KEY INFORMATION

Ward

d Broughty Ferry

Proposal

Change of use from commercial units to 2 No flats

Address

59-63, 65 King Street Broughty Ferry Dundee

Applicant

Ms V White c/o 18 South Tay Street Dundee DD1 1PD

Agent

Leadingham Jameson Rogers and Hynd 18 South Tay Street Dundee DD1 1PD

Registered11 July 2005Case OfficerC Walker

RECOMMENDATION

The proposed flats are acceptable in principle and will not adversely impact on the amenities of the adjoining occupiers. The application is therefore recommended for APPROVAL.

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Housing Conversion Proposed in King Street

A change of use from commercial units to flats is **RECOMMENDED FOR APPROVAL subject to conditions.** Report by Director of Planning and Transportation

SUMMARY OF REPORT

- Planning permission is sought to change the use of vacant ground floor office accommodation into 2 flats.
- 4 letters of objection were received from the occupiers of nearby dwellings sharing the mutual garden area. The objectors are concerned about the lack of car parking, noise, overlooking of the garden area and security.
- The provision of residential units at this location is acceptable in principle and is more in conformity with the surrounding pattern of development than the former office uses. It is considered that insufficient weight can be accorded to the concerns of the objectors such as to justify the refusal of planning permission.

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DESCRIPTION OF PROPOSAL

Planning permission is sought to change the use of vacant ground floor office accommodation into 2 flats. Each proposed flat has 2 bedrooms. The elevational alterations to achieve the change of use are not significant, probably reflecting the fact that these units were formerly in residential use. The alterations include the conversion of a door on the front elevation to a window, the reopening of a door on the side elevation and the opening of 2 windows on the rear elevation

SITE DESCRIPTION

The site comprises vacant office space on the ground floor of 2 storey stone and slate buildings on the north side of King Street at its junction with Church Street.

The upper floors (there's a mansard level on the east most building) are occupied by flats with pedestrian access from Church Street and a communal garden area to the rear. It is indicated that the applicant has a mutual ownership of this area with rights of access, refuse disposal, clothes drying and garden ground. 4 other flats and a house share this area. There are no parking facilities attached to any of these premises.

The site lies in the Broughty Ferry Conservation Area and the surrounding area is predominantly residential in character.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 4 Design of New Housing sets out standards for new housing development.

Policy 61 Development in Conservation Areas requires development proposals to preserve or enhance the character of the surrounding area.

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.



LOCAL AGENDA 21

The proposed change of use provides residential accommodation in a central and accessible location and is therefore considered to be sustainable.

SITE HISTORY

There is no relevant site history.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and 4 letters of objection were received from the occupiers of nearby dwellings sharing the mutual garden area. The objectors are concerned about the lack of car parking, noise, overlooking of the garden area and security. Copies of these letters are available for inspection in the Members Lounges and the points raised are fully considered in the Observations Section of this Report.

CONSULTATIONS

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

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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 provision of residential units at this location is acceptable in principle and is more in conformity with the surrounding pattern of development than the former office uses. Policy 4 standards are drafted principally with new development in mind. It accepts that where the conversion of a building worthy of retention is proposed, there may be limited flexibility in applying parking and garden ground requirements where compliance in impracticable.

In this case the proposed development complies with all the standards of Policy 4 other than the provision of car parking. However it is impractical to provide parking at this location and it is therefore considered that the proposal falls within the stated exception set out in Policy 4.

In terms of Policy 61, the proposed development barely alters the existing buildings and will have no adverse impact on the conservation area. Indeed the reuse and upgrading of the buildings will to enhance the character of the surrounding area.

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:

(A) Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications in conservation areas to have special regard to the desirability of preserving

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or enhancing the character or appearance of that area.

This matter has already been considered in the assessment of the proposed development under Policy 61 of the adopted Local Plan and it was considered that the proposal would enhance the character and appearance of the adjoining conservation area.

(B) The Views of Objectors - One of the principal concerns of the objectors is the lack of parking in the vicinity of the site and the additional pressures that will result with the formation of 2 new flats. Of course office uses will generate parking requirements but the objectors feel that the problems are particularly acute at night time when office uses would normally be closed.

It is accepted that the formation of 2 flats is likely to result in increased parking demand at night time but the removal of the potential office uses will reduce demand at day time. Visits to the site have demonstrated that there is heavy demand at this location during the day. Furthermore it is not considered that 2 additional flats will have any significant impact on overall parking numbers at night time. Finally the proposed flats are in a central location close to facilities and well served by public transport, so that dependence on a car is low.

The other concerns of the objectors relate to the possibility of noise transferring from the proposed flats to the upper floor flats. It is considered that standard noise attenuation measures should suffice in this situation and that a planning condition to this effect could be attached to any consent should Members be minded to approve this application.

Concerns about overlooking and security relate to the mutual garden area. This area is already overlooked by many windows and the change of use to residential accommodation is unlikely to result in any loss of security. This issue, raised by the objectors, seems to be linked to fears about the character of future occupiers of the proposed flats, a matter that is not relevant to the determination of this planning application.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission. It is therefore recommended that planning permission be granted with conditions.

Design

The minor alterations to the building are of satisfactory design.

CONCLUSION

The proposed flats are acceptable in principle and will not adversely impact on the amenities of the adjoining occupiers.

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 Details of a scheme of noise attenuation to ensure that any noise generated within the proposed flats does not adversely impact on the amenities of the occupiers of upper floor flats shall be submitted to the Council for approval before anv development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 3 Details of the building up of existing openings and the new windows and doors 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 In the interests of residential amenity.
- 3 In order to safeguard the visual amenity of the Conservation Area.

Dundee City Council Development Quality Committee