

Change of Use From 3 Bedroom Flat to 4 Bedroom HMO at Flat 5, Tayview Flats, 12 Dock Street

KEY INFORMATION

Ward Maryfield

Address

Flat 5
Tayview Flats
12 Dock Street
Dundee

Applicant

Grant Property Solutions

Agent

LJR&H Architects

Registered 24 Aug 2020

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

Contact: Craig Swankie



SUMMARY OF REPORT

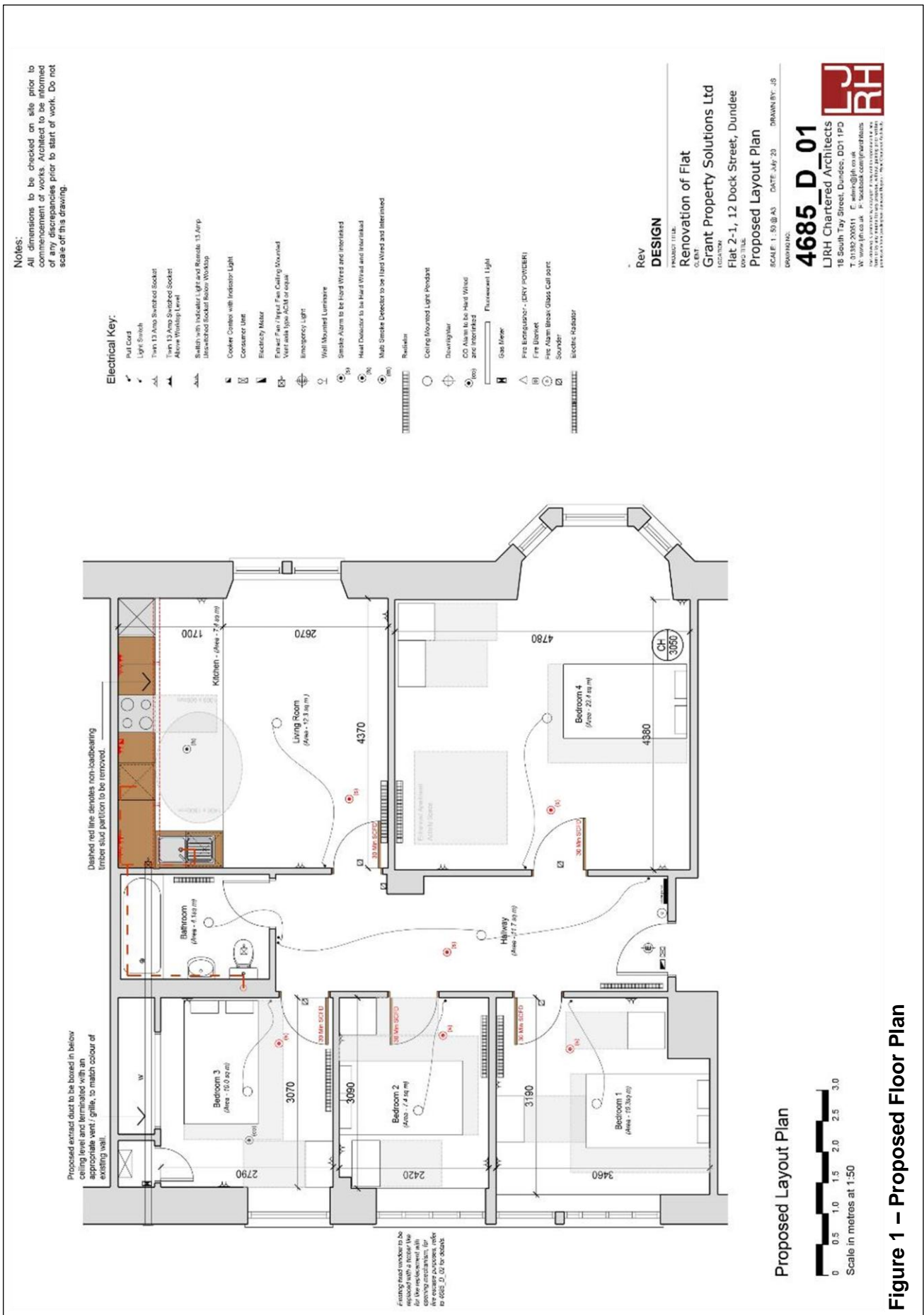
- Planning permission is sought for a change of use of a 3 bedroom flat to a 4 bedroom HMO and associated alterations to the layout of the property.
- The application site is located within Tayview Flats, within the city centre area.
- The application is in accordance with the Development Plan.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. Six valid 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 at the request of an elected member and as six or more valid written objections have been received and the recommendation is for approval.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=summary&keyVal=QE89BSGCMZ00>

RECOMMENDATION

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

1 DESCRIPTION OF PROPOSAL

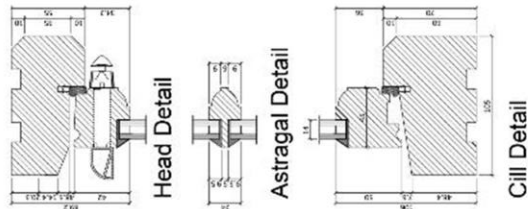
- 1.1 Planning permission is sought for the change of use from a three bedroom flat to a 4 bedroom House in Multiple Occupation (HMO).
- 1.2 Three existing bedrooms are to be retained, and internal alterations are proposed to change an existing kitchen into a further bedroom to create the four bedroom HMO. The existing living room is to be altered to provide a living room and kitchen area. An existing partition wall is to be removed and kitchen units installed. Above the proposed kitchen an extraction system is proposed which is to discharge to the rear elevation of the property.
- 1.3 An existing non-original timber window to the rear elevation is to be replaced with a new timber window. The proposed window retains the form of the existing window, whilst being more energy efficient and meeting current building regulations.



NOTES:
All dimensions to be checked on site prior to commencement of works. Architect to be informed of any discrepancies prior to start of work. Do not scale off this drawing.

WINDOWS:
Existing aluminium window to be replaced with a new UPVC window like for like replacement, with operable as shown, for escape purposes.
To provide ventilated opening of more than 1/20th of floor area and a glazed area of more than 1/15th of floor area of room.

NEW TRICKLE VENTILATION : 12000mm² permeant to be installed in head of window to bedrooms and living room.



Rev
DESIGN

PROJECT TITLE
Renovation of Flat

DRAWN BY
Grant Property Solutions Ltd

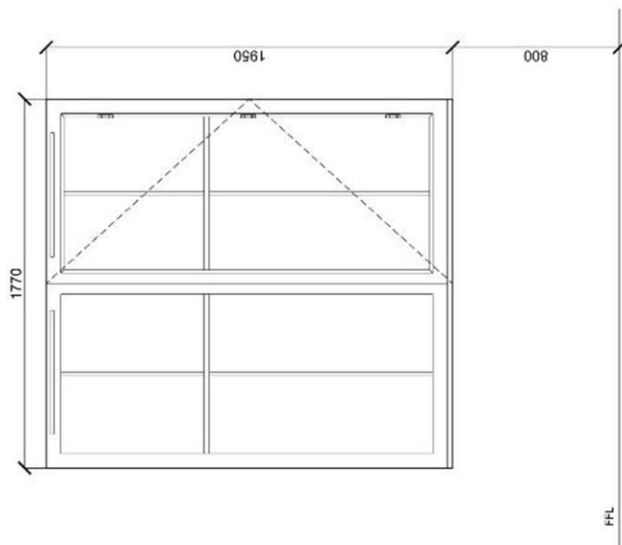
LOCATION
Flat 2-1, 12 Dock Street, Dundee

DATE
Window Details

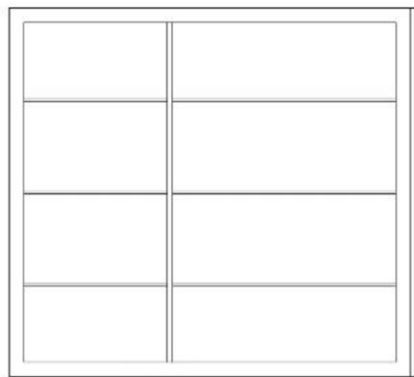
SCALE: 1:20 @ A3 DATE: 04/20 DRAWS: 01/25

4685_D_02

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Proposed Window Elevation



Existing Window Elevation

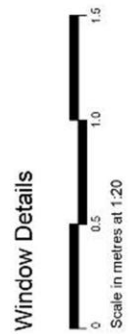
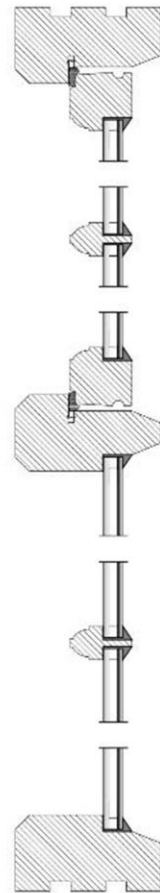


Figure 2 – Existing and Proposed Window

2 SITE DESCRIPTION

- 2.1 The site forms part of a category C listed building which is four storeys in height, with additional accommodation in the attic. Both the site and the wider listed building (known as Tayview Flats) are in residential use. The building is finished with sandstone ashlar walls and a slate roof. Externally, the ground floor has been altered with the removal of the windows and the openings built up in cement. The windows at first floor level have also been replaced with fixed pane units. The upper floors retain two pane, sash and case windows.
- 2.2 The site forms part of the Whitehall Crescent/Dock Street block within the Central Conservation Area. All buildings within the block are category B listed buildings with the exception of the subject building, which is category C. It is bounded by the inner rear courtyard of Whitehall Crescent to the north, Dock Street itself to the south, Gilfillan Memorial Church to the west and the remainder of Tayview Apartments to the east. The Malmaison Hotel lies further to the west and a restaurant is located on the corner of Dock Street/Whitehall Crescent.



Figure 3 – Tayview Flats, Dock Street

3 POLICY BACKGROUND

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

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 1: High Quality Design and Placemaking

Policy 16: Houses in Multiple Occupation

Policy 49: Listed Buildings

Policy 51: Development in Conservation Areas
Policy 54: Safe and Sustainable Transport

- 3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

4 SITE HISTORY

- 4.1 Associated application 20/00469/LBC for listed building consent for internal and external alterations, including the removal of a partition wall and replacement of a window is to be determined by Planning Committee.

5 PUBLIC PARTICIPATION

- 5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- 5.2 Six objections have been received raising the following valid material grounds:
- the proposal would have a detrimental impact on residential amenity by virtue of noise associated with the number of occupants, additional footfall and the proposed layout of the flat; and
 - the proposal would result in a third HMO within Tayview Flats, raising concerns that existing issues with anti-social behaviour and noise disturbance would be exacerbated.

6 CONSULTATIONS

- 6.1 **Network Rail** – has been consulted and confirmed they have no comments on the proposal.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Town and Country Planning Act 1997 as amended 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.

DUNDEE LOCAL DEVELOPMENT PLAN 2019

- 7.2 **Policy 1: High Quality Design and Placemaking** – all development proposals should follow a design-led approach to sustainable, high quality placemaking. Development should contribute positively to the quality of the surrounding built and natural environment and should be planned and designed with reference to climate change mitigation and adaptation. The design and siting of development should respect the character and amenity of the place, create

a sense of community and identity, enhance connectivity and incorporate creative approaches to urban design, landscaping and green infrastructure, appropriate to the local context and the scale and nature of the development. New development will be required to meet the six qualities of successful place in accordance with the guidance provided in Appendix 1.

- 7.3 The proposal includes minor alterations to the existing flat, including the replacement of a timber window and addition of an extraction outlet. The proposed window is of the same size as the existing window, and retains the general form, finish and proportions of the existing window and other windows within the building's rear elevation.
- 7.4 The proposed addition of a small extraction outlet to the rear elevation associated with the kitchen extraction system would have no adverse impact on the character of the building, subject to the outlet being of a form and colour which is appropriate to the listed building. There are existing outlets on the same elevation of the property and the proposal would not look out of place nor create visual clutter. A planning condition is recommended to seek details of the finishing materials for the proposed outlet to ensure that these would be appropriate for this listed building.
- 7.5 The proposed external alterations are sensitively designed to ensure the changes have no adverse impact on the appearance of the property. As the alterations are to the rear elevation, views of the window and extraction outlet from surrounding streets are restricted. The proposed works would have no impact on the building's principal elevation which fronts onto Dock Street, and the traditional character and appearance of the building would be maintained.
- 7.6 **The proposal is in accordance with Policy 1.**
- 7.7 **Policy 16: Houses in Multiple Occupation** - supports the creation of Houses in Multiple Occupation (HMOs) where:
- they do not involve the change of use of a tenement flat or other property with a common stair or shared entrance, unless located within the City Centre;
 - they would not create increased parking pressures in the surrounding area;
 - there would be no detrimental impact upon residential amenity in terms of waste storage space, garden ground, car parking or bike storage; and
 - the addition of an additional HMO would not exceed 12.5% of total residential stock, unless located within the city centre.
- 7.8 As the planning application site is located within the City Centre, the use of a shared entrance and common stair is acceptable.
- 7.9 There is no existing off-street parking, as the site is located within the city centre it is easily accessible by public transport and is within walking distance of car parkings, including Greenmarket multi storey car park which is 350 metres to the west of the site. As there is sufficient parking capacity within the surrounding area, the proposal would not increase local parking pressure.
- 7.10 The proposal would benefit from existing waste provision which is appropriate to the proposed 4-bedroom HMO. There is no existing garden ground, car parking or cycle storage. There is however public amenity space including Slessor Gardens within 100 metres of the site and car and bicycle storage is provided within the local area. The proposed HMO would have no adverse impact on residential amenity by virtue of waste storage, garden space, car parking or bike storage.

- 7.11 As the proposed HMO is located within the city centre, there are no restrictions on the total residential stock which can operate as an HMO. The proposal therefore does not raise any issues in relation to concentration of residential stock operating as an HMO.
- 7.12 **The proposal is in accordance with Policy 16.**
- 7.13 **Policy 49: Listed Buildings** states that alterations to 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.
- 7.14 The applicant has provided details of the proposed alterations, including floor plans, images of the existing internal layout and details of the proposed window.
- 7.15 The window to be replaced is non-original, ensuring there is no significant loss of original fabric. The original historical feature windows to the properties principal (south) elevation would be retained. The replacement window is of an acceptable design and finish and would maintain the character of the category C listed building. The installation of the flue would cause no harm to the appearance or character of the listed building and a planning condition is proposed to seek further detail in relation to the proposed finish for prior approval.
- 7.16 **The proposal would comply with Policy 49, subject to a condition**
- 7.17 **Policy 51: Development in Conservation Areas** states that all development proposals preserve or enhance the character of the surrounding area and retain all features that contribute to the character and appearance of the conservation area.
- 7.18 In this case, the proposed replacement window and installation of an extraction outlet would be to the enclosed rear elevation of the building, and would not detract from the quality of the conservation area. The proposed window is of an appropriate finish and the alterations would not detract from the character or appearance of Tayview flats or the wider conservation area.
- 7.19 **The proposal complies with Policy 51.**
- 7.20 **Policy 54: Safe and Sustainable Transport** – states that all development proposals* that generate travel should be designed to be well served by all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be afforded priority and provide for easy access to local amenities, education facilities and other services.

Development proposals will be required to:

- 1 minimise the need to travel by private car;
- 2 provide facilities on-site (and/or off-site through developer contributions or by direct delivery) for walking, cycling and public transport networks, including road/junction improvements and cycle parking. Developments without high quality, safe and convenient links to adjacent walking and cycling networks will not be supported;
- 3 incorporate measures to permit access to public transport networks within a walking distance of no more than 400 metres from all parts of the development;
- 4 have no detrimental effect on the capacity or safe functioning of the existing road or rail networks;

- 5 ensure that safe and adequate provision is made for road freight and waste access, loading and unloading;
- 6 comply with the National Roads Development Guide and any local variations within Dundee City Council's roads design standards; and
- 7 be supported by a travel plan to mitigate transport impacts and improve the accessibility of developments where the council considers that the development will generate significant travel.

Walking and cycling routes should be fully useable prior to the first occupation of a new development.

*this includes the re-use of existing buildings.

- 7.21 With regard to criteria 1 to 4, as the site is located within the city centre it is easily accessible by cycle and public transport minimising the need to travel by private car. The proposed HMO is within walking distance of Dundee Railway station (140 metres) as well as bus stops within the city centre on Nethergate (150 metres) and Whitehall Street (100 metres) which provide regular services to areas across the city. Dundee Bus Station is also accessible from the site, 450 metres to the east of the proposed HMO. Whilst cycle parking is not provided within the flat, there are cycle parking facilities within the city centre which are accessible to residents and visitors. The proposed change of use of an existing residential flat to a HMO would have no adverse impact on the capacity or safe function of the road or rail networks.
- 7.22 In respect of Criteria 5-7, the proposal would utilise existing provision for road freight and waste access on Dock Street, where loading and unloading can be undertaken. No alterations are required to the road network. Due to the nature of the proposed use and the site's city centre location, the proposal would not generate significant travel.
- 7.23 **The proposal is in accordance with Policy 54.**
- 7.24 **It is concluded that the proposal is in accordance with the Development Plan.**

STATUTORY DUTIES

- 7.25 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special regard is given to the desirability of preserving listed buildings or their setting or any features of special architectural interest which they possess when determining applications for planning permission. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 7.26 For the reasons set out above it is considered that the proposed works comply with national planning guidance with regard to development affecting a Listed Building or Conservation Area.
- 7.27 **The statutory duty set out in Sections 59 and 64 of the Act would therefore be discharged through the approval of planning permission.**

MATERIAL CONSIDERATIONS

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

A – LETTERS OF REPRESENTATION

7.29 Six letters objecting to the proposal have been received raising the following valid material grounds:

7.30 **Objection - The proposal would have a detrimental impact on residential amenity by virtue of noise associated with the number of occupants, additional footfall and the proposed layout of the flat.**

7.31 **Response** – the proposals have been considered against the requirements of the Dundee Local Development Plan 2019 within the main body of this report. The proposed HMO is within an existing residential development where there is presently resident movement within the building. It is considered that the proposed change of use of a 3 bedroom flat to a 4 bedroom HMO would not exacerbate to any significant extent the existing level of footfall and noise within Tayview Flats when compared to the present situation. The proposal would therefore not give rise to any significant amenity issues in this city centre location. Concerns were also raised in relation to the use of each room, and location of bedrooms/kitchen areas within the proposed HMO and impacts on rooms within flats above and below. Planning permission can control the use of the property, however there is not scope to control the use of each individual room within a residential property. Whilst there will be some noise associated with the use of the main living/kitchen areas it would be in keeping with the residential nature of the development.

7.32 **The proposal would result in a third HMO within Tayview Flats, raising concerns that existing issues with anti-social behaviour and noise disturbance would be exacerbated.**

- **Response** – The site is located within the city centre, where there are no restrictions on the number of HMO properties that can be licensed. The approval of this application would result in 3 out of 7 flats within Tayview Flats being HMO properties. This would not be an unacceptable number of HMOs within a flatted development within the city centre area. It is acknowledged that there can be instances of anti-social behaviour and noise associated with city centre residential areas, however these are behavioural matters that the planning authority cannot control and the HMO as proposed would not in itself contribute to existing issues.

7.33 **The matters raised within the letters of objection have been considered and are not of sufficient weight to justify refusal of the application.**

7.34 **It is concluded that there are no material considerations of sufficient weight in this case to justify refusal of planning permission.**

8 CONCLUSION

8.1 The application for a change of use from a flat to a 4 bedroom HMO, and associated alterations are in accordance with the Development Plan. There are no material considerations of sufficient weight that would justify refusal of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

9.1 It is recommended that planning permission be GRANTED subject to the following conditions:

- 1 **Condition** - prior to the commencement of any works on site, details of the proposed finish and colour of the extraction outlet shall be submitted for the prior approval of Dundee City Council as planning authority.

Reason – in the interests of visual amenity and to protect the character of the Category C listed building.