

KEY INFORMATION**Ward** The Ferry**Proposal**

Change of Use of Former Station Buildings to form Restaurant and Extension incorporating Re-erection of Signal Box

Address

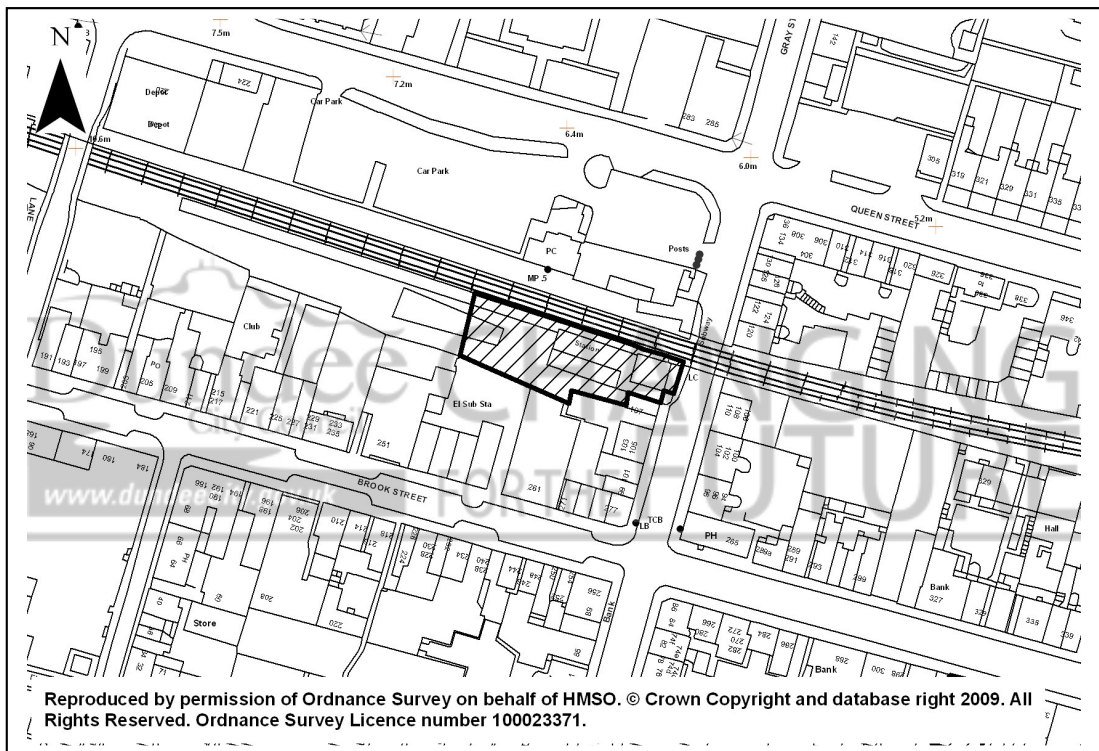
South Platform
Broughty Ferry Railway
Station
Gray Street

Applicant

Network Rail
Buchanan House
58 Port Dundas Road
Glasgow G4 0LQ

Agent

KDM Architects
15 Camperdown Street
Broughty Ferry
Dundee DD5 3AA

Registered 21 Oct 2009**Case Officer** B Knox

Proposed Renewal of Consent for a Restaurant Development at Broughty Ferry Station

A change of use of Former Station Buildings to form a Restaurant and Extension incorporating the Re-erection of a Signal Box is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of City Development.

RECOMMENDATION

The application is considered to comply with the relevant Policies of the Dundee Local Plan Review 2005 and there are no material considerations to justify a decision contrary to this.

SUMMARY OF REPORT

- Planning permission is sought for change of use, alterations and extension of vacant station buildings to form a restaurant incorporating the re-erection of the former signal box at Broughty Ferry Railway Station, Gray Street, Broughty Ferry, Dundee.
- Policies 53 (Licensed and Hot Food Premises outwith the City Centre), Policy 59 (Alternative uses for Listed Buildings), Policy 60 (Alterations to Listed Buildings) and Policy 84 (Passenger Rail Services and Facilities) are relevant to the determination of the application.
- It is considered that the proposals are in accordance with the Policies of the Dundee Local Plan Review 2005.
- This application is being referred to the Development Quality Committee due a request from a Councillor.

DESCRIPTION OF PROPOSAL

Planning permission is sought for change of use, alterations and extension of vacant station buildings to form a restaurant incorporating the re-erection of the former signal box at Broughty Ferry Railway Station, Gray Street, Broughty Ferry, Dundee.

The proposed restaurant will be accessed from the existing access at Gray Street. The first building will incorporate a vestibule and reception area with some seating. The other buildings on travelling west along the platform will incorporate a seated restaurant, a kitchen/preparation area, storage, staff and toilet facilities. On the upper level of the eastmost building will be two small offices and shower and toilet facilities.

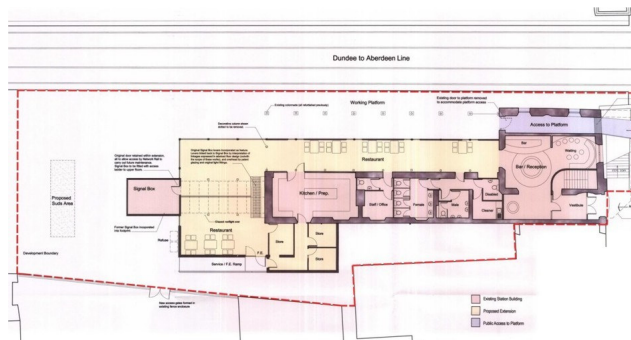
The materials for the restaurant will be a mixture of glazing, cedar lining, dark grey decorative steel bracing and columns, medium grey aluminium window frames, slate grey sarnafil finish flat roof and light grey engineering brick plinth.

The applicant indicates that the revised location of the signal box on the south platform is to ensure greater safety during construction and future safe maintenance. A feasibility study regarding the condition of the stored timbers was submitted by the applicant. This concluded that during dismantling timbers had to be cut into smaller pieces for health and safety reasons and this, coupled with the percentage of rotted timbers, would make re-erection a time consuming and expensive operation. It is recommended that an internal lightweight steelwork braced frame built and that any reused timber would only have a cladding support function and would be fixed back to the framing.

There will be direct access to the railway platform by the creation of an access point that will avoid it being necessary to follow the existing route, which is through an area where the restaurant is to be. In this way, the accessibility of railway facilities shall be maintained.

SITE DESCRIPTION

Broughty Ferry Railway Station is located immediately to the west of Gray Street and the station straddles the main East Coast Railway Line. The station can be accessed from Gray Street, where there is a glazed canopy over the walkway. There is a canopy



over the south platform with slate roof, decorative columns and eaves, timber exposed rafters and lighting. There is a glazed canopy over the north platform and underpass which is a freestanding metal canopy with ornamental brackets to reflect the detailing on the south platform. The roof of the structure features patent glazing and second hand Scottish slates. A pedestrian underpass exists on the west side of Gray Street and this travels below the railway line. To the north of the site is a public car park and to the south are primarily commercial properties in Brook Street.



To the east at Gray Street are commercial properties with flats above.

The property is outwith the nearest conservation areas.

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 53: Licensed and Hot Food Premises Outwith the City Centre - in general, outwith the District Centres no licensed premises other than off licences or hotels with a restricted license and no premises selling hot food is acceptable:

- a within 30 metres of existing and proposed housing if the outlet does not exceed 150m² metres gross floorspace (excluding cellar space) and;
- b within 45 metres if the 150m² square metre figure is exceeded.

In the District Centres some relaxation of the above controls on distance from residential property may be appropriate. However, proposals for hot food takeaways other than those outlined below, will not be permitted in premises directly adjoining (ie directly above or to either side) residential property which is not within the control of the takeaway proprietor/operator.

Where hot food carryout premises and snack bars/cafes/tea rooms are proposed which would not meet the above requirements these may be permitted subject to:

- a the hours of operation being limited to between 7.00am and 7.00pm, and,
- b the hot food not requiring to be prepared on the premises and only requiring heating by means of a microwave oven or other method which would not cause a nuisance to surrounding residential property by virtue of smell.

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.

Policy 84: Passenger Rail Services and Facilities - Dundee City Council will:

- a promote better access between the City Centre and the rail station; and
- b promote the renewal of the station facility in line with its status as an entry point to the City; and
- c support neighbouring authorities in providing modal interchange facilities and new or upgraded rail facilities in their areas; and
- d promote the enhancement of existing service levels provided by train operators; and
- e seek to establish a new or improved rail station and transport link in a location west of Dundee Airport and support and promote more effective use of Broughty Ferry Station; and
- f not permit the redevelopment of existing or former railway stations or their associated facilities if it will prejudice their availability for future rail use.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

SPP23 Planning and the Historic Environment; and

SHEP Scottish Historic Environment Policy.

Non Statutory Statements of Council Policy

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

SUSTAINABILITY ISSUES

The proposal involves the re-use of an existing property. These proposals assist in bringing historical buildings back to a suitable standard for the good of the travelling public and for the good of their architectural merit.

SITE HISTORY

There is extensive history to the proposals to redevelop the vacant station buildings at Broughty Ferry Railway Station. Planning permission was granted for phase 1 in June 2000 which includes the formation of covered enclosures, glazed roofs and installation of a new access ramp. A condition was attached to ensure that the signal box was re-erected within six months. This never occurred and enforcement action was imminent. A partner listed building application was approved on 1 August 2000.

A subsequent application of a similar nature to the current application was approved on 26 January 2004 but was not implemented. The current application was submitted to introduce a new use for the station buildings and to address the issue of potential enforcement action on re-erection of the signal box.

PUBLIC PARTICIPATION

The Council has carried out the statutory neighbour notification procedure as stipulated in Section 19 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

This application was advertised in Dundee Evening Telegraph under Section 34 (Bad Neighbour) of the Act.

There have been lengthy discussions for some years through a partnership approach between Network Rail, their consultants, developers, Historic Scotland, the Council and Broughty Ferry Community Council.

No letters of objection were received in relation to this application.

CONSULTATIONS

The Head of Environmental Health and Trading Standards has advised that there is potential for residents of the area to be affected by noise from ventilation and extraction systems associated with this development and as such have requested that a condition be attached to any permission to ensure that any noise from plant shall not exceed a specified noise level.

Broughty Ferry Community Council

- Generally supportive of the proposals as it allows a sympathetic change of use, does not adversely affect the listed building structures and includes restoration of the signal box;
- Noted that a decorative column is to be removed and would like it to be retained.
- Would like to see the station clock reinstated.

OBSERVATIONS

Statutory Requirements

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.

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 53 relates to licensed and hot food premises outwith the city centre and so is applicable to this particular application. Within the District Centres there is a relaxation of controls on distances of hot food premises from residential property. The main part of the property lies within the District Centre and for this reason a relaxation of this control is considered appropriate. The application is therefore considered to be in compliance with this Policy.

In addition, a condition will be attached to ensure that details of ventilation including acoustic details will be submitted to the Council before

development commences. It is considered that these details will be an appropriate level to protect the residential amenity of surrounding residents. The flats are not immediately adjacent to the restaurant but there is a road between which will act as a barrier to potential noise or smell nuisance.

Policy 59 states that 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. The proposed restaurant is considered an acceptable use for the buildings. The extension is sensitive and the setting of the property shall be preserved. The works to the property itself are necessary to bring the property into an active use and shall not harm the architectural integrity of the property. The application is therefore considered to be in compliance with the demands of this Policy.

Policy 60 indicates that 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. As discussed above, the proposal is acceptable in terms of preserving and enhancing the listed buildings.

Policy 84 states that Dundee City Council will:

- a promote the enhancement of existing service levels provided by train operators; and
- b seek to establish a new or improved rail station and transport link in a location west of Dundee Airport and support and promote more effective use of Broughty Ferry Station; and
- c not permit the redevelopment of existing or former railway stations or their associated facilities if it will prejudice their availability for future rail use.

It is considered that the proposal will not prejudice future use of the railway station and pedestrian access will be retained.

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

The Statutory Requirements under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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 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.

As discussed above in relation to the Policies of the Dundee Local Plan Review 2005, it is considered that the proposals are sympathetic to the character and appearance of the building and in keeping with the style of property. The application is therefore considered to discharge the statutory duties set out above.

Other Material Considerations

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

SHEP Scottish Historic Environment Policy:

The SHEP notes that work which affects the character of a listed building will require listed building consent. Change should be managed to protect a building's special interest while enabling it to remain in active use. As discussed above, it is considered that the proposals represents a balance between bringing the building back into active use with the architectural integrity and character and appearance of the property. It is considered that the works will not be harmful to the features possessed by the property and as such are considered to be acceptable.

SPP23 Planning and the Historic Environment:

Once a building is listed, any demolition works, or any works which alter or extend the building in a way

which would affect its character or its setting as a building of special architectural or historic interest, require listed building consent. It is for the planning authority to:

- consider whether the proposed works will require listed building consent.
- notify Scottish Ministers where the planning authority is minded to grant listed building consent in the case of Category A, B and the demolition of C(S) buildings.
- determine the application, except where cases are called in by Scottish Ministers for their own determination or where the local authority is the applicant.

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 case, 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.

One of the decorative columns currently in place shall be removed to accommodate the new use. It is considered that in this case the high quality end product and the re-use of the building outweigh the retention of this particular column. In any case, it is the only one of the columns within the station complex that is to be removed as part of the proposals. It is therefore considered that the above aspects have been fulfilled and the building shall be brought back into use whilst retaining the fabric of the property. The partner listed building application will deal in more detail with the treatment and integration of the proposal with the listed building.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

The design and layout of the proposed development has been the subject of pre-application discussions. The design, appearance, form, scale, style and materials are considered acceptable at this location and will add to the continual improvement and re-use of the station buildings and surrounding area.

As a result of the Community Council comments the agents were approached regarding the reinstatement of the station clock and the retention of a decorative column. They have indicated that they would be willing to provide a reinstated station clock and it is intended that a condition is placed on any approval to ensure this.

With regards to the column it has been noted that the previous approval for a similar scheme included the removal of the same column and whilst it is regrettable it is considered that it is outweighed by the need to bring the property back into active use.

CONCLUSION

The proposal complies with the relevant Local Plan policies. It is encouraging to see this A-listed building restored and reused and it is considered that the development proposals will improve the appearance of the immediate and surrounding environment. There are no material considerations that would justify the refusal of the application contrary to the approved development plan policies.

RECOMMENDATION

It is recommended that consent be GRANTED subject to the following conditions:-

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
- 2 The total noise from all mechanical and electrical plant shall not exceed NR 35 as measured 1 metre external to the facade of adjacent residential accommodation.
- 3 Details of the method, appearance and acoustic details of any mechanical and electrical plant which is to be employed shall be submitted to the Council

for approval before any development commences and if approved the development shall only be carried out in full accordance with such approved details.

- 4 The timber signal box shall be re-erected in accordance with a scheme which has gained the prior approval of the Council and Historic Scotland, within two years of the date of this consent or prior to the first use of the restaurant (whichever comes first) unless otherwise agreed in writing with the Council
- 5 Details of boundary treatment around the main buildings and site boundary 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
- 6 Details of the proposed access bridge over the underpass and a proposed timescale for implementation 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
- 7 The upper level offices shall remain ancillary to the proposed main use as a restaurant and shall not be occupied by a separate unit.
- 8 Details of lighting, maintenance and responsibility for the underpass 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.
- 9 Details of alterations to the wall at the underpass at Gray Street 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.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.
- 2 In order to protect the amenity of any nearby residential occupiers.
- 3 To protect the level of amenity enjoyed by surrounding residents and protect the architectural and historic character of the listed buildings.
- 4 To ensure that the previously stored signal box is reinstated within the site as an integral part of the listed buildings and historic character of the railway station, all in the interests of enhancing the character and appearance of the locality.
- 5 To ensure a satisfactory standard of appearance of the development.
- 6 To ensure that pedestrian access to the south platform is retained and to ensure a satisfactory standard of appearance of the development.
- 7 To ensure that the offices remain ancillary to the restaurant and to protect the integrity of the listed building.
- 8 To ensure that safe and secure passage for pedestrians is not jeopardised by the proposed development.
- 9 To ensure a satisfactory standard of appearance of the development.