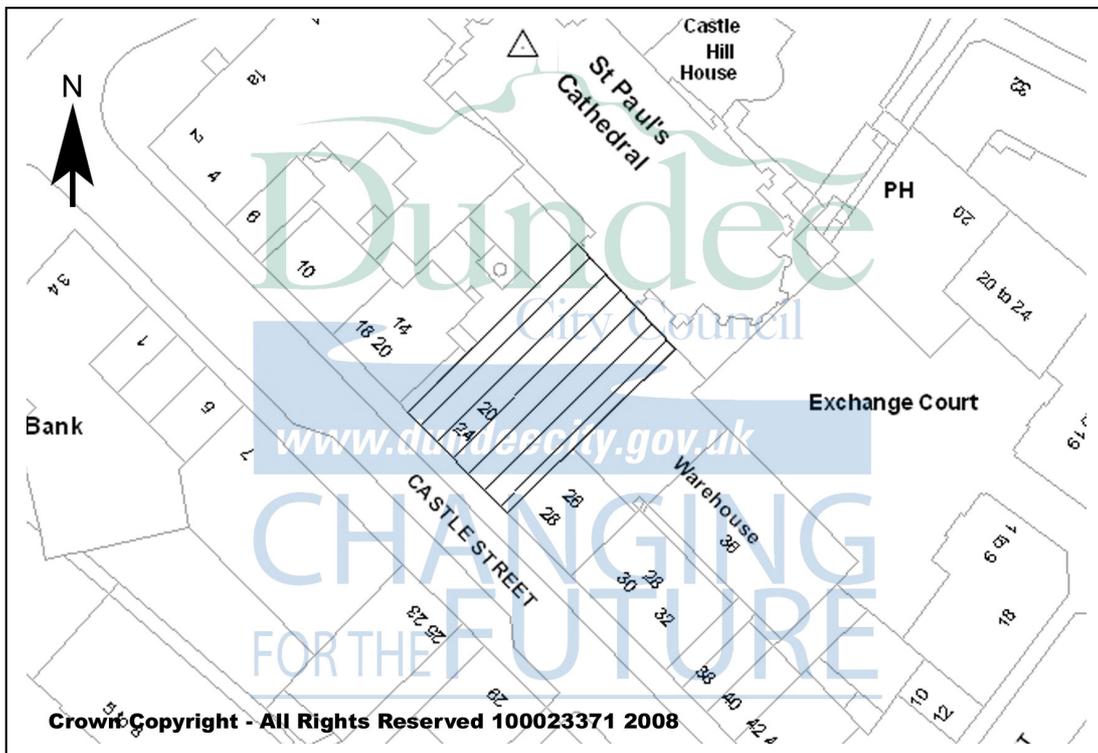


**KEY INFORMATION**

Ward Maryfield

**Proposal**Conversion of Premises into  
Nine Flats**Address**22 Castle Street  
Dundee  
DD1 3AF**Applicant**Gairoch Development Co Ltd  
c/o Ritchie Dagen & Allan  
Suite Two  
Stewarts House  
Kingsway East  
Dundee DD4 7RE**Agent**Ritchie Dagen & Allan  
Suite Two  
Stewarts House  
Kingsway East  
Dundee DD4 7RE**Registered** 30 May 2008**Case Officer** P Macari

## Proposed Residential Conversion of Former Church in Castle Street

The conversion into nine flats is **RECOMMENDED FOR APPROVAL** subject to a **Section 75 Agreement**. Report by Director of Planning and Transportation.

**RECOMMENDATION**

The proposed conversion of the existing public house to form nine flats complies with the provisions of the Dundee Local Plan Review 2005. It is therefore recommended that planning permission be granted with conditions subject to the completion of a Section 75 Legal Agreement.

**SUMMARY OF REPORT**

- This application seeks planning permission to change the use of an existing public house into nine flats at 22 Castle Street Dundee. As well as internal alterations, the proposals include restoring the existing window openings on the front elevation, removing the existing windows, installing an iron tracery in each window opening and installing new windows behind the existing window openings and tracery.
- Policy 4 (Design of New Housing), Policy 59 (Alternative Uses for Listed Buildings), Policy 60 (Alterations to Listed Buildings) and Policy 61 (Development in Conservation Areas) of the Dundee Local Plan Review 2005 are relevant to the outcome of this Planning Application.
- This application was advertised as development in a Conservation Area. No letters of objection have been received.

## DESCRIPTION OF PROPOSAL

This application seeks planning permission to change the use of an existing public house into nine flats at 22 Castle Street Dundee. The existing public house is situated at first floor level with a false ceiling protecting the existing roof space. The proposals will involve removing the existing false ceiling and creating two additional upper floors without altering the height of the building or altering the existing roof. This will allow the proposed residential accommodation to spread over three floors. Six of the proposed flats will have four bedrooms and three will have three bedrooms. The flats will have a family bathroom, an open plan kitchen, dining and living area with the master bedroom served by en-suite facilities. Access to the flats will be taken from the original church entrance of Castle Street with the existing stair providing access to the first floor flats. A new communal stair will provide access from the first floor to the six remaining flats situated on the second and third floors.

As well as internal alterations the proposed change of use also includes several external alterations. These take the form of removing the existing windows on the front elevation and restoring the original window openings and installing an iron tracery. Similar works are proposed to the south-east, north-west and north-east elevations. However, these works involve removing the remaining original leaded and stained glass windows. The existing first floor fire-escape and external stairwell adjoining the north-west elevation will be removed. Immediately behind the proposed traceries, a new glazed elevation will be formed with modern windows. This elevation will take on the shape of the existing window openings to maintain the historic appearance of the building. The applicant also proposes to restore and expose the existing ornate ceiling of the former church.

## SITE DESCRIPTION

The property at 22 Castle Street is C(s) listed and was formerly known as St Paul's Church. The building was

constructed in 1812 with the church being located at first floor level in what is now Dexter's Public House. The front elevation of the original building had three gothic style arched windows with a timber tracery with leaded glass windows. At ground floor level entrance is gained through a centrally located two-leaf door with a moulded Tudor arch door case flanked



by cast-iron cluster columns. Delineating the ground and first floor and existing today is a full width moulded cornice and band course. There was also a coped parapet with stepped angle dies and four pendant dies. The original stepped angle dies have been filled in to form an extended string course above the coped parapet of the building. The pendant dies have also been removed.



The former ecclesiastical use of 22 Castle Street is still evident from the existing lead stained glass window openings on the south-east, north-west and north-east elevations as well as the ornate church ceiling. However, the original pointed arch windows on the front elevation were partially filled in to create traditional window openings associated with the surrounding tenement buildings. The building was superseded as a place of worship in 1855 when St Paul's Cathedral was completed. Since then building has

been used for a variety of purposes with each purpose leading to changes in both the interior and exterior.

The application site is situated on the northern side of Castle Street and adjoins a four storey tenement building to the west with commercial units on the ground floor, and, to the east a three storey building with an Indian restaurant and Class 1 retail unit on the ground floor. The tenement building adjoining the site to the west has residential accommodation on the upper floors where as the adjoining building to the east houses office accommodation on the upper floors. To the south west the application site adjoins a derelict two storey building previously used as a bakery. To the south the site is bound by St. Paul's Cathedral. To the west of the site there is a communal access into a small courtyard formed by the adjoining buildings of the application site, the former bakery, Chalmers Hall and the four Storey tenement building adjoining the site to the west. A steel external fire escape projects out of the south-west elevation of the former church at first floor level and descends to ground level in the courtyard. The existing public house uses the courtyard as bin store.

## 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 4: Design of New Housing - the design and layout of all new housing in Dundee should be of a high quality. As a basis for achieving this, new development will be required to conform to the Design Standards contained in Appendix 1 of this Local Plan unless:

- a the City Council, through either site allocation in the Local Plan or site planning briefs, considers it appropriate to vary the standards to reflect the constraints or opportunities



Dundee - The Urban Design Guide.

## SUSTAINABILITY ISSUES

The conversion of the upper level of the C(s) listed building for residential purposes, is consistent with the Sustainability policies of this Council.

## SITE HISTORY

There is no planning history relevant to the outcome of this application.

This application is accompanied by Planning Application Ref 08/00388/LBC which is located elsewhere on the agenda.

## PUBLIC PARTICIPATION

The applicant has followed the statutory neighbour notification procedure. No letters of objection have been received.

## CONSULTATIONS

The Council's Environmental Health & Trading Standards Department has raised concern over the issues of noise and smell disturbance from the restaurant on the ground floor of 22 Castle Street. Due to the low level discharge from the ventilation and extraction system, there is concern that the residents of the proposed flats will be subjected to noise and smell disturbance. In an attempt to address the issues of smell disturbance, the Applicant has revised the positioning of the existing ventilation flue and ducting. However to overcome issues of noise disturbance, it is considered that should planning permission be granted, a condition limiting internal noise levels can address the issue of noise disturbance.

## OBSERVATIONS

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

In accordance with Section 59 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 building or its setting or any features of special architectural or historic interest which it possesses.

In accordance with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the Council is required to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

## 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 4 and Appendix 1 sets out the standards for the design of new housing in Dundee. Part B of Policy 4 states that within established low density residential areas, the density of new development should reflect this and generous space standards will be required. The proposal is within Dundee City Centre which is characterised by high density flatted developments. Part B of Policy 4 is therefore not considered to be relevant to this planning application.

Appendix 1 of Policy 4 dictates that where flats are proposed in the City Centre, each unit must have no less than two bedrooms. Further, where development involves the conversion of an existing building parking and amenity space provision should be made where possible but all flats should benefit from secure indoor bicycle storage. While the proposed flats all have two bedrooms, there is no space available to provide parking facilities or indeed open space provision. However, all of the proposed flats benefit from secure indoor bicycle and bin storage.

Although there are only 14m between facing windows of the proposed flats and properties on the western side of Castle Street, given that the upper floors of the buildings on the western side of Castle Street do not serve habitable rooms but rather offices, there are no issues of overlooking or infringements of privacy.

The proposed development is therefore considered to comply with the provisions of Policy 4 of the Dundee Local Plan Review 2005.

Policy 59 (Alternative Uses for Listed Buildings) encourages the re-use of listed buildings where the proposed uses have little impact upon on the historic fabric of the building. In the case of 22 Castle Street, the original internal fabric of the listed building was significantly altered through previous redevelopment work. The current proposals will involve the exposure of the original decorative ceiling which has been hidden from view by a false ceiling as well as the restoration of the original window openings on the front elevation.

Although the existing ceiling has been damaged by water ingress and the installation of a suspended ceiling, the applicant proposes to carry out a thorough investigation into the condition of the ceiling followed by a method statement outlining the processes involved in its restoration.

While the original windows in the front elevation of the building were removed as part of previous redevelopment works, the applicant proposes to re-establish the original window openings, remove the existing glazing and install an open tracery in its place. The tracery will replicate the original stained glass window pattern of the windows. An independent window elevation shall be erected behind the existing window openings to serve the proposed flats. This process will be repeated for all of the existing windows in the south-east, north-west, north-east and south-west elevations. While there is an argument for the retention of the existing windows, the existing windows have been damaged through the formation of fire exits, the installation of ventilation flues and vandalism that has gone undetected and untreated. It is therefore considered that any repairs would detract from the visual appearance of the windows through the contrast between old and new glazing. The proposed tracery will restore the historic appearance of the building while also supporting the sustainable re-use of the building for residential purposes. The proposed redevelopment of 22 Castle Street is considered to safeguard the historic character of listed building through exposing the ornate church ceiling and gothic window openings of the front elevation. The proposals satisfy the criteria of Policy 59.

Similar to the objectives of Policy 59, Policy 60 seeks to safeguard the

character and setting of listed buildings through preventing the loss of architectural integrity and historic interest. To a large extent previous attempts at redeveloping the application site have resulted in the loss of architectural integrity of the building this is evident from the significant alterations to the front elevation as well as the failure to preserve the original stained and lead glass windows on the south-east, north-west and north-east elevations. While the proposals will lead to the removal of the original windows altogether, their replacement with a tracery following the original leaded glass pattern will significantly improve the appearance of the building as well as promote the re-use of the listed building for sustainable modern purposes. The remaining fabric of the building will be preserved given the exposure of the church ceiling and the restoration of the gothic window openings. It is therefore considered that the proposed redevelopment of 22 Castle Street seeks to enhance the appearance of the listed building while retaining the remaining historic fabric. The proposals are considered to comply with the provisions of Policy 60 (Alterations to Listed Buildings) of the Dundee Local Plan Review 2005.

With regard to Policy 61 (Development in Conservation Areas), the proposed redevelopment of 22 Castle Street will enhance the appearance of the existing streetscape and Central Conservation Area. This is because rather than assume the appearance of the adjoining tenement buildings the original gothic window openings of the application site will be restored highlighting the architectural prominence and historic importance of the former St Paul's Church. Further, the partial restoration of the front elevation of the building will visually demonstrate the historic evolution of Castle Street through the different architectural styles displayed by the application site and adjoining buildings.

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

## Other Material Considerations

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

### a Supporting Statement

The supporting statement submitted as part of this planning application demonstrates that the original window openings in the front elevation of the building has been partially closed with the remaining opening glazed with green painted steel casement windows. Further, the existing leaded and stained glass windows on the south-east, north-west and north-east elevations have been damaged through the introduction of extraction vents/flues and the formation of fire exits. It is acknowledged that rather than damage the fabric of the building the previous occupiers utilised the existing window openings. However, in doing so the historic character of the building was significantly damaged as the windows could not be repaired without replacing each pane of glass such is the construction of leaded glass windows. It is therefore considered that while the re-use of the building for residential purposes will safeguard the remaining historic fabric of the interior, the removal of the remaining original windows and installation of a tracery replicating the leaded glass pattern will ensure that the historic character of the exterior is retained. This is especially the case on the front elevation where restoring the original gothic window openings will expose the original ecclesiastical design and use of the building.

### b Supplementary Planning Policy Guidance on Houses in Multiple Occupation

Concerns have previously been expressed by the Committee about the conversion of dwellings in the city centre and the west end to HMO's with resulting adverse impacts on residential amenity. In September 2006 the Planning and Transportation Committee approved Supplementary Planning Guidance for controlling HMO's. This states in Policy HM04 that in order to achieve the objectives of the

Central Dundee Housing Investment Focus Area, the occupation of dwellings in new residential developments or substantial conversions by three or more unrelated people will be prevented. The Council will secure this objective through the use of Section 75 of the Town and Country Planning (Scotland) Act 1997. Given that the proposed redevelopment of 22 Castle Street will provide 6 four bedroom and 3 three bedroom flatted units it is considered that such a development constitutes a substantial conversion and therefore this policy applies wholly to the proposed development. It is therefore considered that it would be appropriate in this case to restrict the use of the proposed flats.

It is concluded from the foregoing that sufficient weight can be accorded the material considerations above such as to justify the grant of planning permission. It is therefore recommended that planning permission be granted with conditions subject to the completion of a Section 75 Legal Agreement.

## Design

The layout and design of the proposed development is considered to complement and enhance the appearance of the listed building.

## CONCLUSION

The proposed conversion of the existing public house to form nine flats complies with the provisions of the Dundee Local Plan Review 2005. The applicant's supporting statement demonstrates that the proposed development will enhance the appearance of the listed building. However, in compliance with Policy HMO4 of the Supplementary Planning Policy Guidance on Houses in Multiple Occupation, the occupation of new residential developments and substantial conversions by three or more unrelated people will be prevented through the use of Section 75 Legal Agreements. It is therefore recommended that planning permission be granted with conditions subject to the completion of a Section 75 Legal Agreement.

## RECOMMENDATIONS

### Recommendation 1

This planning permission shall not be issued unless and until an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 between the Council and parties with appropriate interests in the land has been recorded. This agreement will relate to the prohibition of any of the proposed dwellings becoming a house in multiple occupation.

### 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 detailed method statement outlining the processes involved in exposing and restoring the original ornate ceiling of the C(s) listed building shall be submitted to the Council for written approval. Thereafter, all works associated with the roof of the building shall be carried out in accordance with details approved by virtue of this condition.
- 3 BEFORE WORK STARTS ON SITE, a detailed method statement detailing the processes involved in removing the existing windows, restoring the original window openings on the front elevation, installing the tracery and erecting the glazed elevation behind the existing window openings shall be submitted to this Planning Authority for written approval. Thereafter all works relating to the proposed window alterations shall be carried out in accordance with details approved by virtue of this condition. For the avoidance of doubt elevational details of the existing and proposed interior and exterior window openings as well as detailed sections to a scale of no less than 1:20 should accompany the method statement.
- 4 BEFORE THE PORPOSED FLATS ARE OCCUPIED, the

existing flue located on the south- eastern elevation shall be repositioned in accordance with Drawing No GA(00)07A and thereafter shall remain in this location in perpetuity.

- 5 Noise from the electrical plant and machinery in and external to the commercial units below the application site will not exceed NR35 when measured 1m from the facade of the building and NR25 when measured from within the proposed flats above.