

**KEY INFORMATION**

**Ward** Tay Bridges

**Proposal**

Change of use, with alterations, of lower ground floor 'shell' units to form four flats

**Address**

High Mill  
Highmill Court  
DUNDEE

**Applicant**

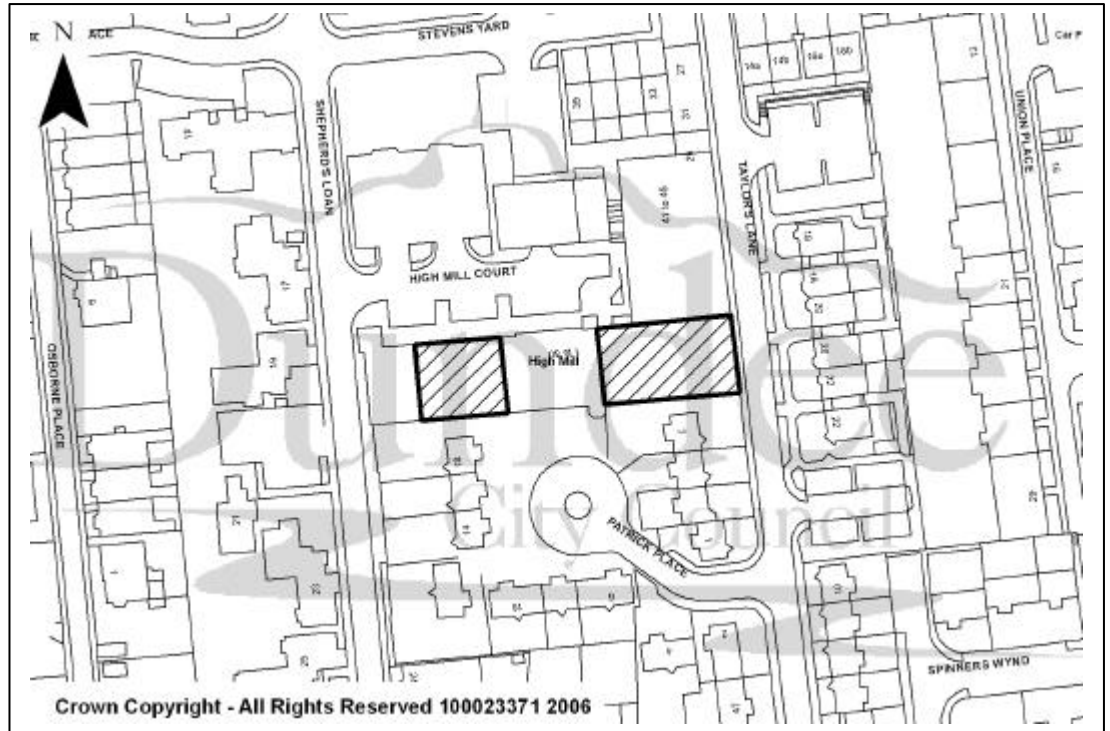
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**Agent**

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**Registered** 1 Nov 2006

**Case Officer** D Gordon



## Proposed Residential Conversion of Basement in High Mill

The change of use to form four flats is **RECOMMENDED FOR APPROVAL** subject to conditions.  
Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development is considered to comply with the relevant policies of the adopted Local Plan. The proposal will serve to further preserve this visually important building and will provide quality residential accommodation within this prestigious Mill property. The application is recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- Planning permission is sought to change the use of a basement area of a Category A listed building into 4 flats. Permission for the use of this basement for residential purposes was previously granted in 2004. Alterations to the external appearance of the building and associated off street car parking spaces are also proposed.
- Nine letters of objection to the proposals (including the West End Community Council) have been received. Two further letters advise of the acceptability of the proposed use but raise concerns about future extraction flues. One further letter of representation raises matters relating to the current allocation of parking spaces within the complex.
- It is considered that the proposals comply with the adopted Local Plan policies for this inner city site. The proposed development will serve to further preserve this visually important Category A listed building and will provide a high standard of new residential accommodation within the Mill.
- There are no material considerations, including the views of the objectors, which would justify the refusal of this application contrary to the policies of the Local Plan.

## DESCRIPTION OF PROPOSAL

The Members may recall that a planning application to change the use of part of the basement area of the High Mill at Shepherds Loan/Taylor's Lane to 3 flats was granted permission on 24th February 2004. The conversion of the west most flat ie facing onto Shepherds Loan has recently been completed.

Permission is now sought to convert the remaining basement area that currently enjoys permission for 2 flats into 4 flats. This will result in 5 flats in total being provided within the basement of the Mill.

Each new flat will be double height due to the size and scale of the basement. Three of the flats will accommodate 4 bedrooms, kitchen, bathrooms, living and dining areas, study and store with the remaining flat providing 3 bedrooms. The east-most flat will accommodate a small internal 'winter garden' area at its entrance below ground level. The proposal also involves the introduction of 12 new windows on the south side of the building ie facing onto Patrick Place. These will be fixed (non-opening), white powder coated aluminium windows with frosted opaque glass. These windows will match the appearance of the existing windows on this elevation. New windows are also proposed on the north side of the Mill.

Access to the properties is taken from the north. Six car parking spaces have been identified within the adjacent parking areas to the north for the use of the occupants of the new flats.

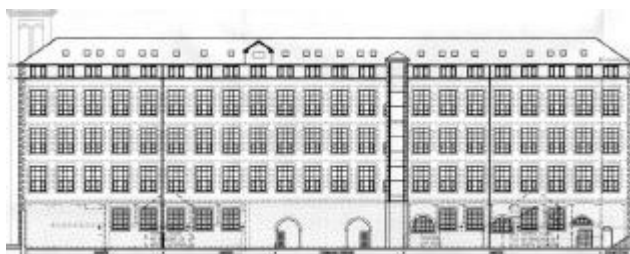
## SITE DESCRIPTION

The application site is located to the east of Shepherds Loan, to the west of Taylor's Lane, to the south of Stevens Yard and the north of Patrick Place. The surrounding area, the former Seaford Works complex, has been redeveloped for residential purposes ie the erection of new build dwellings and flats and the conversion of former Mill buildings. The High Mill has been converted into flats.

The site under consideration is the eastern and part of the western sections of the vacant basement area of the High Mill. This Mill is stone built, 4 storeys in height (with attic) with a tower feature on the west elevation. It

is a Category a Listed Building and is located within the West End Lanes Conservation Area.

Residential properties are located to the south, west, east and part of the north side of the Mill. Curtilage off street car parking is also located on the north.



## 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 1: Vibrant and Sustainable Communities**

The City Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New development should be in accordance with other policies in the Plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

#### **Policy 4: Design of New Housing**

The design and layout of all new housing in Dundee should be of a high quality. As a basis for achieving this, new development will be required to conform to the Design Standards contained in Appendix 1 of this Local Plan unless:

- the City Council, through either site allocation in the Local Plan or site planning briefs, considers it appropriate to vary the standards to reflect the constraints or opportunities

offered by the development of a particular site; or

- the proposal is within an established low density residential area, in which case the density of the new development should reflect this and more generous external space standards will be required.

New housing development should also have regard to the principles of the City Council's Urban Design Guide.

In addition, new housing development should meet "Secured by Design" standards.

New residential streets should be designed to promote low vehicle speeds of 20 mph or less. New

housing should have regard to opportunities to maximise energy efficiency and promote sustainable waste management.

Where conversion of a listed building or other building worthy of retention is proposed, there may be limited flexibility in applying parking and garden ground requirements where compliance is impractical. The development of flats through conversions of buildings of merit may also be acceptable where conversion to flats is the only appropriate action.

#### **Policy 13: Roofspace and Basement Development**

The development of 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.

#### **Policy 59: Alternative Uses for Listed Buildings**

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. Reference should be made to other policies in the Plan.

**Policy 60: Alterations to Listed Buildings**

The alteration of a listed building will only be acceptable where the proposals have regard to the preservation or enhancement of its architectural or historic character. Alterations will not be permitted where the works would diminish the architectural integrity of the building or its historic interest.

The City Council will provide specific supplementary guidance on the following: window and door alterations, advertisements, shopfronts, roller shutters, treatments to masonry and painting and use of materials.

**Policy 61: Development in Conservation Areas**

Within Conservation Areas all development proposals will be expected to preserve or enhance the character of the surrounding area. This will require the retention of all features which contribute to the character and appearance including unlisted buildings of townscape interest, trees and landscape features and the historic pattern of streets and spaces, as identified in the Conservation Area management plans to be advanced in the near future.

**Scottish Planning Policies, Planning Advice Notes and Circulars**

The following are of relevance:

NPPG 18: Planning and the Historic Environment sets out the framework for dealing with planning applications that affect listed buildings.

Memorandum of Guidance on Listed Buildings and Conservation Areas 1998 (Historic Scotland).

**Non Statutory Statements of Council Policy**

The following policy statements are of relevance:

Supplementary Planning Policy Guidance - Houses in Multiple Occupation (November 2006)

Dundee - The Urban Design Guide.

**SUSTAINABILITY ISSUES**

The proposal seeks permission to convert currently vacant basement premises into quality living accommodation.

**SITE HISTORY**

The site formed a pivotal role in the redevelopment of the surrounding area for residential purposes. Planning permission was granted by the former District Council to change the use of the Mill building to flats, an industrial heritage museum and a restaurant on 27th November 1987. A subsequent application to change the use of the Mill to flats, craft units, leisure centre and restaurant was granted permission on 6th March 1992. A further planning application to change the use of Unit 2 in the Mill to a children's nursery was approved on 27th September 1993. The permissions for the craft units, restaurant, museum and the nursery have not been implemented.

A planning application, and an associated listed building application, was granted permission to change the use of part of the basement area of the Mill to 3 flats on 24th February 2004 (03/00680/COU refers). This permission has been implemented by the conversion of the west end of the basement into a flat.

**PUBLIC PARTICIPATION**

The statutory neighbour notification procedure has been undertaken by the applicants and includes the re-notification of the residents on the south side of the Mill in relation to window detail amendments. The proposal was also advertised in the local press as development potentially contrary to Policy 4 (Design of New Housing) of the Dundee Local Plan Review 2005.

Nine objections to the proposals have been received, including an objection from the West End Community Council. Two further letters have been received that advise that the use of the basement for residential purposes is considered to be acceptable but that the introduction of external extract services should be resisted. A further letter of representation (relating to parking matters) has also been received.

The main issues raised by the objectors relate to:

- 1 the adverse impact of the development on the car parking provision in the area

- 2 the adverse impact of the proposals on the environmental quality of the local residents by virtue of overlooking and reduction of privacy
- 3 adverse impact on the appearance of the listed building
- 4 the inappropriate provision of a winter garden and the associated noise nuisance
- 5 the potential of the new flats to become HMO's
- 6 the introduction of extraction flues on the south elevation of the building

Copies of these letters are available in the Members Lounges. Comments on the issues raised can be found in the 'Observations' section of this Report.

**CONSULTATIONS**

The relevant Council Departments and outside bodies have been consulted with regard to the proposals.

The Head of Environmental Health and Trading Standards has advised that, due to the historical nature of the site, a condition relating to the remediation of any potential contamination on the site should be attached to any permission granted.

The West End Community Council have objected to the proposal on the grounds that the proposals do not achieve the required car parking provision, there is no garden and drying space provision and the adverse impact of the proposals on the environmental quality currently enjoyed by the residents of Patrick Place to the south. Comments on these matters can be found in the Observations section of this report.

**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

Policy 1 (Vibrant and Sustainable Communities) of the adopted Local Plan seeks to minimise the affect of developments on the environmental quality of residents by virtue of design, layout, parking and traffic movement issues, noise and smell. The proposal under consideration involves the provision of 4 new residential units in the basement area of a former Mill building which is a Category A listed building. The principle of the use of the basement for residential purposes has already been established by the grant of permission for 3 flats in this area in February 2004. Matters relating to the layout and design of the new flats are discussed in Policies 60 and 61 below and parking and traffic matters are discussed in Policy 4. There are no issues relating to noise or smell arising from this application.

Policy 4 (Design of New Housing) requires that the design and layout of all new houses within the city should be of a high quality. Appendix 1 of the Plan states that new flats within the inner city area will only be permitted if identified in a site planning brief, site circumstances demand a flatted solution or conversion of an existing building is proposed and houses are impracticable. New flats should have a minimum of 60 sq. metres. In addition flats should have 130% associated off street parking and provide useable private garden area of 100 sq. m. or 10 sq. m per flat whichever is the greater. Drying greens should also be provided.

The proposed new flats accommodate well in excess of the minimum 60 sq.m. floor space requirement of Policy 4. However, due to the restrictive nature of the site, there are no external garden / drying areas to be provided albeit the proposed new east most flat is providing an internal winter garden area. The applicants have advised that 6 parking spaces are to be provided on the north side of the Mill for the four new flats in addition to the recently converted west most flat. This results in an off street parking provision of 120%.

Policy 4 also advises that where the conversion of a listed building or other

building worthy of retention is proposed, there may be limited flexibility in applying parking and garden ground requirements where compliance is impractical. Further the development of flats through conversions of buildings of merit may also be acceptable when conversion to flats is the only appropriate action. In this instance it is considered that flexibility in applying the required garden and parking standards should be adopted. This important Category A Listed Building commands considerable presence in the local area. None of the existing flats within the building have external garden/drying areas and it is clearly impractical to provide any. The parking ratio proposed by the applicants is only marginally below the required percentage deemed acceptable by the Plan and it is the case that this provision exceeds the figure currently available to the current occupiers of the Mill.

Policy 4 also requires that living room windows and balconies of flats should not unacceptably overlook private gardens of houses. The applicants intend to provide 12 new windows on the south elevation of the building for the proposed new units. These will be located on the boundary of the site and will directly overlook the private garden areas of the properties of 7 and 18 Patrick Place. The agents have advised that in order to protect the privacy of these and other residents in Patrick Place these new windows will be fixed (non-opening) new windows and will be of frosted opaque glass. In this respect, while there may be a perception of overlooking, this will not be the case from the proposed new windows. It is the case that the properties in Patrick Place are currently overlooked by a significant amount of the south facing windows of the Mill.

It is concluded from the foregoing that the proposal does not contravene Policy 4 of the adopted Local Plan.

Policy 13 seeks to prevent the use of roof spaces and basements of buildings unless there is a comprehensive conversion of the building with supporting facilities such as parking and amenity space. It has been stated above that the principle of the use of the basement area for flats has been established by the previous grant of permission for such a use. It has also been stated above that the provision of

amenity space and additional off street parking is not practical in this instance.

With regard to Policy 59 (Alternative Uses for Listed Buildings), the use of the basement for new residential units is considered to be in accordance with the aspirations of this Policy.

Policy 60 (Alterations to Listed Buildings) states that alteration of a listed building will only be acceptable where the proposals have regard to the preservation or enhancement of its architectural or historic character. The basement areas which are the subject of this application are currently vacant and contain very few features of architectural or historic interest. In this respect, the proposed internal alterations will not adversely impact on the character of the building. Indeed, the new show flat on the west side of the building is of a quality that respects the integrity of the building and breathes new life into what was previously a very dark and under utilised space. The main alteration to the building is the introduction of new openings on the north and south elevations of the building, particularly the south elevation which will accommodate 12 new windows. The agents have advised that the windows are proposed at high level (to minimise the perception of overlooking) of the properties to the south and to allow maximum light penetration into the units. Two of the windows are in existing roman arched openings and ten are between existing masonry piers that line through with the windows above. Historic Scotland has been involved in pre-application discussions with regard to the alterations and has not offered resistance to the proposals. The applicants' agents have submitted a Design Statement in support of the application.

Policy 61 (Development in Conservation Areas) requires that all development proposals within conservation areas will be expected to preserve or enhance the character of the surrounding area. In light of the comments in Policy 60 above, it is concluded that the proposals are in accordance with the requirements of Policy 61.

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 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 they possess. Section 64 of the Act requires that the Council have special regard to any buildings or other land in a conservation area and special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the area.

This matter has already been considered in the assessment of the proposed development under Policies 60 and 61 of the Dundee Local Plan Review 2005 and it was concluded that the proposal would not detract from the appearance of the listed building or adversely impact on the setting of the conservation area. Consequently, it is considered that statutory duty set out in these Sections of the Act is discharged.

- b The Memorandum of Guidance on Listed Buildings and Conservation Areas is of relevance and supports alternative uses for listed buildings to ensure their protection. As noted above, Historic Scotland have been involved in pre-application discussions and the partner Listed Building application will be referred to Historic Scotland for ratification should the application be approved.
- c Supplementary Planning Policy Guidance - Houses in Multiple Occupation.

In September 2005, the Council's Planning and Transportation Committee approved draft supplementary guidance for controlling Houses in Multiple Occupation for consultation. This supplementary planning policy was approved by the Planning and Transportation Committee in November 2006. This policy states, amongst other things, that within specific areas of the city, the

occupation of new dwellings by 3 or more unrelated persons will be prevented through the use of Section 75 Agreements. It is therefore considered that, due to the location of the development, it would be appropriate in this instance to restrict the use of the new units. Such a restriction by means of a legal agreement has been discussed with the applicants and their acceptance of this has been obtained.

- d The views of the Objectors.

It is considered that the issues raised by the objectors that relate to car parking, potential impact on the environmental qualities of the surrounding residents, the works detracting from the appearance of the listed building, noise and the potential for the flats to be used for HMO purposes have been discussed and discharged above. With regard to the provision of extraction flues to be located on the south elevation of the Mill, it is intended to attach a condition to any permission granted requiring location and specification of these to be agreed in writing prior to the commencement of works.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission contrary to the provisions of the development 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 living accommodation.

### CONCLUSION

The proposed development complies with the relevant policies of the adopted Local Plan. The use of the basement area for additional residential accommodation together with the associated alterations to the fabric of the property will serve to preserve this visually important Category A listed building and will provide a high standard of accommodation for the future occupiers of the units.

#### Recommendation 1

This 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 the proposed residential units becoming houses in multiple

### RECOMMENDATION

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 Development shall not begin until a scheme to deal with waste recycling has been submitted to and approved in writing by the Council. The development shall not be brought into use until the measures have been put in place in full accordance with the approved scheme.
- 4 Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of proposals to deal with contamination to include:
  - a the nature, extent and type(s) of contamination on the site.
  - b Measures to treat/remove contamination to ensure the site is fit for the use proposed.
  - c Measures to deal with contamination during construction works.
  - d Condition of the site on completion of decontamination measures.

Before any unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

- 5 Full details of all new window openings, window specifications and any extraction flues shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details. For the avoidance of doubt, the new windows shall, at all times, remain fixed and be of a frosted and opaque glass.
- 6 The car parking spaces shown on the submitted application drawings shall be used solely for the occupiers of the new units or their visitors and for no other residential units unless otherwise agreed in writing with the planning authority

### 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 In the interests of sustainable development.
- 4 In order to ensure that the site is fit for the use proposed.
- 5 In order to safeguard the appearance of the statutorily listed building and to improve its architectural appearance
- 6 To ensure a satisfactory standard of parking provision for the residential units hereby granted permission.