

KEY INFORMATION

Ward Maryfield

Proposal

Conversion of 1st, 2nd, 3rd and 4th Floors to 24 Flats and Construction of New Escape Stair Links and Plant

Address

36-40 Seagate
Dundee DD1 2EJ

Applicant

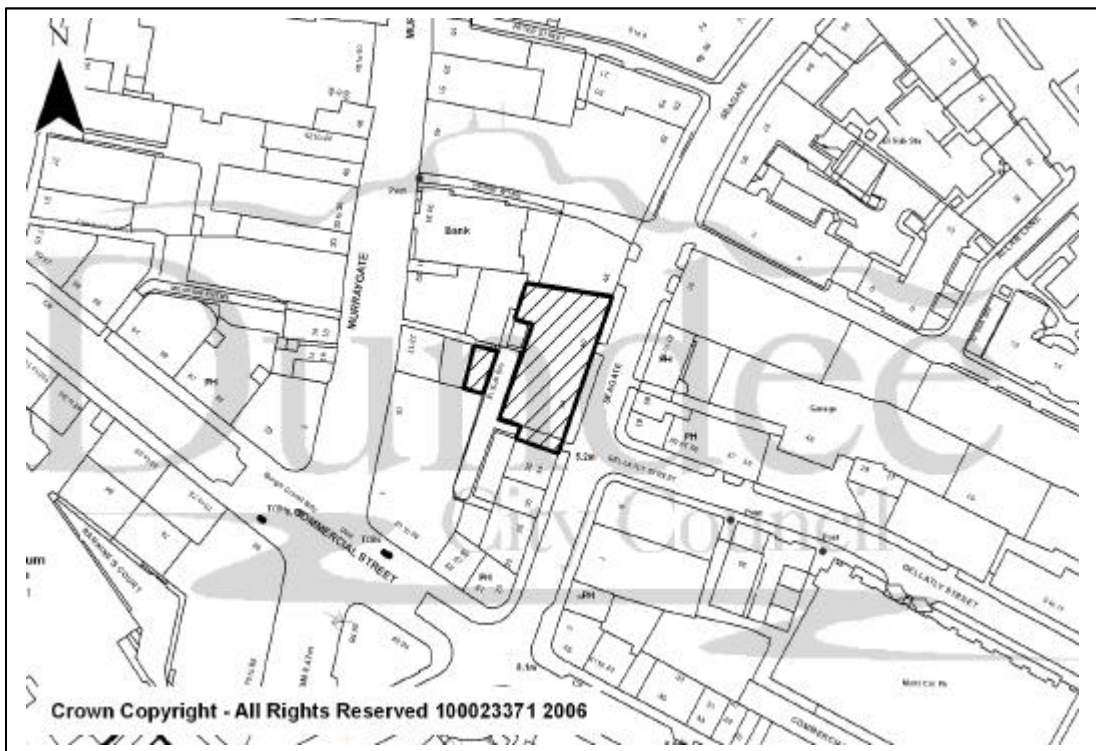
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Registered 21 Mar 2007

Case Officer C Walker



Proposed Residential Conversion in Seagate

The conversion to 24 flats is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development will serve to preserve this visually important listed building and will provide a good standard of residential amenity for the future occupiers of the dwellings. There is a justification for providing a small number of single bedroom flats in the proposed development contrary to the terms of Policy 4 of the Local Plan. The application is recommended **APPROVAL** subject to the conclusion of a S75 Agreement restricting HMO's.

SUMMARY OF REPORT

- Planning permission is sought to convert the upper floors of the former Robertson's Bond, a Category B listed building to 24 flats. Minimal elevational alterations are proposed to the front elevation of the building.
- This site is allocated as a brownfield housing site in the Local Plan and Policies 4, 55, 60 and 61 are relevant to the determination of the application.
- Dundee Civic Trust wrote supporting the proposals but suggesting that the proposed timber cladding be removed from the scheme.
- Issues of air quality have been addressed and noise matters can be controlled by a planning condition. A S75 Agreement restricting HMO's is proposed in this case.
- The proposed development will serve to preserve this visually important listed building and will provide a good standard of residential amenity for the future occupiers of the dwellings. There is a justification for providing a small number of single bedroom flats in the proposed development despite the terms of Policy 4 of the Local Plan.

DESCRIPTION OF PROPOSAL

Planning permission is sought to convert the upper floors of this Category B listed building to 24 flats. 4 of the flats have 3 bedrooms, 17 have 2 bedrooms and 3 have 1 bedroom. The principal access to the flats is proposed through existing openings in the front elevation of the building but there is also a fire escape proposed over a 3 level enclosed bridge crossing the laneway to the rear of the building. Bin stores and plant is also provided in the ground floor of the warehouse building.

Minimal elevational alterations are proposed to the front elevation of the building (removal of window bars, formation of entrance doors in existing openings and formation of new roof lights). More substantial alterations are proposed to the rear of the building both to extend an existing 2 storey area of the building to 4 storeys and to form the fire escape bridge. These extensions are designed in a contemporary manner with finishing materials of white render, timber cladding, brickwork and grey membrane roofs. It is proposed to replace all the windows on the existing building.

As the site comprises buildings only and does not include most of the ground floor, there can be no provision for car parking and garden ground. However balconies are provided for some of the flats and adequate storage for bikes is made on all levels.

A Design Statement has been submitted which indicates that a primary consideration was respect for the listed building and that other considerations were avoiding long corridors, creating spacious accommodation with a choice of flat sizes, designing appropriate entrances and exposing as much of the original fabric as possible. The building has been designed with a central atrium bringing light to the centre of the building with stair and lift access to all levels.

An Air Quality Assessment has been submitted which concludes that air quality in this area will be at an acceptable level by 2008 with the completion of works anticipated no sooner than summer of 2008.

A Noise Assessment has been submitted which concludes that there are issues with traffic noise but that they can be overcome by providing the flats with permanent attenuated ventilation so that if the windows are closed to provide noise attenuation there will be no loss of ventilation. In

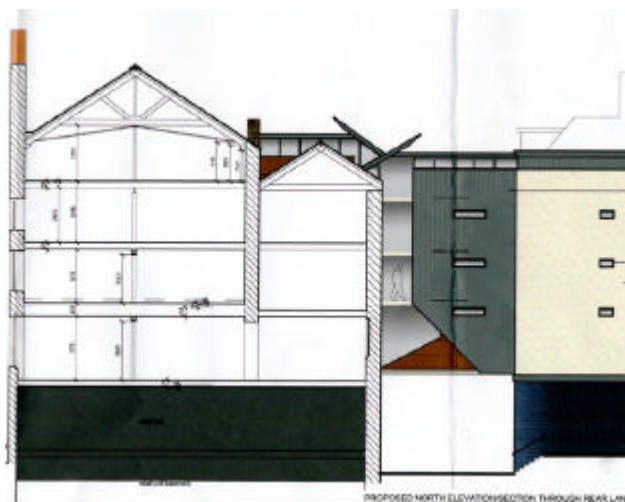


terms of noise from plant adjacent to the site, the Report concludes that adequate mitigation will be provided by the glazing to be installed on the windows of the development.

SITE DESCRIPTION

The site comprises the former Robertson's Bond, an imposing 4 storey and attic red sandstone building on the west side of Seagate. The building is category B listed and lies within the Central Area Conservation Area. The ground floor is in retail use and the upper floors are vacant having last been used as a bonded warehouse.

There is a laneway which runs through



a pend to the south of the building and continues through to the rear of the building and the site also includes a 2 storey stone warehouse building on the west side of this laneway.

The building to the north is part of the Marks and Spenser retail premises. To the south are stone and slate buildings with ground floor commercial uses and upper floor flats. To the west are the rear elevations of commercial properties on Murraygate. To the east, on the opposite side of Seagate is a mix of commercial and residential properties.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan Review 2005

This site is allocated as a brownfield housing site under Proposal H09. Policy 4 sets out requirements for the design of new housing. Policy 55 promotes good urban design, Policy 60 requires alterations to a listed building to have regard to the preservation or enhancement of its architectural or historic character and Policy 61 requires proposals in conservation areas to preserve or enhance the character of the surrounding area.

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. More specific advice is provided in the Memorandum of Guidance on Listed Buildings and Conservation Areas.

Non Statutory Statements of Council Policy

Supplementary Planning Policy Guidance on Houses in Multiple Occupation. Policy HMO4 seeks to control multiple occupation in new residential properties and substantial conversions by 3 or more unrelated persons.

SUSTAINABILITY ISSUES

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

SITE HISTORY

Planning permission and listed building consent were granted in 1996 to convert and extend the upper floors of this building to 28 flats – applications 96/22225/D and 96/1336/DLB refer. These consents were not implemented.

More recently, in April 2004 planning permission and listed building consent were granted to convert the first and second floors of the building to a leisure use – applications 03/00530/COU and 03/00531/LBC refer. Work on this project was commenced but never completed.

There is an accompanying application for listed building consent for the development currently proposed, the Report on which is contained elsewhere in this Agenda - application 07/00220/LBC refers.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the development was advertised as contravening Policy 4 of the Local Plan. No objections were received but the Dundee Civic Trust wrote to support the proposals but suggesting that the proposed timber cladding be removed from the scheme.

CONSULTATIONS

The Head of Environmental Health and Trading Standards has considered the reports on air quality and noise and agrees with their conclusions. However, he has asked that the glazing specification on the third floor balcony area on the north elevation of the building be upgraded to a similar or better standard to that proposed on the Seagate elevation, in order to ensure satisfactory internal levels.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider:

- a whether the proposals are consistent with the provisions of the development plan; and if not

- b whether an exception to the provisions of the development plan is justified by other material considerations.

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy Background section above. In this case the proposal is consistent with the allocation for housing under proposal H09. In terms of Policy 4, the proposal is required to meet the City Centre standards for housing. In this case the proposed development fully meets all the required standards except for the fact that 3 of the 24 flats have 1 bedroom only.

Policy 55 promotes good urban design, Policy 60 requires alterations to a listed building to have regard to the preservation or enhancement of its architectural or historic character and Policy 61 requires proposals in conservation areas to preserve or enhance the character of the surrounding area.

These policies are to an extent interlinked and the most significant issue is whether the proposed development satisfies the requirements of Policy 60, which in turn reflects the statutory duty set out in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

In this case the Category B listed building is being treated in a sensitive manner. The proposed external changes are quite limited and the more radical modern interventions at the rear of the building are justified in terms of their design and the treatment of the listed building.

It is considered that the proposed works will serve to preserve the listed building and therefore comply with Policy 60 of the Local Plan. For the same reason it is considered that the design of the development is of a very good quality and satisfies the requirements of Policies 55 and 61 of the Plan.

It is concluded from the foregoing that the provision of 3 single bedroom flats contravenes Policy 4 of the Local Plan.

Other Material Considerations

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

- a Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications that affect a listed building, 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.

This matter has already been considered in the assessment of the proposed development under Policy 60 of the adopted Local Plan and it was considered that the proposal would preserve the listed building.

- b Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications in conservation areas, to have special regard to the desirability of preserving or enhancing the character or appearance of the area.

This matter has already been considered in the assessment of the proposed development under Policy 61 of the adopted Local Plan and it was considered that the proposal would preserve the listed building.

- c Contravention of Policy 4

The Appendix 1 standards linked to Policy 4 contain a presumption against 1 bedroom flats in the City Centre (the development complies with all the other requirements). Policy 4 itself has in built flexibility in considering applications relating to listed buildings although the specific wording only mentions flexibility in applying parking and garden ground requirements. In addition the Memorandum of Guidance on Listed Buildings and Conservation Areas suggests planning authorities should be flexible in their approach to listed buildings.

In this case the development is of a very high quality, providing attractive internal spaces and bringing back the upper floors of the listed building to life. Almost all the flats comply with policy requirements and the 3 which do

not are located in a part of the building beside a fire escape route where there is little flexibility to increase their size or amalgamate them into adjoining flats. In addition the flat sizes are not small (52m² metres).

It is considered that the above factors provide a justification for approving 3 single bedroom flats as part of this overall development.

d The Views of Dundee Civic Trust

It is considered that this is a well designed development and the Dundee Civic Trust share this opinion. However they do not like the proposed timber cladding on the new development to the rear of the building (although no reason is given for this concern).

In fact the use of timber cladding is very sparing, with the predominant materials being smooth white render, grey profiled metal cladding. Whilst extensive use of timber cladding, particularly in locations more exposed than this, can be visually unattractive, it is considered that its limited use on the current development is acceptable.

e Other Issues

Issues of air quality and noise have been satisfactorily resolved and the Head of Environmental Health and Trading Standards agrees with the conclusions of the Reports on these issues. A planning condition is proposed to ensure adequate noise mitigation.

Policy HMO4 of the Councils non statutory policies seeks to control multiple occupation in new residential properties and substantial conversions by 3 or more unrelated persons. It is considered that it is appropriate to seek the conclusion of a Section 75 Agreement restricting HMO's in this case.

It is concluded from the foregoing that the material considerations provide sufficient justification for approving the development contrary to the requirements of Policy 4 of the adopted Local Plan. It is therefore recommended that planning permission be granted with conditions.

Design

The treatment of the listed building is handled sensitively and any interventions are restricted to that necessary to provide an attractive level of internal accommodation.

CONCLUSION

There is a justification for providing a small number of single bedroom flats in the proposed development contrary to the terms of Policy 4 of the Local Plan. The development complies in all other respects with the policies of the Local Plan. The proposed development will serve to preserve this visually important listed building and will provide a good standard of residential amenity for the future occupiers of the dwellings.

RECOMMENDATION

Recommendation 1

This planning permission shall not be issued unless and until an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 between the Council and parties with appropriate interests in the land has been recorded. This agreement will relate to the prohibition of any of the proposed dwellings becoming houses in multiple occupation.

Recommendation 2

It is recommended that 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 Samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples
- 3 The noise mitigating measures set out in the Noise Assessment dated 27 May 2007 and the revised Noise Assessment dated 30 May 2007 shall be fully implemented prior to the occupation of any of the flats hereby approved. In addition, the glazing at the balconies on the third floor flat on the north

elevation of the building shall be upgraded to the enhanced specification proposed for the Seagate elevation of the building.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 To ensure that the future occupiers of the proposed flats are protected from noise disturbance.