

KEY INFORMATION

Ward Tay Bridges

Proposal

Internal alterations to shop and removal of stud partition to create new entrance

Address

6 Castle Street
Dundee
DD1 3AF

Applicant

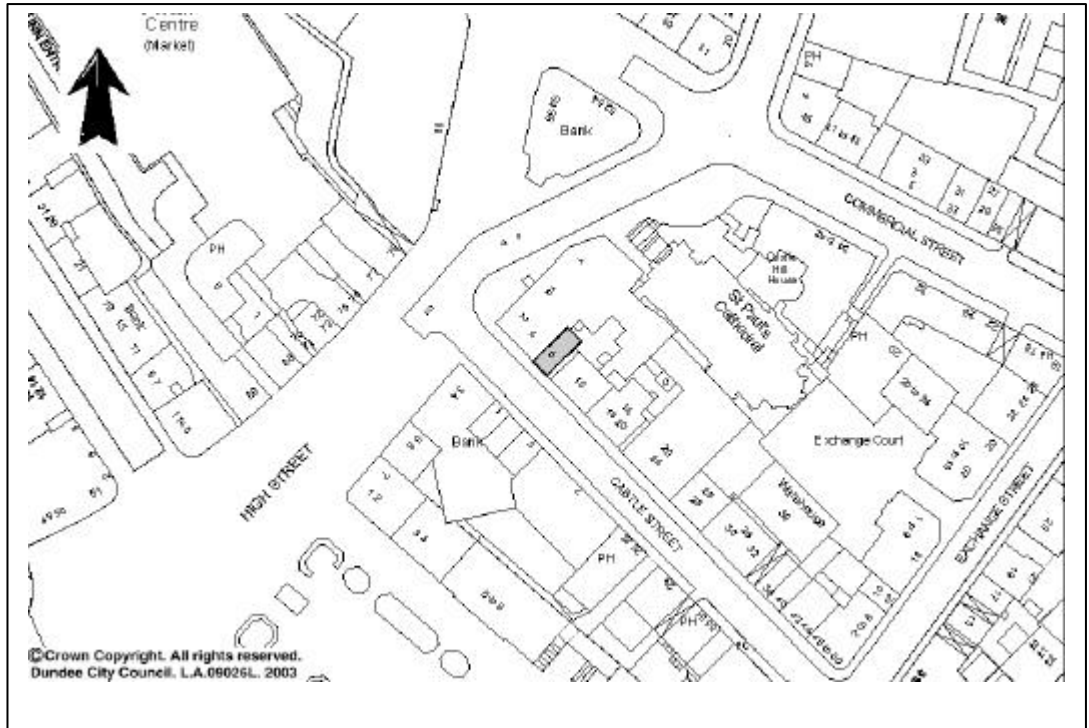
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Agent

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Registered 9 Dec 2005

Case Officer J Young



Proposed Shopfront Alterations to Braithwaite's Shop in Castle Street

Internal alterations to a shop and creation of new entrance is **RECOMMENDED FOR REFUSAL**.
Report by Director of Planning and Transportation

RECOMMENDATION

The proposal is contrary to Section 14 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 and Policy 60 of the Dundee Local Plan Review 2005. Therefore the application is recommended for **REFUSAL**

SUMMARY OF REPORT

- Listed building consent is sought for the removal of an internal stair hall and internal alterations to retail premises at 6 Castle Street, Dundee. The premises are B-listed and the internal staircase used to be an original access to the "Theatre Royal" on the upper levels which is also B-listed.
- A letter of objection was received from the owner of the property on the upper levels, who is concerned that the removal of the internal stair hall will prejudice any future development of the first floor level of the listed building. Historic Scotland have been informally consulted and object to the removal of the internal stair hall as the alterations will adversely affect the character and hierarchy of the use of the building and the viability and long term and future use of the interior of Chalmers Hall will be jeopardised.
- 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.
- Policy 60 of the Dundee Local Plan Review 2005 requires alterations to a listed building to have regard to the restoration or enhancement of its architectural and historic character.
- It is considered that the removal of the internal stair hall adjacent to the shop at 6 Castle Street will remove an important historic and architectural feature from this B-listed building. There is an ornate entrance at this location, which formerly provided the access to Chalmers Hall on the upper levels. Its future use would no longer be secure if the stair hall is removed and access to the staircase blocked.

DESCRIPTION OF PROPOSAL

Listed building consent is sought for internal alterations at 6 Castle Street, Dundee. It is proposed to incorporate part of the current storage area as part of the shopfloor, which will give approximately 6sqm additional floorspace. This will involve knocking through the north wall of the shop and using the area at the front for storage and the stairs towards the rear will remain redundant. The former hotel entrance will be used as a new entrance to the premises and the existing door will be sealed off. The internal fittings on the north wall will be moved to the opposite wall of the shop.

SITE DESCRIPTION

The application site is located on the east side of Castle Street and it is ground floor retail premises (known as JA Braithwaites) with 3 storeys of vacant flatted accommodation above. The property is circa 1800, 4 storey with later attic floor, classically detailed and a former hotel. The building was formerly the Royal British Hotel until its rebirth in 1965 as Chalmers Hall of Residence of the University of Dundee. Chalmers Hall was named after James Chalmers (1782-1853), inventor of the adhesive postage stamp and whose shop was situated at the adjoining 10 Castle Street. The building is B-listed. An ornate entrance to the former hotel is located adjacent to the retail premises, which is set back from the footway. The former entrance is used for storing goods by the shop owner. There are cornice detailing and decorative panels on the walls within the entrance. The former opening at the top of the stairs has been bricked over. The fittings within the shop are original and were moved from the original tea and coffee shop at City Square in 1932.

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

The following policies are of relevance:

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

The following are of relevance:

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



Non Statutory Statements of Council Policy

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

LOCAL AGENDA 21

The proposal is contrary to Key Theme 15 which seeks to protect diversity and local distinctiveness.

SITE HISTORY

A similar listed building application, which incorporated the stair at the rear of 6 Castle Street was withdrawn on 1.12.05 prior to being referred to Committee with a recommendation for refusal.

Application No 05/01057/LBC

Change of use and listed building consent were granted in August 2003 for 8 residential units and reinstatement of an internal circular staircase (03/00331/COU and 03/00329/LBC).

Change of use was granted in June 2005 for change of use to 7 residential units and a retail unit (05/00263/COU). There is a partner listed building application (05/00264/LBC), which is undetermined as the applicant has been asked for further information which has not been submitted to date.

PUBLIC PARTICIPATION

The development was advertised as a listed building application and a letter of objection was received from the owner of the property above (copy available for inspection in the Members' Lounges). The main grounds of objection are that this proposal would jeopardise the future development of the first floor as a separate access is required from that at 1A High Street, which is being used as an access to the commercial element of the development on the upper floors.

These views are fully considered in the Observations section of this Report.

CONSULTATIONS

Historic Scotland have indicated concerns about the proposal on the grounds that it will have a significant and detrimental effect on the character and hierarchy of the use of the building. Creating an opening between the stairwell and shop alters the stair hall from a semi-private to public space, and confuses its original and continuing principal function. Viewed from the exterior, the main stair door is detailed to imply a "grandeur" not appropriate to the small shop which it would give access to under these proposals, while the current door of the existing shop would become redundant and lose its function. This will further confuse the architectural language of the exterior with the way it functions. Additionally, the incorporation of the stair hall into the shop would severely limit the possibility of re-introducing its original use as access to the upper floors of the building. This may limit or threaten the future reuse of the

upper areas of the building which require separate access.

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 proposal is to incorporate an entrance and stair hall of the former Royal British Hotel into the shop floorspace of 6 Castle Street to provide a larger floor area. This includes the removal of the front lobby area and the provision of a new access into 6 Castle Street. This will remove a separate access to the upper levels than one at 1A High Street.

The first floor contains significant original features. In particular, the dining room has ornate fireplaces, mirrors, pilasters, columns and plasterwork and the residents' lounge features details in an art deco style. If this area were converted into flats, many of these features would be lost or covered over. Therefore the owner is considering marketing this floor for commercial use. In order for the housing and commercial elements to comply with Building Regulations separate entrances are required. The existing access at 1A High Street is not wide enough to provide two entrances. In addition, a highly detailed passage and stairway would be lost if the two accesses were to be provided at this location. It is intended to use the existing access at High Street for the commercial unit and the existing access at Castle Street for the flats.

It is considered that the proposal would adversely affect the architectural and historic appearance and function of this part of a B-listed building and would contravene section 14 of the Act. The removal of the staircase would be irreversible and in the "Memorandum of Guidance on Listed Buildings and Conservation Areas" it states that:

"All work must be carried out in a manner which is readily reversible";

"Staircases.....all make significant contributions to the character of the listed building. Indeed they may be more important in terms of the overall

quality of the building than the exterior. All such items should be treated with appropriate respect";

"The entrance hall, main stair and principal apartments, especially where these are publicly accessible or lie to the front of the building and may be seen through windows from the street outside, should never be subdivided or opened up"; and

".halls, landings and stairs specifically laid out and embellished to create important spatial effects. Where such relationships exist, they must never be irrevocably lost as a result of new work."

The proposal would evidently contravene this advice from Historic Scotland.

The ornate entrance at 6 Castle Street is distinctly separate from the retail unit and it would adversely affect the historic appearance of the listed building if this were incorporated as part of the retail unit. An historic element of how the original hotel building functioned would be lost if the proposal were approved.

It is concluded 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 the proposal.

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 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 internal alterations which includes the removal of an internal stair hall do not comply with the provisions of the development plan.

Objections

The objector is concerned that the proposal to remove an internal stair hall will prejudice future development of the upper level of Chalmers Hall by preventing the use of an original

staircase as an access to the upper level. As discussed above, it is considered that the proposal to remove the stair hall and significantly alter the shop interior would adversely affect the listed building and would prejudice future development of the upper floors. Therefore the objections are supported in these circumstances.

Letter of Support from Applicant

The applicant submitted a letter of support for the proposal which indicates that the current premises will be stripped out shortly due to an outbreak of dry rot from the property above (City Engineers are providing advice). The toilet facilities at the rear of the shop require upgrading and this will reduce the floorspace of the shop. The existing traditional shop display units and counters would not be suitable for a smaller sales area. There is also the issues of disabled access. As there are to be alterations to the rear of the shop, it makes commercial sense to do all required alterations at one time. The existing door to the shop is too narrow for disabled access and so either the shopfront can be altered or the stairwell access used. The applicant's opinion is that it is less detrimental to the streetscape to have the stairwell door opened up as a disabled access to the shop, which would leave the existing shopfront intact. The stairwell has been owned by Braithwaites since 1985, and was previously rented to them by the University, dating back to approximately 1970. In that time the stairwell has been used as a storage facility for the shop. The alterations to the upper floors are not yet complete and the use of the floors is unlikely to change in the foreseeable future.

The proposed alterations to the use of the stairwell space involve the removal of a timber stud partition wall between the shop and stairwell, which could at some time in the future be easily reinstated, if Braithwaites are willing to sell the stairwell.

Although the applicant has raised some valid issues, it is considered that the development plan policies and advice in the Memorandum of Guidance and from Historic Scotland carry sufficiently more weight and do not support the proposals.

It is concluded from the foregoing that the proposal is contrary to Policy 60 of the Dundee Local Plan Review 2005

and the objection is supported in this instance.

Design

Although no external alterations are proposed, it is considered that using an original ornate entrance to the upper floor hotel as a new entrance to the shop at 6 Castle Street will adversely affect the historic character of the streetscape and the architectural language of the exterior of the buildings would be confused.

CONCLUSION

The statutory duty set out in Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and this position is backed by Policy 60 of the Dundee Local Plan Review 2005 and advice from Historic Scotland in the Memorandum of Guidance on Listed Buildings and Conservation Areas. It is considered that the proposed alterations will result in irreversible damage to the listed building and therefore contravenes the statutory duty, development plan and advice from Historic Scotland

RECOMMENDATION

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

Reason

- 1 The approval of the proposals would remove an original stair hall and entrance lobby from 6 Castle Street and thereby losing an important architectural and historic feature from this B-listed building. The approval of the proposals would contravene the statutory duty set out in Section 14 of the Planning (Listed Buildings and Conservation Areas)(Scotland)Act 1997 to preserve the listed building, the advice contained in the Memorandum of Guidance on Listed Buildings and Conservation Areas and Policy 60 of the Dundee Local Plan Review 2005. There are no material considerations that

would justify approval of the application contrary to the Act and Development Plan.