

## Conversion of Existing Building to Form 10 Residential Apartments

### KEY INFORMATION

**Ward** Maryfield

**Address**

6 Nicoll Street  
Dundee  
DD1 1LY

**Applicant**

Mr Duncan Thorpe

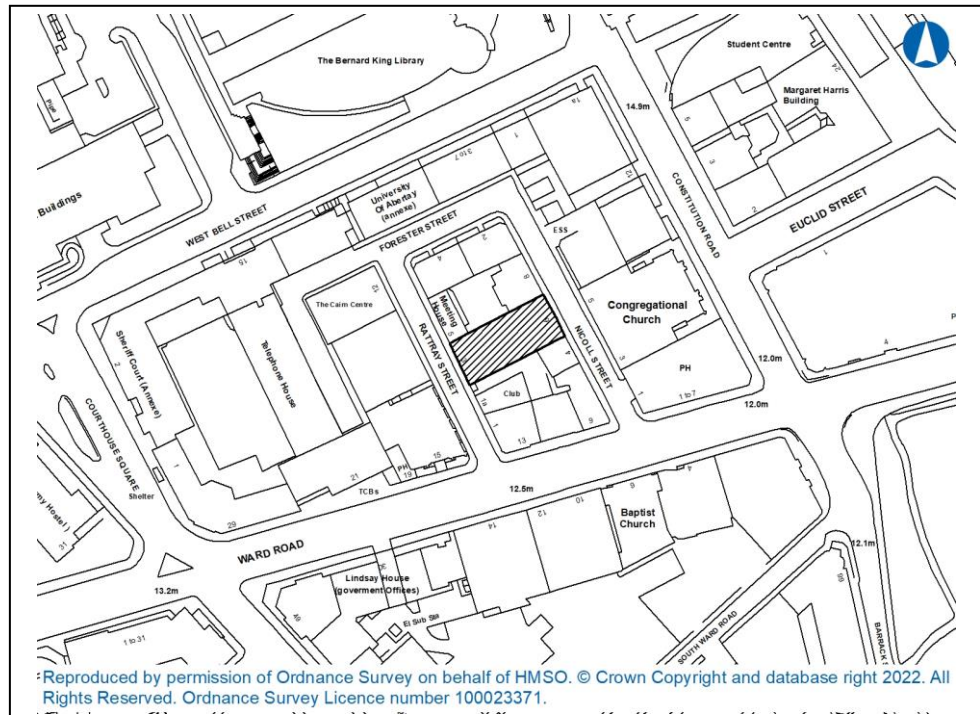
**Agent**

Jon Frullani Architect

**Registered** 5 October 2020

**Report by Head of Planning  
& Economic Development**

**Contact** Fraser MacKenzie



### SUMMARY OF REPORT

- Listed Building Consent is sought for internal and external alterations to the listed building at 6 Nicoll Street, Dundee, associated with the conversion to form 10 flatted dwellings over three floors.
- The application is in accordance with Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Development Plan.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. One representation has been received consisting one letter of support.
- This application is to be determined by the Planning Committee as the associated Planning Permission application (ref 20/00598/FULL) is required to be determined by Planning Committee.
- More details can be found at: <https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=QH0N7DGCJYQ00>

### RECOMMENDATION

The proposal is in accordance with Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Development Plan. There are no material considerations of sufficient weight to justify refusal of Listed Building Consent. It is therefore recommended that listed building consent be **APPROVED** subject to conditions.

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## 1 DESCRIPTION OF PROPOSAL

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- 1.1 Listed Building Consent is sought for internal and external alterations to a Category B Listed Building within the Central Conservation Area. The alterations would be in association with the conversion of the building to form a residential development comprising of 10 flatted dwellings.
- 1.2 The Category B Listed Building consists of a 3-storey, rectangular-plan red sandstone wall and corrugated iron sheet roof building, formerly the Dundee Institute of Technology Annexe and historically the Foresters' Halls. The building has lain vacant for several years and is on the Buildings at Risk Register for Scotland.
- 1.3 The proposed residential development would consist of 10 dwellings over the first, second and attic storeys of the buildings. There would be 4 flats on the first floor (2 x two-bedroom and 2 x three-bedroom) and 6 flats split over the second and attic floors (2 x two-bedroom and 4 x three-bedroom). The flats would be accessed by a hallway and stairs from the existing entrance with Nicoll Street at ground floor level. A shared cycle store for up to five bikes would be formed in the internal entrance foyer to the building and individual bike storage would also be formed within Flats 3 and 4.
- 1.4 The external alterations to the building would consist of the re-roofing of the building with dark grey composite panels and the formation of 10 windows on the first and second floors of the north facing elevation and the formation of 11 windows on the first and second floors of the south facing elevation. The new windows on the north and south side elevations would be timber frame sash and case units. 13 rooflights would also be formed in the replacement sheet roof. The 9 bricked-up window openings on the rear elevation facing Rattray Street would be opened up and timber frame multi-pane windows installed. 3 bricked-up window openings at second storey level on the principal elevation facing Nicoll Street would be opened up and fitted with timber frame, single pane, casement units.
- 1.5 Supporting information indicates the principal elevation (excluding the three new windows to be fitted in existing covered apertures) and the iron railings at the building frontage and internal communal staircases would be retained.
- 1.6 The applicant has submitted the following in support of the application:
  - Access Statement;
  - Access Statement Cover Letter; and
  - photographs of site.



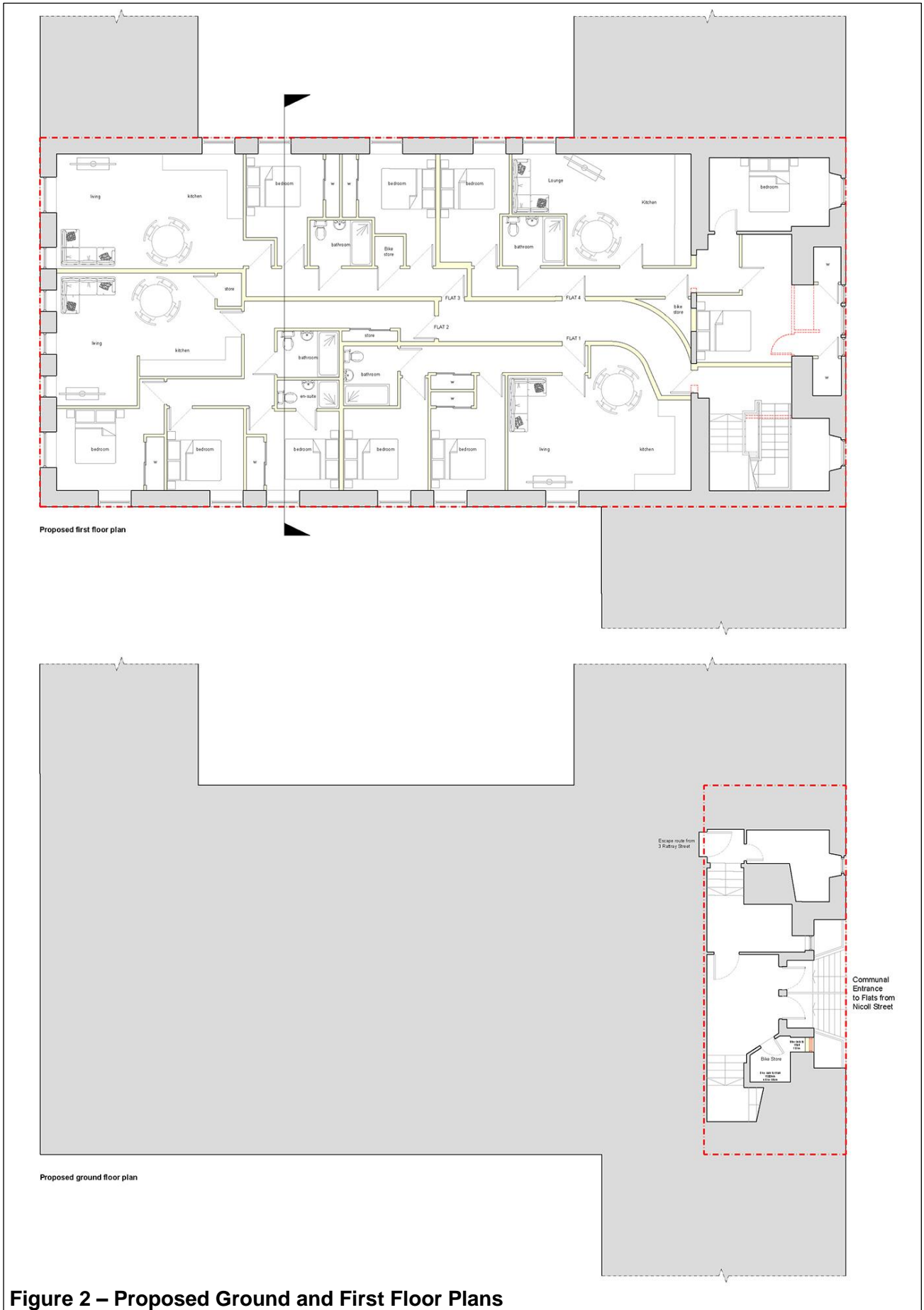


Figure 2 – Proposed Ground and First Floor Plans

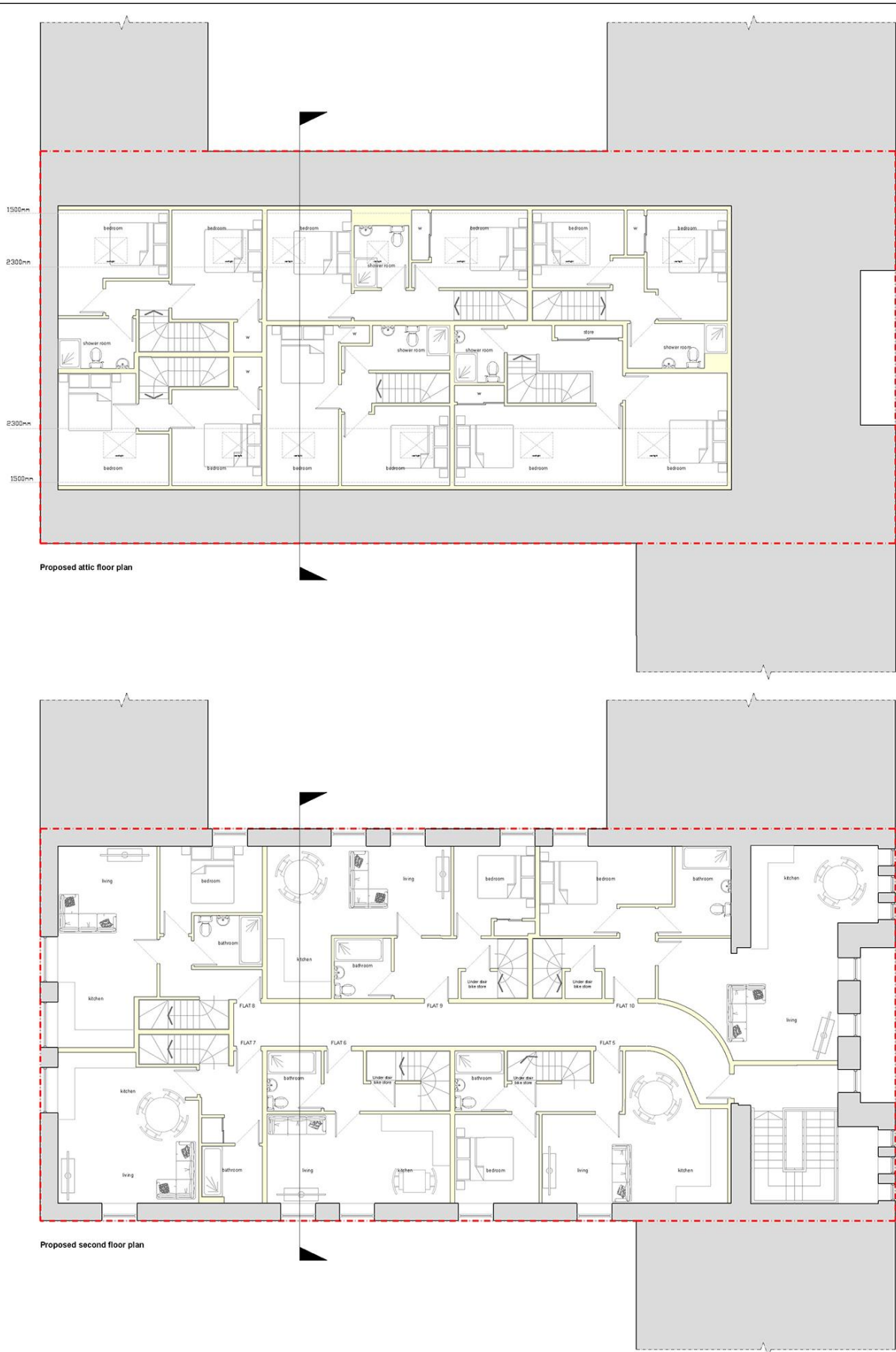


Figure 3 – Proposed Second and Attic Floor Plans

## 2 SITE DESCRIPTION

- 2.1 The application site consists of a 380m<sup>2</sup> footprint, Category B-listed, 3-storey building that is currently vacant and has a history of education, theatre and meeting hall uses. The building forms the central section of a row of abutting buildings of broadly similar height and scale that are bound by Nicoll Street at the east, Rattray Street at the west, Forester Street at the north and Ward Road at the south.
- 2.2 The prominent east elevation of the building has a 1901 Art Nouveau re-fronting of the earlier building and consists 3-bays, with the centre bay recessed between flanking towers. There is a depressed arch doorway flanked by single windows approached by steps with flanks to left and right with distinctive cast-iron corkscrew railings, set under wide depressed arch with sculpted frieze "Foresters Halls 1901." Other elevations feature multi-pane timber sash and case windows to ground and 1st floor, with upper floor windows that are bricked-up. The Historic Environment Scotland (HES) List Description (ref. LB25480) indicates the interior of the building is entirely reconstructed and of no interest, except the 2 stair towers which have good wrought-iron balusters. The HES Statement of Special Interest for the building indicates that the Nicoll Street facade was built for the Ancient Order of Foresters, with the building later being used as the first Dundee Repertory Theatre until closed by a serious fire. The building is currently vacant and is identified as "At Risk" on the Buildings at Risk Register for Scotland.
- 2.3 The application site is located in the Central Conservation Area.



Figure 4 – Principal Elevation - East



Figure 5 – Rear Elevation - West



Figure 6 – Side Elevation - North



Figure 7 – Nicoll Street



Figure 8 – Forester Street





Figure 9 – Rattray Street

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### 3 POLICY BACKGROUND

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3.1 The following plans and policies are considered to be of direct relevance:

**TAYPlan 2016-2036**

The application raises no issues of relevance.

**DUNDEE LOCAL DEVELOPMENT PLAN 2019**

Policy 49: Listed Buildings

**SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTICES AND CIRCULARS**

Scottish Planning Policy (2014)

Historic Environment Policy for Scotland (2019)

3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

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### 4 SITE HISTORY

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4.1 Planning permission application ref 05/00137/COU for Change of use from education use (Class 10) to office use (Class 2) was approved subject to conditions on 13 May 2005.

4.2 Listed Building Consent application ref 05/00138/LBC for Elevational and internal alterations for redevelopment for offices was approved subject to conditions on 8 July 2005.

- 4.3 Planning permission application ref 06/00050/COU for Change of use to offices and elevational alterations was approved subject to conditions on 15 March 2006.
- 4.4 Listed Building Consent application ref 06/00051/LBC for Elevational alterations was approved subject to conditions on 30 March 2006.
- 4.5 In association with this application, Planning Permission has been applied for 20/00598/FULL and this has been presented to the Planning Committee for determination.

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## 5 PUBLIC PARTICIPATION

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- 5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- 5.2 One letter of support from Dundee Civic Trust has been received. The Trust welcomes the principle of this proposal to convert the former Forester's Hall at 6 Nicoll Street to form 10 flats. This Art Nouveau building designed by David Baxter is a Listed Building on the buildings at risk register and the Trust hopes this development will secure its long-term future.
- 5.3 The valid grounds of representation are taken into account in the material considerations section of this report.

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## 6 CONSULTATIONS

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- 6.1 **Historic Environment Scotland** – offered no comment on the proposal.
- 6.2 **Archaeology Service** – has no objection to the application subject to photographs of the existing building being provided for the HES National Record of Historic Environment.

## 7 DETERMINING ISSUES

- 7.1 Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special regard shall be given to the desirability of preserving listed buildings or their setting or any features of special architectural interest which they possess.
- 7.2 The application relates to the category B Listed 6 Nicoll Street which is currently on the Buildings at Risk Register and designated 'At Risk' status.
- 7.3 The proposed development involves alterations to the building associated with a conversion that would bring a long-term vacant and 'at risk' listed building within a conservation area back into purposeful use as a residential flatted development.
- 7.4 The Category B-listed building was built as a meeting hall and has a history of mixed uses, including as a theatre and educational facility. As outlined in the supporting information, the aim of the proposal is to minimise intervention to the listed features, particularly the Art Nouveau principal elevation, which is a feature of significant architectural and historic importance that contributes to the setting of the listed building.
- 7.5 The alterations proposed to the building to allow for the conversion to residential use are mainly to the interior, which is indicated in the Historic Environment Scotland (HES) list description as being entirely reconstructed and of no interest, except the 2 stair towers which

have good wrought-iron balusters. Supporting information indicates the stair towers would be retained through the development and the proposed internal alterations are considered to preserve and enhance the building and its internal features of special architectural or historic interest which it possesses.

- 7.6 In terms of the external alterations, the corrugated iron roof is indicated to be in poor condition and in need of replacement. This roof is unlikely to be the original roof material of the building, which has a history of significant fire damage, and its removal and replacement with a composite cladding material in a dark grey finish is considered to be acceptable, subject to a recommended condition requiring specific material and finish details for approval by the planning authority.
- 7.7 The formation of first and second storey windows on the secondary north and south side elevations, the former not being readily visible from the public realm and the latter being partially obscured from view at street level by neighbouring boundary enclosures, is not considered to diminish the architectural integrity of the building or its historic interest. Bricked-over existing window openings on the principal and rear elevations would be opened up and new timber frame windows fitted, which is not anticipated to result in unwelcome interventions to the public-facing elevations. Details on the proposed window units is sparse and a planning condition is recommended for the approval by the planning authority of details on window design, materials and method of opening.
- 7.8 Historic Environment Scotland (HES) was consulted and offered no comment on the proposal. The Archaeology Service has no objection subject to photographs of the existing building being provided for the HES National Record of Historic Environment and a condition is recommended to regulate this matter.
- 7.9 The proposed alterations to the listed building are considered acceptable and the proposal has been carefully and sensitively considered to ensure minimum impact on the architectural and historic interest, character and setting of the building. The proposed development is of a high quality and, subject to the recommended conditions, is anticipated to offer a visually distinctive residential development which will secure the future of the listed building.
- 7.10 The proposed alteration works would acceptably preserve the listed building, its setting and any features of special architectural interest which it possesses and does not diminish the architectural integrity of the building and the statutory duty, as set out in Section 14 of the Act, would be satisfied through the grant of this application for Listed Building Consent.

## **MATERIAL CONSIDERATIONS**

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

### **A - DUNDEE LOCAL DEVELOPMENT PLAN 2019**

- 7.12 **Policy 49: Listed Buildings** - of relevance to this application is part b) of this policy which relates to alterations to listed buildings. The policy states that alterations to a listed building will only be acceptable where the proposals have regard to the preservation or enhancement of the building or its setting or any features of special architectural or historic interest which it possesses. Alterations will not be permitted where the works would diminish the architectural integrity of the building or its historic interest.
- 7.13 For the reasons discussed above in relation to the council's statutory duty under Section 14, the proposed alterations are considered acceptable and the proposal has been carefully and sensitively considered to ensure minimum impact on the architectural and historic interest, character and setting of the building.

- 7.14 **Subject to the attachment of the recommended planning conditions, the proposal is in accordance with Policy 49 and with the Dundee Local Development Plan 2019**

#### **B - NATIONAL POLICY AND GUIDANCE**

- 7.15 Scottish Planning Policy (2014) and Historic Environment Policy for Scotland (2019) should be taken into account when determining applications for development which may affect the historic environment. Scottish Planning Policy (Valuing the Historic Environment) advises that the planning system should promote the care and protection of the historic environment and its contribution to sense of place, including settings and the wider cultural landscape; development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and its setting. The Historic Environment Policy for Scotland sets out principles and policies for the recognition, care and sustainable management of the historic environment. It seeks to influence decision making that will be sufficiently flexible and adaptable to deal with wide-ranging and ongoing changes to society and the environment, and to achieve the best possible outcome for the historic environment, maximising its benefits.
- 7.16 **It is concluded for the reasons set out above that the proposed works would comply with national planning guidance concerned with the historic environment, including the policies within the Historic Environment Policy for Scotland.**

#### **C - SUPPORTING INFORMATION**

- 7.17 The Access Statement indicates the building is a Category B listed, with the principal elevation containing the only entrance to the development. Due to the historic nature of the entrance, it is not proposed to alter the access, nor the internal stone staircase which does benefit from handrails to both sides of the staircase. There is a portion of the handrail which is missing on the flight from ground to first floor and it is proposed to install a handrail in this location to ensure there are handrails installed on both sides of the staircase for ease of access and ensure anyone with accessibility restriction can utilise the handrails. Within each of the properties, there is an enhanced apartment, kitchen and accessible sanitary facility on the entrance level to ensure access within the dwellings as well as the level of facilities are maximised for anyone with accessibility restrictions. It is also proposed to install level access thresholds to all of the entrance doors of the dwellings in accordance with the building regulations. The design has ensured there is sufficient space at the leading edge of each of the entrance doors for anyone accessing the property. Where the apartments are split level, they have been designed to accommodate a stair-lift if required by an occupant or should any future occupant need to install one, there is sufficient capacity for this, all in accordance with the building regulations.

#### **D – REPRESENTATIONS**

- 7.18 One representation in support of the application has been received from Dundee Civic Trust. The Trust is supportive of the conversion of the listed building and hopes this development will secure its long-term future.
- 7.19 The issues raised in the representation have been considered and addressed in the report and the grounds raised support the grant of Listed Building Consent.
- 7.20 **It is concluded that there are no material considerations of sufficient weight in this case to justify refusal of Listed Building Consent.**

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## 8 CONCLUSION

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- 8.1 The reasoning behind the decision to grant this application has been outlined in this report and is reflected in the terms of the decision arrived at on behalf of the Council. In summary, the application has been granted because the proposed works would acceptably preserve the listed building, its setting and any features of special architectural interest which it possesses and does not diminish the architectural integrity of the building in accordance with Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, relevant policies of the Dundee Local Development Plan (2019) and National Planning Guidance for development affecting listed buildings.

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## 9 RECOMMENDATION

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- 9.1 It is recommended that Listed Building Consent be GRANTED subject to the following conditions:

- 1 **Condition** - prior to the commencement of work on site, full details of the proposed replacement roof finish materials of the development hereby approved shall be submitted to the planning authority for written approval. Thereafter, the development shall be finished in strict accordance with the details approved by this condition.

For the avoidance of doubt, the details submitted shall include full details of the material, profile and colour finish of the roof material.

**Reason** - in order to ensure the proposed roof material and finish is an acceptably high design quality that does not diminish the architectural integrity of the listed building or its historic interest, in accordance with Policy 49 of the Dundee Local Development Plan (2019).

- 2 **Condition** - prior to the commencement of work on site, full details of all new and/or replacement windows of the development hereby approved shall be submitted to the planning authority for written approval. Thereafter, the development shall be finished in strict accordance with the details approved by this condition.

The details submitted shall include the design, appearance, dimensions, glazing pattern, glazing type, frame material, frame paint finish and method of opening for all windows. This shall include metric scale elevation and section drawings for the windows. For the avoidance of doubt, any glazing bars (often referred to as "astragals") shall be true and shall not be applied or stuck-on to the glazed units.

**Reason** - in order to ensure the proposed windows are of an acceptably high design quality that does not diminish the architectural integrity of the listed building or its historic interest, in accordance with Policy 49 of the Dundee Local Development Plan (2019).

- 3 **Condition** - prior to the commencement of work on site, a Photographic Survey of the existing building (setting, exterior and interior) shall be submitted to the planning authority for review (in conjunction with the Archaeology Service), and written approval. Thereafter, the Photographic Survey shall be submitted for inclusion in the Historic Environment Scotland National Record of Historic Environment prior to the first occupation of any of the flatted dwellings hereby approved.

The submitted information shall include photographs of any features considered to be of architectural or historic interest at the building and an annotated plan showing the location of photographed features.

**Reason** - in order to ensure that an accurate record of the listed building and its setting and any features of special architectural or historic interest which it possesses are retained in national records, in accordance with Policy 49 of the Dundee Local Development Plan (2019).