

KEY INFORMATION

Ward Lochee

Proposal

Alterations to vacant church and grounds to form residential accommodation

Address

Lochee Old and St Luke's Church
5 Bright Street
Dundee

Applicant

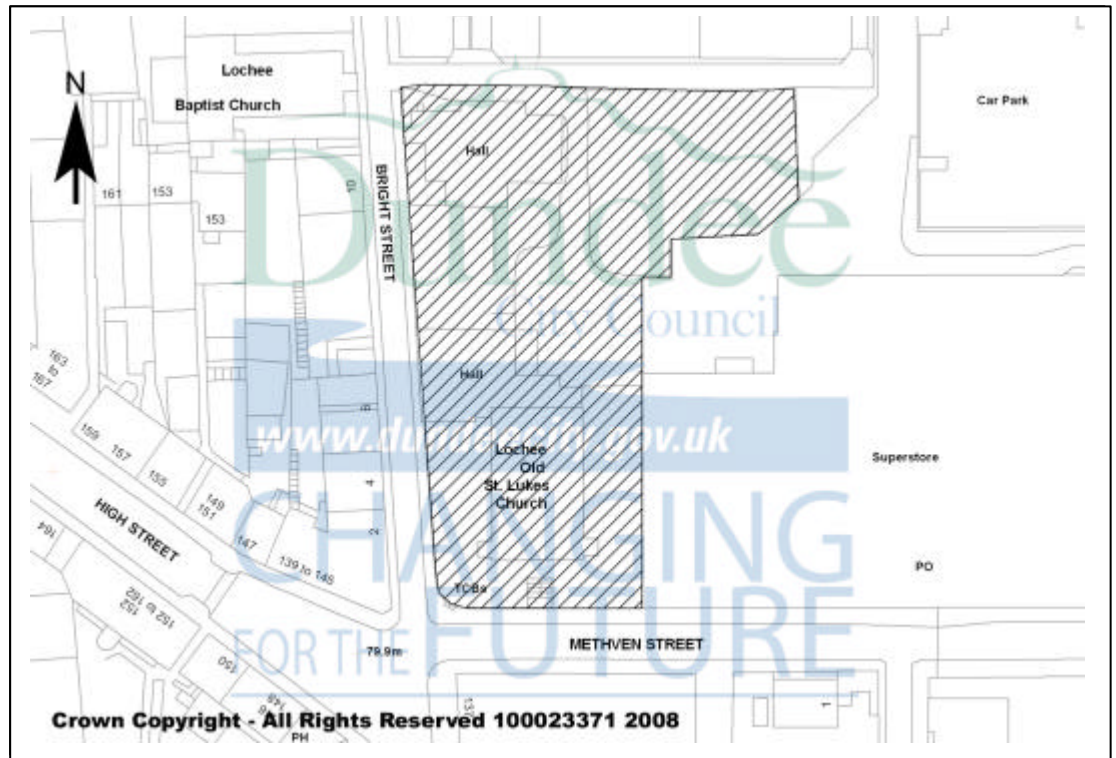
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Registered 15 May 2008

Case Officer Eve Jones



Housing Development Proposed at Former Church in Bright Street

The alterations to a vacant Church and grounds to form residential accommodation are **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The development will provide a range of size and style of properties; will preserve and enhance an important Listed Building and thus comply with relevant policies and guidance. The objections are not supported. The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the conversion of the B Listed former Lochee Old Parish Church and Hall to form 10 x 2 bedroom flats and 2 x 3 bedroom houses with internal and external alterations and the erection of 2 new build 4 bedroom detached houses on land to the north east with a new road access and parking.
- A new access will be formed to Bright Street with 3 garages with driveways and 17 car parking spaces for the new dwellings. A new vehicle access to a private road and parking area for the new residential development will be formed in the wall on the east side of Bright Street. Externally, the church and hall will not be significantly altered.
- The building sits in an elevated position facing southwards down High Street Lochee at the corner of Methven Street and Bright Street. Land to the east was the site of the former air raid shelters to the Camperdown Works.
- Dundee Local Plan 2005 - Policies 59, 60 and 4 all apply. The whole development complies with the development plan as the retention and reuse of the Listed Building supports a degree of flexibility and the new build houses fully comply with Policy 4.
- There were two objections from neighbours to the north on grounds of design and appearance, overlooking, use of private lane, loss of trees and amenity.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the conversion of the B Listed former Lochee Old Parish Church and Hall to form 10 flats and 2 houses with internal and external alterations and the erection of 2 new build houses on land to the north east with a new road access and parking.

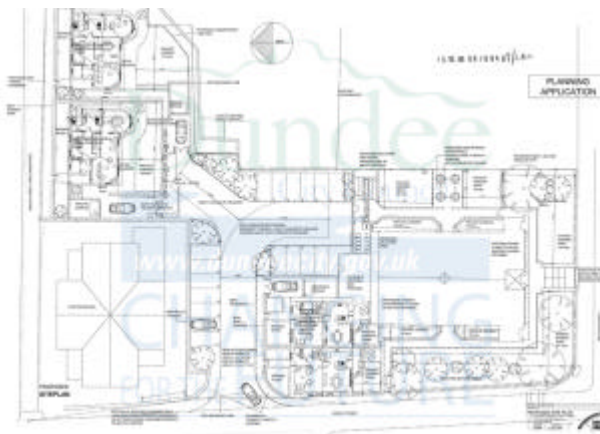
The church will be converted into 10 x 2 bedroom flats with access taken from a central stair top lit by a new glazed cupola on the roof. The church hall to the rear will be converted into 2 semi-detached 3 bedroom houses with private garden ground and one will have a driveway and garage. The land to the north east will have 2 large detached 4 bedroom houses with garages and driveways. They will be finished in white render with timber details and grey tile roofs. A new access will be formed to Bright Street where the existing stone walls will be set back. The new access will serve the 3 proposed garages and the 17 car parking spaces for the new dwellings. No vehicle access is proposed via Bright Street Lane.

Externally, the church and hall will not be significantly altered. Later extensions will be removed, new doors will be formed and there will be velux windows in the roofs with a glazed cupola in the centre of the church roof. New timber windows will be installed and in the steeple PPC louvres will replace timber to reduce future maintenance. Boundary walls, fences and railings will complement the existing features and the trees around the church will be retained. Close boarded timber fences will be erected on the boundary to the adjacent supermarket yard.

The architect has submitted a Design Statement, a Sustainable Development Profile, a Preliminary Risk Assessment in respect of Contaminated Land and a Noise Impact Assessment to address the noise impact of the adjacent supermarket in support of the application.

SITE DESCRIPTION

The building sits in an elevated position facing southwards down High Street Lochee at the corner of Methven Street and Bright Street. It is a simple rectangular building with a spire on the south elevation. It dates from 1830 and the hall to the rear, facing on to Bright Street, was added by 1884. The Church has a relatively plain interior, its main feature being the organ which has now been removed, with the relevant permissions, and relocated abroad.



The land to the north of the hall is vacant open ground which adjoins the Boy's Brigade Hall, formerly the Half Timers School to the Camperdown Works. Land to the east is currently roughly mounded and overgrown with self seeded vegetation. This hides the location of the former air raid shelters



to the Camperdown Works and is the site of the new build element of the housing proposals.

The site is bounded by Methven Street to the south, Bright Street to the west, Bright Street Lane to the north and the service yard and building occupied by Tesco as part of the Stack Leisure Park to the east. There are flats and houses and Lochee Baptist Church on the

opposite side of Bright Street and to the north of Bright Street Lane there are 4 traditional stone houses set behind high stone walls. To the south lie the commercial buildings of the High Street.

Bright Street is a narrow, one way street, southwards which carries local traffic into the High Street. It is bounded on the east by the boundary walls of the Boys Brigade Hall, the Church Hall and the walls around the Church grounds.

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 59 - Alternative Uses for Listed Buildings.

Policy 60 - Alterations to Listed Buildings.

Policy 4 - Design of New Housing.

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:

Breaches in Boundary Walls.

SUSTAINABILITY ISSUES

The following sustainability policy implication(s) arise from this application:

Policy 5: Built Environment - the issue is discussed in greater detail below.

SITE HISTORY

08/00401/LBC - The partner Listed Building application in respect of the proposed redevelopment and alterations to the Listed buildings is considered elsewhere on this agenda.

PUBLIC PARTICIPATION

The application was the subject of Statutory Neighbour Notification and was also advertised as a development contrary to the Development Plan. There were two objections from neighbours to the north on grounds of design and appearance, overlooking, use of private lane, loss of trees and amenity. These issues are addressed in the Observations below. Copies of the objections are available in Members' Lounges.

CONSULTATIONS

The Head of Environmental Health and Trading Standards has assessed and commented on the following:

- 1 A Preliminary Risk Assessment in terms of possible Contaminated Land has been carried out and appropriate conditions are recommended to cover any remediation of the site which may be required. It is noted that this church did not have a graveyard adjacent to it but part of the site was previously occupied by housing and air raid shelters.
- 2 A Noise Impact Assessment has been carried out to assess the likely impact of noise from the adjoining Tesco supermarket. The NIA recommends specific fencing details for the boundary between the sites to address noise from deliveries to the supermarket. As the site comprises an existing building to the side of the supermarket and 2 new houses to the rear, there are different proposals for each part of the development. This can be the subject of appropriate conditions.

OBSERVATIONS

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

- a a whether the proposals are consistent with the provisions of the development plan; and if not
- b b whether an exception to the provisions of the development plan is justified by other material considerations.

The Committee is also required to consider the application in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

As the development comprises two distinctly different forms of development, they will be considered separately for clarity.

Conversion of the Church and Hall to 10 Flats and 2 Houses

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."

This building is an important feature of the centre of Lochee and would be suitable for both residential or commercial uses given its location at the edge of the District Centre. A residential use is acceptable as only limited external alterations are required to create high standard of residential accommodation. Residential use also helps to retain the landscaping around the building as part of the garden grounds. The loss of the internal space of the church is balanced by the creation of the central access stair top lit by a new glazed cupola on the roof.

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."

As noted, the alterations to the Listed Building are sympathetic to its fabric and character and will ensure its future in an acceptable beneficial use. The velux windows to be inserted in the roofs are of Conservation specification and are acceptable in order to make best use of the space within the building. Those on the Church will be partly hidden by the height and slope of the roof. The amendments to the boundary walls to form the access from Bright Street are designed to minimise the visual impact whilst seeking to achieve the maximum visibility for drivers exiting the site. The railings will be reinstated to match the existing.

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:

- a 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
- b 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.

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."

The size of the Church building does not lend itself to conversion for houses and change of use to flats is acceptable in principle to support the retention of the Listed Building. However the Hall is much more domestic in scale and it is proposed to be converted into 2

houses. Appendix 1 to Policy 4 sets criteria for these developments.

With regard to the houses, only one has a garage and driveway. Both have small garden areas to the rear (south) of 26 and 35 square metres which are less than the 50 square metre minimum for this Inner City location. However, there is no opportunity to provide any more private garden space and as one house abutts Bright Street, its two remote parking spaces must be located opposite the house.

The flexibility provided by the Policy for conversion of listed buildings is justified in this regard.

The proposed flats exceed the minimum size of 60 square metres. Garden ground meets the criteria as 4 of the 10 flats have small private gardens and there is 96 square metres of shared garden ground in addition to a shared drying area. There is also a lockable bike store and a bin store adjacent to the parking area. 150% parking is provided for the 10 flats which meets the requirements.

The minimum privacy distance between facing windows of habitable rooms is 18 metres. However the hall building is only 7 metres from the facing windows of the properties on the west side of Bright Street. Policy 4 provides flexibility in these matters where conversion of a listed building is proposed. There have been no objections from residents in Bright Street.

It is concluded that the development merits the flexibility detailed in Policy 4 because of the listed buildings and the quality of the development and is in compliance with it.

It is concluded that the Conversion proposals comply with Policies 59, 60 and 4.

New Build Development of 2 Houses

Policy 4 applies and these large 4 bedroom houses comply with all of the criteria in Appendix 1. With regard to privacy, the nearest houses to the north are 23 metres from the proposed houses and there is a substantial stone wall forming the southern boundary of the neighbouring properties. It is considered that there is no loss of privacy as detailed by the policy.

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

development plan as the retention and reuse of the Listed Building supports a degree of flexibility in the application of the relevant policies and the new build houses fully comply with Policy 4.

Other Material Considerations

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

Objections - there were two objections from neighbours to the north on grounds of design and appearance, overlooking, use of private lane, loss of trees and amenity.

- in terms of "design and appearance, the houses do not fit in with the existing buildings". The houses to the north are stone built and lie behind a high stone wall and the Boys Brigade hall is a B Listed Building. The new houses are well designed, modern houses with pitched roofs and rendered walls. They do not match but they complement the existing and add to the variety of building styles which exists in this part of Lochee.
- overlooking. This has been discharged above.
- loss of trees and amenity. The trees are self seeded on a site occupied by derelict air raid shelters. The redevelopment of brownfield sites is supported in the local plan and the neighbouring houses have large landscaped gardens which provide their amenity.
- use of private lane. Both objectors object to any use of Bright Street Lane which is not adopted and is private. The new build houses are designed to have all vehicle access to the rear from the new road off Bright Street. They have pedestrian access on to the lane with a new footway. This is a legal matter to be regulated by the parties with an interest in the lane.

It is considered that none of the objections raised are sufficient to justify refusal of this high quality residential development which will bring an important Listed building back into use and redevelop an area of derelict land.

Non Statutory Statements of Council Policy

Breaches in Boundary Walls - the west side of the site at Bright Street is currently bounded by a stone wall with railings from the Boys Brigade Hall to the former Church Hall. The proposal is to form a new vehicle access to a private road and parking area for the new residential development. The wall will be set back to a limited amount in order to retain the sense of enclosure but to provide acceptable visibility and the wall will be curved around to form the entrance to the site. Whilst the policy does not normally support such alterations, it is recognised that there is no alternative location to provide the vehicle access into the site of the parking which is required to ensure that the church and hall can be successfully redeveloped.

It is considered that the greater good of the retention and beneficial reuse of the buildings outweighs the limited impact of the development on the boundary wall. In addition, new boundary walls with railings, are proposed to be created along the south boundary of the Boys Brigade Hall and along the front gardens of the new houses in the Hall. This will enhance the appearance of the development and link it to the existing boundary walls.

The proposal supports Sustainability Policy 5 - Built Environment, as it preserves and reuses a Listed Building which forms an important part of the Conservation Area.

Memorandum of Guidance on Listed Buildings and Conservation Areas

States 2.15: New uses for old buildings may often be the key to their continued survival. It may be justifiable for planning authorities to relax control over use, zoning, density, plot ratio, daylighting, and other restrictions where this would enable an historic building or group of buildings to be given a new lease of life. As noted, the development requires only limited relaxation of the relevant policy requirements and provides a high standard of residential accommodation.

Proposed Lochee Conservation Area

At the Planning and Transportation Committee 10th March 2008, the Committee approved;

- the proposed draft Lochee Conservation Area for consultation purposes based on the boundary outlined in the Conservation Area Character Appraisal document
- remit the Director of Planning and Transportation to consult with the local community and interested parties on the terms of the Conservation Area Character Appraisal document and to report back with the results.

The consultation process is underway and shall be completed on the 20th August 2008 with its findings being reported to the next available Planning and Transportation Committee.

The site lies within the proposed Conservation Area and the development would preserve and enhance the character of the area in accordance with the relevant policy and guidance required if the designation is confirmed.

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.

Other Legislative Provisions

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 approval of this proposed development will comply with this requirement.

Design

The design benefits of the redevelopment proposals are detailed in the Policy observations above.

CONCLUSION

It is concluded that the flexibility available in Policy 4 of the Dundee Local Plan Review 2005 is applicable in this particular case as the development will retain an important Listed building. The development also complies with other relevant policies and National guidance. It will provide a range of size and style of residential properties; will preserve and enhance these buildings which form an integral part of Lochee and will contribute to the character and diversity of the proposed Conservation Area.

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 Prior to the commencement of development, tree protection fencing in accordance with BS5837:2005 shall be erected on site around all trees to be retained and such fencing shall be retained in place throughout the construction period. Relocation of any fencing to allow construction works to proceed shall be agreed with the Forestry and Enforcement officers prior to any movement of the fencing. No excavations, site works or services shall be carried out within the protected tree area and no soil, waste or materials shall be deposited within the tree area in such a position as to be likely to cause damage to the trees by affecting their root structure.
- 3 Three clear working days notice shall be given to the City Council of the erection of the tree fencing required by Condition 2 to allow the site to be inspected and works shall not commence on site until the tree fencing has been agreed by the City Council.
- 4 Within six months of the first use of the building, trees and shrubs shall be planted on the site in accordance with a scheme which has been submitted to and approved by the City Council. Any trees or shrubs removed, dying, being severely damaged or

becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.

- 5 Development shall not begin until the investigation and risk assessment proposed in the submitted Environmental Site Assessment, Phase I Desk Study are completed and a scheme to deal with contamination at 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; and
 - d condition of the site on completion of decontamination measures.
- 6 Before any unit is occupied the measures to decontaminate the site, if necessary, shall be fully verified and a validation report should be submitted to and approved in writing by the planning authority.
- 7 Before the any of the residential units is first occupied the bike store, car parking and manoeuvring areas indicated on the approved drawings shall be provided and thereafter kept available for use at all times.
- 8 The new access to Bright Street shall be formed in accordance with details which have previously been approved by the City Council and the access shall be formed to adoptable standard prior to the commencement of works on the conversion of the existing buildings or the construction of the new houses.
- 9 Prior to the commencement of works on the conversion of the existing buildings or the construction of the new houses,

- the listed wall and railings on the north side of the access shall be reconstructed in accordance with the approved drawings and any other permission.
- 10 Surface water on the site shall be dealt with in accordance with Scottish Water requirements and no surface water shall drain on to the adopted highway.
 - 11 Prior to the occupation of the first of the residential units in the converted hall, the boundary fence adjacent to parking spaces 1-6 shall be formed in close boarded timber in accordance with the recommendations of the Noise Impact Assessment by New Acoustics dated August 2008.
 - 12 Prior to the occupation of the first of the new build houses the boundary fence to the south, adjoining the supermarket yard, shall be formed to a total height of 4.6 metres above the yard, including any retaining wall or embankment, in accordance with the recommendations of the Noise Impact Assessment by New Acoustics dated August 2008 and with details which have previously been submitted to the City Council for approval. The works shall only be carried out in accordance with such approved details.
 - 13 Before the any of the flats is first occupied the bin store shall be provided in accordance with details which have previously been submitted to and approved by the Council's Waste Management Department and shall thereafter be kept available for such use at all times.
- standard of appearance of the development.
- 4 In the interests of the amenities of the future occupants of the residential accommodation.
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 - 7 In the interests of the amenities of the future occupants of the residential accommodation.
 - 8 To ensure that there is an acceptable access to the site for construction traffic prior to the commencement of works, in the interests of traffic and pedestrian safety.
 - 9 In order to safeguard the appearance of the statutory Listed Building and in the interests of the safety of pedestrians.
 - 10 In order to ensure that the site is drained in a satisfactory manner and does not impact on the adopted highway.
 - 11 In the interests of the amenities of the future occupants of the dwellings and to address the impact of the noise of deliveries to the adjoining supermarket.
 - 12 In the interests of the amenities of the future occupants of the dwellings and to address the impact of the noise of deliveries to the adjoining supermarket.
 - 13 In the interests of the amenities of the future occupants of the residential accommodation.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To protect those trees which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance of the development.
- 3 To protect those trees which are of significant amenity value to the area and which would ensure an enhanced and satisfactory