

**KEY INFORMATION**

Ward Maryfield

**Proposal**

Listed Building Consent for Internal and External Alterations to Form 6 Flats and Restaurants

**Address**

7 Commercial Street  
Dundee  
DD1 3DA

**Applicant**

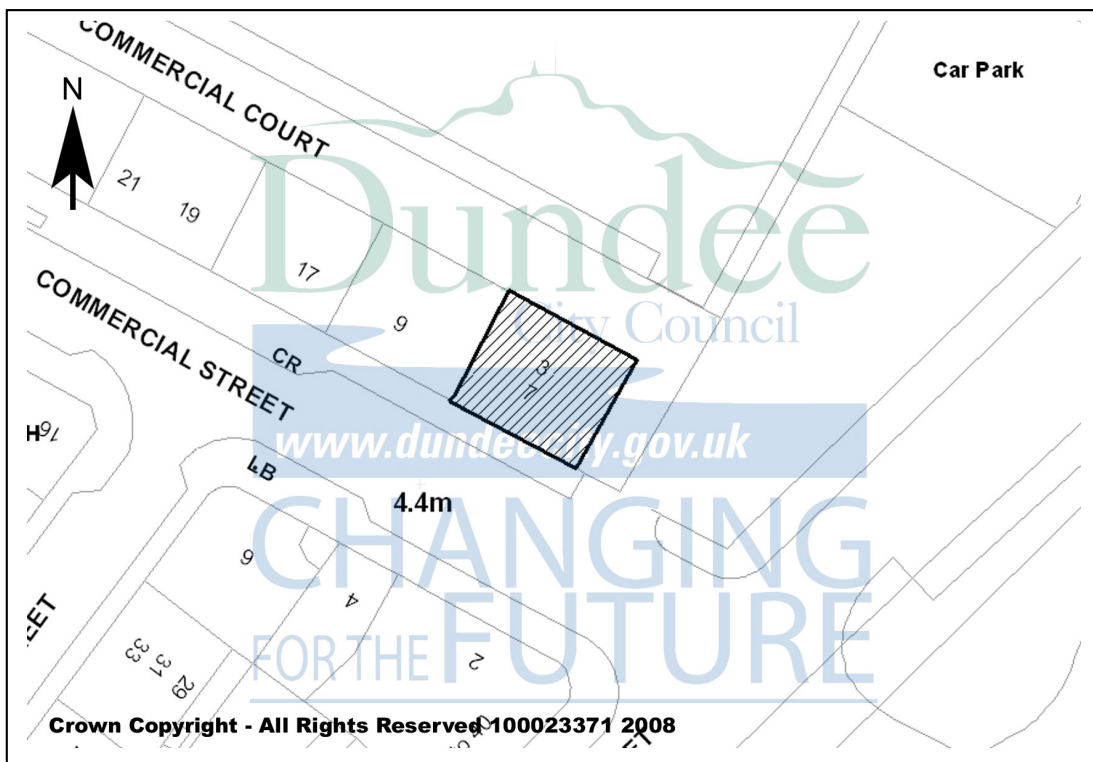
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**Agent**

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Registered 10 Mar 2008

Case Officer Paul Macari



## Listed Building Consent Sought for City Centre Shop Premises

The listed building consent for internal and external alterations to form 6 flats and restaurant is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposals meet the criteria of Policy 60 (Alterations to Listed Buildings) of the Dundee Local Plan Review 2005. The concerns of the objector are not supported. It is therefore recommended that listed building consent be **APPROVED** subject to conditions.

**SUMMARY OF REPORT**

- This application seeks listed building consent for internal and external alterations to a B listed building to form a restaurant and 6 flats at 7 Commercial Street, Dundee.
- The proposals were advertised in the Edinburgh Gazette and Dundee Evening Telegraph as development affecting a listed building. One letter of objection was received from Dundee Historic Environment Trust raising concern of the impact the proposals will have on the B listed building.
- Policy 60 (Alterations to Listed Buildings) of the Dundee Local Plan Review 2005 is relevant to the outcome of this planning application.>

## DESCRIPTION OF PROPOSAL

This application seeks listed building consent for internal and external alterations to form a restaurant and 6 flats. The restaurant is to be located on the ground floor with 2 two bedroom flats accommodated on each of the proposed upper floors. The only external alterations to the existing building will involve the formation of 2 additional points of access on the ground floor of the front elevation to serve the proposed restaurant. These points of access shall be situated in place of the existing window openings at the north and south sides of the front elevation. It is also proposed to block up the existing garage entrance on the rear elevation as well as replace the existing roof lights and introduce 4 window openings into the existing stringcourse on the front elevation and 12 window openings on the rear elevation of the building. The existing point of entrance from Commercial Street shall be utilised to give access to the upper floors of the building.

The internal alterations will involve overhauling the entire internal workings of the building. Such works will involve the removal of the existing spiral stair, hydraulic lift, engineer's crane and safe as well as the upper floors of the building which currently house the engineers workshops, storage facilities and office space.

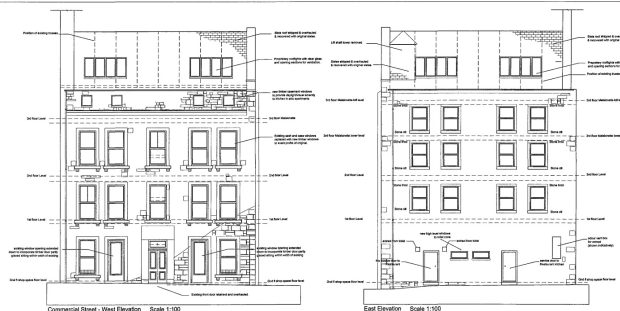
It is proposed to incorporate the hydraulics of the lift into the ground floor restaurant as feature reflecting the historic use of the building.

## SITE DESCRIPTION

The application site is located on the eastern side of Commercial Street on the junction between Gellatly Street, Dock Street and Commercial Street. An access road leading to Commercial Court which bounds the site to the rear forms the southern boundary to the site.

The application site comprises a B listed 3 storey end terraced stone built tenement building with a slate pitched roof. The ground floor is occupied by a Class 1 retail unit that sells electrical

and lighting equipment. Unlike neighbouring properties, the rear of the building (all 3 stories) is currently used as an electrical workshop. The building can be split in half with the front (west) of the building being used for commercial purposes (retail and office space) and the remainder of the building being used for storage and manufacture of electrical components on a need by need basis. The 1st and 2nd floors are mezzanine levels added



to the building during the early 1900's. The mezzanine levels have been constructed around the perimeter of the building so that the middle remains hollow from floor to ceiling. The



building was originally used as a warehouse for the storage of steel beams and manufacture of electrical equipment. The steel beams were stored vertically hence the middle of the building being hollow.

The building in its current form demonstrates uniform fenestration on

the front elevation with all window openings being of the same size and proportion although the timber framed sash and case windows vary in style due to ad-hoc repairs through out the last 100 years. There is only one point of access to the building from Commercial Street with business access only to the rear of the premises. The main door on the front elevation is of a timber panel design.

The ground floor windows have decorative iron guards to protect the glazing. The roof has a large west facing roof light that stretches the length of the building. Due to the high wall head on the west elevation of the building, the roof light is not visible from Commercial Street. There are several door openings at ground floor level on the rear elevation. One of which provides access to an integral garage added during internal alterations during the 1960's, the other pedestrian access to the building. The garage door originally gave access for a horse and cart to drag steel beams into the building where they would be harnessed and hoisted using the engineer's crane, into a vertical position for storage.

Of historic interest within the building are the hydraulic lift located in the south eastern corner of the building that gave access to the 1st and 2nd floors, the engineers crane located on a gantry traversing the roof space and safe located on the first floor and built into the southern gable. At the same time as the formation of the mezzanine floor levels, a spiral stair built from a ship's mast was erected at the front of the building giving access to the 1st and 2nd floors. Many of the alterations made to the building including the formation of partition walls, formation of a new lift cage and lift shaft were constructed from tea chests bearing the stamps of various colonial tea companies.

The access road and Commercial Court are cobbled.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

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

### Dundee Local Plan 2005

The following policies are of relevance:

Policy 60: Alterations to Listed Buildings. 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.

The City Council will provide specific supplementary guidance on the following: window and door alterations, advertisements, shopfronts, roller shutters, treatments to masonry and painting and use of materials.

### Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

National Planning Policy Guidance 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.

Memorandum of Guidance on Conservation Areas and Listed Buildings 1998 (Historic Scotland).

### Non Statutory Statements of Council Policy

The following policy statements are of relevance:

Dundee - The Urban Design Guide.

## SUSTAINABILITY ISSUES

The conversion of the B listed building for residential and commercial purposes, is consistent with the Sustainability policies of this Council.

## SITE HISTORY

Planning Application Ref: 07/00909/COU and Listed Building Application Ref: 07/00899/LBC sought planning permission and listed building consent for the conversion of the application site into 2 commercial units on the ground floor and 6 flats on the upper floors. These applications were withdrawn before they could be reported to the Development Quality Committee. The applications were withdrawn because the nature of the proposals and the lack of justification and supporting information failed to demonstrate that the proposals would have had a positive impact upon the B listed building.

This application is accompanied by Planning Application Ref: 08/00186/COU.

## PUBLIC PARTICIPATION

This application was advertised in the Edinburgh Gazette and Dundee Evening Telegraph as development affecting a listed building. 1 letter of objection has been received from Dundee Historic Environment Trust. The concerns raised relate to the impact the proposed development will have on the B listed building.

## CONSULTATIONS

Historic Scotland has been informally consulted and involved in pre-application discussions. Originally concern was expressed as to the suitability of the proposed works to safeguard the character and setting of the B listed building and as a result the applicant has submitted a revised statement of support addressing the issues raised.

## OBSERVATIONS

In accordance with the provisions of Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the Committee is required to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess.

Policy 60 (Alterations to Listed Buildings) - this Policy states that 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.

The building that is the subject of this application is recognised as a fine example of a 19th Century tenement building typical of Dundee City Centre. However, the building is very deceptive in that it is only now that the applicant proposes to use the building for purposes incidental to that of its City Centre location. Previously the building has been used as a steel storage warehouse and currently an electrical engineers workshop with ancillary retail and office accommodation. It is particularly notable for its strong contribution to the streetscape and the quality of both its original design and the alterations throughout the 1900's, particularly the hydraulic lift, mezzanine floor layout and engineers crane used to hoist the steel beams into position. Although a victim of long term neglect due to economic decline, the character of the former warehouse is relatively unaltered by 20th century interventions. The applicants have advised that a limited amount of external alterations are to be undertaken and the principal elevations are to be left largely intact. However, given the ad-hoc formation of the existing upper floor levels the internal workings of the building will have to be completely overhauled to accommodate the proposed developments. The proposed internal alterations will significantly impact upon the existing layout of the building with the hydraulic lift and engineers crane being removed. The applicant has submitted economic and structural justification demonstrating the need for such alterations when considering the longevity of the building.

The proposals will safeguard the external appearance of the building with the main internal features that form part of the listing being incorporated where possible into the restaurant and flats. Where this is not possible, the applicant proposes to remove and store such features for future reuse. The applicant has submitted a certified letter from a structural engineer to confirm that the hydraulic lift no longer works. Due to the severity of corrosion to the main couplings and structural deficiencies of the shaft and foundations, the lift cannot be repaired. It is therefore proposed to incorporate the lifting and winding gear into the restaurant. The

lift shaft and lift car as well as the upper floors, emergency staircase and partition walls are constructed solely from scrap wood and there is little merit in retaining these features. While the spiral staircase is assumed to have been constructed from a ship's mast, there is no historical evidence to suggest that this is the case. The applicant has justified the reasons as to why the spiral staircase cannot be incorporated into the layout of the proposed flats but has made provision for the stair to be removed and stored until such times as an alternative use can be found. The applicant has also demonstrated that the engineer's crane and safe cannot be incorporated into the proposed redevelopments due to the structural impact they currently have on the building. While the existing timber storage shelves and drawers which line the walls of the upper floors of the building have been contaminated due to the corrosive components and materials stored and therefore cannot be retained, the applicant has confirmed that damage done to original fire surrounds throughout the life of the building has made it impossible to restore these features.

With regard to the existing roof trusses, it is proposed to retain and incorporate these features into the 3rd floor maisonettes. This will expose the trusses in their entirety as they span across the entire building from front to rear. Such proposals are considered to retain a key element of the listed building. This is also demonstrated by the relocation of ground floor window guards to the first and second floor stairwell windows. The window guards will be removed from the 2 ground floor windows to be converted into points of access and egress from the proposed restaurant.

It is therefore considered that although the proposals will impact upon the internal workings of the existing B listed building this is at small cost to the retention of the building especially as should the building remain in its current form it would continue to fall into a state of disrepair and eventual dereliction. Due to the preservation of the architectural form of the building as well as the incorporation of the internal listed features into the revised layout the proposals are considered to meet the criteria of Policy 60 of the Dundee Local Plan Review 2005.

It is concluded that the development will preserve the character of the listed building and that the statutory duty set out in Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is discharged.

## **Other Material Considerations**

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

### Development Plan

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

In terms of Policy 60 (Alterations to Listed Buildings), this matter has already been considered in the assessment of the proposed development under Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and it was concluded that the proposals would preserve the character and appearance of the listed building. It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

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

This is of relevance and supports alternative uses for listed buildings to ensure their protection. As noted above, Historic Scotland has been involved in the consideration of the details of this development and has, informally, offered support of the application.

### Views of the Objector

One letter of objection has been received from Dundee Historic Environment Trust concerned about the impact of the proposed development on the B listed building. As discussed in the assessment of the proposals against Policy 60 above, the poor condition of the existing building is not of benefit to longevity of the building or the surrounding streetscape. Indeed a continuation of ad-hoc repairs will not lead to the long term retention of the B listed building that is failing at an alarming rate. The proposals will retain many of the listed features of the building and where possible incorporate elements of them into the layout of the proposed restaurant. The proposals are considered a sensitive redevelopment

of a very prominent and historically important B listed building. These concerns are not supported.

It is concluded from the foregoing that there are no material considerations such as to justify the refusal of listed building consent.

## **Design**

The treatment of the listed building is handled sensitively and any interventions are restricted to that necessary to provide a quality facility without prejudice to the external character and integrity of the property. The applicants have also justified the requirement for the proposed internal alterations with the incorporation of the key features into the proposed layout of the restaurant.

## **CONCLUSION**

This particular property, due to its position on the junction between Dock Street and Commercial Street, occupies a prominent location in Dundee City Centre. The building has played a pivotal role throughout its life as a steel warehouse, electrical engineering workshop with ancillary office and retail accommodation while all the time enhancing the character of the streetscape through its traditional yet deceptive appearance. It is only now due to the lack of maintenance through the changing nature of the electrical engineering business that the building is beginning to show signs of significant neglect to the detriment of not only the building itself but also to the character and setting of the surrounding conservation area. The sensitive redevelopment of the B listed building meets the criteria of Policy 60 of the Dundee Local Plan Review 2005.

## **RECOMMENDATION**

### **Recommendation 1**

This consent shall not be issued unless and until Historic Scotland has formally decided that the application will not be called in for determination by the Scottish Ministers.

## Recommendation 2

It is recommended that consent 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 BEFORE WORK STARTS ON SITE, a method statement demonstrating the process involved in the formation of new window openings in the rear elevation of the building and in the string course on the front elevation shall be submitted to this Planning Authority for written approval. For the avoidance of doubt the method statement will include sections and detailed elevations to a scale of no less than 1:20 of the proposed windows and stringcourse windows as well as details of how the surrounding stone work will be made good and the composition of any render to be used.
- 3 BEFORE WORK STARTS ON SITE, a method statement demonstrating how the existing hydraulic lift shall be removed, the workings refurbished and reinstated in the redeveloped ground floor restaurant layout, shall be submitted to this Planning Authority for written approval and thereafter implemented in accordance with stamped approved details.
- 4 BEFORE WORK STARTS ON SITE, a method statement, sections and elevational details demonstrating the formation of the proposed ground floor door openings and the making good of the surrounding stonework shall be submitted to this Planning Authority for written approval and thereafter implemented in accordance with the approved details. For the avoidance of doubt, the details should show on a scale no less than 1:20 the proposed doors and should specify how any damage to the existing stone work will be restored including the composition of any render to be used.
- 5 BEFORE WORK STARTS ON SITE, a method statement

demonstrating how the existing spiral staircase and safe will be removed from the building and stored for future re-use shall be submitted to this Planning Authority for written approval and thereafter implemented in accordance with the approved details.

- 6 BEFORE WORK STARTS ON SITE, a method statement demonstrating the incorporation of the roof trusses into the 3rd floor maisonette flats will be submitted to this Planning Authority for written approval and thereafter implemented in accordance with the approved details. For the avoidance of doubt, the method statement will include details of the proposed roof trusses including the extent of exposure and any repairs.
- 7 BEFORE WORK STARTS ON SITE, details of the proposed replacement windows and roof lights shall be submitted to this Planning Authority for written approval and thereafter installed in accordance with the approved details.
- 8 BEFORE WORK STARTS ON SITE, a method statement demonstrating the processes involved and the materials to be used in re-roofing the B listed building and removing the existing roof lights shall be submitted to this Planning Authority for written approval and thereafter implemented in accordance with the approved method statement.
- 9 BEFORE WORK STARTS ON SITE, details of the mortar specification and the proposed stone cleaning processes and any replacement stone work should be submitted to this Planning Authority for written approval. For the avoidance of doubt only the materials approved by virtue of this condition shall be used to re-point and refurbish the stonework of the B listed building.
- 10 That prior to the commencement of works, details of any proposed external ventilation flues or vents, rain water goods and other such requirements shall be submitted to and approved in writing by the planning authority

and these works shall be carried out only in full accordance with such approved details.

## Reasons

- 1 To comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- 2 In the interest of safeguarding the historic fabric of the B listed building and surrounding conservation area.
- 3 In the interests of safeguarding the historic past of the application site.
- 4 In the interest of safeguarding the visual amenity of the B listed building.
- 5 In the interest of preserving and ensuring the re-use of features of historic interest.
- 6 In the interest of safeguarding the historic features of the B listed building.
- 7 In the interest of safeguarding the historic visual amenity of the B listed building.
- 8 In the interest of safeguarding the historic roof design and reuse of the existing slate.
- 9 In the interest of safeguarding the historic fabric of the building.
- 10 In the interest of safeguarding the historic fabric of the building.