

KEY INFORMATION

Ward Tay Bridges

Proposal

Alterations to existing building to provide 28 flats at 1st, 2nd, 3rd & 4th floors with elevational alterations.

Address

3, 7, 9, 13 & 15 Whitehall Street
Dundee
DD1 4AA

Applicant

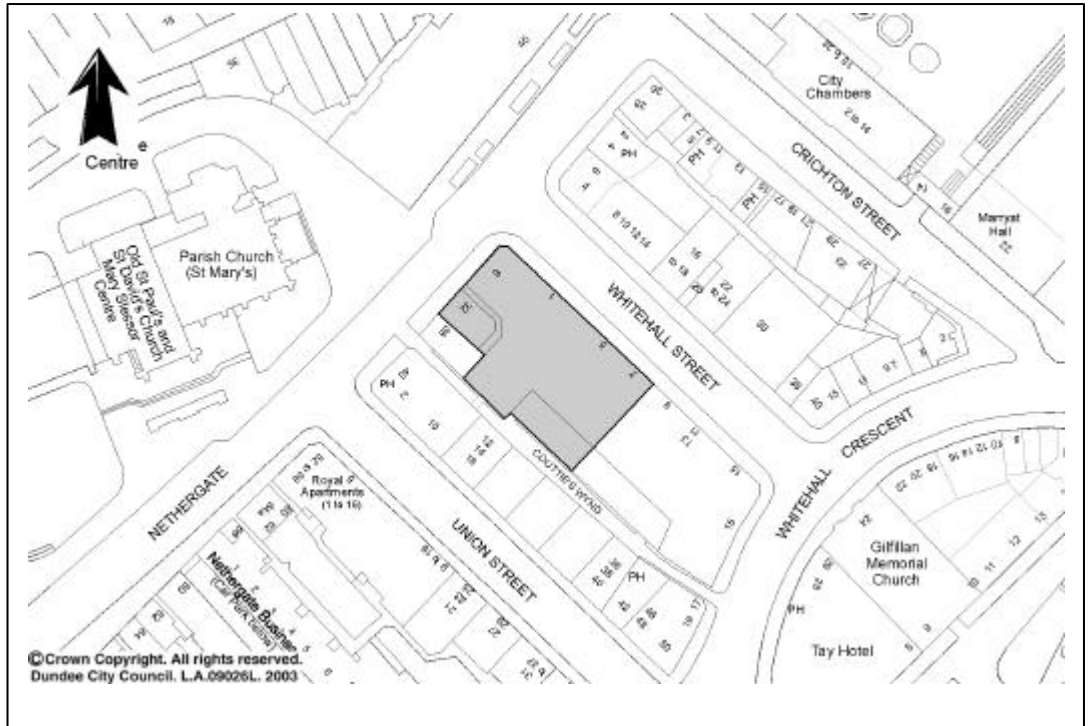
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Registered 15 October
2004

Case Officer D Gordon



Proposed Alterations to Housing Consent in Whitehall Street

Alterations to existing building to provide 28 flats are **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposals are considered to be acceptable in policy terms. The development will contribute to the vitality of the area and will add to the continuing improvement of the city centre. The re-use of the upper floors of this prominent listed building is to be welcomed and accordingly, the application is recommended for **APPROVAL** with conditions.

SUMMARY OF REPORT

- Planning permission is sought for alterations and extensions to form 28 no. flats on the upper floors of the central and northern sections of the former Debenhams building located on the west side of Whitehall Street.
- The main access into the flats will be taken from an existing doorway located on the Whitehall Street frontage. Each of the new flats will accommodate 2 bedrooms. A small dormer window is to be provided on the rear elevation with repair and refurbishment works only proposed for the main elevations fronting onto the Nethergate and Whitehall Street.
- No objections to the development have been received from members of the public
- The proposals are considered to be in accordance with the local plan policies for the city centre
- It is considered that the proposals will contribute to the continuing improvement in the central area and will re-use the upper floors of a significant listed building that are currently lying vacant.

DESCRIPTION OF PROPOSAL

Planning permission is sought for alterations to the first, second, third and fourth floors of the central and northern section of the former Debenham's building to form 28 no. flats. The proposal mainly involves internal alterations to the property. However, external works are proposed on the rear elevation of the building and include the provision of a small dormer and various alterations to a number of the existing windows. Several new windows on this elevation are also proposed. Improvements on the main elevations of the building ie facing onto Whitehall Street and Nethergate are currently limited to repair and refurbishment works.

The submitted drawings advise that 8 flats are proposed at first floor level, 7 flats at level two, 7 flats at level 3 and 6 flats at level four. All flats are to accommodate 2 no. bedrooms.

The main access into the flats will be taken from an existing doorway on Whitehall Street. Access to 2 flats is to be taken from Coutties Wynd to the west.

SITE DESCRIPTION

The site is located in the central / northern section of the former Debenhams building and is bounded by Whitehall Street to the east, Nethergate to the north and Coutties Wynd to the west. The building is a 4-storey (with attic) sandstone ashlar building with a slate mansard roof. The property accommodates occupied and vacant retail units on the ground floor. The upper floors that are the subject of this application are currently vacant. The building is a Category 'B' listed building and is contained within the Central Conservation Area.

The site is within an area of mixed uses, which are diverse in character and typical of a city centre location.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

Environment Policy 13 - Development affecting listed buildings and their setting or conservation areas should have full regard to the need to retain important features or historical interest and, where possible, secure improvements to the built environment.

Dundee Local Plan 1998

The following policies are of relevant:

Policy H9 - Outwith area identified H7 on the Proposals Map, there will be a presumption in favour of the refurbishment of industrial or commercial buildings for residential



use providing certain criteria relating to possible alternative uses, standard of accommodation to be provided and the architectural and historic merit of the building are satisfied.

Policy H10 - The design and layout of new housing within the city (new build and conversion) should generally conform to the guidelines set out in the Plan. Within the city centre flats should be, amongst other things, mostly 2 bedrooms in size.

Policy BE11 - Within conservation areas, all development proposals will be expected to complement and enhance the character of the surrounding area.

Policy BE15 - Suitable alternative uses will be encouraged for buildings considered to be of architectural merit or townscape value where this is necessary in order to secure the future of the building having regard to other relevant policies in the Plan.

Policy BE17 - Alterations to a Listed Building or a building in a conservation area will only be acceptable where the proposals have regard to the restoration or enhancement of its architectural and historical character.

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 4 - The design and layout of all new housing in the city should be of a high quality and should conform to the Design Standards contained within the Plan. Within the city centre, all new flats, amongst other things, are to have a minimum provision of 2 bedrooms.

Policy 59: Suitable alternative uses will be considered for listed buildings where this is necessary to secure their future. Any adaption of the building must have minimal impact on its character and historic interest.

Policy 60: Alterations to listed buildings will not be permitted where the works would diminish the architectural integrity of the building or its historic interest.

Policy 61: Within conservation areas developments will be expected to preserve or enhance the character of the surrounding area.

Scottish Planning Policies, Planning Advice Notes and Circulars

The Memorandum of Guidance on Listed Buildings and Conservation Areas 1998 is of relevance as is NPPG 18: Planning and the Historic Environment.

Non-Statutory Statements of Council Policy

There are no non-statutory Council policies relevant to the determination of this application

LOCAL AGENDA 21

The proposal involves the re-use of a vacant listed building which is sustainable and therefore in accordance with the Council's Local Agenda 21 policies.

SITE HISTORY

The former Debenhams building has been the subject of a considerable number of planning, listed building and advertisement consent applications in recent years. It is considered that the most relevant in this instance is a planning application (02/00114/FUL) for the northern section of the former store to change of use of the basement and ground floor to a public house and provide flatted accommodation on the first, second, third and fourth floors. This was granted permission, on appeal, 18 September 2002. The principle of the use of all the upper floors along the entire length of the Debenhams building for flatted accommodation was previously established in 1997 with the approval of planning application D24361.

The Members are advised that a corresponding listed building application for the proposed alterations and extensions to the upper floors of the building to form the new flats is still currently under consideration (application 04/00840/LBC refers).

PUBLIC PARTICIPATION

The applicants have undertaken the statutory neighbour notification procedure and no objections to the proposals have been received.

CONSULTATIONS

The relevant Council Departments and outside bodies have been consulted with regard to the proposals. The following comments have been received.

The Head of Environmental Health and Trading Standards has advised that there are currently noise and odour issues in the local area resulting from the operation of an authorised flue on

an adjacent property. In addition, due to the location of the application site on the Whitehall Street and Nethergate frontages there are issues relating to traffic noise and air quality that require to be addressed.

With regard to the unauthorised flue, this matter is currently being pursued by the Council and it is anticipated that the issue will be resolved prior to the occupation of any of the flats that are currently the subject of this application.

With regard to potential noise pollution from adjacent traffic, following consultations with the applicants, it is intended to attach an appropriate condition to any permission granted that will limit the noise levels within the individual living apartments proposed for both day time and night time hours.

With regard to air quality matters, it is intended to attach an informative to any consent notice issued reminding the applicants that the development site is located within an area that is due to be designated as an Air Quality Management Area and that further information on this can be obtained from the Council.

OBSERVATIONS

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.

The proposal under consideration involves alterations to form 28 no. flats on the upper floors of the central / northern sections of the former Debenhams store located on the west side of Whitehall Street. All the proposed flats will have a minimum of 2 no. bedrooms. Elevational alterations, including a small dormer window, are proposed on the west elevation ie to the rear, while repair and refurbishment works only are

proposed for the main north and east elevations of the building.

Policy H9 of the Dundee Local Plan 1998 presumes in favour, in certain areas, of the refurbishment of industrial and commercial buildings for residential uses providing certain criteria can be met. Policy H10 offers guidelines on design and layout of any new build or converted housing within the city centre. The provision of 2 bedroom flats complies with the requirements of these policies and this is confirmed by the previous grants of permission for flatted accommodation within the upper floors of this property.

Policies BE11, BE15 and BE17 of the Plan relate to development within conservation areas and alternative uses for listed buildings. The policies encourage the alternative use of listed buildings where it is necessary to secure the future of the building. There is also a requirement to encourage developments that will complement and enhance the character of the surrounding area. It is considered that the proposed uses will not prejudice the appearance, integrity or character of the building, as there remains little of architectural quality within the property. The proposals are not considered to contravene the Built Environment policies of the Plan.

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:

Finalised Dundee Local Plan Review.

It is considered that the terms of Policy 4 (Design of New Housing), Policy 59 (Alternative Uses for Listed Buildings), Policy 60 (Alterations to Listed Buildings), Policy 61 (Development in Conservation Areas) are reflected in the Dundee Local Plan policies stated above and the same conclusions are offered.

Section 64 of the Planning (Listed Buildings and Conservation Areas) Act 1997 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Central Conservation Area. As the integrity of the listed building is being maintained and that the setting

of the conservation area is not being adversely prejudiced it is considered that the statutory duty has been discharged.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify 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 proposals under consideration will not adversely impact on the external appearance of the listed building. Internally the years of trading as a retail outlet have left little of the original features and only a few of these are worthy of retention. In general, the proposed use will not prejudice the character of the building.

CONCLUSION

The provision of flatted accommodation on the upper floors of this property has been established through the approval of previous planning applications for such a use in this location. It is considered that the proposed alterations are acceptable and will not detract from the appearance / character of the listed building or the setting of the surrounding conservation area. It is further considered that this form of appropriate use will assist in enhancing the vitality of the city centre.

RECOMMENDATION

It is recommended that planning permission 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 Noise levels in the individual living apartments hereby granted permission shall not exceed 45dB(A) during the day and 35dB(A) during the night. For the avoidance of doubt, day time shall be 0700 - 2300 hrs and night time 2300 - 0700 hrs.
- 3 That details of the new windows to be provided on the west elevation of the building and any new handrails to be provided at

fourth floor level shall be submitted for the written approval of the planning authority prior to their installation.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 To ensure that any noise emanating from adjacent uses is reduced to levels that would not adversely affect the amenities of the occupiers of the apartments hereby granted permission.
- 3 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.