

KEY INFORMATION

Ward Tay Bridges

Proposal

Change of use from beauty salon to flat at ground floor level

Address

Flat A,
3 Victoria Road
Dundee

Applicant

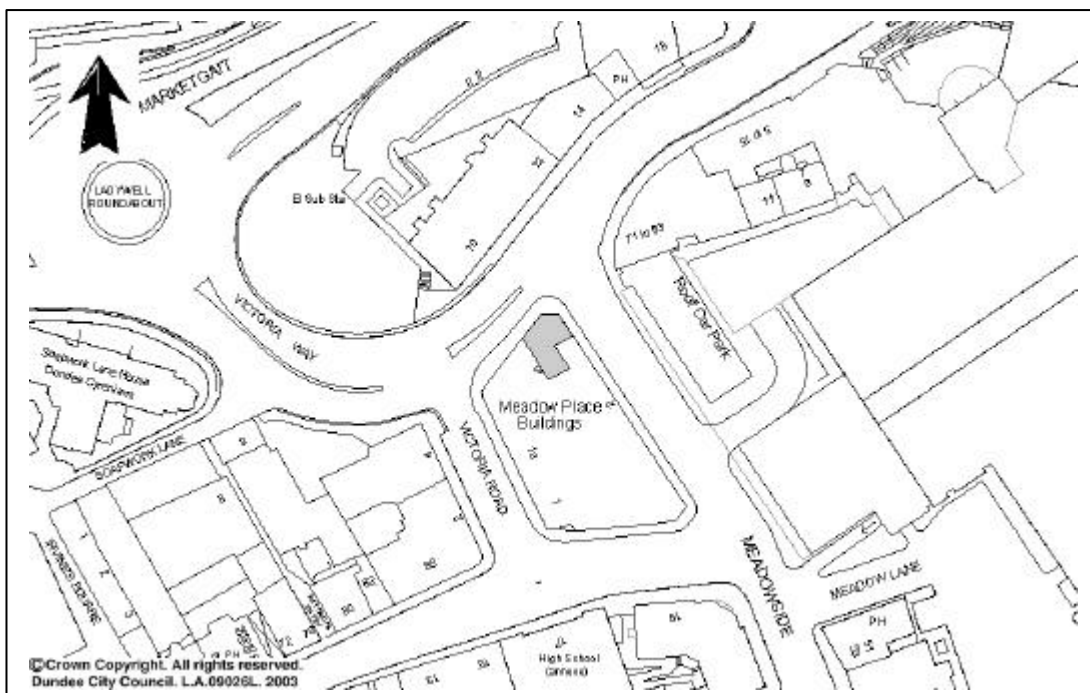
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Agent

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Registered C Walker

Case Officer 16 Sep 2005



Proposed Flat in Victoria Road

The change of use from a beauty salon to a flat at ground floor level is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development complies with the policies of the Development Plan and the concerns about air quality are no such as would justify a refusal of planning permission.

SUMMARY OF REPORT

- Planning permission is sought to change the use of a beauty salon to a one bedroom flat. Meadow Place Buildings are Category B listed, having been converted into 15 flats in the 1980's although the southern part includes a solicitors offices and this beauty salon (currently vacant) was retained at the northern end.
- The Head of Environmental Health and Trading Standards has opposed the development on air quality grounds.
- The proposal complies with the provisions of the development plan.
- The bulk of this island building has been converted to residential use, including a number of ground floor flats and the current proposal is for a single unit only. It is considered that the development will not jeopardise potential air quality action plan options available for this area and that there are no clear reasons justifying the refusal of planning permission.

DESCRIPTION OF PROPOSAL

Planning permission is sought to change the use of a beauty salon to a flat. The flat would include a lounge, kitchen, bathroom and bedroom as well as 2 store rooms (without natural light) with a total internal floor area of some 67 sq. metres. No changes to the building, either internally or externally are proposed as part of the development.

SITE DESCRIPTION

The site comprises a ground floor beauty salon in a 3 storey and attic building known as Meadow Place Buildings. Meadow Place Buildings are Category B listed, having been built in 1884 as offices for Cox Brothers. The building was subsequently converted into 15 flats in the 1980's although the southern part includes a solicitors offices and this beauty salon (currently vacant) was retained at the northern end.

The buildings occupy an island site surrounded by Victoria Road, Bell Street and Meadowside.

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

The following policies are of relevance:

Policy 4 Design of New Housing sets out standards for new housing development.

Policy 60 Alterations to Listed Buildings require proposals to have regard to the preservation or enhancement of its architectural or historic character.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following is of relevance:

National Policy Guidance on Air Quality and Land Use Planning issued

by the Scottish Executive in March 2004

Non Statutory Statements of Council Policy

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

LOCAL AGENDA 21

The proposed redevelopment of this site is a central and accessible location is considered to be sustainable.

SITE HISTORY

Planning permission was granted to convert this unit from a tanning studio to a flat in March 2000 - application 00/24478/D refers. This consent was not implemented.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and no public comment was received.



CONSULTATIONS

The Head of Environmental Health and Trading Standards has commented on air quality matters as follows:

"This development introduces new ground floor residential receptors into an area identified in the Councils "Detailed Assessment of Air Quality" as exceeding the National Air Quality Standard for nitrogen dioxide. Traffic pollutants such as nitrogen dioxide will disperse with height, hence ground floor residential properties are likely to be subject to higher pollution levels than those located on upper floor levels. The introduction of new ground level residential premises into this

area is inadvisable and may conflict with potential action plan options available for this area. This department cannot support this application."

He has also commented that traffic noise will affect the development and that a planning condition should be imposed requiring minimum internal noise levels to be achieved.

OBSERVATIONS

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

- whether the proposals are consistent with the provisions of the development plan; and if not
- 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 principle, the provision of a flat at this location is in accordance with the adopted Local Plan. Appendix 1 to Policy 4 states that flats in the city centre should have a minimum of 2 bedrooms. However the preamble to Policy 4 suggests that where the conversion of a listed building is proposed then there may be limited flexibility in applying these standards.

In this case a single flatted unit is proposed through the conversion of a ground floor unit in this listed building and there is no scope to make it any larger. In addition the unit is reasonably sized at 67 sq. metres (larger than the 60 sq. metres standard for inner city flats). It is therefore considered that the proposal represents a justifiable exception to Policy 4

Policy 60 requires proposals to have regard to the enhancement of listed buildings and there is no conflict in this regard as no alterations to the building are proposed.

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

Other Material Considerations

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

(A) Listed Building

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 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.

This matter has already been considered in the assessment of the proposed development under Policy 55 of the adopted Local Plan and it was considered that the proposal would have no impact on the listed building.

(B) Traffic Noise

The issue raised by the Head of Environmental Health and Trading Standards on traffic noise can be addressed by planning conditions should Members be minded to approve the application.

(C) Air Quality

National Policy Guidance on Air Quality and Land Use Planning issued March 2004 advises that air quality considerations should be integrated within the planning process at the earliest possible stage. To facilitate this, supplementary planning guidance should be developed. The guidance notes that there is the potential for the granting of a planning permission to have an adverse impact on a local authority's air quality action plan but that this should not sterilise development. Applications should continue to be dealt with on the individual merits of the case.

The concerns of the Head of Environmental Health and Trading Standards on air quality relate to the fact that a new ground floor residential use at this location is likely to be subject to air pollution and may conflict with potential action plan options available for this area.

However the circumstances of the case are that the bulk of this island building has been converted to residential use, including a number of ground floor flats. This application is for a single unit only, surrounded by other ground floor flats. In addition, planning permission was previously granted for

the conversion of this unit to a flat in March 2000.

Given the concerns of the Head of Environmental Health and Trading Standards, the introduction of significant new residential uses in this area should be avoided. However this small proposal for a flat in a building already converted to residential use will not jeopardise potential action plan options available for this area. Rather it is suggested that in accordance with National Guidance that applications should continue to be dealt with on the individual merits of the case, and that in this case there are no clear reasons justifying the refusal of planning permission. However, should Members be minded to approve this application, it is intended to attach a note to any consent issued referring to air quality issues at this location.

It is concluded from the foregoing that insufficient weight can be accorded to the concerns about air quality such as to justify the refusal of planning permission. It is therefore recommended that planning permission be granted with conditions.

Design

The conversion of the listed building involves no alterations so that its character and appearance are preserved.

CONCLUSION

The proposed development complies with the policies of the Development Plan and the concerns about air quality are not such as would justify a refusal of planning permission.

RECOMMENDATION

It is recommended that planning permission 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 The internal noise levels in the proposed apartment (with the windows closed) shall not exceed 45dB(A) from 0700 to 2300 hours and 35dB(A) from 2300 to 0700 hours.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 To provide a satisfactory standard of residential amenity for the occupiers of the proposed flat.