

KEY INFORMATION

Ward Maryfield

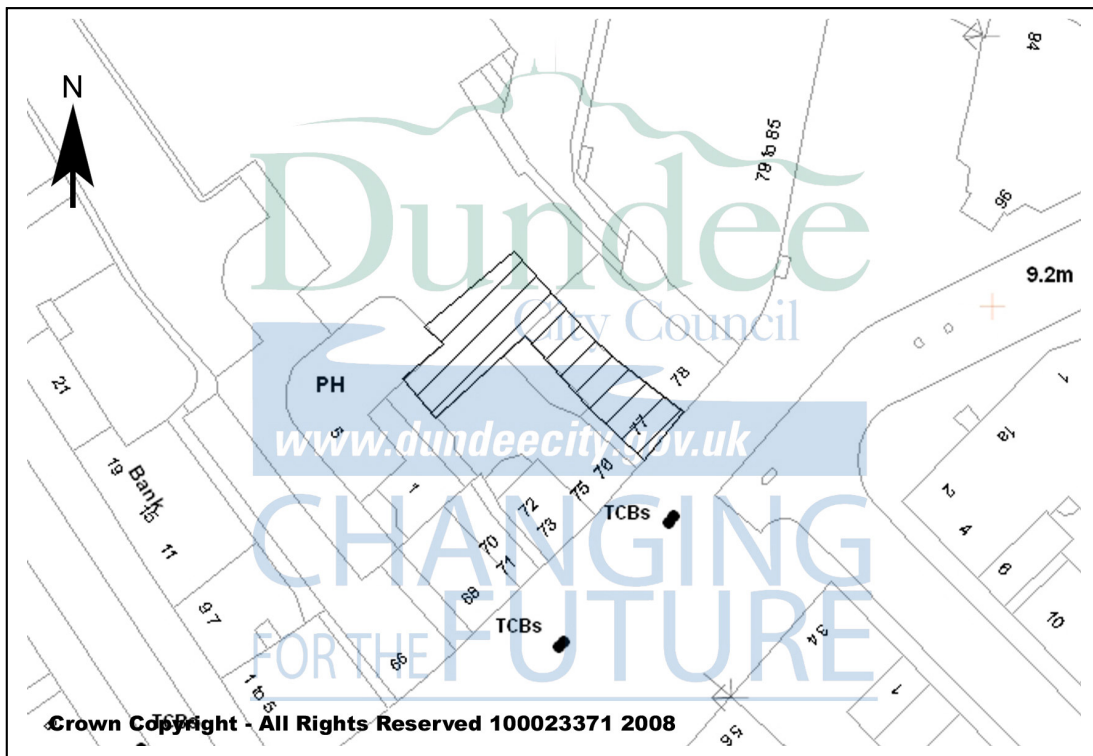
Proposal

Erection of external smoking shelter

Address77 High Street
Dundee
DD1 1SD**Applicant**The Noble Organisation Ltd
1A Dukesway Court
Gateshead
NE11 0RJ**Agent**Robertson AC Ltd
Unit 100
355 Byres Road
Glasgow
G12 8QZ

Registered 2 Sept 2008

Case Officer C Walker



Shelter Extension Proposed to Listed Building in High Street

The erection of a shelter is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation.

RECOMMENDATION

The design of the proposed structure is satisfactory and will preserve the adjoining listed buildings and their setting. The application is recommended for **APPROVAL** subject to Historic Scotland's right of call in.

SUMMARY OF REPORT

- Listed building consent is sought to erect an external smoking shelter on the site. The proposal is for a simple slated structure and it is no longer proposed to site amusement machines within the structure.
- The site is in a close surrounded by Category A listed buildings in the Central Area Conservation Area. Enforcement action has commenced against an existing unauthorised smoking shelter on the site.
- Informal consultations with Historic Scotland have established that they do not object to the structure.
- The proposed development will preserve the Category A listed buildings at 77-78 High Street to the east and 75-76 High Street to the west and their setting. The development therefore complies with the statutory requirement in Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

DESCRIPTION OF PROPOSAL

Listed building consent is sought to erect an external smoking canopy on the site. There is an existing structure on the site with three amusement with prizes machines but planning permission and listed building consent for this structure was refused and an appeal was subsequently dismissed. Enforcement action to secure the removal of this structure has commenced.

It is now proposed to replace the existing structure with a smoking shelter of a more traditional design. The new structure will measure some 3.65 by 1.8 metres and is set into the corner formed by a single storey stone building to the north east and a two storey brick building to the north west. The proposed roof is a pitched slated structure supported by galvanised steel columns. The south east and south west sides of the structure are to be galvanised steel handrail and balusters of a height of approximately 1 metre.

Initially it had been proposed to site two amusement with prizes machines set against the stone wall to the north east of the structure. However following correspondence from the Planning and Transportation Department expressing concerns about the impact of these structures on the setting of the adjoining listed buildings, the applicants have subsequently written to state that they no longer wish to site these machines within the structure.

The shelter is accessed from a door on the south eastern elevation of the two storey brick building.

SITE DESCRIPTION

The site comprises the northern part of Campbell's Close, a narrow close between 76 and 77 High Street. It varies in width from some 1.2 metres at the entrance to some 3.4 metres at its widest point. The ground floor of 77 High Street as well as a single storey link building and a two storey brick building to the rear are occupied by the applicants as an amusement centre. This amusement centre has a fire door and access to Campbell's Close at its north western side.

The upper levels of 77 High Street are accessed from Campbell's Close, just inside the entrance pend. Four flats have recently been formed in the upper floors of that building.

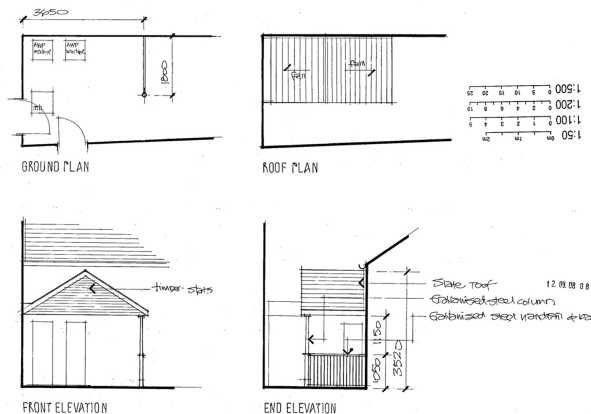
On the south western side of the close the building at 75-76 High Street is a three storey and attic building occupied by a shoe shop at ground floor level and hostel accommodation above. The shoe shop has a fire escape onto Campbell's Close.

There is a decorative iron gateway at the entrance to Campbell's Close



which, when shut, forms an effective screen.

The buildings on either side of the close are Category A listed buildings. The building to which the structure is attached at 77-80 High Street dates



from approximately 1871. Much of this city block was recently altered when the former Arnotts store was redeveloped but the part of the building above 77 and 78 High Street was largely unaffected. The building to the west at 75-76 High Street dates from the early 19th century but it is considered likely to include 17th and 18th century parts to the rear. This building interconnects with 70-73 High Street, also known as Gardyne's Land.

The site lies within the Central Area Conservation Area which has been designated as "Outstanding" by Historic Scotland.

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 requires alterations to a listed building to have regard to the preservation or enhancement of its architectural or historic character.

Scottish Planning Policies, Planning Advice Notes and Circulars

NPPG 18 Planning and the Historic Environment sets out the framework for dealing with planning applications affecting listed buildings and conservation areas.

Non Statutory Statements of Council Policy

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

SUSTAINABILITY ISSUES

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

SITE HISTORY

Planning permission was granted on appeal for the change of use of a shop unit at 77 High Street to an amusement centre in April 2003 - application 02/00453/COU refers.

The unauthorised smoking shelter currently on the site was the subject of four applications (two planning and two listed building consents) which were refused by the Council in June 2007. A conjoined appeal relating to that structure was dismissed by the Scottish Government in June 2008. The Reporter concluded that the design

of the structure was discordant with the character of the listed building and would adversely affect the setting of the adjacent building.

There is an accompanying application for planning permission for the current proposed development, the Report on which is contained elsewhere on this Agenda - application 08/00621/FUL refers.

PUBLIC PARTICIPATION

The application was advertised as a listed building application but no public comment was received.

CONSULTATIONS

Historic Scotland were consulted informally on the development and responded stating that the revised design and materials of the shelter are more in keeping with the character of the listed buildings although a lean to roof would have been preferable because it would continue the existing roof plane of the adjoining building. They recommended that if the structure was to be approved then conditions could be attached to ensure that the timber slats were either left untreated or painted in an appropriate traditional colour and that the steel elements were also painted in an appropriate traditional colour. Finally, they commented that the amusement machines would introduce an alien feature into the traditional close.

OBSERVATIONS

Statutory Requirements

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.

Campbell's Close is an attractive close between two Category A listed buildings. The listed buildings to the west form part of the Gardynes Land complex, comprising some of the most important listed buildings in the city.

Despite the fact that the visual amenity of Campbell's Close is partly compromised by unauthorised air conditioning units erected by the applicants, it is still well maintained

and secured by a decorative iron gateway at its entrance. It is considered that the revised design for the proposed smoking shelter, coupled with the deletion of the amusement with prizes machines and conditions covering the colour and appearance of the structure will result in a development that would preserve the setting of the close and both the category A listed buildings on either side of it.

Other Material Considerations

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

a The Development Plan

Section 60 of the development plan requires alterations to a listed building to have regard to the preservation or enhancement of its architectural or historic character.

This matter has already been considered in the assessment of the proposed development under Section 14 of the 1997 and it was considered that the development would preserve the Category A listed buildings which enclose Campbell's Close.

b The Views of Consultees

The informal views of Historic Scotland on the impact of the development on the setting of the Category A listed buildings on either side of Campbell's Close have been taken into account in the assessment of the development against Section 14 of the 1997 and it has been concluded that there would not be an adverse impact on the setting of the listed buildings. Although Historic Scotland had a preference for a lean to structure, it is considered that the design of the structure currently proposed is also acceptable. This application will be formally referred to Historic Scotland should members be minded to approve the development. The conditions suggested by Historic Scotland are considered to be appropriate and can be attached to any consent for this development should Members be minded to approve this application.

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

Design

The proposed structure incorporates a simple pitched slated roof supported by steel columns. No amusement machines will be located within the structure. The design and finishing materials are considered acceptable in the context of the adjoining listed stone buildings on either side of Campbell's Close.

CONCLUSION

The proposed development will preserve the Category A listed buildings at 77-78 High Street to the east and 75-76 High Street to the west and their setting. The development therefore complies with the statutory requirement in Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

RECOMMENDATIONS

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 Government.

Recommendation 2

It is recommended that Listed Building consent be granted subject to the following conditions:

- 1 The works must be begun not later than the expiration of five years beginning with the date of this consent
- 2 Details of the finish of the proposed timber slats, which shall either be left untreated or painted in an appropriate traditional colour and details of the finish of the steel columns and balusters which shall not have a galvanised finish but shall be painted in an appropriate traditional colour, shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.

- 3 No amusement machines shall be sited within the proposed shelter.

Reasons

- 1 To comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- 2 In order to safeguard the setting of the statutorily listed building.
- 3 In order to safeguard the setting of the statutorily listed building.