

# Alterations to Listed Building to Form Cafe

## KEY INFORMATION

**Ward** Maryfield

**Address**

5 Bank Street  
Dundee DD1 1RL

**Applicant**

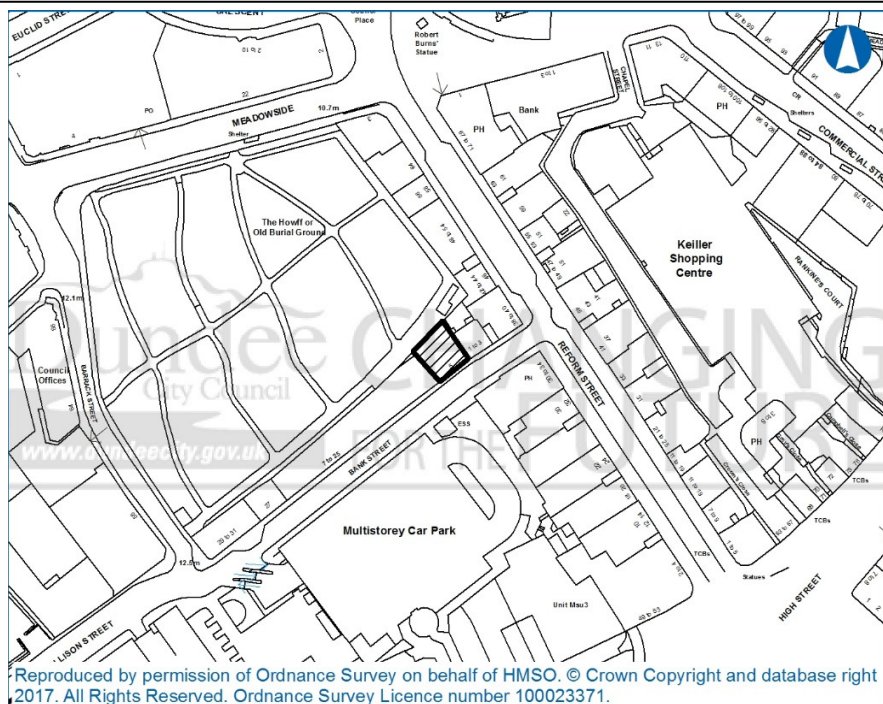
Mr L Chadwick  
12 Blinshall Street  
Dundee DD1 5DS

**Agent**

Jackie Stephen  
95 Dundee Street  
Carnoustie DD7 7EW

**Registered** 21 Feb 2017

**Case Officer** Claire Myles



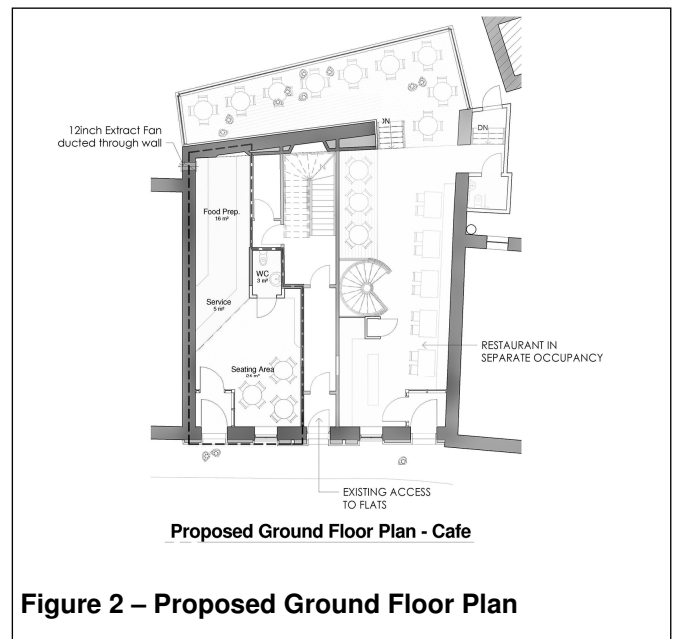
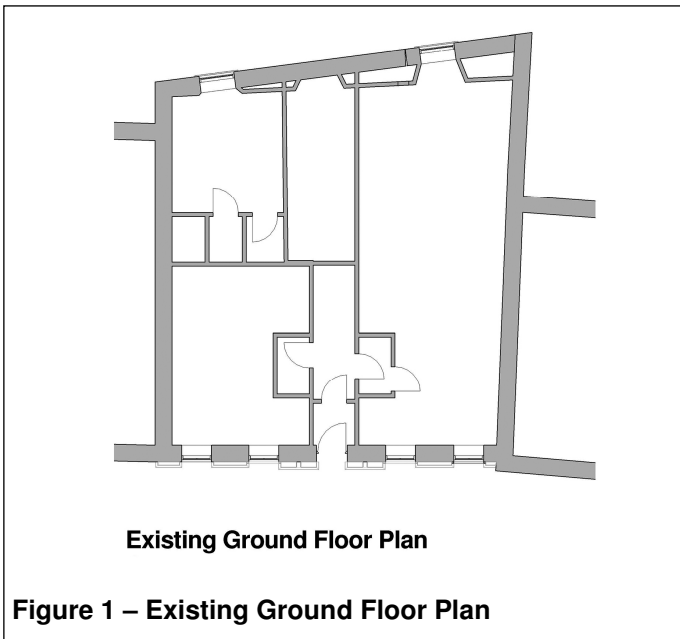
## SUMMARY OF REPORT

- The application proposes alterations to a listed building to form a café.
- The application site is a four storey and basement B-Listed building located in the Central Conservation Area. The property currently comprises vacant commercial use on the ground floor and basement and residential use on the upper floors.
- Historic Environment Scotland has been consulted and has no comment to make on the proposal.
- The application was the subject of neighbour notification and five letters of objection have been received which raise issues in relation to the impact on the listed building and conservation area.
- The application is being referred to the Development Management Committee at the request of an Elected Member.
- More details can be found at <http://idoxwam.dundecity.gov.uk/idoxpa-web/simpleSearchResults.do?action=firstPage>.

## RECOMMENDATION

The proposed development satisfies the requirements of the relevant provisions of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and by approving the application the Council would be discharging its statutory duties in an appropriate manner. The application complies with Policy 48 and 50 of the Adopted Dundee Local Development Plan 2014. There are no material considerations that would justify the refusal of this application. The application is therefore recommended for APPROVAL subject to conditions.

## 1 DESCRIPTION OF PROPOSAL



- 1.1 The application proposes internal and external alterations associated with a change of use on the ground floor of a B-Listed building from commercial offices to a café.
- 1.2 The alterations include removing an existing ground floor timber sash and case window on the front elevation of the B-Listed building to create a new larger opening for a separate entrance door to the cafe.
- 1.3 Internal alterations include removing partition walls to create an open plan style café and blocking an existing access door. There are no internal features of architectural or historic interest within the ground floor of the B-Listed building which will be impacted by the proposal. Existing cornicing has been retained under new ceilings required through building regulations as part of the conversion of the upper levels of the building into residential flats. An original fireplace is to be retained.
- 1.4 There is a related planning application for the change of use from offices to a café reference 17/00085/FULL.

## 2 SITE DESCRIPTION

- 2.1 The application site is a four storey and basement B-Listed building located on the north side of Bank Street in the City Centre. The B-Listed property is a classically-detailed commercial building and was formerly the offices of the solicitors Shiel and Small, and forms a stylistically similar continuous frontage with 7-25 Bank Street which is also B-Listed.
- 2.2 The rear elevation of the building faces The



Howff which is A-Listed.

- 2.3 The building was converted two years ago to form ground floor and basement commercial office space with residential above. The commercial office space is currently vacant. The whole building is in the ownership of the applicant.

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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:

**DUNDEE LOCAL DEVELOPMENT PLAN**

Policy 48: Listed Buildings

Policy 50: Development in Conservation Areas

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

Scottish Planning Policy (2014)

Historic Environment Scotland Policy Statement (2016)

- 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 application 14/00159/FULL was approved with conditions in May 2014 for a change of use to the upper 3 floors from offices to 3 flats and 2 HMOs with alterations and the installation of roof lights. The accompanying listed building consent, reference 14/00300/LBC was permitted for the associated internal alterations and installation of roof lights in July 2014.
- 4.2 Listed building consent 16/00105/LBC was approved on 18 March 2016 for alterations associated with a change of use from Class 2 offices to form 1 residential flat and 3 HMOs within the upper three floors of a property.
- 4.3 Planning application 17/00087/FULL and an associated application for listed building consent 17/00086/LBC are pending consideration for a change of use on the east side of the ground floor and the basement of the application property from offices to a licensed restaurant with associated alterations. The proposed alterations include a single storey rear extension which is designed to suspend above ground within the A-listed Howff located to the rear of the application site.

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### 5 PUBLIC PARTICIPATION

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- 5.1 The application was the subject of neighbour notification and five letters of objection have been received which raise issues in relation to the impact on the listed building and conservation area.
- 5.2 Members will already have access to the letters of objection and the issues raised are considered in the Observations section below.

## 6 CONSULTATIONS

- 6.1 **Historic Environment Scotland** – were consulted and have no comment to make on the proposal.

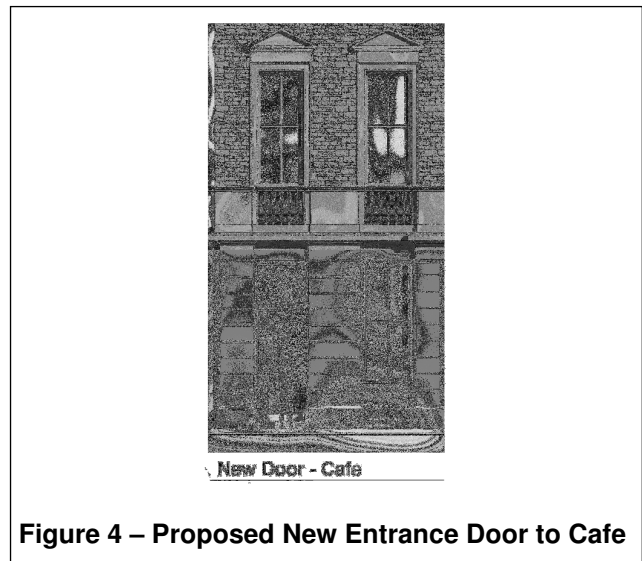
## 7 DETERMINING ISSUES

- 7.1 **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.**

### **PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997**

- 7.2 Section 14 of the above Act requires planning authorities, in considering applications that affect listed buildings, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.3 Similarly, Section 64 of the above Act requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the area.

- 7.4 Internal alterations involve the removal of partition walls to create an open plan style café. There are no existing internal features of architectural or historic interest within the application site which will be impacted by the proposal. Existing cornicing has been retained under new ceilings required through building regulations as part of the conversion of the upper levels of the building into residential flats. An original fireplace is to be retained.



**Figure 4 – Proposed New Entrance Door to Cafe**

- 7.5 The external alterations associated with a proposed change of use to a café include the removal of an existing sash and case window to create a new doorway on the front elevation of the listed building. The proposal is sensitive in design to the listed building and has been created to provide a separate entrance to the cafe and avoid any potential conflict with the existing residential uses on the upper three storeys of the property. The residential properties will be accessed via the existing main front entrance and stairwell. The proposal has been sensitively designed and will not diminish the architectural integrity of the building or its historic interest.
- 7.6 Should members be minded to grant listed building consent, it is recommended that a condition is attached to any consent granted to request full details of the design, materials, finish and a method statement for the works proposed to create a separate entrance to the cafe.

- 7.7 The proposal will bring a vacant ground floor unit back into use and further secure the future of a B-Listed building within the Central Conservation Area. The proposal will preserve the character and appearance of the conservation area.
- 7.8 The proposal satisfies the requirements of the relevant provisions of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- 7.9 It is concluded from the above assessment that by approving the application the Council would be discharging its statutory duties in an appropriate manner.

## **OTHER MATERIAL CONSIDERATIONS**

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

### **A - DUNDEE LOCAL DEVELOPMENT PLAN 2014**

- 7.10 The provisions of the development plan relevant to the determination of this application are specified in the Policy Background section above.
- 7.11 The requirements of Policy 48 (Listed Buildings) and Policy 50 (Development in Conservation Areas) of the Local Development Plan are satisfied by the discharge of the statutory duties outlined by Sections 14 and 64 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- 7.12 **The proposal complies with the provisions of the development plan.**

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

- 7.13 Scottish Planning Policy (2014) and the Historic Environment Scotland Policy Statement (2016) should be taken into account when determining applications for listed building consent. Scottish Planning Policy (Historic Environment) advises that change to a listed building should be managed to protect its special interest while enabling it to remain in active use; 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 Scotland Policy Statement seeks to identify the key characteristics of the historic environment and establish the boundaries within which change can continue so that it enhances rather than diminishes historic character; the historic environment should be valued as an asset, rather than thought of as a barrier to development.
- 7.14 **It is therefore concluded that the proposed works comply with national planning guidance with regard to development affecting a listed building.**

### **C - VIEWS OF OBJECTORS**

- 7.15 The application was the subject of neighbour notification and five letters of objection have been received which raise issues in relation to the impact on the listed building and conservation area.
- 7.16 Objections to the café proposal are specifically in relation to the detrimental impact on the character and setting of the conservation area and listed building. Many of the objection letters received for this proposal also raise concern with the adjacent proposal at 5 Bank Street for a restaurant with a rear extension into The Howff, which are considered in the reports for those applications.

- 7.17 In respect of this proposal, as outlined above, the proposed external changes have been sensitively designed. The proposal will bring a vacant ground floor unit back into use and further secure the future of a B-Listed building within the Central Conservation Area. The proposal will preserve the character and appearance of the conservation area.
- 7.18 **The concerns of the objectors are not supported.**
- 7.19 **It is concluded from the foregoing that there are no material considerations that would justify refusal of listed building consent.**

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## **8 CONCLUSION**

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- 8.1 The proposal satisfies the requirements of the relevant provisions of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. It is concluded from the above assessment that by approving the application the Council would be discharging its statutory duties in an appropriate manner.

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## **9 RECOMMENDATION**

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- 9.1 It is recommended that consent be GRANTED subject to the following condition:
- 1 Prior to the commencement of work on site, details of the method, design and materials for the proposed new doorway shall be submitted to the Council for written approval. Thereafter, the proposed works for the new doorway shall be completed in strict accordance with the details approved by this condition.

### **REASONS**

- 1 In the interests of safeguarding the character and appearance of the listed building.