

KEY INFORMATION

Ward Maryfield

Proposal

Convert existing mill building (partially disused) into residential units with associated car parking and soft and hard landscaping and to erect 2 new build residential units comprising of 12 flats

Address

Lower Dens Works
Constable Street
Dundee

Applicant

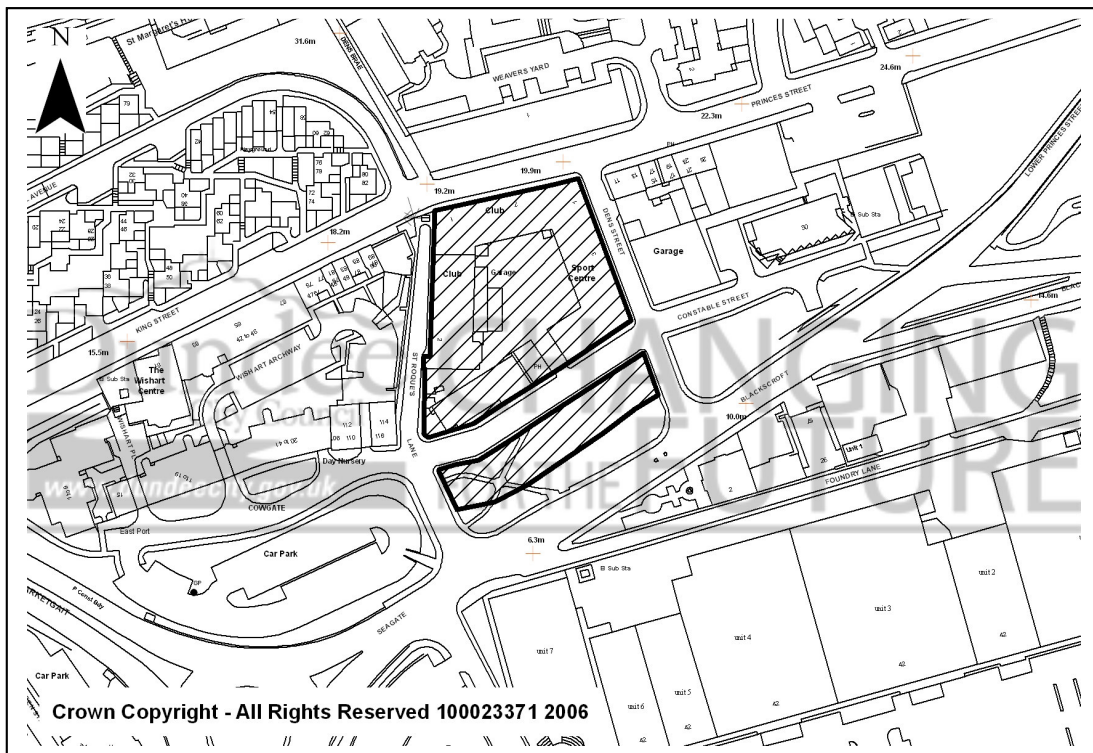
Lindores (Lower Dens) Ltd
Harbour Chambers
Dock Street
Dundee DD1 3HW

Agent

J M Architects
64 Queen Street
Edinburgh EH2 4NA

Registered 5 Sep 2009

Case Officer Paul Macari



Proposed Restoration of Former Lower Dens Mill

The conversion of an existing mill building is **RECOMMENDED FOR APPROVAL** subject to conditions and Historic Scotland approval. Report by Director of Planning and Transportation

RECOMMENDATION

The proposals comply with the requirements of Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposals also comply with Policy 59 (Alternative Uses for Listed Buildings) and Policy 60 (Alterations to Listed Buildings) of the Dundee Local Plan Review 2005. Accordingly, the application is recommended for **APPROVAL** subject to conditions and Historic Scotland approval.

SUMMARY OF REPORT

- This application seeks listed building consent for the conversion of the Lower Dens Mill complex into 99 flats and the erection of 12 new build flats at Lower Dens Works, Constable Street, Dundee.
- Policy 59 (Alternative Uses for Listed Buildings) and Policy 60 (Alterations to Listed Buildings) of the Dundee Local Plan Review are relevant to the outcome of this planning application.
- This application has been advertised in the Dundee Evening Telegraph and Edinburgh Gazette as Development Affecting a Listed Building. No letters of objection have been received.

DESCRIPTION OF PROPOSAL

This application seeks listed building consent for the conversion of the Lower Dens Mill complex into 99 flats and the erection of 12 new build flats at Lower Dens Works, Constable Street, Dundee.

Of the 99 flats within the former Mill buildings, 5 will have 3 bedrooms, 93 will have 2 bedrooms and only 1 will have 1 bedroom. The enabling development of 12 new build flats will all have 2 bedrooms. Each of the proposed flats will have a combined kitchen/living/ dining area. On the ground floor of each mill building there will be secure cycle storage and bin storage facilities. Given that 2 of the buildings extend to 5 storeys in height there will be lifts providing access to all floors in the Bell Mill and Dens Street Mill.

2 of the 99 flats proposed will be located on the ground and first floor of the A listed gatehouse. Access to the upper floor flat in the gatehouse will be through a new external staircase adjoining the western elevation.

The proposed flats will benefit from 83 car parking spaces, with 27 spaces provided within the internal courtyard of the Lower Dens complex and 56 spaces located in a new car park situated on the southern side of Constable Street. The ground floor/basements of the Dens Street Mill and Bell Mill will be utilised for bin storage, lift access and secure cycle storage.

The existing vehicular access into the internal courtyard will be maintained and used by both service vehicles and residents. The applicants propose to employ a parking management system for the maintenance and allocation of car parking spaces.

Conversion of Mill Buildings - as well as converting the former mill buildings into flats, the applicants propose to restore the external fabric of the A listed buildings and retain as much of the historic interior as possible. In order to adapt the former industrial mill buildings to accommodate residential dwellings, the southern elevation of the North Mill requires to be rebuilt and all of the existing windows replaced. The existing windows in the mill buildings

are "Crittall" type metal framed, single glazed windows. It is proposed to replace these windows with timber framed mock sash and case double glazed 12 pane windows with a rebate between the sashes so that in external appearance, they have the look of sliding sash and case.



Although the roofs of the Bell, Dens Street and St Roques mill buildings will require to be replaced, the applicants propose to maintain the existing roof design through re-using the original cast iron framework to recreate a steep pitched mansard roof. The original mansard roof light pattern shall be replicated in the new roofs through the use of modern roof lights.



Of considerable importance to the archaeology of the built form are the oculus windows located in the gables. Although these windows will require to be restored and the glazing upgraded, these features will be incorporated into the proposed flats.

Internally, the applicants propose to restore and expose as much of the

historic features as possible while complying with the requirements of the Buildings (Scotland) Act 2005. Therefore, while features such as the spiral stair in the south western corner of St Roques Mill will be restored it will be concealed to prevent unsafe access to the proposed flats. Similarly

the cast iron oval cavities in the walls of the upper floors of the Bell and Dens Street Mills will be restored but due to the requirements of the Buildings (Scotland) Act 2005, these features will be concealed by insulation. However, the cast iron lift doors in the Bell and Dens Street Mills will be re-used and hung on walls adjacent to the new lift openings. Similarly where possible the ornate cast iron framework of the mansard roofs will be exposed as will the cast iron support pillars in

the upper floors of the Dens Street, Bell and St Roques Mills.

Conversion of Gatehouse - the applicant proposes to convert the 2 storey A listed gatehouse into 2 flats. These works will involve overhauling both the external and internal fabric of the building whereby the modern balcony, windows and doors shall be removed and replaced with timber doors and timber framed side hung windows. The external walls of the gatehouse will be finished in a smooth render. It is also proposed to remove and replace the existing roof and re-use the original slates where possible. Where the original slates cannot be re-used, natural Spanish slate will be introduced. An external stairwell will be erected on the western elevation of the building to provide access to the proposed 1st floor flat. The stairwell will be finished in materials matching the external walls of the building. Internally the

ground and first floor flats will have 2 bedrooms and a floor area of 77m². The existing internal fabric of the building will be removed and new partitions erected. The gatehouse was originally a single storey building but was later extended to 2 storeys in height whereby the original windows

and doors were replaced by modern equivalents.

The applicant has submitted a detailed planning and design statement as well as a financial analysis of the development in support of the proposals.

SITE DESCRIPTION

The application site is situated between Princess Street, Constable Street, Dens Street and St Roques Lane. The site is known as Lower Dens Works and is made up of 4 mill buildings dating back to the 19th Century. The 4 mills are named North Mill, Bell Mill, Dens Street Mill and St Roques Mill. The lower levels of the existing buildings are currently leased out by various occupants with the upper levels now unoccupied. The 4 buildings circle a central courtyard along with the Marquee (a former nightclub) which is to be demolished and the Smugglers Bar which is to be redeveloped.

North Mill was constructed in 1935 as a 3 storey building. The building has steel framed vertical hinged windows. The external facade of the building is constructed from traditional masonry and stone. However, the south elevation has been rebuilt at some point and is constructed from reinforced concrete columns and beams with brickwork lift shafts and external walls.

Dens Street Mill is a 5 storey building constructed in 1865. The building also has steel framed vertical hinged windows. This building is constructed from natural stone with stone sills and lintels.

St Roques Mill on the corner of Constable Street and Dens Street is a 3 storey building constructed between 1830 and 1840. Additional works to the roof structure of the building were carried out in 1889. The external walls of St Roques Mill are constructed from traditional stone and masonry with stone lintels and sills forming all window and door openings.

Bell Mill is a 5 storey building constructed in 1866. The building has a tower structure at the south western corner that houses the existing stair. A brickwork lift shaft is located at the north east corner of the mill. The east elevation of Bell Mill facing the courtyard is partially obscured by the

remnants of a brickwork gable wall and an existing single storey structure formerly used as a sports club which is now unoccupied.

The site slopes from north to south and is bound to the north by a converted mill building now used for residential purposes. A similar development bounds the site to the west with a former mill building and industrial premises bounding the site to the east. To the south the site is bound by a grassy buffer zone separating Seagate and Blackcroft from Constable Street.



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 59: Alternative Uses For Listed Buildings - suitable alternative uses will be considered for listed buildings where this is necessary to secure their future. Any adaptation of the fabric must be undertaken carefully and sensitively and have minimum impact on the architectural and historic interest, character and setting of the building. Reference should be made to other policies in the Plan.

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:

SPP23: Planning and the Historic Environment.

Scottish Historic Environment Policy.

Non Statutory Statements of Council Policy

There are no statements of Council Policy relevant to this application.

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

Planning application ref: 87/12790/D sought permission for the change of use of part of the mill complex to form changing rooms. This application was approved subject to conditions.

Listed building application ref: 08/00550/LBC sought consent for the demolition of disused outbuildings including the Marquee night club located in the south western corner of the current application site. This application was approved subject to conditions.

Planning application ref: 08/00616/FUL which seeks planning permission for the proposed conversion of Lower Dens Works appears elsewhere on this agenda.

PUBLIC PARTICIPATION

This application was advertised in the Dundee Evening Telegraph and Edinburgh Gazette. No letters of objection have been received.

CONSULTATIONS

Historic Scotland along with representatives from the Council's Planning and Transportation Department, have been involved in a series of informal pre-application and post-application submission discussions. Recommendations by both Historic Scotland and representatives of this Department have been incorporated into the current proposals. Historic Scotland has informally confirmed that the principle of enabling development is sound although there is concern that the design of the buildings housing the 12 enabling flats will impact upon the character and setting of the A listed buildings.

OBSERVATIONS

In accordance with 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 Lower Dens Mill complex was formerly one of the largest and most productive jute and flax mills in the world. The majority of the A listed buildings have been empty for several years with only the ground floors of the North and Dens Street Mills being occupied in the last 10 years. In that time the building has suffered the indignity of vandalism and the effects of various types of dampness and rot as a result of poor maintenance. Much of the buildings have been colonised by pigeons whereby their presence and faecal matter have led to the increased degradation of the original windows, timber and plaster furnishings of the buildings. The proposals will secure the future of the A listed buildings while also setting a precedent for effective maintenance and repair through making good any external defects caused by age and redundancy. The external alterations shall minimise the impact of adaptation and modernisation through the replacement and repair of the historic fabric of the building damaged or uncovered as a result of the proposed works. The retention of the existing Oculus windows, roof cowls, mansard roofs, barrelled basement roofs as well as the

replication of the existing mansard rooflights will inscribe the industrial past of the mill complex on the external appearance of the buildings. The proposed replacement windows will reflect the traditional design and period of the Lower Dens Mill complex while also matching the fenestration of the recently converted Upper Dens Mill on the north side of Princes Street. Internally the proposed conversion will allow for the restoration of the existing spiral stair in St Roques Mill while also ensuring that the original decorative cast iron and glass lift doors are retained and incorporated into the layout of communal areas. In each of the attic flats, part of the decorative cast iron roof structure shall be exposed. The elements exposed shall include the columns, collars and trusses.

In their current form the A listed Mill buildings are in a poor condition and are rapidly falling into a state of dereliction due to water ingress, vandalism and pigeon colonisation. The proposals demonstrate a clear understanding of the historic significance of Lower Dens Mill to the industrial past of Dundee. The proposals seek to restore the building's prominence in the Dundee skyline through conversion to residential flats. The proposals are sympathetic to the historic features of importance and this is reflected in both the internal and external works to restore and repair the buildings. The proposed conversion is therefore considered to safeguard the historic past of the buildings through the restoration of the internal and external fabric of the A listed buildings.

The proposals seek to restore and enhance the appearance of the A listed Lower Dens Mill complex. This is demonstrated by the retention, restoration and replication of the external fabric of the mill buildings as well as the repair and restoration of the internal features of historic importance such as the original lift doors, spiral stair in St Roques Mill and the Oculus windows. The proposals shall safeguard the internal and external historic fabric of the building and expose the historic features of interest within both private and public areas of the buildings.

With regard to the conversion of the gatehouse, much of the character of the original building was lost when the 1st floor extension was erected. Through

time ad-hoc alterations including changes to the original windows, doors and the erection of a first floor balcony have detracted from both the appearance and historic character of the building. The recent external alterations to the gatehouse have given the building the appearance of being part of the former Marquee night club in the south western corner of the application site rather than an original and integral part of the Lower Dens Mill complex. The current proposals attempt to adapt and restore as much of the original building as possible through removal of the existing roof and replacing the natural slates that cannot be re-used with natural Spanish slate. The external alterations proposed will blend with the surrounding mill buildings as well as the new build flats.

The proposed new build flats are of a scale, design and massing that will blend well with the recently built housing association flats on the western side of St Roques Lane. The flats will be positioned so as to expose as much of the southern elevation of the Bell Mill as possible. The proposed flats are considered to be an acceptable addition to the Constable Street streetscape and are not considered to impact upon the character or setting of the A listed buildings. The proposed buildings will have a roof design similar to the A listed gatehouse and recently built housing association flats on the western side of St Roques Lane. The enabling development will therefore have the appearance of being independent from the A listed mill buildings and will not have a significant impact upon the character or setting of the Lower Dens Mill complex.

It is concluded from the foregoing that the proposals comply with the provisions of Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Other Material Considerations

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

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 59 (Alternative Uses of Listed Buildings) stipulates that proposals involving alternative uses for listed buildings will only be considered acceptable where the proposals have regard to the preservation or enhancement of its architectural or historic character whereby such proposals seek to secure the future of the listed buildings. Policy 60 (Alterations to Listed Buildings) is supportive of proposals that have regard to the preservation or enhancement of the listed buildings architectural or historic character. In complying with the stipulations of Section 14 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 the proposals achieve the aims and objectives of Policy 59 and 60 of the Dundee Local Plan Review 2005. Therefore, it is concluded from the foregoing that the proposals comply with the provisions of the development plan.

Scottish Historic Environment Policy - with regard to the proposed redevelopment of Lower Dens Mill complex, paragraph 3.44 of the Scottish Historic Environment Policy states "Applications should demonstrate that in arriving at a strategy for intervention, the importance of the building has been clearly understood and those features which contribute to its special interest have been identified." The proposals demonstrate that the main features of architectural merit and historic importance have been identified and retained. This is evident in the restoration and retention of the oculus windows and roof cowls, restoration of the original lift doors and spiral stair in St Roques Mill and the replication of the existing mansard roofs and mansard rooflights.

Paragraph 3.50 of the Scottish Historic Environment Policy states that "Where a proposal involves alteration or adaptation which will sustain or enhance the beneficial use of the building and does not adversely affect the special interest of the building, consent should normally be granted." Although Historic Scotland has expressed concern over the proposed replacement windows, in compliance with paragraph 3.50 above, the proposals will give the mill complex a uniform appearance with historic and newly formed window openings glazed in the same style of window without

compromising the special interest of the building. The loss of the original windows is considered a small price to pay for the overall retention and restoration of the A listed mill buildings and gatehouse. The nature of the proposed conversion including the replacement windows will promote the longevity of the building in a sustainable manner which seeks to retain and restore the internal and external features of historic importance.

The proposals comply with the requirements of the Scottish Historic Environment Policy 2008.

SPP23: Planning and the Historic Environment - paragraph 37 of SPP23 - Planning and the Historic Environment states:

"It may be appropriate to consider enabling development if this can be shown to be the only means of retaining a listed building. In such cases, development must be managed carefully and a high quality end product achieved which protects the listed building and its setting and is the minimum necessary to enable its conservation and re-use. The new development should be designed to retain and enhance the special interest, character and setting of the listed building."

The proposed new build enabling flats are of a scale, design and massing that blends with the recently built housing association flats on the western side of St Roques Lane and the A listed gatehouse to the east. While the flats are of a modern contemporary design, their purpose is not to blend with the surrounding listed mill buildings but rather appear independent from them through complimenting the buildings to their immediate east and west. This is achieved through the orientation and roof design of the 2 flatted blocks. The roofs of the flatted blocks are intended to mirror the roof design of the gatehouse in style rather than the mansard roof types of the mill buildings. Furthermore, the buildings are oriented to front on to Constable Street in line with the gatehouse and flatted development on the western side of St Roques Lane. With regard to the submitted financial analysis the applicant has demonstrated that it would not be possible to restore and re-use the listed buildings to the standard proposed without the erection of 12 enabling flats. The proposed

development of 12 enabling flats along with the associated financial justification is considered to satisfy the requirements of Paragraph 37 of SPP23 - Planning and the Historic Environment.

Supporting Statements - the planning, design and financial statements submitted in support of the proposed mill conversion clearly demonstrate that it is the applicant's intention to fully restore the external appearance of the A listed mill buildings and gatehouse. The financial statement demonstrates that the proposed mill conversion would not be possible without the erection of the 12 new build flats as an enabling development. In a similar vein the financial and design statements also clearly demonstrate that it would not be sustainable to replace the existing windows on a like for like basis due to the costs involved and the low level of energy efficiency of single glazed critical type windows. Historic Scotland has informally confirmed their support of the change in windows due to the level of justification submitted by the applicant.

The design statement shows the organic evolution of the current proposals as well as different densities, finishes and massing diagrams that were explored as the current proposals took shape. The design statement also highlights and addresses many of the difficulties the buildings posed in finding the most appropriate conversion solution. The planning, design and financial statements demonstrate that the conversion and new build solution proposed is sympathetic to the historic character, setting and fabric of the A listed buildings while also illustrating clearly that to safeguard the longevity of the buildings they require to be brought back into use. Together with the proposed plans, the supporting statements demonstrate that the conversion of Lower Dens Mill into 111 flats will set a precedent for continued maintenance and sustainable development that will enhance the appearance of the historic buildings in relation to the surrounding built form.

It is concluded from the foregoing that insufficient weight can be accorded to the material considerations such as to justify the refusal of listed building consent contrary to the provisions of the development plan. It is therefore

recommended that listed building consent be granted with conditions.

Design

The external alterations to the A listed buildings are considered to be of a sympathetic design that will restore and enhance the appearance of the buildings as well as the surrounding streetscape. With regard to the new build flats, the 2 flatted blocks are of a scale, design and finish that blends with the recently built housing association flats on the western side of St Roques Lane and the A listed gatehouse to the east. Through competent design the new build flats will appear independent from the mills and therefore the historic character and setting of the listed buildings will be maintained.

CONCLUSION

The proposals comply with the requirements of Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposals also comply with Policy 59 (Alternative Uses for Listed Buildings) and Policy 60 (Alterations to Listed Buildings) 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 listed building application will not be called in for determination by the Scottish Government.

Recommendation 2

It is recommended that listed building 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, samples of the proposed roofing materials shall be submitted to this Planning Authority for written approval. Thereafter, the approved roofing materials shall be applied in accordance with stamped approved drawings.

- 3 BEFORE WORK STARTS ON SITE, samples of the finished replacement rainwater goods, aluminium ventilation louvres, mechanical extraction fan and glazed automatic smoke vent shall be submitted to the Council for written approval. Thereafter the materials approved by virtue of this condition will be installed in accordance with the stamped approved plans.
- 4 BEFORE WORK STARTS ON SITE, samples of the proposed replacement sandstone coursed ashlar as well as a method statement detailing the processes involved in repointing and repairing the existing sandstone coursed ashlar walls of the A listed mill buildings shall be submitted to the Council for written approval. Thereafter, the repointing and repairing of the external walls of the A listed mill buildings will be carried out in accordance with the stamped approved plans.
- 5 BEFORE WORK STARTS ON SITE, a sample of the proposed engineering brick and smooth render shall be submitted to the Council for written approval, thereafter the approved engineering brick and smooth render shall be applied in accordance with stamped approved plans.
- 6 BEFORE WORK STARTS ON SITE, details to a scale of no less than 1:20 of the proposed windows, doors and rooflights shall be submitted to the Council for written approval. Thereafter, the windows, doors and rooflights approved by virtue of this condition shall be installed in accordance with the stamped approved plans.
- 7 BEFORE WORK STARTS ON SITE, a method statement outlining the processes involved in restoring the ornate cast iron roof trusses, collars and columns will be submitted to the Council for written approval and thereafter the ornate cast iron roof trusses, collars and columns will be restored in accordance with the details approved by virtue of this condition.
- 8 BEFORE WORK STARTS ON SITE, a method statement

outlining the processes involved in restoring the spiral stair in St Roques Mill will be submitted to this Planning Authority for written approval and thereafter the spiral stair will be restored in accordance with processes approved by this condition.

- 9 PRIOR TO THE OCCUPATION OF THE FIRST FLAT, the location of the original lift doors shall be submitted to the Council for written approval. Thereafter the original lift doors will be displayed in the location agreed by this condition.

Reasons

- 1 To comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- 2 In the interests of safeguarding the historic character and setting of the A listed buildings.
- 3 In the interests of safeguarding visual amenity and the character of the A listed buildings.
- 4 In the interests of safeguarding the historic fabric of the A listed buildings.
- 5 In the interests of safeguarding visual amenity and the setting of the A listed buildings.
- 6 In the interests of safeguarding the appearance of the A listed buildings.
- 7 In the interests of safeguarding the historic fabric of the listed building.
- 8 In the interests of safeguarding the historic fabric of the A listed building.
- 9 In the interests of preserving the historic fabric of the A listed building.