

**KEY INFORMATION****Ward** Tay Bridges**Proposal**

Redevelopment of nightclub to form 8 no flats with external alterations

**Address**

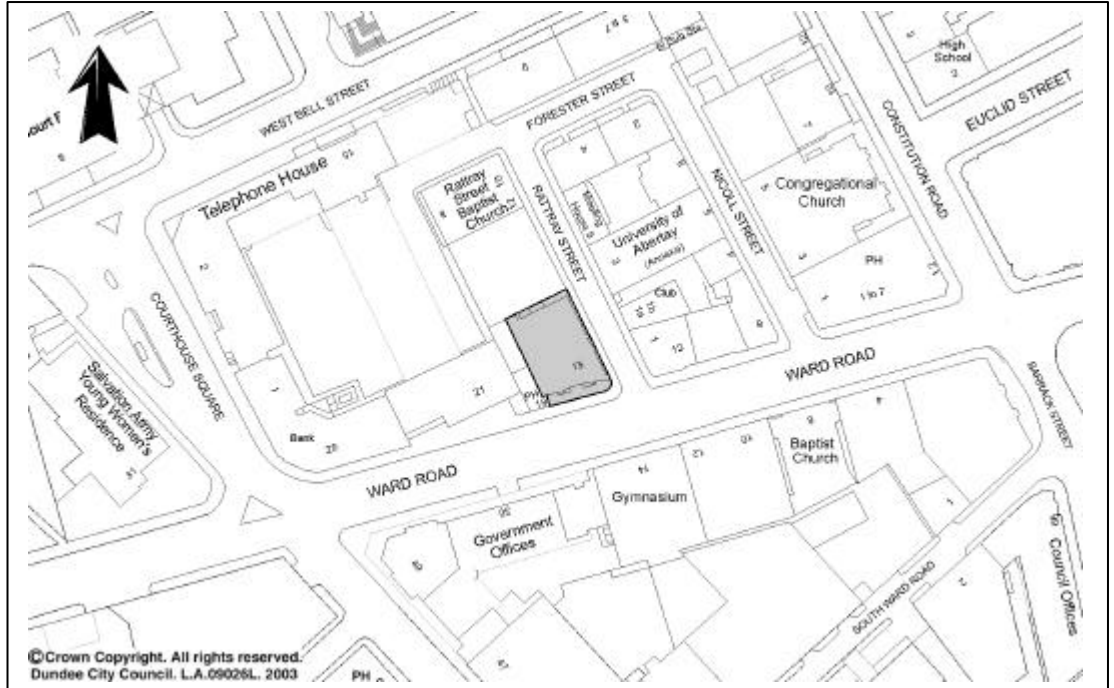
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**Applicant**

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**Agent**

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**Registered** 31 Dec 2004**Case Officer** Eve Jones

# Conversion of Former Church to Housing is Proposed In Ward Road

The redevelopment of a nightclub to form flats is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development complies with the relevant policies in both the Dundee local Plan Review 1998 and the Finalised Dundee Local Plan Review 2003. The single objection cannot be supported. The application is recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- Planning permission is sought for the change of use of a former nightclub, previously a church, to form 8 flats. Elevational alterations comprise the insertion of velux windows along the lower roof on both sides and two new windows on the rear (north) elevation.
- There is one 3 bed flat and the remainder are all 2 bed. They have open plan lounge/kitchens. They range in size between 62 and 90 square metres. There is no parking or amenity space. The two flats in the roof will retain the roof beams as interior design features.
- The site lies within the City Centre and the surrounding land uses are predominantly commercial comprising offices, a public house and a nightclub, a church, a gymnasium and vacant university buildings. The site lies close to the inner ring road.
- The proposal complies with the relevant policies in the Dundee Local Plan 1998 and the Finalised Dundee Local Plan Review 2003. The relevant policies in both recognise that whilst parking and amenity space is preferred, it is not always possible in City Centre sites, especially where conversion of a Listed Building is involved.
- One objection was received on grounds of parking problems resulting from residential use. As noted the policies do not require it to be provided and new residents will be aware that the site does not have dedicated parking. The objection cannot be supported.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the change of use of a former nightclub, within part of a former church, to form 8 flats with elevational alterations. There is one 3 bed flat, the remainder are 2 bed and all have open plan lounge/kitchens. They vary in floor area between 62 and 90 square metres. There is no amenity space or parking spaces. The elevational alterations comprise the provision of velux windows along both sides of the lower part of the roof and two new windows on the north elevation where a small later extension is being removed. The stained glass will be retained, the windows will be repaired and have secondary glazing and the stonework which is currently painted will be repainted.

## SITE DESCRIPTION

This former Methodist church dates from 1866. The basement and offices is occupied by a public house which is accessed separately and does not form part of this application. The last use of the main church building, the subject of this application, was a nightclub. Access to the building is via steps from Ward Road and there is a fire exit at the north elevation. The site lies within the City Centre, close to the inner ring road. The surrounding uses are predominantly commercial and include offices, a church, pubs and a nightclub, a gymnasium and university buildings.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

### Dundee Local Plan 1998

The following policies are of relevance:

Policy H9 - City Centre Building Refurbishment.

Policy H10 - Design of New Housing.

Policy BE15 - Alternative uses for Listed Buildings.

Policy BE17 - Alterations to Listed Buildings.

Policy BE11 - Development in Conservation Areas.

### 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 - Design of New Housing.

Policy 59 - Alternative Uses for Listed Buildings.

Policy 60 - Alterations to Listed Buildings.

Policy 61 - Development in Conservation Areas.



### Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

Memorandum of Guidance on Listed Buildings and Conservation Areas.

### Non Statutory Statements of Council Policy

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

## LOCAL AGENDA 21

The following Key Themes are of relevance:

Key Theme 1 - Resources are used efficiently and waste is minimised. Key Theme 13 - Places, spaces and object combine meaning and beauty with utility. Key Theme 15 - Diversity and local distinctiveness are valued and protected.

## SITE HISTORY

01/30286/COU Change of use from nightclub to public house, approved with conditions, 5/12/2001.

04/00790/COU redevelopment to form flats, application withdrawn, 11/01/2004.

05/00015/LBC this is the partner Listed Building application which has yet to be determined.

## PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and one objection was received from an adjoining land owner on the grounds that the site has no parking and the proposed residential use will increase pressure on the existing parking provision.

## CONSULTATIONS

Head of Environmental Health and Trading Standards.

In view of the public house use in the basement area of the building, the applicant was requested to submit a Noise Impact Assessment in respect of the impact of noise on the proposed residences. That report primarily addresses the issue of transfer of noise from the public house to the flats above and makes certain recommendations for noise mitigation proposals to address this problem. These works will require to be carried out inside the public house, which is currently in the same ownership as the application site. However this may change and an appropriate condition would be required to be placed on any planning permission to ensure that the noise control measures are carried out in full as detailed in the Noise Assessment before any work can commence on the redevelopment of the building for housing. Potential traffic noise impact can be the subject of an appropriate condition regarding the windows.

## 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.

Policy H9 - City Centre Building Refurbishment. There is a presumption in favour of the refurbishment of industrial or commercial buildings for residential use provided A) the Council is satisfied that reasonable efforts have been made to obtain a suitable alternative use in accordance with policies in the Plan; B) the Council is satisfied with the standard of residential accommodation and amenity and C) the buildings are of architectural or historic interest and are in danger of falling into disrepair. The proposed development meets all of these criteria.

Policy H10 - Design of New Housing. The site lies within the City Centre. Whilst garages or parking and amenity space are desirable, the Policy accepts that this may not be possible in the City Centre and the use of balconies may not be appropriate on Listed Buildings. The flats all have a minimum of 2 bedrooms and they comply with the policy.

Policy BE15 - Alternative uses for Listed Buildings. The building has already been converted from its original church uses to a nightclub but this use did retain the main central space. The building has been vacant for more than 2 years and despite a planning permission to change from nightclub to public house, the building has not been brought back into beneficial use. The proposal, whilst it divides up the main space, does retain the external features of the building, which is important within the street scene. The proposal complies with the policy.

Policy BE17 - Alterations to Listed Buildings. The two flats in the roof space will retain the roof trusses as features in the interiors. The stained glass and the original windows will be retained. The main alteration is the insertion of velux windows along both sides of the lower part of the roof and two new windows on the north elevation where a small later extension is being removed. Neither will have a significant impact on the appearance and character of the building and are therefore acceptable in terms of the policy.

Policy BE11 - Development in Conservation Areas. All developments will be expected to complement and enhance the character of the surrounding area. The building forms an important element of the street scene and the proposal is for its retention and refurbishment with limited alterations. This complies with the policy.

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

The following policies are of relevance:

Policy 4 - Design of New Housing. The proposal complies in terms of the size of the flats. Parking and amenity space cannot be provided as detailed above. The proposal complies with the policy.

Policy 59 - Alternative Uses for Listed Buildings; Policy 60 - Alterations to Listed Buildings; Policy 61 - Development in Conservation Areas. As noted above, the proposed development complies with these policies.

The Planning (Listed Buildings and Conservation Areas)(Scotland ) Act 1997. Section 59 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interests which it possesses. Section

64 of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Central Area Conservation Area. As noted above the proposal complies with these requirements.

### Objection

One objection has been received from an adjoining landowner on the grounds that the residential use will be likely to increase the existing car parking problems. As noted, car parking although desirable is not mandatory in such City Centre sites. Prospective residents will be aware that no parking is provided. The objection cannot be supported.

It is concluded from the foregoing that the material consideration of the Finalised Dundee Local Plan supports the granting of planning permission and insufficient weight can be accorded to the objection 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.

### Design

The proposed redevelopment is sympathetic to the character of the building and retains its architectural features.

## CONCLUSION

The proposed redevelopment of this former church and later nightclub will provide flats with a good standard of accommodation within the City Centre. The main alterations to the building are limited to velux windows on the roof which will not be intrusive. The building has been vacant for some time and is an important feature in the street scene. The proposal will ensure that it is retained in beneficial use.

## 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 The noise breakout control works as recommended by the consultants report dated 2

February 2005, which forms part of this planning application, shall be carried out in full and the results of the monitoring inspections shall be submitted to the City Council for verification prior to the commencement of development. Development can only commence once the City Council has verified the submitted information.

- 3 Full details of the proposed new windows, velux windows and exterior doors shall be submitted to the City Council for approval prior to the commencement of development and if approved, the works shall be carried out only in accordance with such approved details.
- 4 Full details of the proposed new ducts, vents and flues shall be submitted to the City Council for approval prior to the commencement of development and if approved, the works shall be carried out only in accordance with such approved details.
- 5 The window treatments shall ensure that internal noise levels within individual living apartments shall not be more than 45dB(A) during the day and 35dB(A) during the night. For the avoidance of doubt, daytime shall be 0700 to 2300 hrs and night time 2300 to 0700 hours.
- 6 The proposed bin store shall be provided prior to the first occupation of any of the flats hereby approved and shall be retained in such use in perpetuity.
- 7 Details of the proposed paint colour for the repainting of the building shall be submitted to the City Council for approval and if approved the works shall be carried out only in accordance with such approved details.

## Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 The proposed housing units adjoin a public house, which has musical entertainment, and the noise breakout measures are required to ensure that noise from the public house is inaudible within the proposed flats.

- 3 In order to ensure that the character and appearance of the building as a building of architectural and/or historic interest is retained.
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- 5 In the interests of the amenities of the future occupants of the residential accommodation.
- 6 To protect the amenities of the occupants/owners of nearby adjacent properties in the locality.
- 7 In order to ensure that the character and appearance of the building as a building of architectural and/or historic interest is retained.