

**KEY INFORMATION**

**Ward** Broughty Ferry

**Proposal**

Change of use, alterations and extension of vacant station buildings to form restaurant, incorporating re-erection of former signal box

**Address**

Broughty Ferry Railway Station, South Platform  
Gray Street  
Broughty Ferry  
Dundee DD5 2AJ

**Applicant**

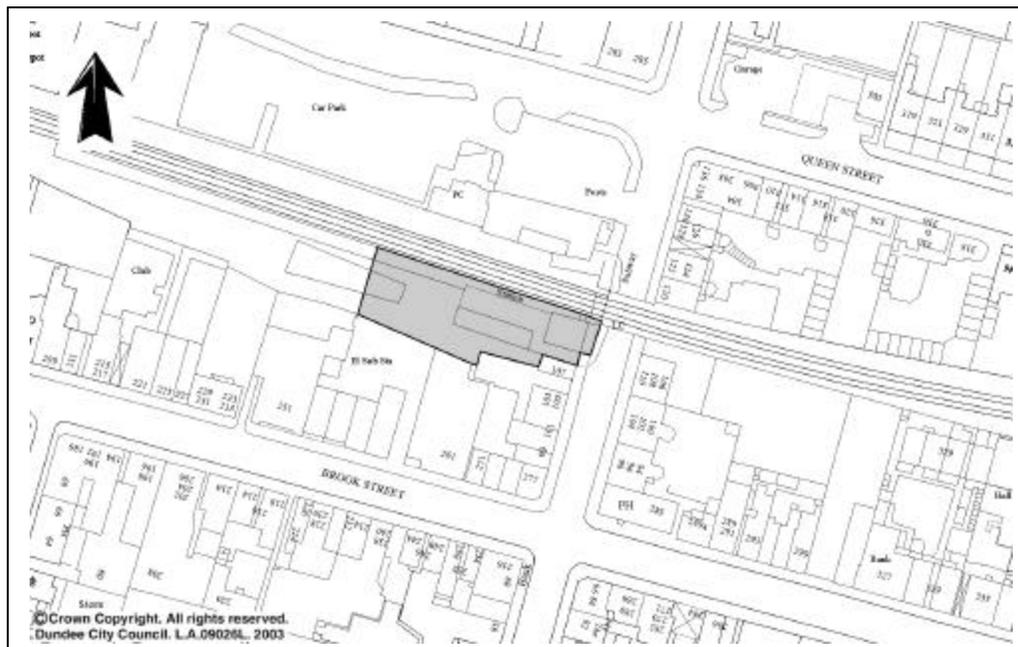
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**Agent**

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**Registered** 9 Jan 2004

**Case Officer** Julie Finlay



# Conversion of Broughty Ferry Station to form New Restaurant

A change of use to form a restaurant, incorporating is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation

## SUMMARY OF REPORT

- Planning permission is sought for change of use, alterations and extension of vacant station buildings to form a restaurant incorporating the re-erection of the former signal box at Broughty Ferry Railway Station, Gray Street, Broughty Ferry, Dundee. This is the second phase of project work at Broughty Ferry Station.
- The railway station (including the former covered bridge, subway, signal box and level crossing) are Category A Listed and the former Cabman's Shelter is Category C-Listed. The applicant has provided evidence that it is not possible to re-erect the timber footbridge as it is structurally unsound and various heritage groups were contacted to establish whether they wish to take the bridge and re-erect it in an appropriate setting but no expressions of interest were received.
- The application was advertised as contrary to Policy LT8 due to the close proximity of residential properties to the proposed restaurant.
- Statutory neighbour notification has been carried out and there have been no objections to the proposals. No adverse comments have been received from consultees, however suggestions for improved design elements have been proposed. The Scottish Civic Trust welcome the proposals but would like to see the footbridge reincorporated into the new development. There is a partner listed building application which has not yet been determined.
- The proposals are considered acceptable and are recommended for approval subject to conditions.

**RECOMMENDATION**

Although the proposed restaurant is contrary to Policy LT8 in the Dundee Local Plan 1998, it is considered that there are material considerations to justify approval including the revised Local Plan Policies, distance from flats and busy road acting as a barrier to potential adverse amenity issues. Therefore, the application is recommended for **APPROVAL** subject to **conditions**.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for change of use, alterations and extension of the vacant station buildings to form a restaurant. The proposal also incorporates the re-erection of the former signal box on the south platform.

The proposed restaurant will be accessed from the existing access at Gray Street. The first building will incorporate a vestibule, reception area with some seating and a servery. The other buildings on travelling west along the platform will incorporate a seated restaurant, two kitchens, external terrace, storage, staff and toilet facilities. On the upper level of the eastmost building will be two small offices, waiting area and toilet facilities.

The materials for the restaurant will be a mixture of glazing, cedar lining, dark grey decorative steel bracing and columns, medium grey aluminium window frames, slate grey sarnafil finish flat roof and light grey engineering brick plinth.

The applicant indicates that the revised location of the signal box on the south platform is to ensure greater safety during construction and future safe maintenance. A feasibility study regarding the condition of the stored timbers was submitted by the applicant. This concluded that during dismantling timbers had to be cut into smaller pieces for health and safety reasons and this coupled with the percentage of rotted timbers would make re-erection a time consuming and expensive operation. It is recommended that an internal lightweight steelwork braced frame built off a stepped foundation arrangement, to match that on the original structure, be provided and that the reused timber would only have a cladding support function and would be fixed back to the framing.

## SITE DESCRIPTION

Broughty Ferry Railway Station is located immediately to the west of Gray Street and the station straddles the main East Coast Railway Line. The station can be accessed from Gray Street, where there is a glazed canopy over the walkway. There is a canopy

over the south platform with slate roof, decorative columns and eaves, timber exposed rafters and lighting. There is a glazed canopy over the north platform and underpass which is a freestanding metal canopy with ornamental brackets to reflect the detailing on the south platform. The roof of the structure features patent glazing and second hand scottish slates. A pedestrian underpass exists on the west side of Gray Street and this travels below the railway line. To the north of the site is a public car park and to the south are primarily commercial properties in Brook Street. To the east at Gray Street are commercial properties with flats above.



## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

Environmental Resources Policy 5A: Historic Environment

### Dundee Local Plan 1998

The following policies are of relevance:

Policy MV2: Railway Stations

Policy BE15: Alternative Uses for Listed Buildings

Policy BE17: Alterations to Listed Buildings

Policy LT8: Licensed and Hot Food Premises.

## Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application.

## Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 53: Licensed and Hot Food Premises Outwith the City Centre.

Policy 59: Alternative Uses for Listed Buildings.

Policy 60: Alterations to Listed Buildings.

Policy 84: Passenger Rail Services and Facilities

## Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

NPPG 18: Planning and the Historic Environment.

## Non Statutory Statements of Council Policy

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

## LOCAL AGENDA 21

Key theme 7 states that access to facilities, services, goods and people should not be achieved at the expense of the environment and are accessible to all.

Key theme 13 states that places, spaces and objects should combine meaning and beauty with utility, and diversity and local distinctiveness should be valued and protected. These proposals assist in bringing these historical buildings back to a suitable standard for the good of the travelling public and for the good of their architectural merit.

## SITE HISTORY

There is extensive history to the proposals to redevelop the vacant station buildings at Broughty Ferry Railway Station. Planning permission

was granted for phase 1 in June 2000 which includes the formation of covered enclosures, glazed roofs and installation of a new access ramp. A condition was attached to ensure that the signal box was re-erected within 6 months. This never occurred and enforcement action was imminent. A partner listed building application was approved on 1st August 2000. The current application for phase 2 was submitted to introduce a new use for the station buildings and to address the issue of potential enforcement action on re-erection of the signal box.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and no objections were received. There have been lengthy discussions for some years through a partnership approach between Railtrack, their consultants, developers, Historic Scotland, the Council and Broughty Ferry Community Council. The proposals have been on display at Broughty Ferry library and Floor 2 of Tayside House and therefore a wide consultation process has been undertaken.

The application was advertised as contrary to Policy LT8 of the Dundee Local Plan 1998 on 27th January 2003 due to the close proximity of residential properties

## CONSULTATIONS

Comments have been received from consultees and these can be summarised as follows:

### Broughty Ferry Community Council

- 1 Generally supportive of the proposals as it allows a sympathetic change of use, does not adversely affect the listed building structures and includes restoration of the signal box;
- 2 It should be ensured that the development will not restrict the future use of the station as a functioning railway station, or future access via the pend to/from Brook Street;
- 3 Strict time-related conditions will be required to ensure the signal box is satisfactorily re-erected;

### The Scottish Civic Trust

- 1 The Trust welcomes the re-use of this 1838 Category A Listed Building. They appreciate that buildings have to be reordered to allow access to the southern platform from Gray Street and welcome that loss of material has been kept to a minimum.
- 2 The extensions are considered suitable.
- 3 Concern over the loss of the footbridge.

## OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations.

## The Development Plan

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

Policy BE1 states that the Council will expect the highest standards of composition and design in all new development and its careful integration with its surroundings as regards scale, form, siting, alignment, materials and landscaping. It is considered the proposal complies with this Policy as any new build will complement the historic and architectural features of the listed building and any impact will be minimal.

Policy MV2 states that the redevelopment of existing or former railway stations and their associated facilities will not be permitted if it prejudices their availability to function in the future as railway stations. The station will continue to function as a railway station and it is not considered that the proposed restaurant use will jeopardise this as pedestrian access will remain by a new access bridge over the underpass.

Policy BE15 indicates that suitable alternative uses will be encouraged for buildings considered to be of

architectural merit or townscape value where this is necessary in order to secure the future of the building. The proposed restaurant use is considered an acceptable use for the buildings.

Policy BE17 states that the alteration of a listed building or a building in a conservation area will only be acceptable where the proposals have regard to the restoration or enhancement of its architectural and historic character. It is considered that the proposals are sensitive to the architectural and historic character of the listed buildings and therefore complies with this policy.

Policy LT8 states that no premises selling hot food are acceptable within 45 metres of existing and proposed housing if the outlet exceeds 150 square metres. There are flats approximately 15m away above commercial properties on the opposite side of Gray Street.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

## Other Material Considerations

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

### Finalised Dundee Local Plan Review

Policy 53 places some relaxation on the controls on distance of hot food premises from residential property within District Centres. As this is a District Centre, some relaxation is permitted and so the use is considered acceptable.

Policy 59 states that suitable alternative uses will be considered for listed buildings where this is necessary to secure their future. Any adaptation of the fabric must be undertaken carefully and sensitively and have minimum impact on the architectural and historic interest, character and setting of the building. The proposed restaurant is considered an acceptable use for the buildings and any impact will be minimal.

Policy 60 indicates that the alteration of a listed building will only be acceptable where the proposals have regard to the preservation or enhancement of its architectural or historic character. Alterations will not be permitted where the works would diminish the architectural integrity of the building or its historic interest. As

discussed above, the proposal is acceptable in terms of preserving and enhancing the listed buildings.

Policy 84 states that Dundee City Council will:

- d Promote the enhancement of existing service levels provided by train operators; and
- e Seek to establish a new or improved rail station and transport link in a location west of Dundee Airport and support and promote more effective use of Broughty Ferry Station; and
- f Not permit the redevelopment of existing or former railway stations or their associated facilities if it will prejudice their availability for future rail use.

It is considered that the proposal will not prejudice future use of the railway station and pedestrian access will be retained.

NPPG 18 sets out the Government's planning policies in relation to the historic environment with a view to its protection, conservation and enhancement. Paragraph 12 indicates (under the terms of section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997) that when assessing applications for planning permission for development affecting a listed building or its setting, special regard should be paid to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses. Paragraph 43 states that issues relevant to the consideration of all applications for listed building consent include the impact of development proposals upon particular physical features of the building that justify its listed status. There should be a presumption against development that adversely affects the character of a listed building. The proposed development is considered acceptable and will not adversely affect the character of the listed building but will indeed complement it and preserve its long term viability through its reuse for commercial purposes. Any impact on the listed building will be minimal and the imposition of appropriate conditions will further ensure the impact is kept to a minimum.

### **The Memorandum of Guidance on Listed Buildings and Conservation Areas**

The Memorandum states that new uses for old buildings may often be the key to their continued survival. It may be justifiable for planning authorities to relax control over use, zoning, density, plot ratio, daylighting and other restrictions where this would enable an historic building or group of buildings to be given a new lease of life. The proposal certainly takes forward this objective and the partner listed building application will deal in more detail with the treatment and integration of the proposal with the listed building.

A condition will be attached to ensure that details of ventilation including acoustic details will be submitted to the Council before development commences. It is considered that these details will be an appropriate level to protect the residential amenity of surrounding residents. A further material consideration is the fact that the flats are not immediately adjacent to the restaurant but there is a road between which will act as a barrier to potential noise or smell nuisance. It is considered that these material considerations allow Policy LT8 to be set aside in these circumstances.

It is concluded from the foregoing that sufficient weight can be accorded to any of the material considerations such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

### **CONCLUSION**

The design and layout of the proposed development has been the subject of pre-application discussions. The design, appearance, form, scale, style and materials are considered acceptable at this location and will add to the continual improvement and reuse of the station buildings and surrounding area.

### **RECOMMENDATION**

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

- 1 The development hereby permitted shall be commenced

within five years from the date of this permission

- 2 The timber signal box shall be erected in accordance with a scheme which has gained the prior approval of the Council and Historic Scotland, within two years of the date of this consent or prior to the first use of the restaurant (whichever comes first) unless otherwise agreed in writing with the Council
- 3 Any required ventilation for the restaurant shall only be directed up the existing two chimneys on the building on the south platform. Details of the method, appearance and acoustic details of any mechanical and electrical plant which is to be employed shall be submitted to the Council for approval before any development commences and if approved the development shall only be carried out in full accordance with such approved details
- 4 Details of boundary treatment around the main buildings, site boundary and the external terrace 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.
- 5 Details of the proposed access bridge over the underpass and a proposed timescale for implementation 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.
- 6 The upper level offices shall remain ancillary to the proposed main use as a restaurant and shall not be occupied by a separate unit.
- 7 Details of lighting, maintenance and responsibility for the underpass 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.

- 8 Details of alterations to the wall at the underpass at Gray Street 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.
- 9 Samples of the finishing materials proposed to be used for the exterior of the restaurant, signal box and boundary railings shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples .
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### Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the previously stored signal box is reinstated within the site as an integral part of the listed buildings and historic character of the railway station, all in the interests of enhancing the character and appearance of the locality.
- 3 To protect the level of amenity enjoyed by surrounding residents and protect the architectural and historic character of the listed buildings
- 4 To ensure a satisfactory standard of appearance of the development.
- 5 To ensure that pedestrian access to the south platform is retained and to ensure a satisfactory standard of appearance of the development.
- 6 To ensure that the offices remain ancillary to the restaurant and to protect the integrity of the listed building.
- 7 To ensure that safe and secure passage for pedestrians is not jeopardised by the proposed development.
- 8 To ensure a satisfactory standard of appearance of the development.
- 9 To ensure that the proposed development has a satisfactory external appearance in the