

**KEY INFORMATION****Ward** Hilltown**Proposal**

Change of use to form 4 No flats with elevational alterations

**Address**

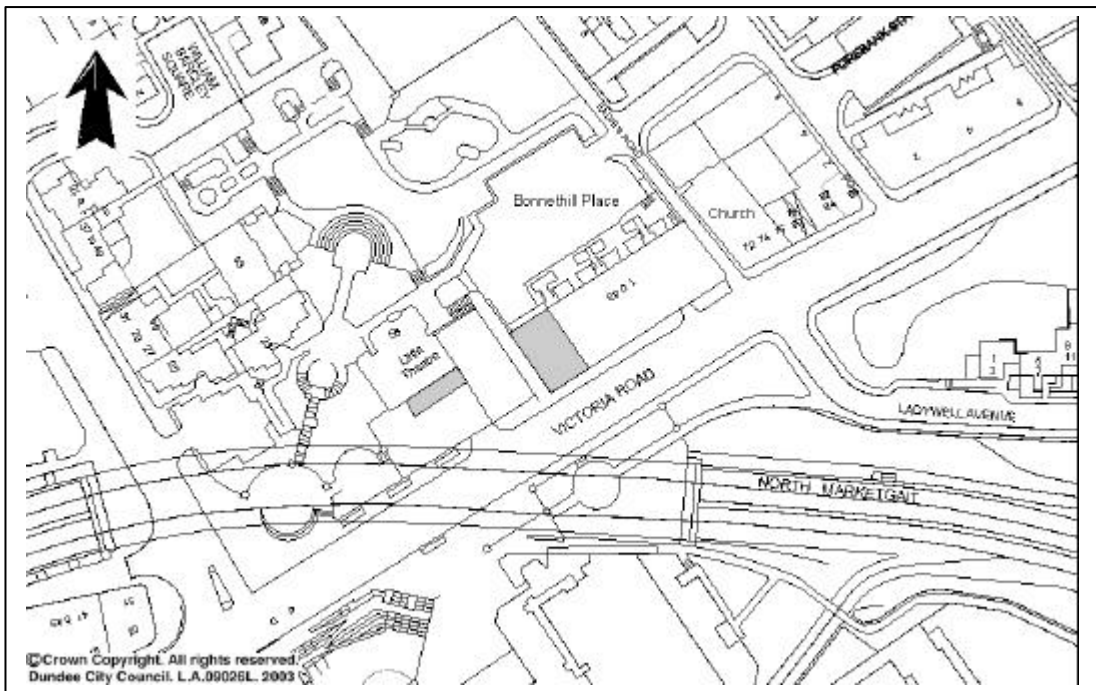
60 Victoria Road  
Dundee  
Dundee City

**Applicant**

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**Agent**

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**Registered** 7 Sep 2005**Case Officer** S Cooper

# Housing Conversion Proposed in Victoria Road

The change of use to flats is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposal is contrary to the provisions of Policy 4 of the Dundee Local Plan Review 2005. However, it is considered that there are material considerations that carry sufficient weight such as to warrant approval of the application. Accordingly, the application is recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- Planning permission is sought for the change of use of a derelict and vacant part of the building to form 4 flats.
- The application was advertised as a departure from Policy 4 of the Dundee Local Plan Review 2005 as there is no provision made for amenity space.
- It is considered that the benefit of having this part of the listed building brought into an appropriate and viable use and the close proximity to existing amenity space outweigh the departure from the development plan. It is considered that these material considerations carry sufficient weight to warrant approval of the application.
- The proposal accords with all other Policy aspects.
- The application is therefore recommended for approval.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the change of use of a presently vacant part of the second floor of the building to form 4 flats, and for external alterations to the building.

Three of the flats would have 2 bedrooms and the fourth flat would have 3 bedrooms.

A total of 6 car parking spaces would be provided remotely from the building. They would be in an existing car park at the Little Theatre to the west.

No dedicated amenity space would be provided for the proposed flats. However there is amenity space nearby at Wellgate Park.

Externally it is proposed to replace the existing windows.

A separate application (ref: 05/00/LBC) has been submitted for listed building consent for the proposed internal and external alterations to the building.

## SITE DESCRIPTION

The application relates to the south western corner of the first floor of the former A&S Henry Building at 60 Victoria Road, Dundee. The building is listed as being of special architectural or historic interest, Category B.

The south western corner of the ground and first floor floors are mainly vacant at present and a large number of windows are currently boarded up.

The building is occupied by flats from the second floor up. The ground floor is mainly vacant at present.

There is a car parking area to the rear of the building. To the rear of the car parking area there is a play area and a grassed area of open space. The Little Theatre building is situated to the west with the Victoria Road Evangelical Church to the east.

## 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 and the associated Design Standards contained within Appendix 1 are of relevance.

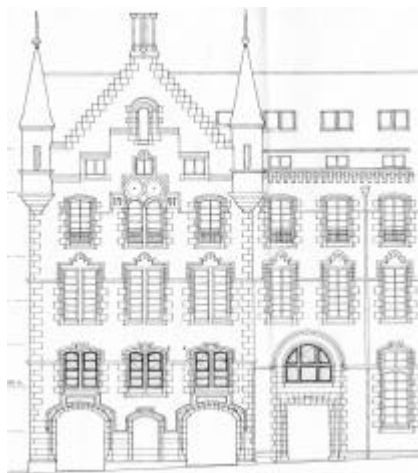
Also of relevance are Policies 59 (Alternative uses for listed buildings) and 60 (Alterations to listed buildings).

## Scottish Planning Policies, Planning Advice Notes and Circulars

National Planning Policy Guideline 18: Planning and the Historic Environment is of relevance. Also relevant is Section 69 of the Town & Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

## 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 will result in the reuse of a derelict and vacant part of an existing building and is therefore considered to be sustainable and consistent with the aims of Local Agenda 21.

## SITE HISTORY

Planning permission was granted for the conversion of the building to 43 flats, two retail units and office accommodation under reference D21220 on the 19th December 1995. Listed building consent for that

development was granted on the same date under reference DLB01159.

A planning application (ref: 05/00201/COU) for the proposed change of use of the vacant first floor section of the building to three HMO flats was withdrawn in March 2005.

## PUBLIC PARTICIPATION

The application was subject to the Statutory Neighbour Notification procedures and was advertised in the press as a potential departure from Policy 4 of the Dundee Local Plan Review 2005.

No representations have been received with regard to the application.

## CONSULTATIONS

No adverse comments have been received from consultees.

## 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 4 and the Design Standards contained within Appendix 1 are relevant. In terms of Policy 4 the site lies within the Inner City boundary.

Within the Inner City area flats may be permitted where conversion of a building is proposed and houses are impractical.

Flats should have a minimum of 60 sq. m. internal floor area. The proposal would satisfy this requirement.

Private flats should have 130% parking provision. This may be increased or decreased slightly in light of on street and off street parking provision nearby. The applicant has indicated that 6 car parking spaces would be made available for the flats from the Little Theatre Car Park to the west.

These spaces would be marked off as for private use only and a lockable bollard system would be in place to ensure that they could only be used by residents of the proposed flats. This matter can be controlled through the imposition of a condition on the grant of planning permission.

As stated above the site is located within the Inner City boundary in terms of Policy 4. Therefore in terms of amenity space the Design Standards state that useable private communal garden areas of 100m<sup>2</sup> or 10m<sup>2</sup> per flat, whichever is the greater, should be provided. In addition drying areas should be provided. Private communal garden provision may be reduced if balconies that are useable and attractive in terms of size and outlook are provided.

The application site lies almost on the boundary between the Inner City and City Centre areas as defined by the Dundee Local Plan Review 2005. The proposal makes no provision for private communal garden areas and is therefore contrary to Policy 4 for this reason. There is no private amenity space associated with the building and as such existing occupants of the flats have no private amenity space. There is, however, amenity space and a play area nearby at the Wellgate Park to the north west. If the application site fell on the south side of Victoria Road it would be within the City Centre area and thus amenity space would only be required where site specific circumstances allow. There are no grounds associated directly with the building where amenity space could be provided. Policy 4 allows for balconies to contribute to amenity space provision. In this case however, balconies would not be a suitable option as they would appear somewhat incongruous on the building. Therefore it is considered that given the site's location adjacent to the Inner City/ City Centre boundary and with such close access to amenity space, the proposal is acceptable.

Policy 59 states that suitable alternative uses will be considered where this is necessary to secure their future. Any adaptation to the fabric must be carefully undertaken, sympathetic to the architectural and historic character and setting of the listed building. Policy 60 provides further guidance on alterations to listed buildings.

Investigation of the site history reveals that the building has suffered from repeated vandalism over recent years, particularly affecting the vacant parts of the building.

The proposal would bring a vacant part of the building back into viable use. Given that the building is predominantly in residential use, the proposal would result in an appropriate use that would secure this vacant part of the building, with minimal adaptation to its historic fabric. Therefore it is considered that the proposal complies with the provisions of Policy 59.

Externally it is proposed to replace the existing windows. The proposed replacement windows would be of a similar appearance to the existing windows on the front and west elevations of the building. It is considered that the proposed external alterations comply with the provisions of Policy 60 of the Dundee Local Plan Review. A separate application has been submitted for Listed Building Consent for the proposed internal and external alterations.

It is therefore considered that although the proposal does not comply with Policy 4 there are material considerations that would justify the grant of planning permission contrary to the provisions of the development plan.

### Other Material Considerations

NPPG18 and Section 69 of the Town & Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposal involves minimal alterations externally to the building other than the installation of new and replacement windows. Given that a number of windows are presently boarded up it would be of benefit to the appearance of the listed building for it to be brought into viable use. It is therefore considered that the proposal accords with the government guidance and advice contained within NPPG18 and with Section 69 of the Town & Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

It is considered that there are no material considerations that would justify the refusal of this application. It is therefore recommended that

planning permission is granted with conditions.

### Design

The proposal raises few issues in terms of design. The external alterations involve the replacement windows and it is considered that these would be of a satisfactory standard.

### CONCLUSION

It is concluded that the proposal does not comply with Policy 4 of the Dundee Local Plan Review 2005 in terms of amenity space provision. However it is considered that there are material considerations in terms of the location of the site and the close access to amenity space at Wellgate Park, that would justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted subject to conditions.

### 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 Prior to the commencement of development a detailed plan and details of the method of securing the car parking for use only by residents must be submitted to and approved by the Planning Authority. The approved measures shall then be made available for use as agreed prior to the occupation of any of the flats and shall remain in place at all times thereafter, unless otherwise agreed by the Planning Authority.

### Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In order to ensure that satisfactory car parking arrangements are in place.