

KEY INFORMATION

Ward East Port

Proposal

Conversion of vacant property to 9 flats

Address

Former East Port Works
Cowgate
Dundee

Applicant

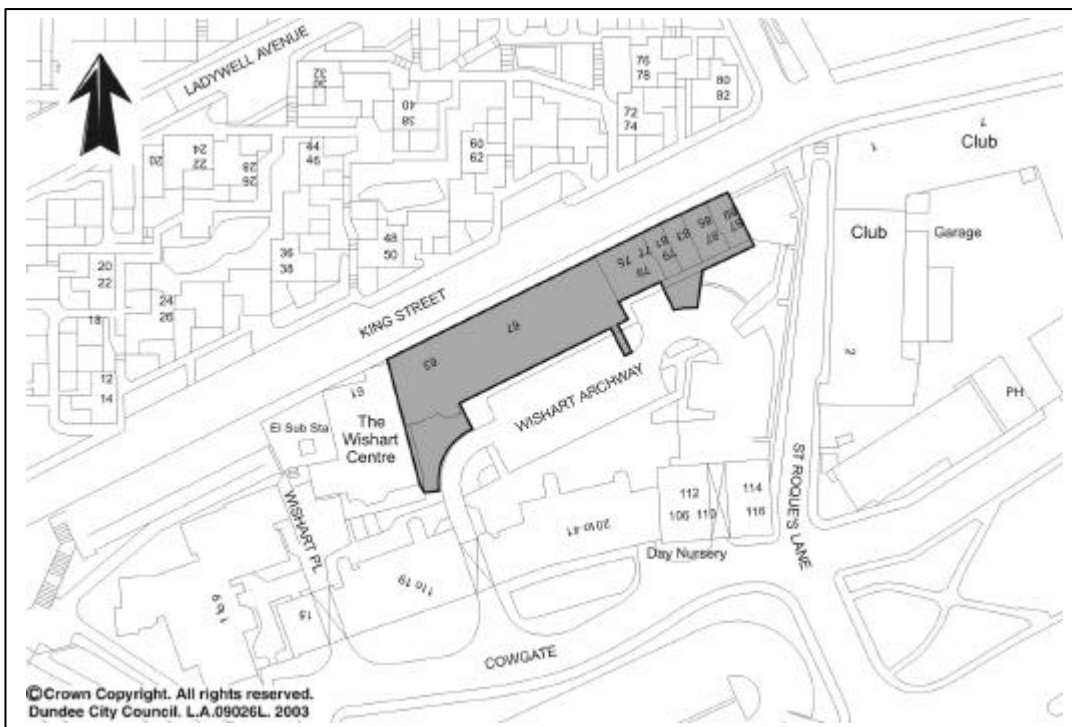
Dundee (Blinshall St)
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East Kingsway Business
Centre
Mid Craigie Trading Estate
Mid Craigie Road
Dundee DD4 7RH

Agent

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Registered 31 Oct 2005

Case Officer J Young



Housing Use Proposed for disused Listed Works Building

The Conversion of vacant property to 9 flats is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal complies with Policies 59 and 60 but not Policy 4 of the Dundee Local Plan Review 2005. It is considered that there are material considerations to allow the development plan to be set aside in these circumstances. Therefore the application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the conversion of a vacant property to nine flats.
- The application was advertised as a departure to Policy 4 of the Dundee Local Plan Review 2005 due to the lack of parking and amenity space proposed with the development.
- No public objections were received to the proposal.
- The building is B-listed and was a former flax mill and warehouse.
- The applicant has submitted a justification for departure from Policy 4 of the Dundee Local Plan Review 2005, which is supported.
- It is considered appropriate to recommend approval contrary to the development plan as the building is B-listed and has been vacant for some years. Other uses have been considered and are not viable. It is important for the building to be reused to preserve it for future generations. Given the central location, parking is not an important factor for future occupants.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the conversion of a derelict listed building into nine flats. The proposal will use the two bottom floors of the building and a mezzanine level will be inserted above ground level. Existing openings will be re-used and large south facing windows installed. The proposed materials are render walls to match the existing stonework, dark blue projecting window panels and timber windows and doors.

The mixture consists of:

6 two bedroom flats

2 three bedroom flats

1 four bedroom flat

The floor areas range from 120sqm to 263sqm. The residential units have been designed as townhouse-type apartments, where they all have their own separate entrances from ground level. Units 1 and 2 share a stairwell to gain access to their respective living accommodation. Non-habitable rooms are located at the north end of the units as there are only south facing windows.

SITE DESCRIPTION

The application site is located on the north side of Cowgate and it is a former mill building, which was later used as a warehouse and then offices. The building is four storeys high with dormers on top, stone built and slate roof. There are former loading doors and window openings on the ground floor which have been bricked up. The application site consists of two storeys below the road level of King Street to the north. There is a children's bail hostel and offices on the levels above, which are accessed from King Street. There are flats to the south with car parking behind. Flats are also located to the west in a multi storey building and a dance studio is located immediately to the west within a former church building. Some industrial units are located to the south 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: Design of New Housing.

The design and layout of all new housing in Dundee should be of a high quality. As a basis for achieving this, new development will require to conform to the Design Standards contained within the Plan.



Policy 59: Alternative Uses for Listed Buildings - suitable alternative uses will be considered for listed buildings where this is necessary to secure their future. Any adaptation of the fabric must be undertaken carefully and sensitively and have minimum impact on the architectural and historic interest, character and setting of the building.

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:

NPPG 18 - Planning and the Historic Environment sets out the framework for dealing with applications affecting listed buildings.

The Memorandum of Guidance on Listed Buildings and Conservation

Application No 05/00945/FUL

Areas provides more detailed guidance on listed building proposals.

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 is to re-use a vacant and derelict B-listed building and this is considered to be sustainable development

SITE HISTORY

There is a partner listed building application (05/00947/LBC) which has been referred to Historic Scotland for comments.

Planning permission was refused for change of use to a children's nursery school on 25 January 1999 (ref: 98/23669/D). This decision was appealed and dismissed.

Planning permission was granted for change of use to a health and fitness suite on 25.1.99. This proposal was never implemented.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and no letters of objection were received. The application was advertised as a departure to Policy 4 of the Dundee Local Plan review 2005 due to the lack of parking and amenity space provided with the development.

CONSULTATIONS

No adverse comments were received from statutory consultees or other bodies.

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 application site is located within an inner city area and Policy 4 of the Dundee Local Plan Review 2005 states that flats will only be permitted if identified in a site planning brief, site specific circumstances demand a flattened solution or conversion of an existing building is proposed and houses are impractical. Flats should have a minimum gross internal area of 60sqm. 130% parking should be provided and useable private communal garden areas of 100sqm or 10sqm per flat. Drying areas must be provided in addition to amenity space.

The proposal is for the conversion of a derelict listed building and is located on the boundary of the city centre area. No parking or amenity space is provided with the development and the applicant submitted a justification for departing from this policy which is as follows:

Absence of Parking

- The site is located within the city centre and is at present blighted, in a state of dereliction, causing an eyesore and an environmental nuisance to the adjacent neighbours.
- There is no car parking provision within the site as only the building footprint is available for use.
- The adjacent Dundee City Council car park will presumably have available parking spaces based on an annual residential permit as is the case for the other residents on the site.

Amenity

- The same problems of blight, dereliction and eyesore exist.
- The building footprint is all that is available and no space exists for amenity use other than the existing spaces immediately adjacent to the site.
- The floor areas of the flats are substantially larger than standard floor areas, therefore additional space is available internally.

Summary

- The building, unless it is renovated, will continue to be an eyesore and environmental nuisance.
- Other options for the use of the building have been investigated, including health, leisure, children's nursery, light industrial and storage, none of which have proved viable.
- The residential option would appear to be the only viable solution to the building.

It is evident from the existing site circumstances that if this building is to be re-used for residential purposes, then it is not possible to provide parking or amenity space. Given that the floor areas of the flats range from 120sqm to 263sqm and there are large internal open spaces and vast south facing glazed areas, then it is justifiable to sacrifice the requirement for amenity space. There is no surplus land adjacent to the building that can be used for parking and any existing parking spaces are for use of flat owners to the south (Wishart Arch) and west (East Port Works). The site is located within a central area and it is considered that future occupants either will not require to own cars or will use existing car parks within the locality of the site.

Policy 59 of the Dundee Local Plan Review 2005 states that suitable alternative uses will be considered for listed buildings where this is necessary to secure their future. Any adaptation of the fabric must be undertaken carefully and sensitively and have minimum impact on the architectural and historic interest, character and setting of the building. The bottom two floors of this B-listed building have been vacant for some years. Planning permission was granted for a health and fitness suite in 1999, but this proposal was not implemented. Other options were considered for re-use of the building but were dismissed as being unviable.

The proposal respects the character and design of the existing building and uses existing features. The ground floor has cast iron beams on cylindrical masonry columns which will be retained and form a feature within the internal spaces of the flats. Former openings on the south elevation will be re-opened and vast areas of glazing inserted to maximise the south facing

aspect. Non-habitable rooms will be located at the north end of the flats as there are no openings for natural daylight. Lounge, dining and kitchen areas will be open plan to ensure there is sufficient natural light throughout. It is considered that the proposal complies with this policy as the proposal for residential use sympathetically re-uses existing features within the building and uses glazing in a respectful manner to maximise the amount of natural daylight within the properties.

Policy 60 states that 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. As discussed above, the proposal respects the existing character and features of the building and adds minimal new additions to the building, apart from projecting window panels on the south elevation. These projecting windows are considered acceptable and add some colour and vitality to an otherwise bland frontage. Therefore it is considered that the proposal complies with Policy 60.

The Memorandum of Guidance on Listed Buildings and Conservation Areas states in paragraph 2.16 that the best use for an historic building is the use for which it was designed. However it accepts that continuation of the original use is not always a practical proposition and that alternative uses may have to be considered. However it advises that in considering whether an alternative use is appropriate, the planning authority should endeavour to find a use that preserves the architectural and historic features of the building. It is considered that the proposal meets these aims.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan but there are material considerations to justify departing from the plan, which are discussed as follows.

Other Material Considerations

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

Justification from Applicant

The justification has been discussed under Policy 4 of the Dundee Local Plan Review 2005 and it is considered

that it carries sufficient weight to merit approval of the application.

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

Design

The original fabric of the listed building is not drastically altered by the proposal. Original openings are being re-used and a projecting glazed box is added onto the south elevation. It is considered that this adds some colour and vitality to the building, whilst preserving and enhancing the character of the building.

CONCLUSION

The proposal does not comply with Policy 4 of the Dundee Local Plan Review 2005 and was advertised as such. It is considered that there are material considerations to set aside the development plan in these circumstances. This includes the B listing of the building which has remained vacant and deteriorated into a poor condition for some years. Although parking is not provided, it is considered that there are sufficient public car parks at this central location, which will be accessible for future occupants. The large internal floor areas, associated open spaces and vast glazed areas within the flats compensate for the lack of external amenity spaces.

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 Samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples.
- 3 Details of the proposed projecting window panels, doors and windows 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.

- 4 No construction shall commence on site until an investigation of potential contamination, under the terms of Planning Advice Note 33: Development of Contaminated Land, has been carried out and verified by the City Council.
- 5 Any measures required to remediate the site as detailed in the report, required by condition 4, shall be fully implemented as detailed by that report and validated in writing for the approval of the City Council prior to the first occupation of any of the buildings.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 4 In the interests of the amenities of future occupants of the residential accommodation.
- 5 In the interests of the amenities of future occupants of the residential accommodation.