

KEY INFORMATION

Ward West End

Proposal

Conversion of stores to two maisonette flats (lower ground floor rear)

Address

40 Perth Road
Dundee
DD1 4LN

Applicant

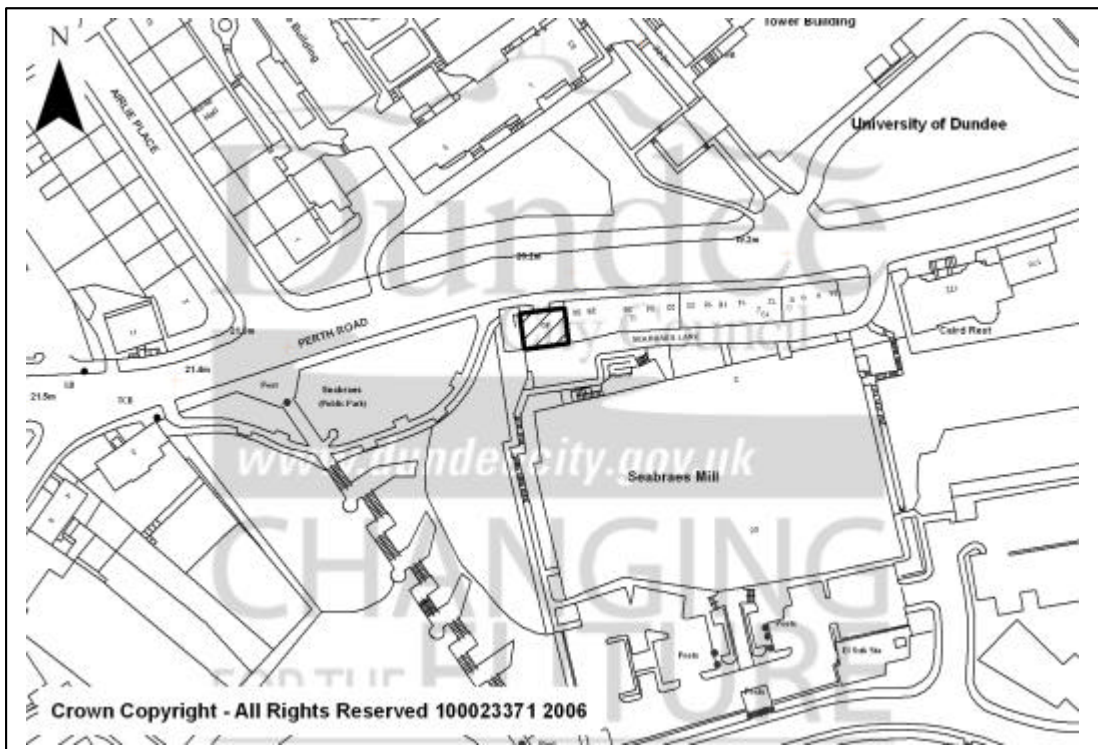
Tayside Property
Management
75 King Street
Dundee DD1 2JY

Agent

Ron Weir
Balloch Bungalow
South Balloch Farm
Alyth
Perthshire PH11 8JN

Registered 16 Jan 2008

Case Officer E Jones



Proposed Residential Conversion in Perth Road

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

RECOMMENDATION

The change of use of these former stores in this B Listed Building to form residential flats complies with policies in the Dundee Local Plan Review 2005. The Council seeks to restrict multiple occupancy in this location in accordance with the approved Supplementary Guidance.

Accordingly, the application is recommended for Approval subject to conditions and the recording of a Section 75 agreement to restrict multiple occupancy.

SUMMARY OF REPORT

- Planning permission is sought for the change of use of existing stores to form two maisonette flats, one x 2 bedrooms and one x 3 bedrooms with separate lounge and kitchens. Each has a bathroom and a shower room.
- This is a very tall tenemental property which forms the last unit of a terrace on south side of Perth Road, east of the Seabraes Gardens and opposite the University of Dundee.
- There are three storeys and attic to Perth Road with a further 4 storeys at lower ground and basement levels. The properties will gain access from Seabraes Lane to the rear of the property.
- Dundee Local Plan Review 2005 - The following policies are of relevance: Policy 4 - Design of New Housing; Policy 59 - Alternative Use for Listed Buildings; Policy 60 - Alterations to Listed Buildings and Policy 61 - Development in Conservation Areas. The application complies with the policies.
- The planning and Listed building applications for the conversion of two further floors of this building to form 2 maisonette flats and the partner listed building application for this proposal are reported elsewhere on this agenda.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the change of use of existing stores to form two maisonette flats, one x 2 bedrooms and one x 3 bedrooms with separate lounge and kitchens. Each has a bathroom and a shower room. The properties will have new windows and doors and will gain access from Seabraes Lane to the rear of the property. The flats will have access to a small area formed by a light well which may be used as a drying area. There is no parking or garden ground.

SITE DESCRIPTION

This is a very tall tenemental property which forms the last unit of a terrace on south side of Perth Road. There are three storeys and attic to Perth Road with a further 4 storeys at lower ground and basement levels. The first 2 lower levels gain access from Perth Road and the lower basements have entrance from Seabraes Lane to the rear (south). The upper floors of the property are currently being refurbished with new maisonette flats being formed on the third floor and attic.

The site lies east of the Seabraes Gardens, opposite the University of Dundee. The Vision building lies to the south of the site off Seabraes Lane. This is a very busy part of the City.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 2005

The following policies are of relevance:

Policy 4: Design of New Housing.

Policy 59: Alternative Use for Listed Buildings.

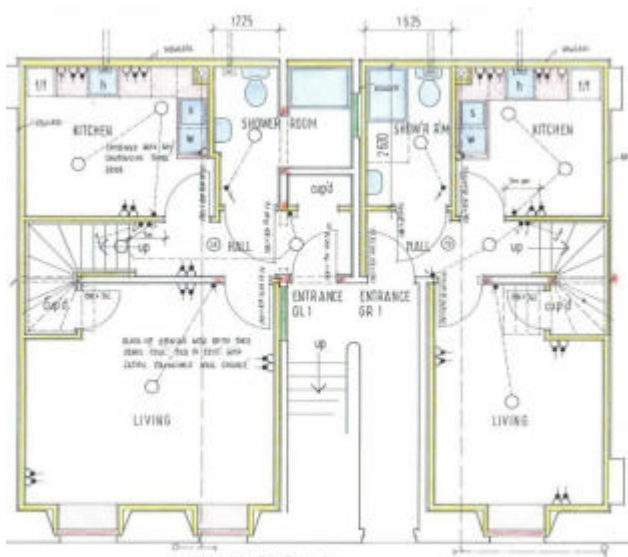
Policy 60: Alterations to Listed Buildings.

Policy 61: Development in Conservation Areas.

Scottish Planning Policies, Planning Advice Notes and Circulars

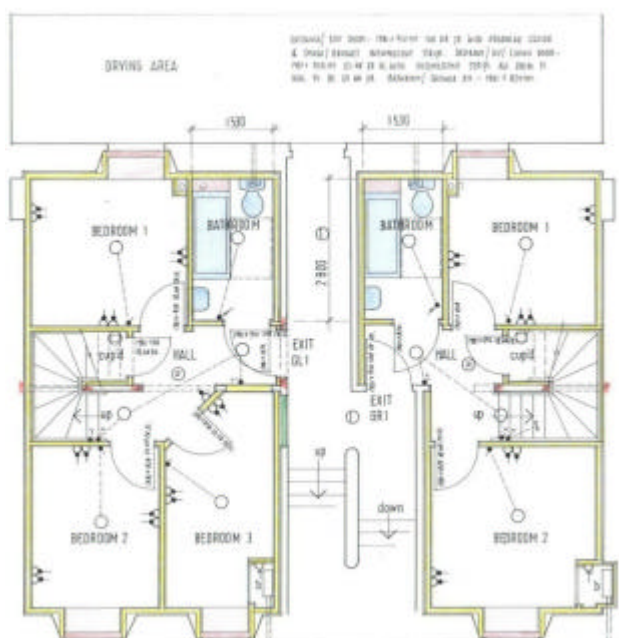
The following are of relevance:

The Memorandum of Guidance on Listed Buildings and Conservation Areas.



Non Statutory Statements of Council Policy

The following policy statements are of relevance:



Supplementary Planning Policy Guidance on Houses in Multiple Occupation.

SUSTAINABILITY ISSUES

The proposal is for the use of vacant accommodation in this Listed building to form maisonette flats. This will

comply with Sustainability Policy 5 which supports the protection and enhancement of the City's built heritage through on going regeneration.

SITE HISTORY

Planning permission was granted in 2005 for alterations on the third floor and attic to form two flats which is currently underway. There is a current listed building application for alterations to the roof which have been granted planning permission.

08/00049/LBC is the partner Listed building application for this proposed development and is reported elsewhere on this agenda.

08/00046/FUL and 08/00047/LBC are the planning and Listed building applications for the conversion of two further floors of this building to form two maisonette flats which are also reported elsewhere on this agenda.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and no objections were received.

CONSULTATIONS

There were no adverse 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 4: Design of New Housing - "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."

This property comprises the lower floors of a substantial tenemental property which is a Category B Listed building and conversion to flats is the only appropriate residential development which can be accommodated. The proposal brings these lower floors into beneficial use which will also help preserve the upper floors. It is considered that the proposal complies with Policy 4 as detailed above.

Policy 59: Alternative Use for Listed Buildings.

Policy 60: Alterations to Listed Buildings and Policy 61 - Development in Conservation Areas all seek to protect and enhance the existing character of buildings and the surrounding area and seek to ensure that changes are carried out carefully and sensitively. As noted above, the use of the lower ground floors will enhance the protection of the whole building. There are no internal features of any note and substantial repairs to the structure have been required. Timber sash and case windows are proposed but full details are required for final approval.

It is considered that the proposals comply with these policies.

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:

Supplementary Planning Policy Guidance on Houses in Multiple Occupation.

The supplementary planning policy guidance was approved as a material consideration in the determination of planning applications in order to control the use of premises for multiple occupancy in certain areas of the City.

Policy HMO4 : Controlling Multiple Occupancy in New Residential Developments applies in this case. This site lies within the Central Dundee Housing Investment Focus Area identified in the Dundee Local Plan Review 2005.

This is an area of multiple letting immediately adjacent to the University campus where there are high levels of HMO letting and no parking and garden ground.

The two flats each have a bathroom and a shower room and whilst the floor plans indicate one flat has two bedrooms and the other three, there is a separate lounge which is also a habitable room which could easily be let as a bedroom. It is therefore considered that the flats have the potential to accommodate a minimum of 3 or 4 persons. It is considered that the approved Supplementary Planning Guidance in respect of Houses in Multiple Occupation will apply to this proposed development. The applicant has agreed to enter into a Section 75 legal agreement to restrict the use of the proposed flats, if they are approved, to prevent multiple occupancy.

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Section 59 of the Act requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the planning authority shall have special regard to the desirability of preserving the building or its setting. It is considered, for the reasons set out above, that the proposal meets this requirement. It is also concluded from the foregoing that the statutory duty set out in Section 64 of the Act, to preserve or enhance the character or appearance of the Conservation Area would be satisfied by the approval of this proposal.

It is concluded from the foregoing that the material considerations carry insufficient weight 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 exterior of the property is unchanged other than the proposed

new timber sash and case windows, but full details are required for final approval.

CONCLUSION

The change of use of these former stores to form residential flats protects the fabric of the whole building and ensures the property is in beneficial use. The works are acceptable but the Council seeks to restrict multiple occupancy in this location in accordance with the approved Supplementary Guidance.

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 all parties with appropriate interests in the land has been recorded. This agreement will relate to the prohibition of any of the proposed residential units becoming a house in multiple occupation.

Recommendation 2

The application is recommended for Approval subject to conditions and the recording of a Section 75 agreement to restrict multiple occupancy.

Recommendation 3

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 Prior to the commencement of development, full details of the proposed new windows and doors for the converted buildings shall be submitted to the City Council for approval and if approved, the works shall be carried out only in accordance with such approved details.
- 3 Full details of the treatment of the proposed drying area in the lightwell fronting on to Perth Road shall be submitted prior to the commencement of development and if approved, the works shall be carried out

only in accordance with such approved details.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In order to safeguard the appearance of the statutorily listed building and to improve its architectural appearance.
- 3 In order to safeguard the appearance of the statutorily listed building and to improve its architectural appearance.