

KEY INFORMATION**Ward** East Port**Proposal**

Facade alterations including enlarging window opening to form shopfronts, lower of existing floor level and removal of external railings.

Address

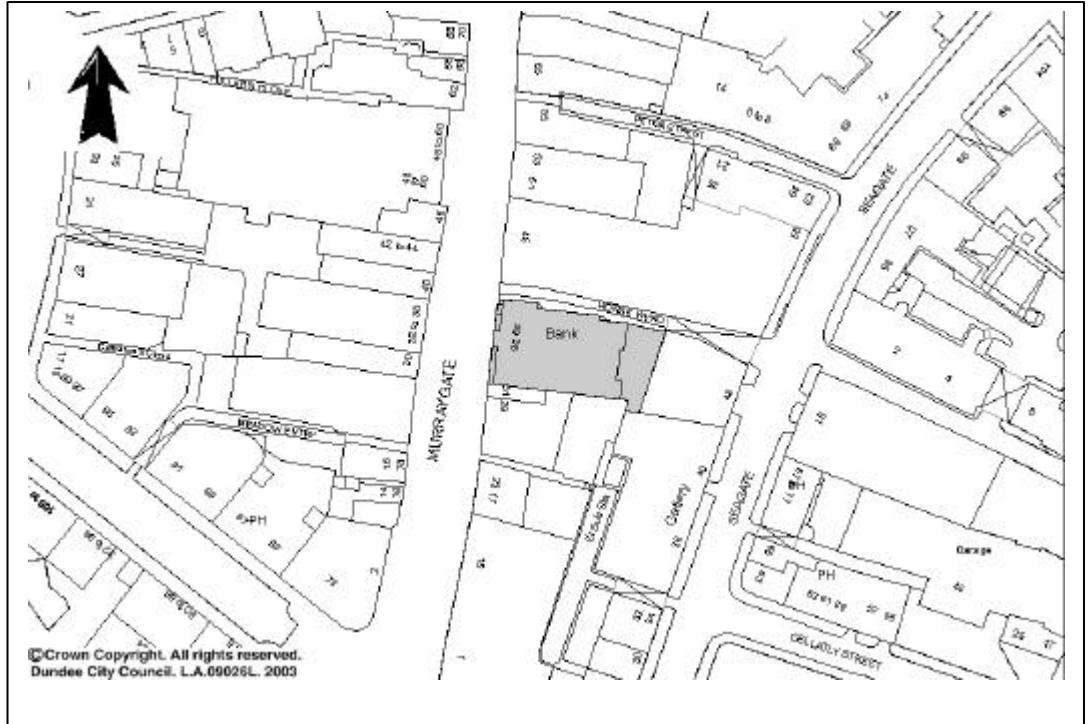
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Applicant

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Registered 22 July 2005**Case Officer** C Walker

Proposed Alterations to Former Bank in Murraygate

The facade alterations are **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development would detract from the character and appearance of the listed building and is therefore recommended for **REFUSAL**.

SUMMARY OF REPORT

- Listed building consent is sought to substantially alter the front elevation of the former Murraygate branch of the Bank of Scotland to form glazed shop fronts.
- Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Policy 60 require alterations to a listed building to have regard to the restoration or enhancement of its architectural and historic character.
- A letter of objection was received from a local resident concerned about the destruction of the facade of the historic building. Historic Scotland was informally consulted prior to the submission of the application about proposals for shop fronts and expressed a clear preference not to alter the front elevation in the manner currently proposed.
- The proposed development would detract from the character and appearance of the listed building, contrary to the statutory duty set out in Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Policy 60 of the Local Plan.

DESCRIPTION OF PROPOSAL

Listed building consent is sought to substantially alter the front elevation of the building to form glazed shop fronts. The proposal would involve removing a side entrance door and 3 windows as well as the stonework between and below these features and sections of railings and the insertion of 2 new timber shop fronts on either side of the principal entrance doorway. The proposed new shop fronts are of traditional style and symmetrical in appearance.

Internally 2 shop units would be formed at ground floor level, a small 47 sq. metres unit to the north of the entrance and a larger 260 sq. metres unit to the south which also incorporating all of the banking hall.

It is proposed to remove the existing stairs to the north of the building and insert a new stairs at the central entrance doorway, extending to the second floor level.

The applicants state that the building has been vacant since December 2003 and that the failure to attract a new use relates principally to the format of the building, with the lack of level access and display windows acting as a deterrent to retailers.

SITE DESCRIPTION

The site comprises the former Murraygate branch of the Bank of Scotland. It is a substantial 3 storey Category B listed building which was built in 1858 of sandstone ashlar with a slate roof. The front elevation has a symmetrical appearance with a central portico with Corinthian columns on either side. The interior is notable for its fine banking hall. The building has lain vacant since December 2003.

It is situated in a central location in the Murraygate with retail premises on either side.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan Review 2005

Policy 60 requires alterations to a listed building to have regard to the restoration or enhancement of its architectural and historic character.

Scottish Planning Policies, Planning Advice Notes and Circulars

NPPG 18 Planning and the Historic Environment sets out the framework for dealing with applications relating to listed buildings. It makes particular reference to the "Memorandum of Guidance on Listed Buildings and Conservation Areas" which provides more detailed guidance on listed building proposals.

Non Statutory Statements of Council Policy

There are no Non Statutory Statements of Council Policy relevant to the determination of this application.

LOCAL AGENDA 21

The Councils Agenda 21 policies seek to protect local distinctiveness. It is considered that the proposed development will not accord with these policies.

SITE HISTORY

The building was constructed as a bank and this use continued up until 2003. Planning permission to change the use of the building to a Class 3 (restaurant) use was granted in 1999 (application 98/23536/D refers). A subsequent application to renew this consent was approved in 2004 (application 04/00291/COU refers). This use has not been implemented and the building is still vacant.

PUBLIC PARTICIPATION

The development was advertised as a listed building application and a letter of objection was received from a local resident (copy available for inspection in the Members Lounges). The letter objects to what it terms the destruction of the facade of the historic building, suggests that there is a surplus of empty retail units and that the building



would be better used as offices, a restaurant or a gallery. These views are fully considered in the Observations section of this Report.

CONSULTATIONS

Historic Scotland was informally consulted prior to the submission of the application about proposals for shop fronts and expressed a clear preference not to alter the front elevation in the manner currently proposed.

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 listed buildings or their setting or any features of special architectural or historic interest which they possess.

The proposed alterations to the building are radical. They seek to completely alter the ground floor facade of the building to provide level access and display shop fronts. The proposed new shop fronts are of traditional style and symmetrical in appearance, and are designed to be as sympathetic as possible to the building.

The Memorandum of Guidance on Listed Buildings and Conservation Areas states in Paragraph 2.16 that the best use for a historic building is the use for which it was designed. However it accepts that continuation of the original use is not always a practical proposition and that alternative uses may have to be considered. However it advises that in

considering whether an alternative use is appropriate, the planning authority should endeavour to find a use that preserves the architectural and historic features of the building. In the appendices to the Memorandum it is stated that the enlargement of windows in architecturally treated ground floor elevations of commercial premises should always be firmly resisted as this would invariably lead to a substantial loss of architectural quality.

It is accepted that the current format of the premises is a deterrent to most retailers (certain speciality retailers may be able to live without display windows). The format should not be such a deterrent to offices uses or a restaurant use (for which planning permission has already been granted). Provision for disabled access would need to be examined for any use but the alterations to provide this would not need to be so radical.

It is difficult to argue that the proposed alterations, despite being designed to be as sympathetic as possible, would serve to preserve the listed building or any features of special architectural or historic interest which it possesses. The building was designed as a unity, with the ground floor windows lining through with those on the upper floors to create a "palazzo" style building. The proposed alterations would significantly alter and detract from the character and appearance of the building, with the removal of large areas of stone, sections of railings and the insertion of shop fronts unrelated to the upper floors of the building. Internally, although the principal banking hall will not be altered, it is not easy to envisage how it would fit within a standard retail format (as opposed, say, to a restaurant). No uses for the upper floors have been identified.

The Memorandum of Guidance would suggest that a standard retail format might not be appropriate for this building because the requirements for display shop fronts must inevitably conflict with the statutory duty to preserve the listed building. It also clearly states that enlargement of windows in architecturally treated ground floor elevations of commercial premises should always be firmly resisted.

There are a number of former bank buildings in the city centre which have been adapted for new uses without the

need to substantially alter their frontages. In most cases the new use has been a public house use, and although this type of use is now controlled in the city centre under Policy 52 of the Plan, there are many other uses which are appropriate and which would not require significant changes to the building.

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 to preserve the listed building would not be satisfied by the approval of this application.

Other Material Considerations

a 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 60 of the adopted Local Plan requires alterations to a listed building to have regard to the restoration or enhancement of its architectural and historic character. For the reasons set out in the assessment of the development under Section 14 of the Act above it is concluded that the proposed development does not comply with the provisions of the development plan.

b NPPG 18 Planning and the Historic Environment and the Memorandum of Guidance on Listed Buildings and Conservation Areas

Government Guidance on the treatment of listed buildings has been taken into account in the assessment of the proposed development under Section 14 of the Act.

c Continued Vacancy of the Building

The principal argument in support of the proposed development is based on the notion that without fairly radical alterations to the facade, the building may lie vacant. Clearly the continued vacancy of this listed building would be a matter for concern, especially since it occupies a prominent site in the Murraygate, part of the city's prime shopping area. However the period of vacancy is just 2 years which does not appear excessive for a building of this character. In addition, less radical alterations to the building to provide level access could be accommodated

which would improve the marketability of the building.

If listed building consent were granted for the proposed development then there is a concern that this might not necessarily result in a retail letting and that the building might be occupied by a user who did not need display windows or such significant alterations to the frontage. The applicants were contacted about this and have indicated that should permission be granted for the proposed development then they would be willing to sign a Section 75 Agreement not to carry out the alterations without a guarantee of a Class 1 retail consent. However it is not recommended that this be pursued given the concerns about the impact of the proposals on the character and appearance of the listed building.

d The views of Objector

The objector is concerned about the treatment of the facade of the building, suggests that there is a surplus of empty retail units and that the building would be better used as offices, a restaurant or a gallery. The issues of the treatment of the listed building and the possibility of alternative uses have already been considered and the report concurs with the views of the objector. It is not accepted that there is a surplus of empty retail units and apart from the application premises, the Murraygate is currently at full occupancy.

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 requires the application to be refused and that this position is backed by Policy 60 of the Local Plan.

Design

The development involves the substantial alteration of the front elevation of the building to form glazed shop fronts. The proposed new shop fronts are of traditional style and symmetrical in appearance, and are designed to be as sympathetic as possible to the building. However the proposals alter the fundamental character and detract from the architectural appearance of the building, and run contrary to the advice set out in the Memorandum of Guidance on Listed Buildings and Conservation Areas.

CONCLUSION

The proposed development would detract from the character and appearance of the listed building, contrary to the statutory duty set out in Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Policy 60 of the Local Plan.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reason:

Reason

- 1 The proposed development would significantly alter and detract from the character and appearance of the building, with the removal of large areas of stone, sections of railings and the insertion of shop fronts unrelated to the upper floors of the building, contrary to the statutory duty set out in Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Policy 60 of the Dundee Local Plan Review 2005.