

Internal and External Alterations To Accommodate Change of Use To 13 Self-catering Apartments

KEY INFORMATION

Ward – Broughty Ferry

Address

Jessies Kitchen
Broomfield Nurseries
3 Albert Road
Broughty Ferry

Applicant

Olivier Properties Ltd
2 Castle Terrace
Broughty Ferry

Agent

Jon Frullani Architect

Validated: 10 April 2024

**Report by Head of Planning
& Economic Development**

Contact: Laura Stewart



SUMMARY OF REPORT

- Listed Building Consent is sought for internal and external alterations to Broomhall House.
- The Listed Building Consent application covers the physical works to the building only. This includes internal alterations to install partition walls and relocate internal joinery work including fireplaces, to change one door to a timber sash and case window on the north elevation and for the repair of the conservatory.
- The application for a change of use to 13 self catering apartments is also pending consideration under reference 24/00247/FULL. The principle of development and technical issues associated with the proposed change of use are not for consideration under this application which seeks Listed Building Consent only.
- The application is fully in accordance with the Development Plan.
- The statutory neighbour notification process was undertaken, and the application was advertised in the local and national press. Two letters of objection have been received.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as Broughty Ferry Community Council has objected and the recommendation is to grant Listed Building Consent.

RECOMMENDATION

The proposal is fully in accordance with the Development Plan. There are no material considerations of sufficient weight to justify refusal of listed building consent. It is therefore recommended that listed building consent be **APPROVED** subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 Listed Building Consent is sought for internal and external alterations to the building. The change of use which is proposed under 24/00247/FULL assesses the principle of the change of use alongside other technical and amenity issues. This is not for consideration under the application for Listed Building Consent.
- 1.2 Seven apartments are proposed to the first floor, these are single room, with one which has two bedrooms. There is also a shared communal living space/hallway to the first floor. There are 6 single bedroomed apartments on the ground floor. The floor plan is to remain the same as existing which would largely retain the original floor plan of the building and internal features such as cornicing and joinery work. There is a set of stairs to the upper floor which is to be removed. The staircase is not an original feature, the original stairs from the ground to the first floor having been removed in previous ownership.
- 1.3 Each of the rooms shall include a kitchenette and en-suite. To accommodate the en-suites internal partition walls will require to be installed within guest rooms. All original fireplaces where they exist within rooms are to be retained. The only removals proposed are those which are not original features of the building.
- 1.4 Externally, it is proposed to change an existing door to the ground floor north elevation to a timber sash and case window with sandstone cill and infill below to match the existing surround.
- 1.5 The conservatory is to be repaired. It is proposed to install a 45mm aluminium capping piece to the roof and install new glazing units. Timbers will be repaired where possible or replaced on a like for like basis.
- 1.6 All other features including windows, doors and roof are to be made good where necessary.
- 1.7 The applicant has submitted the following in support of the application:
 - Operational Statement;
 - Planning and Listed Building Statement; and
 - Transport Statement.

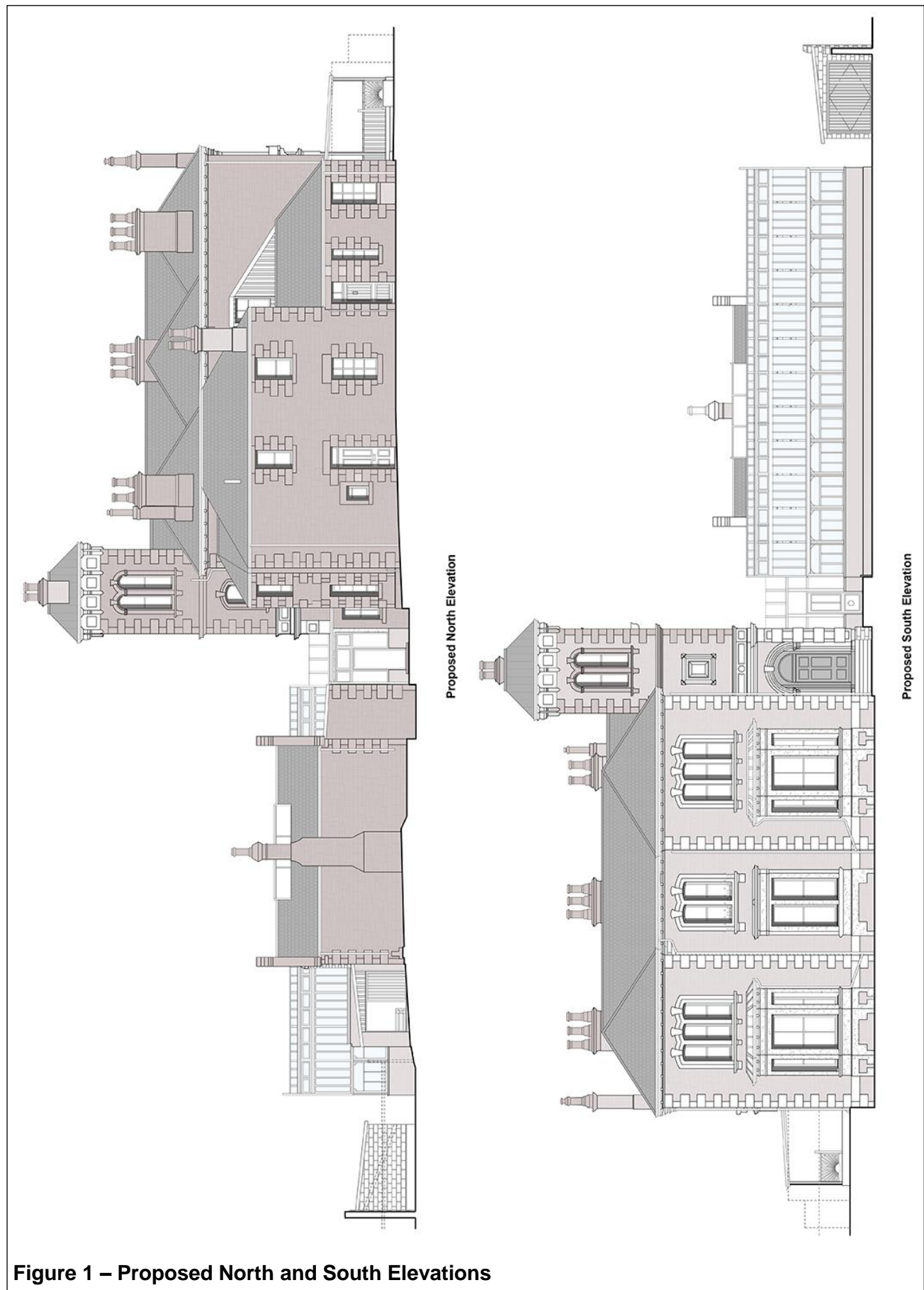


Figure 1 – Proposed North and South Elevations



Figure 2 – Proposed Ground Floor Plan

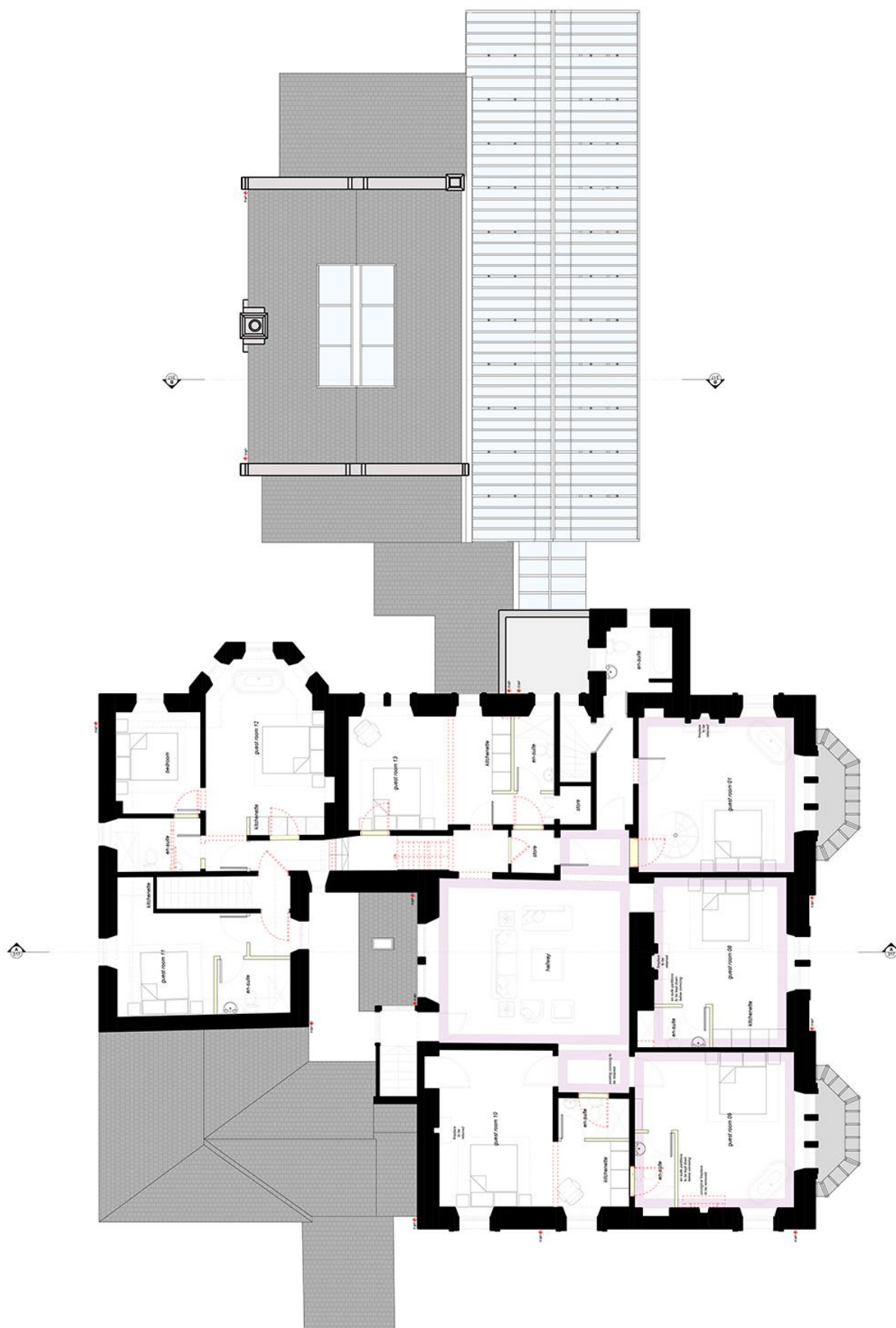


Figure 3 – Proposed First Floor Plan

2 SITE DESCRIPTION

- 2.1 The site is located on the north side of Albert Road in Broughty Ferry. It is submitted that the property has been subdivided over the years and has most recently been in use as a café, garden centre and a residential flat on the first floor.
- 2.2 The property sits in generous grounds which mainly comprise a large front lawn, located between the access to Broomhall Gardens (also the site access between 3 and 3A Albert Road) and Brackenbrae. The site falls just out with West Ferry Conservation Area, the boundary of which lies to the west of the site. The immediate area has a mixed density which includes contemporary bungalows and housing on the opposite side of Albert Road to the south. Larger traditional buildings set within generous plots are located to the west, north and east. Properties to the east and west have also been subdivided into flats.
- 2.3 The Listing description is as follows (LB25907):
- attributed to James McLaren, dated 1865. Single and 2-storey with 3-stage tower, irregular-plan Italianate villa. Snecked sandstone rubble, raised chamfered quoins (tooled at N), grey slate roof. Mainly 2- and 4-pane sash and case windows, architraves moulded and painted at ground floor, moulded and keystone segmental (unpainted) at 1st floor, with bracketed cills and some decorative cast-iron window guards. Cast-iron rainwater goods with decorative hoppers, dentilled eaves course, corniced linked stacks, panted-roofs;
 - E (ENTRANCE) ELEVATION: asymmetrical. Tower advanced from main house at off-centre left; painted open porch at ground floor with keystone, round-headed arches and banded pier, extended to right by single storey bay, moulded cornice and band course; window at 2nd stage and at right re-entrant (uPVC) frames), painted and sculpted name/date panel at left; moulded cornice, keystone round-headed bipartite windows with bracketed cills at N, S and E of 3rd stage, deep moulded and bracketed wallhead course, flat-top pyramidal roof with brattishing and 4 angle weathervanes. 1st floor window with balcony at main house recessed at left; window at ground floor right, 2 bipartites and single window at 1st; service wing at far right with 2-storey canted window and windows at ground and 1st floor right;
 - S ELEVATION: 3-bay, symmetrical. Bipartite window at centre with bracketed lintel, segmental bipartite with balcony at 1st floor. Slightly advanced bays at left and right each comprising keystone tripartite canted window at ground floor, segmental tripartite at 1st.
 - W ELEVATION: main house at right; corbelled chimney at 1st floor with monogrammed panel, 2 bays at left and 1 at right, each consisting of window at ground and 1st floor (cast-iron balcony at 1st). Single storey service block at far left with door and 4 windows.
 - N ELEVATION: single and 2-storey service block with various windows and doors; enclosed staircase to door at former stair window.
 - CONSERVATORY: at E with large ventilator ridge linked to porch extension at centre; single storey billiard room adjoining at N with coped skews and massive mannered finials; and
 - INTERIOR: staircase and original chimneypiece removed; ornate plaster cornices; encaustic tile floor in hall extending to conservatory and billiard room entrance; billiard room with pilasters, ornate entablature, Peterhead granite chimneypiece, coffered wagon ceiling with fine stained glass rooflight depicting putti playing billiards.



Figure 4 – Broomhall House and Garden



Figure 5 – Billiard Room



Figure 6 – Conservatory

3 POLICY BACKGROUND

- 3.1 The following plans and policies are considered to be of direct relevance:

NATIONAL PLANNING FRAMEWORK 4

Policy 7: Historic Assets and Places

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 49: Listed Buildings

- 3.2 Historic Environment Policy for Scotland (HEPS)

- 3.3 There are no other plans, policies and non-statutory statements that are of direct relevance.

4 SITE HISTORY

- 4.1 Listed Building Consent 24/00246/LBC for Internal and external alterations to accommodate change of use to 13 self-catering apartments is pending consideration.
- 4.2 Planning permission 16/00758/FULL for Erection of 2 Detached Dwellings and Upgrading of Existing Roadway was approved 28.10.2016.
- 4.3 Planning permission 13/00802/FULL for Demolition of existing house, greenhouses and boiler house and erection of 6 detached dwellings and garages including upgrading of existing access roadway was approved 24.01.2014.
- 4.4 Planning permission 14/00013/FULL for Proposed change of use of part of garden ground and yard area to provide additional car parking was approved 17.04.2014.
- 4.5 Planning permission 10/00648/FULL for Proposed change of use from existing Residential Flat to Coffee Shop was approved 17.12.2010.
- 4.6 Planning permission 12/00432/FULL for Part change of use of ground floor flat to form extension to coffee shop was approved 14.09.2012.

5 PUBLIC PARTICIPATION

- 5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- 5.2 One objection was received. However, the grounds of objection are not material to the Listed Building Consent, raising concern in relation to the following matters:
- Noise and impacts to amenity;
 - Management of the facility;
 - vehicular access and traffic;
 - site is outwith Central Broughty Ferry; and
 - inconsistencies around the proposed use of the building and manner of events within the Planning and Listed Building Statement.

However, these are not valid considerations in assessing the Listed Building Consent which is for the physical works to the building only. The issues raised have been considered within the detailed planning application (24/00247/FULL) which is currently pending consideration.

6 CONSULTATIONS

- 6.1 **Broughty Ferry Community Council** - objects to the application. No detailed justification statement as required by LDP Policy 49 (Listed Buildings) has been submitted. Concern is raised around the use of the building and inconsistencies within the supporting Planning and Listed Building Statement.
- 6.2 **Historic Environment Scotland** – has no objection. HES consider the scheme to be sympathetic to the traditional character of the building. It is recommended that down stands and nibs are retained where internal walls are to be taken down to provide visual reference to the historic plan form of the building. ¾ height partitions for en-suites is supported.
- 6.3 It is recommended that where original doors/openings are to be removed that they are fixed shut and upgraded on the internal face rather than infilled, historic doors should be re-used elsewhere where this is not possible.
- 6.4 A Condition Survey of the conservatory could be secured prior to full replacement, should this be deemed necessary it shall be designed to match the existing.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission shall be determined in accordance with the Development Plan unless material considerations indicate otherwise.**
- 7.2 Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on Planning Authorities in determining an application for Listed Building Consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possesses. Regard will be had to this in the following appraisal.

THE DEVELOPMENT PLAN

The provisions of the Development Plan relevant to the determination of this application are specified in the Policy Background section above.

- 7.3 **Policy 7: Historic Assets and Places** - with reference to part a states that development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change. Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.
- 7.4 The physical works which are proposed to the building are not significant interventions and would preserve the future of the building. The proposed works would not have a significant impact on the historic asset.
- 7.5 **The proposal is in accordance with NPF4 Policy 7a.**

- 7.6 **NPF4 policy 7c** - states that: development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.
- 7.7 An assessment of the principle of the proposed re-use of the building is contained within the associated report for planning permission under 24/00247/FULL. The works which are proposed as described earlier in this report seek to retain and provide repairs to as much of the historic assets as practicably possible. The works do not propose any significant alterations such as demolition, extensions or substantial internal downtakings. The proposed works would preserve the character and special architectural and historic interest of the building thereby securing the future of the historic asset. Conditions are however recommended to secure a full condition survey of the conservatory with a detailed methodology statement to ensure that repairs are fully justified and appropriately undertaken. As recommended by HES more specific details are requested in regard to the re-use of joinery work and fireplaces.
- 7.8 **The proposal is in accordance with NPF4 policy 7c subject to conditions.**
- 7.9 **LDP Policy 49: Listed Buildings** – part a relates to alternative uses. This 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. A detailed justification statement shall be required to be submitted to support an application proposing an alternative use.
- 7.10 The application is supported by a Planning and Listed Building statement alongside a “Justification Statement” which sets out the recent history of the building along with some headline figures as to the renovation costs and scenarios of keeping the building in permanent residential use/conversion to 3 flats. The building was most recently in use as two flats along with a café, before this it was a garden centre.
- 7.11 It is submitted that the building itself was on the market for 7 months and cost £1 million to purchase, a quote was obtained last year to carry out joinery works on the conservatory, this was estimated to be £120,000. Glazing also requires to be installed to retain this feature of the building which is part of the listing description.
- 7.12 It is submitted that the main areas of works being the conservatory and billiard room could cost approximately £250,000 and due to the relationship of these rooms within the building these could only serve as communal spaces. If the building was converted into 3 apartments (the existing apartment alone was valued at £300,000) then it would be uneconomically viable to upgrade the communal parts of the building.
- 7.13 It is submitted that due to the layout of the building as existing it would be difficult to redevelop the building into 5 flats, however, even if this was proposed, at a value of £300,000 each it would generate £1.5 million. This would be unviable when considering the purchase cost of the building and the upgrades needed.
- 7.14 It is concluded that restoration of the building would only be viable if a sustainable business can be created that can, over time, start to repay the significant development costs with a positive cash flow. The justification for the change of use to self-contained visitor accommodation along with the multipurpose events element is therefore supported to preserve the future of the heritage asset.
- 7.15 **The proposal is in accordance with LDP Policy 49a.**

- 7.16 With regard to **Policy 49b**, which is concerned with alterations to listed buildings, it is stated that: the alteration of a listed building will only be acceptable where the proposals have regard to the preservation or enhancement of the building or its setting or any features of special architectural or historic interest which it possesses. Alterations will not be permitted where the works would diminish the architectural integrity of the building or its historic interest. A detailed justification statement shall be required to accompany an application for alterations to a listed building.
- 7.17 As assessed under NPF4 policy 7c above the works as proposed are acceptable. They do not diminish the architectural integrity of the building or its historic interest. The works which are detailed within the supporting Planning and Listed Building Statement, as provided on plan, and further secured by condition are supported.
- 7.18 **The proposal is in accordance with NPF4 policy 49b subject to conditions.**
- 7.19 **It is concluded that the proposal is in accordance with the Development Plan.**

STATUTORY DUTIES

Planning (Listed Buildings and Conservation Areas) Scotland Act 1997 as amended

- 7.20 These matters have been considered in the assessment of the proposed works the provisions of National Planning Framework 4 and the Dundee Local Development Plan 2019. In light of the assessment above, it is concluded that the alterations to the building would support the continued use and retention of the listed building and the works proposed would preserve the character and appearance of the building. Therefore, in approving Listed Building Consent, subject to conditions, the Council will discharge its statutory duty in this regard.

OTHER MATERIAL CONSIDERATIONS

A - SUPPORTING INFORMATION

- 7.21 The supporting information and plans have been considered within the main body of the report.

B - OTHER RELEVANT STATUTORY OR NON-STATUTORY STATEMENTS OF POLICY

- 7.22 Historic Environment Policy for Scotland (HEPS) seeks that changes to specific assets and their context should be managed in a way that protects the historic environment and opportunities for enhancements should be identified where appropriate.

For the reasons set out in the assessment above, the proposal would comply with HEPS.

C – REPRESENTATIONS

- 7.23 One objection which raised material planning grounds was received, the comment is summarised:
- 7.24 **Objection** - No detailed justifiable statement as required by LDP Policy 49 (Listed Buildings) has been submitted.
- 7.25 **Response** – A statement has been submitted which sets out some of the costs involved with the renovation of the property. This sets out two scenarios of developing the site for three flats, or five flats as not having a high return. As assessed under Policy 49a above, the proposed use of the building is supported. It will also ensure that the entire building is retained by one owner. The proposal complies with LDP Policy 49.

- 7.26 The issues raised in the representations have been considered and addressed in the report and the grounds raised are not of sufficient weight to justify refusal of listed building consent.
- 7.27 **It is concluded that there are no material considerations of sufficient weight in this case to justify refusal of listed building consent.**

8 CONCLUSION

- 8.1 The application for the internal and external alterations to Broomhall House complies with the requirements of Section 14(2) of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 and is in accordance with the Development Plan. There are no material considerations of sufficient weight that would justify refusal of Listed Building Consent. Therefore, it is recommended that Listed Building Consent be approved subject to conditions.

9 RECOMMENDATION

- 9.1 It is recommended that Listed Building Consent be GRANTED subject to the following conditions:

- 1 **Condition** – no development or work shall commence until a statement which details how all repairs will be carried out to the conservatory has been submitted to, and approved in writing by the Planning Authority. For the avoidance of doubt this shall include:
 - i a full Condition Survey including photographs to be carried out by a suitably qualified professional;
 - ii Elevation Plans showing areas where replacement glazing, and joinery is required; and
 - iii a Method Statement detailing how all repair work will be carried out including a specification for all materials including any paintwork.

Thereafter, the works shall progress in accordance with the approved details.

Reason - in the interests of preserving the historic character and interest of the listed building.

- 2 **Condition** – no development or work shall take place until the following details have been submitted to, and approved in writing by, the Planning Authority:
 - i a Statement including plans and photographs which detail all internal joinery work and fireplaces which are to be retained in situ and which will be removed;
 - ii a method for the careful removal of internal joinery and re-use of this within the building; and
 - iii a plan(s) detailing where in the building removed joinery work shall be utilised.

For the avoidance of doubt internal joinery includes features such as timber panelling, doors, fitted cupboards, staircases, beams, skirtings, architraves etc.

Thereafter, the removal and subsequent reinstatement of internal joinery work shall be carried out in accordance with the details approved by this condition.

Reason - in the interests of preserving the historic character and interest of the listed building.