

KEY INFORMATION

Ward Law

Proposal

Listed building consent for internal and external alterations to form 48 bedroom hotel, office accommodation, four theme restaurants/bar and car parking

Address

Tay Works
West Marketgait
Dundee
DD1 5EF

Applicant

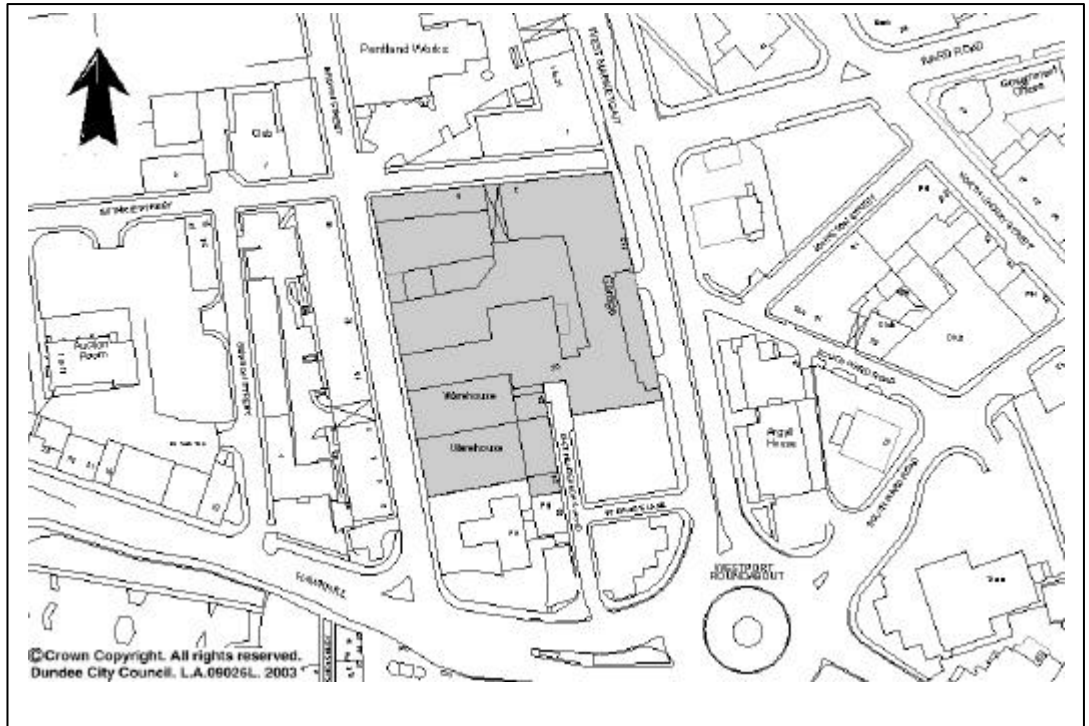
Marketgait Developments
Ltd
c/o James F Stephen
Architects
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Glamis DD8 1UN

Agent

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Registered 21 December
2004

Case Officer D Gordon



Listed Building Consent Sought for Alterations to Form Hotel & Other Leisure Uses

Listed building consent for internal and external alterations to form 48 bedroom hotel, office accommodation, four theme restaurants/bar and car parking is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development complies with the statutory requirement to have special regard to the desirability of preserving the listed buildings or their setting or any features of special architectural or historic interest that they possess. The application is therefore recommended for **APPROVAL** with conditions.

SUMMARY OF REPORT

- Listed building permission is sought for various alterations to a former Mill building to form hotel, offices, restaurants / bars and car parking. The use of the site for these purposes has been established by the granting of a change of use application for these uses on 31.03.2003.
- The development was advertised as a listed building and a letter of objection relating to this matter has been received from the Dundee Civic Trust. While the Trust generally welcome the proposed improvements to the buildings and the site they have expressed reservations about the provision of a fascia detail that runs along the entire length of the east elevation of the building
- Council policy and the Memorandum of Guidance on Listed Buildings seek to ensure that alterations and extensions have regard to the character of the building and its architectural integrity.
- It is considered that the proposals are acceptable and in line with the statutory requirements relating to such proposals and that the submitted objection does not carry sufficient weight to refuse the application.

DESCRIPTION OF PROPOSAL

Permission is sought for various alterations to Category B listed buildings located to the west side of West Marketgait to form hotel, offices, restaurants / bars and car parking. The change of use of the site and the various buildings to these activities has been granted permission by the Council (31.03.2003).

The alterations mainly involve the infilling of various openings on the main elevations of the buildings, the provision of new windows openings and new windows, the removal of external steel fire escapes, and the provision of a new fascia on the east elevation of the Mill building. The proposal also involves internal alterations to the building.

SITE DESCRIPTION

The application site is bounded by West Marketgait to the east, Guthrie Street to the north and Brown Street to the west. The site is contained within the Blackness Conservation Area. To the south there is the vacant site of a former nightclub and public houses. The site is also bounded by existing residential properties both the north and west that have been formed from Mill buildings. A petrol filling station and commercial office buildings occupy the land to the east.

The site accommodates a number of buildings. The main Mill building facing onto West Marketgait (former Tay Works Calendar Building) is a 3-storey rubble built property with ashlar quoins and dressings with a steep pediment over the central five bays. The building is listed Category 'B'. The ground floor of the west elevation has been altered for garage uses. The west elevation first and second floors incorporate large metal-framed windows and slate roof. The north elevation to Guthrie Street incorporates a four-bay gable. The west elevation to the yard is similar to the east elevation with most of the ground floor retained except for some new openings. The interior of the building is iron framed with very high brick arched ceilings and incorporating two rows of iron columns and ground and first floor levels. The second floor has no columns and a steel tie roof.

The building to the south and west of the main Mill (30 East Henderson's Wynd) incorporates a high single storey rubble-built building with blind windows to the west and tall windows to the east. The building is also listed Category 'B'. The roof of the property is slate. A modern sliding door has been incorporated within the north elevation however; the original doors remain within the south elevation facing onto East Henderson's Wynd. The interior retains cast iron supports for a travelling crane and a steel tie roof design.

To the south of this building is a two-storey rubble building attached by a modern passage to the property above at 30 East Henderson's Wynd. This building comprises of a two-bay gable to the street (east) with a later door inserted and two blocked first floor



windows. There is a four-bay side elevation (north) with blocked first windows. The roof is finished in slate.

On the north east side of the site there is a long two-storey rubble built property that is listed Category 'B'. The north elevation - eastern end incorporates two doors and one window at ground floor level with a larger modern window above. The north elevation - western end incorporates nine ground level and ten first floor small margined windows. The south elevation is similar in appearance to the north elevation with some ground floor windows having been slapped out to form doors. The roof is slate.

The former and current uses of the buildings include car showrooms and vehicle workshops, builders yard and workshop areas, car parking, petrol filling station, general industrial uses and university and student association facilities.

The Category A listed building located immediately to the north of the application site (Tay Works) accommodates retail floorspace and a mixture of small business uses at ground floor level with student accommodation within the upper floors. The Category A listed building located to the west ie South Mills, has been converted into mainstream housing and is separated from the site by Brown Street and existing high walls of varying heights (4 -5 metres) built along the western boundary of the site.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

Environmental Resources Policy 5A: Historic Environment. This policy seeks the provision of a framework to safeguard and enhance important features of the areas historic environment as a means of conserving the diverse and distinctive qualities of Dundee.

Dundee Local Plan 1998

The following policies are of relevance:

Policy BE11 - Within Conservation Areas all developments will be expected to complement and enhance the character of the surrounding area.

Policy BE17 - 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.

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 60 (Alterations to Listed Buildings) and Policy 61 (Development within Conservation Areas) are similar in wording to Dundee Local Plan Policy BE17 and BE11 above).

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

NPPG 18 Planning and the Historic Environment sets out the framework for dealing with planning applications affecting listed buildings.

Memorandum of Guidance on Listed Buildings and Conservation Areas 1998. This document by Historic Scotland offers advice on the consideration of developments involving listed buildings and conservation areas.

Non-Statutory Statements of Council Policy

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

LOCAL AGENDA 21

It is considered that the proposed development is in conformity with the Council's Local Agenda 21 Policies as it retains, re-uses, improves and enhances listed buildings of significant architectural character on a brown field site which are located within a conservation area.

SITE HISTORY

The surrounding area has been the subject of a number of planning applications in recent years. The most relevant in this instance is planning application 02/00388/COU that sought to change the use of the land and buildings that are the subject of this application to a hotel and ancillary accommodation, car parking, theme restaurants / bars and leisure uses. This application was approved permission by the Council on 31 March 2003.

The site is also currently the subject of a planning application for the same alterations to the building (05/00043/FUL refers) and an application for conservation consent to demolish unlisted buildings in the southern section of the site

(05/00012/CON refers). These applications remain, at the date of writing, to be determined.

PUBLIC PARTICIPATION

The development was advertised as a listed building application and a letter of objection has been received from the Dundee Civic Trust. While the Trust welcomes in principle the alterations to the property, it does have reservations about the elevational treatment of the Marketgait frontage, particularly the proposed fascia that runs along the entire frontage of the building. A copy of this objection is available for inspection in the Members Lounges. The views of the Trust are fully considered in the 'Observation' section of this report.

CONSULTATIONS

No adverse comments have been received from any of the statutory consultees.

OBSERVATIONS

In accordance with the provisions of 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 the listed buildings or their setting or any features of special architectural or historic interest that they possess.

The use of the proposed buildings and site as a hotel, licensed premises, restaurants, offices, car parking spaces has been granted permission by the Council on 31.03.2003. The application currently under consideration is for elevational alterations to the listed buildings only.

It is considered that the proposed alterations to the buildings that are the subject of this application are acceptable. The proposals not only restore and enhance the architectural character of the listed buildings located within the site but also improve the setting of the surrounding conservation area.

In this respect, it is concluded that the statutory duty set out in Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is discharged in this instance.

Other Material Considerations

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

The Development Plan

In accordance with 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 provision of the development plan is justified by other material considerations

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

Policy BE17 requires alterations to a listed building to have regard to the restoration or enhancement of its architectural and historic character. The listed buildings are sensitively treated in accordance with the requirements of Policy BE17 and in addition it is considered that the finishing materials are appropriate and in keeping with the character of the surrounding area.

Policy BE11 seeks to ensure that development within conservation areas complement and enhance the character of the surrounding area. The proposals, by virtue of the submitted details, achieve this aim.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Finalised Dundee Local Plan Review.

Policy 60 and Policy 61 are similar in wording to Policy BE17 and BE11 of the Dundee Local Plan 1998 above and consequently, the same conclusions are offered.

Objections

The Dundee Civic Trust have, in principle, welcomed the proposed alterations to the buildings although they have expressed reservations about the proposed fascia detail that runs along the entire frontage of the West Marketgait elevation.

The applicants have been made aware of the concerns of the Trust and have carried out further exploratory works on the condition of the building behind the existing facia that is currently evident on the West Marketgait frontage. These exploratory works have revealed that existing facia screens a mixture of exposed steel beams and common brickwork that is a result of previous alterations to the property. The applicants submit that the most effective way to deal with this is to re-introduce a facia detail on the frontage that will not only screen the unsightly former works but also accommodate the signage for the variety of future uses that will occupy the building ie hotel, restaurants etc. It is considered that while the re-introduction of such a prominent facia detail on the main elevation is not ideal, it is a solution that neatly solves the dilemma of screening the mixture of unfortunate construction details that are to be found behind the existing facia.

It is concluded from the foregoing that the statutory duty set out in Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is discharged in this instance and that the other considerations weight in favour of granting listed building consent. It is therefore recommended that listed building consent be granted with conditions.

Design

The alterations and the treatment of the listed buildings all serve to enhance their character and the appearance of the surrounding conservation area.

CONCLUSION

The proposed development complies with the statutory requirement to have special regard to the desirability of preserving the listed buildings or their setting or any features of special architectural or historic interest that they possess.

If the Members are minded to approve the application, it must be referred to Historic Scotland in the first instance.

RECOMMENDATION

Recommendation 1

This consent shall not be issued unless and until Historic Scotland formally decides to clear the application.

Recommendation 2

It is recommended that listed building permission be APPROVED 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 Details of the proposed facia to be provided on the east elevation shall be submitted to the planning authority in the form of drawings at a scale of 1:20. The drawings should include dimensions of the facia, materials and method of fixing to the building. No work shall begin until written approval of the planning authority to the details has been given.
- 3 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
- 4 That the coursing and surface finish of the replacement stonework shall match, in terms of texture and appearance, the stone on the existing building. A sample shall be submitted for the consideration of the planning authority and no work shall begin until written approval of the planning authority has been given.

Reasons

- 1 To comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997
- 2 to ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 to ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 4 to ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.