

KEY INFORMATION

Ward East End

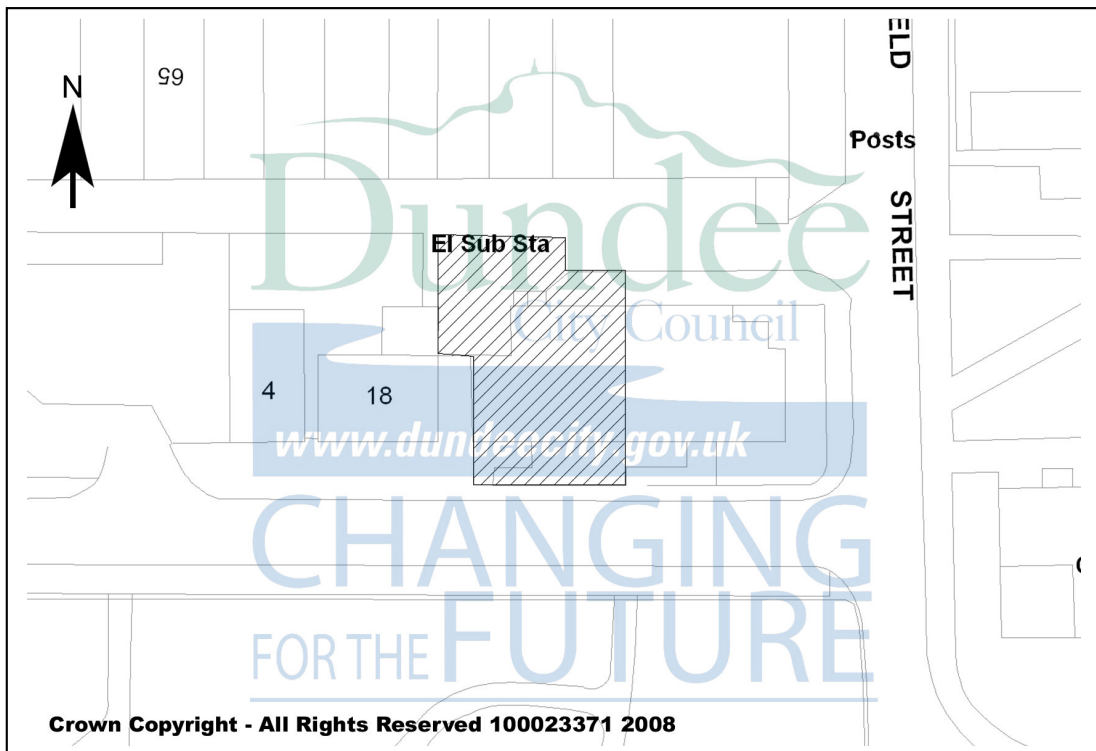
Proposal

Change of use from sit-in restaurant to dwellinghouse

Address4 Linfield Street
Dundee
DD4 8LJ**Applicant**Mr G Squire
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Registered 18 Sep 2008

Case Officer C Walker



Conversion to House Proposed in Linfield Street

A change of use from a restaurant to a dwellinghouse is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The small scale and specialised nature of the proposed development provides a justification for departing from the Local Plan standards on garden ground and parking in this instance. The application is recommended for **APPROVAL** with conditions.

SUMMARY OF REPORT

- Planning permission is sought to change the use of the western part of a restaurant and takeaway building on the north side of Linfield Street to a 4 bedroom dwelling.
- The provision of private garden ground and parking for the dwelling does not meet the standards for residential development set out in Policy 4 and Appendix 1 of the Local Plan.
- No public response or adverse comments from consultees were received.
- Taking into account the minor scale and specialised nature of the proposal, the fact that a conversion is involved and that some garden ground and parking is provided, it is considered that there is a justification for approving a dwelling on the site.

DESCRIPTION OF PROPOSAL

Planning permission is sought to change the use of the western part of a restaurant and takeaway building to a 4 bedroom dwelling.

Proposed elevational alterations are not significant with the building up of front elevation windows to provide a domestic scale and the opening up of new windows on the west and south elevations. The principal change is the demolition of a single storey flat roofed toilet block area at the west of the building to create additional garden ground.

The plans indicate the provision of 124m² of garden ground, including some 28m² to the side of the proposed house (on the site of the demolished toilet block) and a further 96m² to the rear of the building (at a lower level) adjacent to an electricity substation and a service lane at the rear of the Happyhillock Shopping Centre. An off street parking space is indicated to the rear of the building off this service lane.

The applicant owns all the land on the north side of Linfield Street between Longcroft Road and Inglefield Street. All these properties were originally in commercial use but through conversion and new build the applicant has now provided 2 flats and a maisonette. The maisonette is occupied by the applicant and the flats by members of his family. The applicant has stated that he intends to occupy the proposed new house.

SITE DESCRIPTION

The site comprises a substantial single storey building and its curtilage on the north side of Linfield Street at its junction with Inglefield Street. The building is occupied by a restaurant (which has recently ceased trading) and a hot food takeaway. The building has a facing brick frontage and white rendered walls to the sides and rear. The site drops steeply down to a rear service lane running behind the Happyhillock Shopping Centre.

To the west is a bungalow and then there is a 3 storey building incorporating a ground floor flat and a maisonette above. These 3 dwellings are occupied by the applicant and

members of his family. The maisonette has a vehicular access from the service road to the rear of the application site. There is also an electricity sub station at this location.

To the east, on the opposite side of Inglefield Street, are a clinic and terraced housing. To the south is an area of public open space and then



more recently constructed housing at Longcroft Road.

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 site is not allocated for any specific purpose in the adopted Local Plan but Policy 1 is generally applicable. This states that the City Council will promote vibrant communities, encouraging the development of an appropriate range

of services and facilities close to and within housing areas.

Policy 4 and Appendix 1 set out standards for new housing development. In a suburban area such as this there are minimum requirements for garden ground and parking provision.

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

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

Planning permission was granted in August 2006 to redevelop the surrounding area - application 06/00450/FUL refers. That proposal included the erection of 2 houses at the junction of Linfield St and Longcroft Road and the conversion of the building on the current application site from a pub to a restaurant and takeaway. All elements of that consent, apart from the erection of the 2 houses, have been implemented.

Planning permission was granted in November 2007 to convert 2 shops immediately to

the west of the current application site to a dwelling - application 07/00843/COU refers. That consent has been implemented.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposal was advertised as contravening Policy 4 (inadequacy of garden ground and parking) of the adopted Local Plan. No public response was received.

CONSULTATIONS

No adverse comments on the development were received from Statutory Consultees.

OBSERVATIONS

Statutory Requirements

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.

In terms of Policy 1, the proposed residential use is entirely appropriate for an existing residential area.

In terms of Policy 4, the proposed dwelling does not comply with the requirements of Appendix 1 in terms of garden ground and parking provision. Appendix 1 requires the provision of a minimum of 120m² of useable garden ground. Although an area of some 124m² is proposed with the current application not all of this area can be considered to be useable. This is because there is a significant change in level between the areas to the side and rear of the proposed house and the area to the rear is constrained by the fact that it is required for a vehicular access to the maisonette at 4 Linfield Street to the west and it is also required to provide access to the electricity sub station in this area. A minimum of 2 off street parking spaces is also required whereas only 1 is proposed as part of this application.

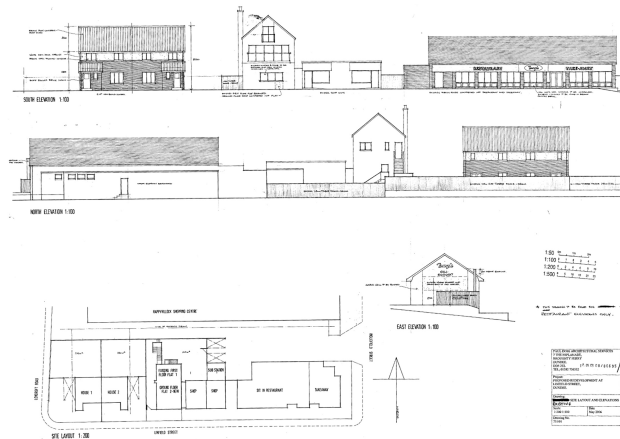
It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

Other Material Considerations

The provision of an additional dwelling at this location contravenes

Policy 4 of the Local Plan in terms of garden ground and parking provision. However it involves the conversion of an existing building with a very limited curtilage so that other than substantial demolition of the building it would not be possible to achieve compliance with these standards.

Although the development does not meet the standards in Appendix 1, small areas of private garden ground are provided to the side and rear of the house and an off street parking space is provided. Taking into account the fact that a reasonable level of garden ground is provided and that there are no parking restrictions or pressures in the vicinity of the site, the failure to fully comply with the Local Plan standards is marginal and will not have unacceptable amenity consequences either for the occupier of the dwelling or other residents in the vicinity of the site. In addition to this, the proposal is for a single dwelling in circumstances



where the applicant operates the adjoining takeaway and proposes to occupy the new dwelling. It is considered that approving the proposed development in these unique circumstances would not set a precedent for housing development in contravention of Appendix 1 standards.

Taking into account the minor scale and specialised nature of the proposal, the fact that a conversion is involved and that some garden ground and parking is provided, it is considered that there is a justification for approving a dwelling on the site.

Finally there will not be a conflict of amenity in terms of the proximity of the proposed dwelling to the existing hot food takeaway given that the occupier of the proposed house will operate the takeaway and a planning condition to this effect can be imposed

should Members be minded to approve the application.

It is concluded from the foregoing that sufficient weight can be accorded to material planning 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 proposed development will have no significant design implications as the elevational alterations are minor in scale and are of acceptable design quality.

CONCLUSION

The small scale and specialised nature of the proposed development provides a justification for departing from the Local Plan standards on garden ground and parking in this instance.

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 The occupation of the proposed dwelling shall be limited to a person solely or mainly employed in the adjoining hot food takeaway business and any dependents.
- 3 Details of the formation of the private garden ground and off street parking space for the proposed development, including the requirements for access to the sub station and to the maisonette dwelling at 4 Linfield Street, the ground surfacing materials and the location of screen fencing and gates 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.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 The fact that the proposed dwelling immediately adjoins a hot food takeaway means that there is a likelihood of amenity conflicts which can be regulated and controlled if the occupiers of the dwelling have control of the hot food takeaway.
- 3 In order to provide adequate and private garden ground and off street parking in the interests of residential amenity.