

## KEY INFORMATION

**Ward** West End

**Proposal**

Change of use and elevational alterations to form dwelling houses and formation of additional car parking.

**Address**

Wimberley Houses  
Glamis Drive  
Dundee

**Applicant**

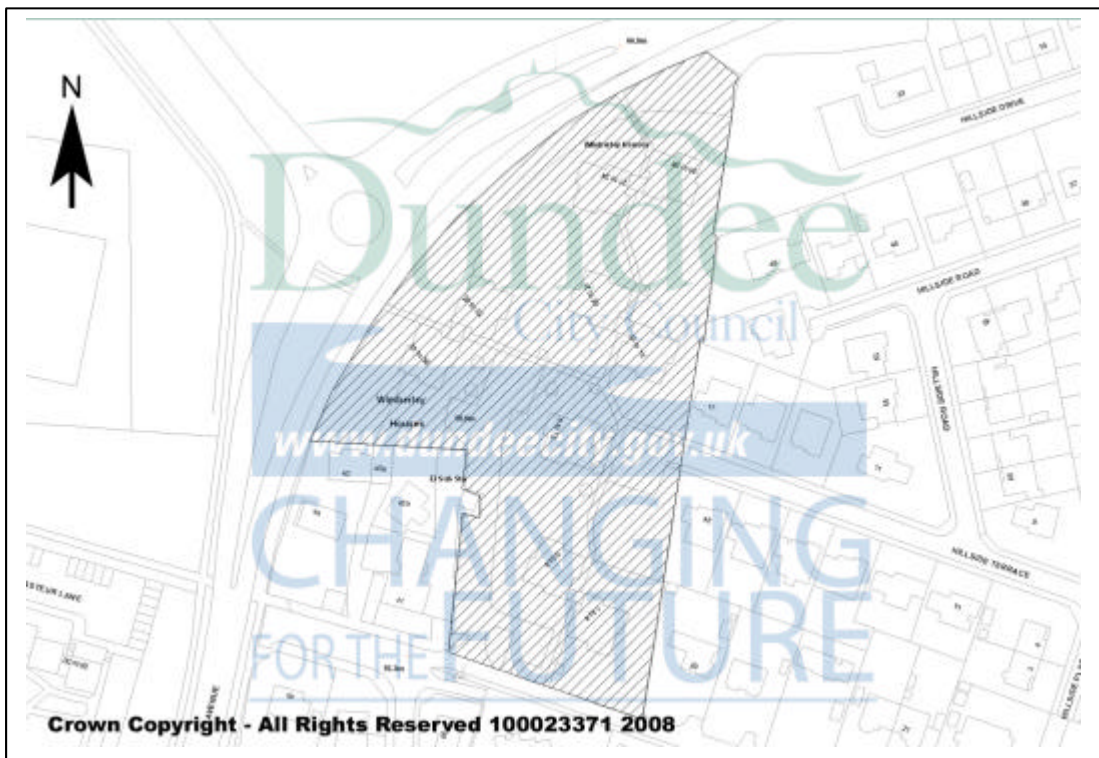
Baker Street (UK) Ltd  
37 Baker Street  
Stirling  
FK8 1BJ

**Agent**

James Paul Associates  
4 Brook Street  
Broughty Ferry  
Dundee  
DD5 1DP

**Registered** 16 July 2008

**Case Officer** D Gordon



## Re-use of Former Student Housing Proposed

The change of use and elevational alterations to form dwelling houses and formation of additional car parking is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation.

## RECOMMENDATION

It is concluded that the proposals are contrary to the requirements of Policy 4 (Design of New Housing) of the Dundee Local Plan Review 2005. However, there are significant material considerations of sufficient weight to justify the support of the development contrary to the provisions of the development plan. The application is recommended for approval subject to conditions.

## SUMMARY OF REPORT

- Permission is sought to convert 9 blocks of former student accommodation units to 36 private dwelling houses. The houses will each have 3 bedrooms, bathroom, kitchen and living/dining room. The proposal also involves external alterations to the buildings, an increase in off street car parking to 72 spaces and improvements to the vehicular access on Glamis Drive.
- The statutory neighbour notification procedure has been undertaken by the applicants in addition to the proposals being advertised in the local press as development contrary to Policy 4 (Design of New Housing) of the Dundee Local Plan Review 2005.
- Ten objections to the proposals have been received. These objections raise matters relating to, amongst other things, development plan policies, traffic movement issues, impact on the surrounding area and the future occupancy of the buildings.
- It is concluded that the proposals, by virtue of garden ground and off street car parking provision, fail to fully comply with the relevant Local Plan policies. However, it is considered that in this instance there are material considerations of such a weight that would justify support of the application contrary to the provisions of the development plan.
- It is recommended that the use of the new dwellings be subject to a legal agreement under Section 75 of the Act in order to prevent their future use as houses in multiple occupation.

## DESCRIPTION OF PROPOSAL

The proposal under consideration seeks permission to refurbish and modernise existing vacant residential units to provide 36 family houses. The existing houses (former student accommodation) are constructed in 9 clusters with 4 residential units per block. Currently each house consists of 6 bedrooms with associated living space. The internal layout is to be rationalised to provide 3 x bedrooms, lounge/dining room, kitchen and bathroom facilities.

External Alterations to the buildings are also proposed and include:-

- replacement of the flat roofs with new pitched roofs
- alterations to window dimensions and installation of new doors
- provision of coloured external smooth render

The existing footpath network within the site is to be retained and adjusted to provide increased privacy for the occupiers of the new units. Private garden ground and patio areas are to be provided for each new dwelling although the site is to remain predominantly open plan in nature.

Access into the site from Hillside Terrace on the east is to be retained. The access leading off Glamis Terrace is to be relocated approximately 10 metres to the east in order to improve visibility and road traffic and pedestrian safety. The existing off street car parking spaces currently located within the site are to be increased and re-surfaced with pavements to provide a total of 72 spaces.

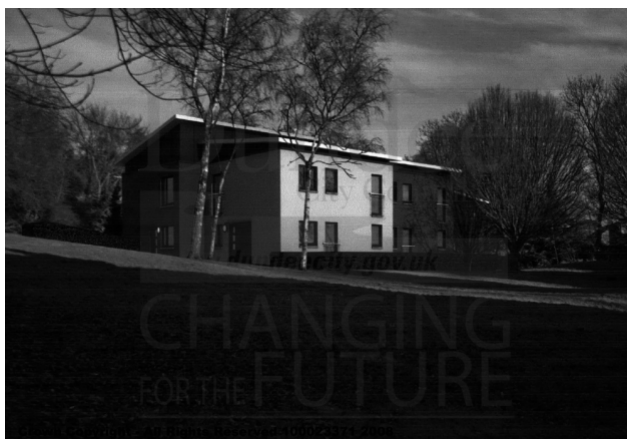
The proposals indicate that 9 trees are to be removed from the site. These are to be replaced as part of the proposals

## SITE DESCRIPTION

The site of this application measures approximately 1.32 hectares in area and is bounded to the west by Ninewells Avenue. To the east are the residential properties of Hillside Drive, Hillside Road and Hillside Terrace. The south side of the site is bounded

by Glamis Drive beyond which lie further residential properties.

The site slopes generally in a north to south direction. It currently accommodates 9 blocks of student



houses with 4 units per block. Each building is 2 storeys in height with flat roofs. The buildings are currently



vacant and visually in a poor condition by virtue of flaking render, graffiti and a degree of vandalism.



The site is accessed from Hillside Terrace to the east and Glamis Drive to the south. These access points lead to off street car parking spaces for the units (41 in total). A number of footpaths run through the site that link Glamis Drive and Hillside Terrace with Ninewells Avenue to the west.

The site enjoys a mature landscape setting with a significant tree belt located on the western boundary of the site. The site is the subject of a confirmed Tree Preservation Order.

## 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:

The Plan identifies the site as being a Suburban Brownfield Housing Site (Appendix 2 H40 refers).

Policy 3A: Housing Proposals - sites identified in Appendices 2 and 3 are reserved for housing and should not be developed for other uses. The Council will ensure the maintenance of a five year effective land supply at all times, to be monitored through the annual Housing Land Audit Process.

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 72: Trees and Urban Woodland - new developments must have regard to existing healthy mature trees, the survival and retention of which will be strongly encouraged through sensitive site layouts and both during and after construction. Where appropriate, development proposals must be accompanied by a tree planting and landscaping scheme which includes a supporting justification and sufficient map based material to document existing planting within the application site, as well as new planting and maintenance arrangements. The Council will promote Tree Preservation Orders to protect individual trees or entire planting schemes where expedient to do so.

The Council and its partners will pilot local urban woodland projects within suburban communities to provide sustainable land use treatment for vacant or underused land. Temporary urban woodland projects will be based on a 'minimum cost, rapid impact, site recovery' approach with interpretative signage, so not to preclude future development. Public access will be discouraged within these areas. In addition, peripheral vacant sites with little or no development value will be targeted by the Council and its partners for permanent urban woodland schemes.

The Council will also support advance planting on key development sites, enhanced tree planting within Greater Camperdown Country Park and the City Parks, as well as the creation of new community forests on the urban

fringe in conjunction with neighbouring authorities.

## 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.

## SUSTAINABILITY ISSUES

The following sustainability policy implications arise from this application:

The proposals involve the re-use and improvement of existing residential accommodation on a brownfield site located within the city. The sustainability issues relating to this proposal are discussed in greater detail below in the 'Observations' section of this report.

## SITE HISTORY

There are no recent planning applications for the development of this site that are of direct relevance to the determination of this proposal.

## PUBLIC PARTICIPATION

The applicants have undertaken the statutory neighbour procedure. In addition, the proposals were advertised in the local press as 'development contrary to the Local Plan' (Policy 4) in the local press on 29 July 2008.

The development has attracted 10 individual objections from surrounding occupiers. The main relevant issues raised by the objectors relate to:-

- a The proposals are contrary to the relevant policies of the Local Plan by virtue of size and appearance of the buildings, the garden ground provision and the remote car parking arrangements.
- b The development will have an adverse impact on the surrounding area by virtue of the appearance and the quality of the houses proposed.

- c The proposed increase in traffic will have an adverse impact on the road traffic and pedestrian safety in the surrounding area, particularly with regard to the free movement of service and emergency vehicles and an increased level of on-street parking in the local area
- d Inappropriate arrangements for refuse collection.
- e Concern over the future occupancy of the houses.
- f The proposals are not in accordance with the Development Brief for the site.

Members will already have had access to the objection letters and it is intended to comment on the various issues raised in the 'Observations' section of this report below.

## CONSULTATIONS

No adverse comments have been received from any of the consultees.

## OBSERVATIONS

### Statutory Requirements

In accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997 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 3A (Housing Proposals) - this Policy requires that identified housing sites are reserved for housing purposes. The site is identified as a brownfield housing site on the Proposal Map of the Dundee Local Plan Review 2005. In this respect, it is concluded that the use of this site for private residential purposes is consistent with the aims of Policy 3A.

Policy 4 (Design of New Housing) - this policy requires that all new

housing developments within the city should be of a high quality. As a basis for this, new development will be required to conform to the Design Standards contained in Appendix 1 of the Plan.

The proposal involves the conversion of 9 blocks of vacant student houses to 36 private dwelling houses. These new houses will each accommodate 3 bedrooms, lounge/dining room, bathroom and kitchen. External alterations are proposed to improve the appearance of the buildings including the provision of pitched roofs, alterations to windows and doors and the introduction of coloured render.

Within the suburban area of the city, the Plan requires that 75% of new houses should have 3 or more bedrooms or a minimum gross internal floor area of 100m<sup>2</sup>. The proposed houses do not achieve the minimum floor area required. However, each unit provides a minimum of 3 bedrooms which is in compliance with the requirements of the Plan. It is considered that this aspect of the development is consistent with Policy 4.

All new private housing with 3 or more bedrooms should have at least 2 off street car parking spaces within the curtilage of the building. In addition, 50% of all houses should have a garage or a space for one. The development proposes to utilise and extend the existing off street car parking spaces within the site. These spaces are generally located remote from the existing buildings, particularly those located on the north side of the site. The upgrading of the existing spaces and the provision of the additional spaces in the locations proposed are considered to be inconsistent with the requirements of Policy 4.

Policy 4 requires that in brownfield sites within the suburban area, a minimum private garden ground area of 120m<sup>2</sup> should be provided for all houses. In addition, within private developments, 40% of houses should have a minimum of 160m<sup>2</sup> of useable garden ground. Due to the nature of the development (ie conversion works) the applicants have advised that while a minimal amount of enclosed private garden ground and patio areas are to be provided within the immediate curtilage of each dwelling, the site will not be subdivided into large enclosed

private garden areas in order to retain the open mature landscape setting of the site. In this respect it is concluded that the proposals fail to comply with the requirements of Policy 4.

Within new housing developments, there should be 18 metres between facing windows of habitable rooms. This requirement is met by the submitted proposals.

Policy 72 (Trees and Urban Woodland) - this policy requires that new developments must have regard to existing healthy trees, the retention of which will be strongly encouraged through sensitive site layouts and protection both during and after construction. The proposals involve the removal of 9 trees from the site. These trees are of minor importance within the terms of the Tree Preservation Order and are considered to play only an ancillary role in the landscape setting of the site. It is concluded from the above that the proposals do not conflict with the terms of Policy 72.

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:

### 1 Supporting Statements by Applicants:

The applicants have submitted a Planning Support Statement, a Design Statement and a Sustainable Development Profile to accompany their application.

With regard to land use policies, the applicants argue that the use of the site for residential purposes is in full accordance with National Policy and Guidance and with the relevant policies of both the Structure Plan and the Local Plan Review. It is conceded that this use is considered to be appropriate and this is confirmed by the identification of the site as a brownfield housing site in the Dundee Local Plan Review 2005 (H40 refers).

With regard to the failure of the development proposals to comply with the garden ground and off street car parking requirements of Policy 4 (Design of New

Housing), the applicants state that the Local Plan recognises that particular sites may not lend themselves to particular types of development and consequently, compliance with the terms of Appendix 1 of the Plan may not be practical. They further argue that the retention of the car parking spaces in the existing locations and the lack of definition of large areas of enclosed private ground attached to each new house will maintain the attractiveness of the open plan aspect of the site and mature landscape setting of the area. The applicants also contend that the re-use of the units will further safeguard the trees that are currently protected within the site.

With regard to the retention of the existing houses and their use as modern dwellings, the applicants advise that the existing buildings have been inspected by a qualified Structural Engineer who has stated that the buildings are sound in both structure and construction. As a result, the applicants consider that it is logical to retain these existing structures and adapt them to modern living standards. They argue that this type of development would be very much in line with the sustainable policies which are encouraged and actively supported by the City Council. The applicants consider that the proposals specifically meet the following Council's sustainable development objectives:-

- a minimising carbon dioxide production from all aspects of construction
- b maximises the efficient use of land and buildings in relation to infrastructure requirements and carbon emissions
- c minimises waste and maximises recycling during construction.

The applicants also consider that the proposals maximise the effective use of land and buildings to contribute to high quality re-use of buildings and materials on a brownfield site and reduces the large amount of energy used in the preparation and



transportation of construction materials.

## 2 Views of the Objectors:

- a The proposals are contrary to Policy 4 (Design of New Housing) of the Local Plan.

This matter has been discussed in the 'Development Plan' section of the report above and it was concluded that the development does not fully comply with the required private garden ground and off street car parking provision as detailed in Appendix 1.

- b The appearance and quality of the development will have an adverse impact on the surrounding area.

It is considered that the proposed alterations to the existing buildings (provision of pitched roofs etc), significantly improve the dated and institutional appearance of the former student accommodation. The design of the new units is considered to be acceptable in this location and will ensure the retention and protection of the mature landscape setting currently evident on the site.

- c Traffic Movement Issues.

The use of the local road network to service this particular development site has been assessed and has been found to be capable of coping with the potential increase in vehicle numbers and traffic movements generated by the new houses. The issue of the development potentially increasing on street car parking problems in the local area can only be fully assessed following the use of the site for the residential units proposed. However, it is considered at this time that, by virtue of the limited increase in the vehicles using the site, the proposed development will not have a significant impact on on-street parking in the area.

- d Inappropriate Refuse Collection Arrangements.

Where it will not impact on the existing landscape setting, the applicants propose to enlarge the existing bin stores located throughout the site. A new bin store facility is also to be constructed which would allow for a 'local recycling centre' to be located within the central section of the site.

- e Future Occupancy of the Houses

The applicants have agreed, should the Council be minded to approve this planning application, to enter into a Section 75 Legal agreement with all the relevant parties that would prevent to future use of the dwellings as houses in multiple occupation.

- f Proposals are not in accordance with Development Brief.

A Draft Brief for the future development of this site for residential purposes was reported to the Council's Planning & Transportation Committee on 14th August 2006. This sought approval of the principles of the draft site planning brief as the basis of consultation with the local community and interested parties. This Brief was not reported back to Committee and consequently holds no formal status in the consideration of this application.

## 3 Houses in Multiple Occupation

Concerns have previously been expressed by the Committee about the conversion of residential properties in certain areas within the city including the west end and in areas close to Ninewells Hospital to HMO's with resulting impacts on residential amenity. In November 2006 the Planning and Transportation Committee approved supplementary planning policy guidance for controlling

HMO's within the city. This guidance was reviewed in February 2008. This guidance states that the occupation of dwellings in new residential developments by three or more unrelated people will be prevented through the use of Section 75 Agreements.

It is therefore considered that it would be appropriate in this case, by virtue of the size of the houses and their proximity to Ninewells Hospital, to restrict changes of the use of the houses to HMO's. Such a restriction by means of a Section 75 Agreement has been discussed with the applicant's and their acceptance of this has been obtained.

With regard to the issues above, it is considered that the layout and form of development would not generally be supported if the application were to be for a new build proposal.

However, in examining the details of this current application, it is considered that the various external alterations proposed to the existing houses will significantly improve the appearance and setting of the buildings in this local area. The proposed internal conversion works will result in the provision of good family size houses and the retention of the buildings on the site will ensure minimal disruption to the existing protected trees and the mature landscape setting of the site. Off street car parking spaces (200% provision) while not within the curtilage of the houses will be within easy walking distance of all new dwellings.

It is further considered that the applicants have put forward a robust argument in terms of sustainability for the re-use of these buildings. It has been confirmed that the units are sound in both structure and construction and that there are no compelling or overriding reasons for the demolition and removal of these houses from the site.

Taking all relevant matters into account, it is considered that the proposals put forward for consideration will offer the future occupants of the buildings quality accommodation in a quality environment. It is concluded that while the proposals do not comply with the requirements of Policy 4 of the Local Plan, on balance, the

proposals should be offered support in this instance.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

## Design

The existing buildings are two storeys high, flat roofed properties that are finished in brick and roughcast. The design of the structures is dated, repetitive and uninspiring and as a consequence detracts from the quality of the appearance of the surrounding dwellings. The current vacant status of the properties only serves to compound this problem.

It is considered that the proposals to alter the external appearance of the units, including the introduction of pitched roofs and amendments to the windows and doors, significantly improve both the character and appearance of the buildings. This results in the creation of a residential development that is of a standard and quality that is appropriate in this area of the city.

## CONCLUSION

It is concluded from the foregoing that the proposals comply with the provisions of Policy 72 but contravenes Policy 4 of the Dundee Local Plan Review 2005. However, as detailed above there are considered to be material considerations that are of sufficient weight to justify support of the proposals contrary to the provisions of the development plan.

## RECOMMENDATIONS

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

### Recommendation 2

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 full details of the scheme of hard and soft landscaping works have been submitted to and approved, in writing, by the planning authority. Details of the scheme shall include:
  - a existing landscaping features and vegetation to be retained and, in the case of damage, restored.
  - b soft and hard landscaping works.
  - c indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration.
  - d location of new trees, shrubs and grassed areas.
  - e schedule of plants to comprise species, plant sizes and proposed numbers/density.
  - f programme for completion and subsequent maintenance.

For the avoidance of doubt, any trees or shrubs on the site which, in the opinion of the planning authority, are dying, severely damaged or diseased within five years of planting shall be replaced by trees or shrubs of a similar specification to those originally planted.

- 4 Development shall not begin until the trees to be retained within the site have been protected by suitable fencing. Details of this fencing shall be submitted for the consideration of the planning authority and no

work shall commence until written approval of the planning authority has been given.

- 5 That prior to the commencement of development full details of the proposed refuse management arrangements for the site, including the details of improvements to existing facilities, shall be submitted to and approved, in writing, by the planning authority.
- 6 That prior to the commencement of works, full details of the proposed vehicular access onto Glamis Drive shall be submitted to and approved, in writing, by the planning authority and thereafter the access shall only be formed and constructed to Dundee City Council specifications.
- 7 Prior to the first use of any of the buildings hereby granted permission, a footway shall be provided to Dundee City Council's specifications ex adverso the site on Glamis Drive. For the avoidance of doubt, the details of this footway shall be agreed, in writing, with the planning authority prior to the commencement of works.
- 8 Any existing accesses that are no longer required as part of the proposed development shall be made good to the satisfaction of the planning authority. Details of these alterations shall be submitted to and approved, in writing, prior to the commencement of works.
- 9 Notwithstanding the provisions of Schedule 1, Part 2, Class 7 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended, no walls, fences, gates or other means of enclosures, other than those specifically stated on the approved drawings, shall be erected on the site which is the subject of this application. Construction of any means of enclosure cannot be carried out without planning permission being granted on an application made to 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 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 4 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.
- 5 In the interests of sustainable development.
- 6 To enable drivers of vehicles to enter and leave the site in a safe manner.
- 7 In the interests of the safe passage of pedestrians along the south side of the site.
- 8 In the interests of the safe entry and exit from the site and in the interests of pedestrian safety.
- 9 To safeguard the appearance and character of the open and mature landscape setting of the site in the interests of the environmental quality of the area.