a Conservation Area shall not be demolished without the consent of the appropriate authority (in this case the planning authority).
- 7.2 In accordance with the provisions of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, special regard must be given to the effects of the proposed development on the character and appearance of the Conservation Area. This statutory duty should always be borne in mind when considering demolition applications.
- 7.3 The building proposed for complete demolition is the existing unlisted footbridge across the railway line between Magdalen Green to the north, and the playing fields to the south. A northern portion of the bridge is situated within the West End Lanes Conservation Area.
- 7.4 Supporting documents have been submitted with the application including a Design Statement, and Feasibility Study. The supporting documents outline that Magdalen footbridge is reaching the end of its design life. In addition, it does not meet accessibility standards for equality. The refurbishment of the bridge is considered unviable due to costs and the existing design which does not meet accessibility standards.
- 7.5 The existing bridge is visible within the landscape. However, it is not considered to be of significant townscape value and does not make a significant positive contribution to the West End Lanes Conservation Area. As such, the demolition of the existing footbridge is considered to be acceptable.
- 7.6 The demolition of the existing footbridge would have no significant detrimental impact on the character of the local streetscape or wider area.
- 7.7 The statutory duty set out in Section 64 of the Act would be satisfied by the approval of this application, given the bridge's neutral contribution to the character and appearance of the conservation area.

OTHER MATERIAL CONSIDERATIONS

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

A – NATIONAL PLANNING FRAMEWORK 4 AND DUNDEE LOCAL DEVELOPMENT PLAN 2019

- 7.9 The provisions of the development plan relevant to the determination of this application are specified in the Policy Background section above.

Demolition within a Conservation Area

- 7.10 National Planning Framework 4 Policy 7(f) - Historic Assets and Places: NPF4 Policy 7(f) states demolition of buildings in a Conservation Area which make a positive contribution to its character will only be supported where it has been demonstrated that:
- i reasonable efforts have been made to retain, repair and reuse the building;
 - ii the building is of little townscape value;
 - iii the structural condition of the building prevents its retention at a reasonable cost; or

iv the form or location of the building makes its reuse extremely difficult.

- 7.11 Dundee Local Development Plan 2019 Policy 50 - Demolition of Listed Buildings and Buildings in Conservation Areas: LDP Policy 50 (Demolition of Listed Buildings and Buildings in Conservation Areas) states applications for the demolition of a listed building or an unlisted 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 a building is acceptable, applications must be supported by acceptable proposals for the redevelopment or treatment of the cleared site.
- 7.12 The proposal is for the demolition of an unlisted building located partially within in the West End Lanes Conservation Area. It is considered that the bridge is not of significant historic or architectural merit. The feasibility report submitted as part of the application confirms that remedial works to bring the bridge up to current standards would be both financially onerous, and would not be able to meet modern day accessibility standards, making it's reuse impractical.
- 7.13 While the bridge is not considered to have significant historic or architectural value, its demolition, if not replaced as part of a redevelopment proposal, would be acceptable in terms of its impact on the Conservation Area. However, the applicant also proposes to install a new footbridge over the railway, located close to the current bridge site. While that is the subject of a separate planning application, it is clear that the site can be developed with an acceptable design, layout and material finish.
- 7.14 The proposal meets criteria i, ii, iii and iv of Policy 7f of NPF4 and meets the requirements of Policy 50 of the adopted LDP.

Redevelopment of the Site

- 7.15 NPF4 Policy 7g) states where demolition within a Conservation Area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.
- 7.16 It is considered that the proposed scheme of redevelopment (application 24/00728/FULL) is of a design and form which has no detrimental impact on the character or visual amenity of the locality. While the replacement bridge is the subject of a separate planning application, it is clear that the site can be developed with an acceptable design, layout and material finish as required by Policy 7g of NPF4.
- 7.17 The proposed complete demolition of the existing footbridge meets the requirements of the Development Plan.

B – NATIONAL POLICY AND GUIDANCE

- 7.18 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.

- 7.19 For the reasons set out in the assessment above, the proposed works would comply with national planning guidance concerned with the historic environment.

C – REPRESENTATIONS

- 7.20 **The letters of objection raise the following valid material grounds:**

Objection – the existing bridge contributes significantly to the character of the area.

Response – Whilst the bridge does form part of the established streetscape, the above assessment considers that the existing bridge is not of significant historic or architectural merit to be worthy of retention.

Objection – the existing bridge is a historic landmark.

Response – the above assessment considers that the existing bridge is not of significant historic significance.

Objection – removal of bridge would result in a lengthy detour.

Response – the applicant proposes the installation of a new footbridge over the railway in close proximity to the current site. The new bridge is the subject of a separate planning application.

Objection – lack of public consultation.

Response – the statutory neighbour notification process was undertaken.

- 7.21 **The following points of objection are not relevant to the determination of this application, which pertains solely to the proposed demolition of the existing bridge;**

- the existing bridge should be upgraded;
- Riverside road should be used instead to negate the demolition of the footbridge;
- the new bridge is too big and is out of keeping;
- the replacement of the bridge due to it coming to the end of its useful lifespan is flawed logic;
- the new bridge does not link to any existing cycle paths;
- the existing bridges provide sufficient access;
- loss of green open space as a result of the new bridge;
- there is nothing wrong with the existing bridge;
- loss of view as a result of the new bridge;

- loss of trees as a result of the new bridge;
- impact on the Magdalen Green and the Conservation Area as a result of the new bridge;
- the requirement to raise the bridge to support electrification is inadmissible;
- safety impact of fast moving bikes, as a result of the new bridge;
- new bridge would be a poor use of public funds;
- impact on listed Band Stand as a result of the new bridge;
- disturbance during construction as a result of the new bridge;
- impact on wildlife as a result of the new bridge;
- lack of maintenance plan as for the new bridge;
- the new bridge would set a harmful precedent; and
- deliberate effort has been made to downplay the visual impact of the proposed development.

7.22 **The matters raised in the representation are not considered to be of sufficient weight to justify refusal of Conservation Area consent.**

8 CONCLUSION

- 8.1 The application for the complete demolition of the footbridge across the railway line between Magdalen Green to the north, and the playing fields to the south is in accordance with the Development Plan and satisfies the duty imposed under Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations of sufficient weight that would justify the refusal of Conservation Area consent. Therefore, it is recommended that consent be granted.

9 RECOMMENDATION

- 9.1 It is recommended that Conservation Area consent be GRANTED.