

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

18 OCTOBER 2001

PLANNING APPLICATION – DENBURN WORKS, COMMERCE STREET, BRECHIN

REPORT BY THE DIRECTOR OF PLANNING AND TRANSPORT

Abstract: This report deals with planning application No. 01/00676/FUL and listed building consent application No. 01/00677/LBC for the alteration of a building and formation of parking area for Stevens (Scotland) Ltd. at Denburn Works, Commerce Street, Brechin. The applications are recommended for conditional approval.

1 INTRODUCTION

- 1.1 Full planning permission and listed building consent are sought for the alteration of a listed building, comprising demolition of a section of the Denburn Works and planning permission is sought for the formation of a car park on the site of the demolition and on an area of existing hardstanding. The car park will provide additional space for staff and visitors to Stevens (Scotland) Ltd.
- 1.2 The application site is located at the southern end of the small cul-de-sac that runs south from Commerce Street to Denburn Court. It is a mixed use area comprising business and residential uses. The section of building which it is proposed to demolish is of stone construction with a multi-bay slated roof and is attached to the eastern gable of Denburn Court. It lies within the Denburn Works complex which is listed Category 'B'.
- 1.3 The proposal involves the demolition of a small section of building and the formation of a car park on the site of the demolition and on an area of existing hardstanding to the east of the building.

2 APPLICANT'S CASE

- 2.1 The applicant's agent has indicated that additional car parking is required in association with the successful and growing business. It is further indicated that consideration has been given to utilising the building for parking, however, this was discounted given its poor state of repair and the difficulty in manoeuvring caused by the position of supporting columns and the door.

3 CONSULTATIONS

- 3.1 No adverse comments have been received from consultees.
- 3.2 Historic Scotland has been consulted informally and has advised that it is not opposed to the demolition of this section of the building if it is incapable of reuse.

4 LETTERS OF REPRESENTATION

- 4.1 One letter of objection has been received and is attached to this report. It is indicated that the building appears structurally sound and reusable and as it lies within a listed complex permission should not be granted for its demolition. I will address this matter under Planning Considerations.

5 PLANNING CONSIDERATIONS

- 5.1 The determining issues in this case are:-

- statutory requirements;
- Development plan policy;
- economic considerations;
- environmental considerations.

- 5.2 Section 14(2) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 (hereinafter "the Act") states that:-

"In considering whether to grant listed building consent for works special regard shall be made to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

This is reiterated in Section 59(1) of the Act.

- 5.3 Environmental Policy 13 of the approved Tayside Structure Plan 1993 states that:-

"Development affecting listed buildings and their setting or conservation areas should have full regard to the need to retain important architectural features or historical interest and where possible, secure improvements to the built environment."

- 5.4 Policy ENV31 of the recently adopted Angus Local Plan states that:-

"Angus Council will assess all development proposals which affect the built heritage in the context of the Memorandum of Guidance on Listed Buildings and Conservation Areas."

- 5.5 Policy ENV44 of the Angus Local Plan states that:-

"There is a presumption against the demolition of Listed Buildings.

Applications for Listed Building Consent to demolish a building will only be considered where:-

- (a) it has been demonstrated through a detailed structural and feasibility report that the condition of the building makes it impracticable to repair, renovate or adapt it to any reasonably beneficial use for which planning permission would be granted; and

- (b) there is clear and convincing evidence that all reasonable efforts have been made to sustain the existing use or find a viable and acceptable new use or uses for the building, including marketing of the building nationally for at least six months; and
- (c) detailed proposals for the reuse of the site, including any replacement building or other structure has been approved.

Submission of the necessary information does not imply that consent for demolition will be automatically granted.

In most cases demolition will only be permitted where work on the erection of a replacement building is to start immediately following the date of demolition or other such period as may be agreed with Angus Council.”

- 5.6 Historic Scotland’s Memorandum of Guidance on listed buildings and conservation areas provides a statement of Government policy and advice on listed buildings. Paragraph 2.10 of the Memorandum deals specifically with demolition of listed buildings and states that:-

“no worthwhile building should be lost to our environment unless it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it.”

“planning authorities are urged, in considering applications for consent to demolish, to presume in favour of the preservation of listed buildings except where a strong case can be made out for demolition after full consideration.....”

A number of considerations are identified including:-

- the buildings importance both in itself and in its contribution to the local scene;
- a building’s condition, the cost of repairing and maintaining it in relation to its importance;
- the importance in economic or social terms of putting the site upon which the existing building stands to an alternative use.

- 5.7 NPPG18 : Planning and the Historic Environment indicates that the primary consideration in the determination of applications for listed building consent is the statutory requirement detailed at paragraph 5.2 of this report. It states that development plan policies relating to listed buildings, along with relevant supplementary guidance, should still be taken into account when determining applications for listed building consent but should not be afforded as much weight as the statutory requirement.

- 5.8 It indicates that relevant considerations will include the impact of proposals upon particular physical features of the building that justify its listed status, the buildings setting and its contribution to the townscape and the extent to which the proposed works would bring benefits to the community. In addition, it states that planning authorities may attach conditions to the grant of listed building consent. However, these must be necessary, relevant to preserving the building or its setting, or any

features of special architectural or historic interest, enforceable, precise and reasonable in all other respects. With regard to demolition the NPPG reiterates the advice provided by the Memorandum of Guidance.

- 5.9 In this case limited information has been submitted and this does not convincingly demonstrate that the building is beyond repair or that any attempt has been made to market it. However, a number of visits to the site have demonstrated that there is a localised parking problem with a large number of cars parked on the small road leading to Denburn Court. Accordingly, it is recognised that there is a need for additional parking and the current site which is in the ownership of the applicant represents a logical solution. It is apparent that the parking problems are a consequence of the success of the applicant's business and given the current depressed economic climate in the town, I am keen to facilitate the needs of the business.
- 5.10 Given the above the matter has been discussed informally with Historic Scotland and it has been indicated that they are sympathetic to the situation. Following a site visit they have acknowledged that in terms of the overall Denburn Works complex the section of building to be demolished is not located in a position readily visible from surrounding public roads and of little architectural or historic interest in its own right. It is considered that the demolition of this small section will not compromise the architectural or historic integrity of the main subject of the listing.
- 5.11 It is recognised that the physical characteristics of the building and its proximity to housing both at Denburn Court and Montrose Street limit the opportunity for the building to be put to a viable alternative use. The current economic climate in the town would also suggest that demand for this type of building in this location would be limited. On this basis, and given the potential economic benefits in facilitating the needs of a successful local business, I am prepared to support the demolition of this small section of the overall complex.
- 5.12 The formation of the car park does not give rise to any significant issues, however, I consider that it would benefit from an element of soft landscaping and have attached a condition requiring this.

6 HUMAN RIGHTS IMPLICATIONS

- 6.1 The recommendation in this report for grant of planning permission, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. Any actual or alleged infringement of neighbours' rights to peaceful enjoyment of their property and/or interference with their privacy/home/family life arising from grant of this application is in accordance with the Council's legal duties under the Planning Acts to determine planning applications such as the present one and the grant of planning permission is justified and necessary in the public interest on the basis that any such actual or alleged infringement is not significant or material as balanced against the applicant's freedom to carry out reasonable development and/or activities over his property as supported by the Development Plan, and other material considerations which, as referred to in the report, are supportive of the proposed

development. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

7 RECOMMENDATION

7.1 It is recommended that the application be conditionally approved.

1. That prior to the commencement of works precise details showing how the exposed gable will be made good shall be submitted to and agreed in writing with the planning authority.
2. That no development takes place until there has been submitted to and approved by the planning authority, a scheme of landscaping.
3. That all planting comprised in the approved details of landscaping be carried out in the first planting season following the completion of the development or at earlier stages and any plants or trees which within a period of five years from the commencement of the use die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

Reasons:

1. In order to ensure that the remaining section of the listed building is adequately safeguarded.
2. In order to ensure that the landscaping proposals necessary to enhance the amenity of the proposal/development are satisfactory and acceptable to the Council.
3. In order to comply with the landscaping requirements of the local planning authority and ensure subsequent maintenance.

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/AH/IAL
10 October 2001

Alex Anderson
Director of Planning and Transport