

WEST DUNBARTONSHIRE COUNCIL

Report by Acting Director of Housing, Regeneration and Environmental Services (Housing and Regeneration Services)

Planning Committee: 7 March 2007

Subject: Application for building warrant to demolish Our Lady of Loreto RC church, hall and presbytery house, 707 Dumbarton Road, Dalmuir (BW07/045/DEMO)

1. Purpose

- 1.1** To inform the Committee of the proposal to demolish Our Lady of Loreto RC Church and associated church hall and presbytery.

2. Background

- 2.1** Our Lady of Loreto RC Church is situated on the south side of Dumbarton Road, Dalmuir, adjacent to Roberts Street. The building was originally Dalmuir Old Parish Church, built in 1903-05 in the Gothic style. To the rear of the church there is an attached hall extension and a detached presbytery house. The church itself is a substantial building of some architectural and historic value however it is not a Listed Building. The hall and presbytery are later additions which are considered to be of little merit.
- 2.2** The Archdiocese of Glasgow intends to amalgamate the parish with the nearby St Stephen's RC Church. An application for a building warrant to demolish the church, hall and presbytery has been submitted and is being assessed. The Archdiocese has explained that it is their normal practice to seek a building warrant for demolition whenever a church is proposed for closure, but that this does not mean that demolition is either inevitable or imminent.
- 2.3** Representations have been received from 120 local residents who have requested that the building warrant application be considered by the Planning Committee in recognition of the church's historical significance. The Clydebank Restoration Trust has made representations directly to the Council and has contacted Historic Scotland to express its opposition to the loss of the building. John McFall MP and Councillor Craig McLaughlin have written to forward letters which they had received from Clydebank Restoration Trust.

- 2.4** Historic Scotland has been made aware of the building warrant application, and has carried out an assessment of the building. The Architects (Stewart and Paterson of Glasgow) specialised in Gothic style churches, and a number of examples elsewhere in Scotland have been listed. Our Lady of Loreto is of a relatively common style, lacks some of the finer detailing found in other contemporary churches, and has suffered some unsympathetic alterations and extensions. The streetscape around the site has been and continues to be eroded by demolition of the surrounding tenements, so the building's original context has been lost. Although church buildings are inevitably of some local interest, Historic Scotland considers that this particular building is not of sufficient importance to merit listing.

3. Main Issues

- 3.1** Under the Town and Country Planning (Scotland) Act 1997, the demolition of freestanding non-residential buildings (such as the church and hall) does not require planning permission. The demolition of residential buildings (such as the presbytery) requires the prior approval of the Council if the demolition is not included within a redevelopment proposal for the site. The prior approval system is to ensure that the demolition occurs in accordance with accepted practices in order to respect the amenity of the surrounding area. Planning controls exist to control the demolition of Listed Buildings and buildings within Conservation Areas, but neither of these apply to Our Lady of Loreto.
- 3.2** For demolition of buildings, the building warrant procedure is purely concerned with ensuring public safety during and after demolition. If the proposed demolition work is to be carried out in compliance with the requirements of the Building (Scotland) Regulations 2004, the Council must issue a building warrant. The Council has no discretion on this point, and cannot refuse to issue a building warrant if the Regulations have been complied with. Even if the building was listed, this would not be relevant to the building warrant application.
- 3.3** There is therefore little that the Council can do to prevent the demolition of the church. It would not be appropriate to serve a building preservation notice, as the purpose of such notices is purely to enable the Scottish Ministers to assess the building's suitability for listing. Having decided not to list the building, the Ministers would be unlikely to reverse that decision and the Council may be liable for any costs or losses incurred by the building's owners.

4. Personnel Issues

- 4.1** There are no personnel issues.

5. Financial Implication

5.1 There are no financial issues.

6. Risk Analysis

6.1 The Council is under a statutory obligation to comply with the procedures for issuing a building warrant should the Regulations be complied with. Serving a Building Preservation Notice in this case is inappropriate and could result in costs being awarded against the Council.

7. Conclusion

7.1 Although the building is of some architectural and historic merit, and there is some local opposition to its demolition, the Council cannot take these issues into consideration in determining the building warrant application. As the building is not listed and does not lie within a conservation area, the Council has no powers to prevent its demolition.

8. Recommendation

8.1 It is recommended that the Committee:

- (i) notes the proposed demolition of the buildings;**
- (ii) the decision of Historic Scotland not to list the building; and**
- (iii) the intention of the Acting Director of Housing, Regeneration and Environmental Services (Housing and Regeneration Services) to issue a building warrant.**

Irving Hodgson

**Acting Director of Housing, Regeneration and Environmental Services
(Housing and Regeneration Services)**

Date: 21 March 2007

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Appendix:

none

Background Papers:

- i) e-mail from Clydebank Restoration Trust dated 12 February 2007
- ii) 120 representations from local people
- iii) letter from John McFall MP dated 12/2/07
- iv) letter from Councillor Craig McLaughlin dated 14/2/07
- v) letter from Historic Scotland dated 22/2/07

Ward(s) Affected:

Ward 2

