

KEY INFORMATION

Ward Tay Bridges

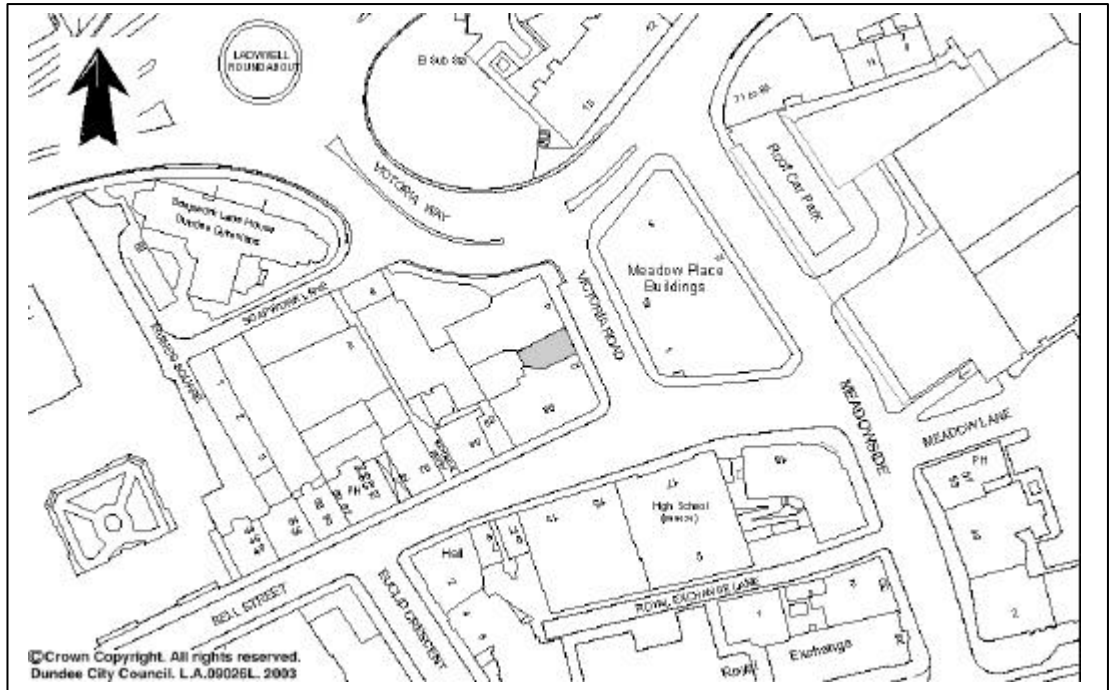
Proposal

Change of use from offices to flat

AddressSemi-basement
India Buildings
86 Bell Street
Dundee**Applicant**Douglas Street Investments
FAO Larry Duncan
10 Douglas Street
Dundee DD1 5AJ**Agent**

Registered 25 Oct 2005

Case Officer Eve Jones



Consent Sought for Semi-basement Flat in Bell Street

The change of use from offices to flats is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation.

RECOMMENDATION

The development does not comply with Policy 4 or Policy 13 of the Dundee Local Plan Review 2005. There are no material considerations which would support the granting of consent contrary to those policies. Accordingly the application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought for the change of use of semi-basement offices to form a two bedroom flat. The works have already been carried out and the flat is occupied. The development does not have a Building Warrant for the works. The site is in a wholly commercial tenement on the north side of Bell Street.
- The flat has limited natural light due to its position and the lounge window looks on to an enclosed rear courtyard surrounded by tenements and a high wall. There is no parking and no amenity space.
- Policy 13 of the Dundee Local Plan Review 2005 does not support residential uses in basement levels unless there has been previous residential use or the whole building is the subject of a comprehensive improvement proposal. Policy 4 also seeks to ensure that all new residential units are of a high standard of accommodation. It is considered that the amenity for residents of the flat are significantly reduced by the lack of daylight and the position of the flat in the semi-basement.
- The development is not in accordance with policy and no justification has been submitted in support of the development.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the change of use from offices to a flat. The works have been carried out and the flat is occupied. It has two bedrooms, lounge, kitchen and shower room.

SITE DESCRIPTION

The site is in the semi-basement of a tenement building on the north side of Bell Street, within the City Centre. The remainder of the tenement is in commercial use, there are no other flats. The site is accessed from a lower corridor of the building down a flight of steps. Only one quarter of the windows in the two bedrooms lies above pavement level, the remainder is on to a narrow light well requiring artificial lighting in the rooms at all times. The lounge window looks on to a small overgrown courtyard with tenement buildings on three sides and a high wall on the fourth. The kitchen and shower room have no windows. There is no garden ground and no access from the building into the courtyard.

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 13 - Roofspace and Basement Development.

Policy 4 - Design of New Housing.

Dundee Urban Nature Conservation Subject Local Plan 1995

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

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of this application

Non Statutory Statements of Council Policy

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



LOCAL AGENDA 21

The proposal fails to meet Key Theme 8 as the living environment which has been created has limited natural daylight.

SITE HISTORY

The unauthorised works which have been carried out and the use of the premises for residential use have been the subject of Enforcement action which has resulted in this planning application. No further Enforcement action will be taken until this application is determined.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised as an application contrary to Policy 13 of the Dundee Local Plan Review 2005. One valid objection was received from the proprietor of several properties in the tenement on the grounds of unsuitability for residential use as all of the premises are commercial; little or no natural light; no access to small rear courtyard; drainage and water supply not suitable; no bin store area;

inadequate fire escape facilities. The objection will be considered in the Observations below. Copies are available in Members' lounges.

CONSULTATIONS

There were no comments from consultees.

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

Policy 13 - Roofspace and Basement Development. The policy states that new and separate dwellings in the roofspaces or basements of buildings will not be permitted unless:

- some use has previously been made of the space as living accommodation or
- comprehensive conversion of a building is proposed with supporting facilities for example, off street parking and improved amenity space.

There is no evidence of previous residential use. The premises are described as offices in the application form and two stores appear to have been recently altered to include them within the floorspace of the new flat.

The remainder of the building is in various commercial uses and there is no comprehensive conversion proposed. There is no off street parking, no amenity space, no bin store and limited natural light to the two bedrooms.

The proposal does not comply with Policy 13.

Policy 4 - Design of New Housing. The policy sets out the criteria for the

standards of new housing which are expected within the City. The explanation of the policy emphasises the key objective to promote good quality new housing. The policy sets out, in Appendix 1, the design standards to be met and notes that in certain very small scale development proposals, compliance with these may not be practicable but that some flexibility will exist where the proposal is of exceptional quality. The proposed flat does comply with the standards in Appendix 1 as it has 2 bedrooms, parking is not required to be provided and amenity space is required only where site specific circumstances allow. The Appendix does not quantify the quality of the accommodation in terms of the availability of natural light; the outlook of the flat on to an enclosed rear courtyard or the access via a semi-basement corridor in a commercial building. However, the proposed flat does not meet the objectives of the policy to provide good quality new housing and is considered to be contrary to it.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

Other Material Considerations

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

Objection

One valid objection was received from the proprietor of several properties in the tenement on the grounds of unsuitability for residential use as all of the premises are commercial; little or no natural light; no access to small rear courtyard; drainage and water supply not suitable; no bin store area; inadequate fire escape facilities. The provision of natural light, drainage and water supply and fire escapes are all matters to be dealt with under the Buildings (Scotland) Act. The alterations do not have a building warrant or habitation certificate. The relevant planning issues relate to the use of the building, the size of the flat and the provision of parking, bin stores and amenity ground. The building is not defined as a commercial building and there are many mixed tenements in the city where generally there are offices on lower floors and flats above. City centre flats are not required to have parking, bin stores or amenity space unless site specific

circumstances allow. The objection relates to the quality of the accommodation and, as noted above, it is considered that the accommodation does not meet the Council objectives for good quality new housing. The objection is supported in principle.

It is concluded from the foregoing that there are no material considerations of sufficient weight to justify the granting of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be refused.

Design

There are no design issues in respect of this change of use.

CONCLUSION

It is concluded that the conversion of these basement offices into a residential flat result in accommodation which does not meet the City Council's objectives that new development should provide good quality new housing. The works have been carried out without the benefit of planning permission or building warrant. The resulting flat has a poor outlook from its one main window on to an enclosed, inaccessible and overgrown courtyard, the bedroom windows have extremely limited natural light and the flat is in the semi-basement of a commercial building. The principle of the objection is supported. The development does not comply with Policy 13 or Policy 4 of the Dundee Local Plan Review 2005 and there are no material considerations which would justify the granting of planning permission contrary to the policies.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reasons:

Reasons

- 1 The development which has been carried out is contrary to Policy 13 - Roofspace and Basement Development of the Dundee Local Plan Review 2005 as there has been no previous use of the basement for living accommodation and there is not a comprehensive conversion of the building. There are no material considerations of sufficient

strength to justify the granting of planning permission contrary to the policy.

- 2 The development which has been carried out is contrary to Policy 4 - Design of New Housing of the Dundee Local Plan Review 2005 as the resulting flat is not considered to be a good quality housing development by reason of the lack of natural daylight, the poor visual outlook and the location in the semi-basement of a commercial property. There are no material considerations of sufficient strength to justify the granting of planning permission contrary to the policy.