

KEY INFORMATION

Ward West End

Proposal

Proposed Change of Use from University Buildings to form Residential Use including Alterations to Building

Address

21, 23 & 25 Perth Road
Dundee
DD1 4HU

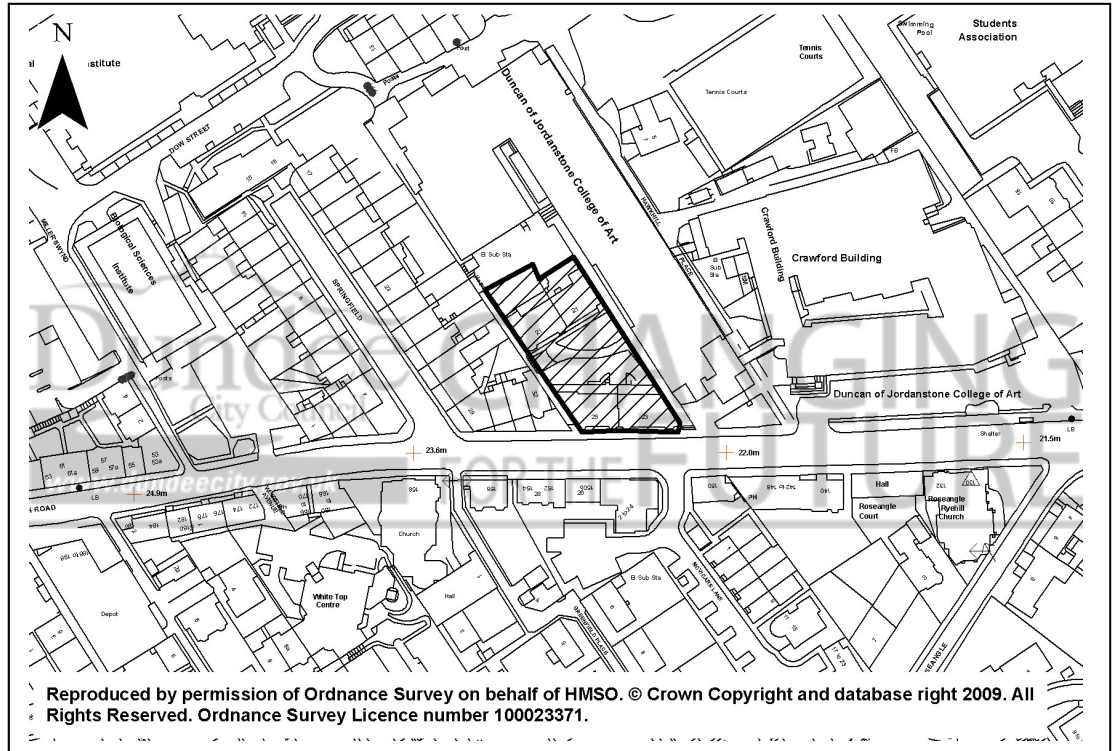
Applicant

Mr David Hagan
Northbank Residential
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27 Roseangle
Dundee
DD1 4LS

Agent

Registered 23 Feb 2010

Case Officer B Knox



Residential Use Proposed in Perth Road

A proposed Change of Use from University Buildings to form Residential Use is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of City Development.

RECOMMENDATION

Whilst the application is not capable of fully complying with the Local Plan requirements, there are material considerations to justify approval of the application. No objections have been received. The statutory requirements set out in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 are discharged. It is recommended that the use of the new units is subject to a legal agreement preventing their future use as HMOs.

SUMMARY OF REPORT

- The application seeks permission for the change of use of former University Buildings to residential use. The proposal will reinstate the layouts of the buildings as per their original use as residential accommodation.
- Policies 4, 60 and 61 are considered to be relevant to the determination of the application.
- It is concluded that whilst the proposals are not strictly in accordance with all of the requirements of the Dundee Local Plan Review 2005, there are material considerations of significant weight that support approval of the application.
- It will bring vacant and dilapidated buildings back into their original use, including a Category B Listed Building, and the works proposed will enhance and improve the features of the Listed Building and the surrounding Conservation Area.

DESCRIPTION OF PROPOSAL

This application relates to two traditional blocks which have most recently been in use by the University of Dundee as teaching, learning and office spaces. The conversion of the buildings will form 14 two-bedroom flats, four four-bedroom flats and one five-bedroom house, giving a total of 19 residential units.

The proposal will reinstate the layouts of the buildings as per their original use as residential accommodation. The location and age of the buildings means that access is pedestrian only and there shall be no car parking available.

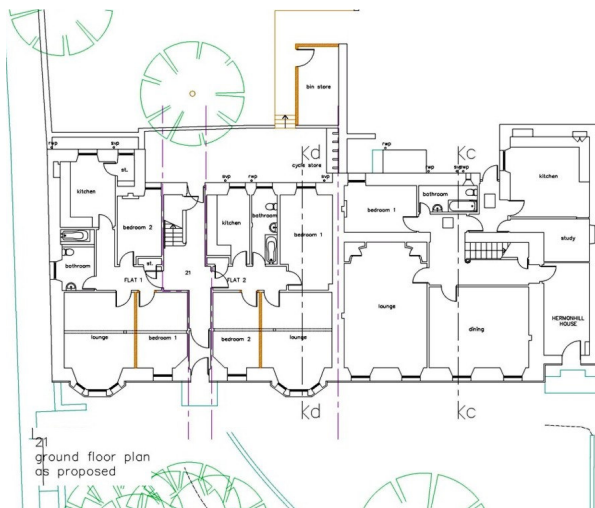
The central courtyard will provide amenity space for all properties and the area to the rear of 23 and 25 will provide amenity space for those flats within those buildings and the area to the rear of 21 shall provide communal space for the flatted properties and a separate space for the single dwelling house.

Dedicated cycle and bin stores have been proposed to be provided with each block and the existing pedestrian footpaths will be retained with additional external lighting.

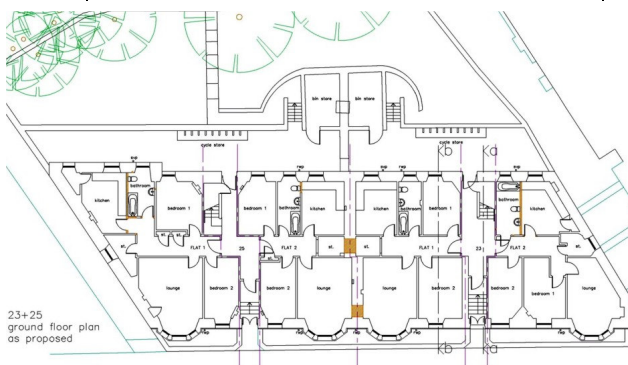
SITE DESCRIPTION

The site measures approximately 0.205 hectares in area and is located to the north side of Perth Road. The application site encompasses two property blocks. The block to the north (No 21) is a Category B Listed Building. The west element of number 21 comprises a three storey tenement style building and the east portion of the building is comprised of Hermonhill House which is two storeys in height. Although these two sections adjoin and have been linked internally, externally they appear as two. The buildings forming number 21 are located up a pedestrian access path approximately 50 metres from Perth Road. Internally, there are some attractive features in this building and the majority of these are found within the two storey house section including stained glass on the stair windows and cornicing to many of the rooms.

The building to the south which fronts onto Perth Road comprises of numbers 23 and 25 Perth Road. Visually, these appear as residential tenements despite the fact that internally they have been altered by the University for their needs. There are also some examples of attractive cornicing within this property.



The buildings are constructed of stone walls with slate roofs and have retained a traditional appearance. The area to the north of 23 and 25 and to the south of 21 is attractive and has retained much of its original character and charm.



Within this area, there are several large mature trees some of which sit into the retaining wall.

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 - this policy sets out requirements for the design and layout of all new housing, which should be of a high quality. As a basis for achieving this, new development at this location will be required to conform to the Design Standards for the Inner City contained in Appendix 1 of the Plan.

Policy 11: Houses in Multiple Occupation - this policy sets out the requirements for proposals for houses in multiple occupation of a dwelling.

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.

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.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

SPP23 Planning and the Historic Environment and

SHEP Scottish Historic Environment Policy

Non Statutory Statements of Council Policy

Houses in Multiple Occupation guidance document.

SUSTAINABILITY ISSUES

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

SITE HISTORY

There is no relevant planning history for the site.

PUBLIC PARTICIPATION

The statutory neighbour notification procedures were carried out by the Council and the application was advertised in the local press as being contrary to Local Plan Policy.

No objections were received.

CONSULTATIONS

No adverse comments were received from consultees.

OBSERVATIONS

Statutory Requirements

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance the development plan unless other material considerations indicate otherwise.

The Development Plan

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

The design and layout of all new housing within the city should be of a high standard. As a basis for achieving this, new development will be required to conform to the Design Standards contained in Appendix 1 of the Plan. The site is identified on the Local Plan Proposals Map as being within the Inner City and consequently the relevant design standards for that area will apply.

Appendix 1 states that flats will only be permitted within the Inner City where, amongst other things, site specific circumstances demand a flatted solution or conversion of an existing building is proposed and houses are impractical. Also all flats should have a minimum gross internal floor area of 60m². Houses should provide a minimum internal floor area of 100m².

With regard to the conversion of the properties for flatted accommodation,

the proposals relate to a Category B Listed Building and flats are considered to be the most appropriate option in order to ensure that the special internal features are retained. In addition, the buildings were originally used for residential use and the internal layout is such that there is a logical pattern to enable conversion to flatted accommodation.

Appendix 1 requires that such flats have a minimum of 60m² gross floor area. Within the conversion, there will be a range of flat sizes from 72m² to 126m². These are all in excess of the requirements in this regard and are therefore considered to be acceptable. The dwelling proposed shall provide a floor space in excess of the required 100m².



The Plan requires that private flats should have 100% off street car parking provision. The constrained nature of the site means that it is not possible to provide any car parking in relation to the proposals.

With regard to private communal garden ground provision, a minimum of 100m² or 10m²/flat should be provided whichever is the greater. The proposals provide approximately 156m² of private garden area for the flats in number 21 Perth Road and over 200m² of amenity space to the rear of 23 and 25 Perth Road. This does not include areas which have been set aside for bin storage and cycle stores. The area for numbers 23 and 25 is set within a sloping area but includes drying space with existing poles and further planting and grassed area which is considered to be acceptable for general use.

For dwellings, there should be a minimum private useable garden ground of 50m². The proposed dwelling will be provided with an area

of over 100m² which is considered to be acceptable. This is considered to be consistent with the requirements of the Plan.

It is acknowledged that due to the proximity of the University buildings to the east, some overlooking of the garden areas is unavoidable and they shall not therefore be completely private spaces. However, it is considered to be good quality space which will provide more than adequate garden and amenity space.

The Plan also requires that 18 metres between habitable room windows should be achieved. There are no directly facing windows within this stated distance.

In addition, cycle storage and bin storage is to be provided which will enhance the overall quality of accommodation being provided.

Policy 11 contains guidance for proposals for multiple occupation of a dwelling requiring planning permission. This application does not seek permission for this use at this time but it is considered that the units may not be capable or suitable for this use. This matter is discussed in full in the Material Considerations section of this report in relation to the non statutory Council guidance on HMOs.

Policy 60 of the Dundee Local Plan Review 2005 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. Similarly, in terms of Policy 61: Development in Conservation Areas, proposals should also preserve or enhance the surrounding area.

Although some internal works are required to facilitate the proposed change, due to the fact that the buildings were originally in use as residential properties, the changes are relatively minor in nature. The internal features are to be sensitively treated and it is considered that the works shall reinstate the buildings to their original layouts.

The strategy for all windows is to refurbish by replacing broken glass, replacing sash cords and repairing any timber as required and repainting with the existing colour.

The works to the exterior of the property include general repair works which will be carried out to the buildings and replace where damaged any pointing as required.

It is considered that the internal works to be carried out shall reinstate the interior of the properties to a high standard and the features shall be treated sensitively. Externally, the repair works shall maintain the properties and improve the general appearance of the surrounding conservation area. It is therefore considered that the proposals are in keeping with the aims of Policies 60 and 61 of the Dundee Local Plan Review 2005.

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

The Statutory Requirements under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

In accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the Council is required to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

In accordance with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the Council is required to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

As discussed above in relation to the Policies of the Dundee Local Plan Review 2005, it is considered that the proposals are sympathetic to the character and appearance of the building and in keeping with the style of property. The application is therefore considered to discharge the statutory duties set out above.

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

Houses in Multiple Occupation

Concerns have previously been expressed by the Committee about the conversion of residential properties in the certain areas within the city including the west end to HMOs with resulting impacts on residential

amenity. In November 2006 the Planning and Transportation Committee approved supplementary planning policy guidance for controlling HMOs 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 proposed units and their proximity to the University of Dundee campus area, to restrict changes of the use of the units to HMOs. Such a restriction by means of a Section 75 Agreement has been discussed and agreed with the applicants and their acceptance of it has been obtained.

Parking Provision

Due to the constrained nature of the site and the sensitive nature of the buildings involved, it is not possible to provide off street car parking. The proposal shall return vacant buildings to their former residential use and the development directly adjacent to Perth Road which is extremely well served by public transport. It is a short walk to the city centre from this location. Taking this into consideration and the fact that the proposal will see the vacant buildings brought back into active use, support is offered in this instance.

Compatibility with Existing Uses

The use of the site for residential purposes is not considered to be significantly prejudicial to the surrounding land uses in terms of environmental matters. It is recognised that there are existing educational uses associated with the University located close to the site. These have existed, without prejudice, in close proximity to residential properties in the area for a number of years and it is considered that there are no apparent reasons why this current situation should not continue following the development of the site for flats.

Desirability of Retaining the Existing Use

The site has been used for educational purposes for a considerable number of years. The buildings have been vacant for some time and the buildings have been on the property market for some

time. The proposed uses would see the reuse of buildings which are significant in scale and contribute to the surrounding townscape. It is considered that the loss of this site to a residential use will not significantly impact upon the University Campus.

Planning Benefits

It is considered that the reuse of the vacant buildings which are of significant size and scale and of attractive traditional design will benefit the visual quality of the local area by removing otherwise vacant and dilapidated buildings in such a prominent location.

SHEP Scottish Historic Environment Policy

The SHEP notes that work which affects the character of a listed building will require listed building consent. Change should be managed to protect a building's special interest while enabling it to remain in active use. As discussed above it is considered that the proposals represent a balance between bringing the building back into active use with the architectural integrity and character and appearance of the property. It is considered that the works will not be harmful to the features possessed by the property and as such are considered to be acceptable.

It is considered that the material considerations support the support the approval of the application despite the fact that it is not capable of fully complying with the requirements of the Development Plan.

It is therefore recommended that planning permission be granted with conditions.

Design

The works required to the buildings to facilitate the proposed change of use are minimal and will help to reinstate the original room patterns. Internal features of interest shall be retained and repair works shall be carried out where necessary. Appropriate conditions shall be attached to any grant of consent to ensure the details of the works agreed are acceptable.

CONCLUSION

Whilst the proposals are not strictly in accordance with all of the requirements of the Dundee Local Plan

Review 2005, there are material considerations of significant weight that support approval of the application. It will bring vacant and dilapidated buildings back into their original use and the works proposed will enhance and improve the features of the Listed Building and the surrounding Conservation Area.

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 as amended between the Council and all parties with appropriate interests in the land has been recorded. This agreement will relate to:

- the prevention of use of either of the units for multiple occupancy.

Recommendation 2

It is recommended that consent be GRANTED subject to the following conditions:-

- 1 Prior to the commencement of development on site, a block plan shall be submitted to the Council and agreed in writing. The block plan shall clearly indicate the external areas to be provided for useable garden ground and will also indicate which areas shall be communal or for private use. The proposal shall be implemented in accordance with the agreed details.
- 2 Prior to the commencement of development on site, full details of any works to trees present on site shall be submitted to and approved in writing by the Council. This shall take the form of a tree survey and shall include any proposals to lop, top or remove trees on site.
- 3 Prior to the commencement of development on site, full details of the proposed exterior lighting shall be submitted to and approved in writing by the Planning Authority. Any lighting installed shall be in accordance with the details approved as part of this condition.
- 4 Any works to windows shall be in accordance with the details submitted in the email from the

representative of Northbank Residential received on 22 March 2010 unless otherwise agreed in writing with the Planning Authority.

- 5 No development shall take place until there has been submitted to and approved by the planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on this land, and details of any to be retained, together with measures for their protection in the course of development

Reasons

- 1 In order to ensure that the provision of amenity space is to a satisfactory standard and that all units have adequate access to outdoor space.
- 2 The site is located within the West End Lanes conservation area and the trees on site contribute to the surrounding area. Therefore any works which affect them must be carefully assessed.
- 3 In order to ensure any lighting is sensitive to the character and setting of the Listed Building and surrounding Conservation Area.
- 4 In order to ensure the character and appearance of the Listed Building and the conservation area is maintained.
- 5 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.