

**KEY INFORMATION**

**Ward** Tay Bridges

**Proposal**

Change of use from vacant Unit to 2 No flats

**Address**

20 Exchange Court  
Exchange Street  
Dundee

**Applicant**

McLeish Brothers Properties Ltd  
c/o McLeish Brothers  
3 Trades Lane  
Dundee  
DD4 2AS

**Agent**

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Dundee  
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**Registered** 27 Feb 2006

**Case Officer** C Walker



## New Flats Proposed in Exchange Street

The change of use from vacant unit to flats is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The provision of a 1 bedroom flat, which suffers from a restricted level of natural light, is contrary to the provisions of Policy 4 and Appendix 1 of the adopted Dundee Local Plan Review 2005 and there are no material planning considerations that would justify a departure from the Development Plan.

**SUMMARY OF REPORT**

- Planning permission is sought to convert a vacant ground floor commercial unit into 2 flats, one with 2 bedrooms and one with a single bedroom.
- The site comprises a vacant commercial unit of some 125 sq. metres occupying the ground floor of a 3 storey Category B listed building.
- Policy 4 of the Local Plan contains a specific requirement that all flats must have a minimum of 2 bedrooms.
- 2 letters of objection were received from neighbours who are concerned about parking in this area and about noise from the development.
- The proposed residential use will not cause any unacceptable adverse impact on the amenities of neighbours. However there is no planning justification for the provision of a 1 bedroom flat contrary to the provisions of the Local Plan.

## DESCRIPTION OF PROPOSAL

Planning permission is sought to convert a vacant ground floor commercial unit into 2 flats by creating a mezzanine level and subdividing the unit vertically. The proposed unit to the south east would have 2 bedrooms and a floor area of some 60 sq metres (excluding stairs and corridors). The flat to the north west would have 1 bedroom and a floor area of some 65 sq metres (excluding stairs and corridors). It suffers the disadvantage of having no windows other than those facing the courtyard to the east. It is therefore designed as a studio apartment with the bedroom off the lounge area borrowing light from the windows on the east elevation of the building.

The bulk of the accommodation for both units is proposed on the upper (mezzanine) level because there are no existing windows on the lower level. It is proposed to form 2 new windows on the building at the lower level to accommodate the new use, 1 on the front and 1 on the rear elevation.

## SITE DESCRIPTION

The site comprises a vacant commercial unit of some 125 sq. metres occupying the ground floor of a 3 storey Category B listed building. The unit has a high ceiling level of just less than 5 metres. The upper levels contain 4 flats.

The building was renovated as part of a comprehensive development involving the erection of 2 new commercial and residential blocks on Exchange Street and the renovation of this block. It faces onto a private courtyard to the west used for parking. To the east is a small courtyard off Commercial Street and to the north is a 4 storey stone building the upper levels of which are occupied by a public house.

## 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

Policy 1: Vibrant and Sustainable Communities seeks to safeguard the amenity of residential areas in terms of design as well as layout, parking and traffic movement, and noise and smell issues.

Policy 4 Design of New Housing and Appendix 1 set out standards for the design and layout of housing at this location.

Policy 60 Alterations to Listed Buildings requires proposals to have regard to the preservation or enhancement of the architectural or historic character of the listed building.



Policy 61 Development in Conservation Areas requires new development 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

This proposed development does not raise any issues in terms of the Councils Agenda 21 policies.

## SITE HISTORY

Planning permission and listed building consent was granted in 1997

to demolish frontage buildings on Exchange St and build 2 retail units and 18 flats and to change the use of the building at 20 Commercial St to the rear to a retail unit and 4 flats - applications ref nos D21320 and DLB1178 refer. The development was completed some time ago but this commercial unit has remained vacant.

Pre application consultations were carried out in connection with this proposal and the applicants were advised that although residential use was acceptable in principle, this should comprise a single unit only.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the development was advertised as contravening Policy 4 of the Local Plan (provision of 1 bedroom flat).

2 letters of objection were received from neighbours who are concerned about parking in this area and who feel the proposal will put increased pressure on the limited parking facilities in the adjacent courtyard. One of the objectors states that they would not object if the existing car park was not to be used by occupiers of the proposed development. The other occupier is concerned about noise, both as a result of construction and from occupants of the converted units.

Copies of these letters are available for inspection in the Members' Lounges and the issues are discussed in the "Observations" section below.

## CONSULTATIONS

There were no adverse comments from consultees.

## OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- whether the proposals are consistent with the provisions of the development plan; and if not
- 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 1: Vibrant and Sustainable Communities seeks to safeguard the amenity of residential areas in terms of design as well as layout, parking and traffic movement, and noise and smell issues.

The proposed development involves a residential use in an existing building and it is considered that such a proposal is in accordance with Policy 1 of the Plan. The issue of parking provision is considered in the context of Policy 4 and the concerns of objectors below.

Policy 4 Design of New Housing and Appendix 1 set out standards for the design and layout of housing at this location. For city centre locations such as this the standards are quite permissive with no specific requirement for parking or garden ground. However there is a specific requirement that all flats must have a minimum of 2 bedrooms and because one of the flats has only 1 bedroom the proposal has been advertised as contravening this strand of the policy.

Policy 60 Alterations to Listed Buildings requires proposals to have regard to the preservation or enhancement of the architectural or historic character of the listed building. Policy 61 Development in Conservation Areas requires new development to preserve or enhance the character of the surrounding area. The proposed elevational alterations are minor in scale involving the formation of 1 new window on the front elevation and 1 on the rear. The listed building has already been substantially modified and it is considered that the proposed further minor alterations are in keeping with the character and architectural appearance of the building and will preserve the character of the conservation area. Listed building consent is required for the changes to the listed building and no development could proceed until such consent was obtained.

It is concluded from the foregoing that the proposal does not comply with Policy 4 of the adopted Local Plan.

## Other Material Considerations

### (A) Letter in Support of Proposals

The applicants state that the provision of a single large flat could accommodate up to 7 or 8 people and that this location is inappropriate for large family sized accommodation. They also state that they do not intend to allocate parking spaces for the proposed units.

The proposed flats are not particularly large (generally they are similar in scale to the Local Plan 60 sq metres minimum requirement for Inner city flats) and suffer the disadvantage that there is very little natural light at the lower level. The north west most unit, which has 1 bedroom only, is particularly disadvantaged by the lack of natural light. Although a single flat on the site would be quite large, there are a number of large flats in former upper floor office units throughout the city centre. It is clear that a development of 2 units would be more financially attractive than one involving a single large unit. However it is considered that there are no material planning considerations that would justify departing from Policy 4 of the Plan and permitting a one bedroom flat at this location.

### (B) Views of Objectors

The other material consideration to be taken into account is the concerns of the objectors. It would appear that the objectors are principally concerned about pressures on the private parking facilities in the courtyard to the west of the building.

It is understood that the occupiers of the 22 existing flats in this development have a right to use these spaces on a first come first served basis. In addition the commercial units are entitled to a space each on the same basis. As there are fewer spaces than the demand generated by the existing development there are significant pressures on this private parking area. In addition there are difficulties with unauthorised parking which the residents have tried to control with a barrier.

The applicants have indicated that they do not intend to make parking spaces available for the proposed development. The Local Plan does not contain any mandatory requirement for the provision of car parking at this location and indeed the existence of

this private car park is a bonus for local residents as it was initially proposed to develop housing over the car park are but this had to be abandoned when underground vaults were discovered under the site.

The use and regulation of this private parking area is a matter for the owners and those entitled to use it and the Council is not in a position to prevent occupiers of the 2 units currently proposed from parking at this location. Furthermore given that only 2 flats are proposed and that the vacant commercial unit carried an entitlement to use a space, it is not considered that the proposed development will have any significant impact on parking demands in this area.

A further concern was raised about noise, both as a result of construction and from occupants of the converted units. Noise during construction is an inevitable result of any development. There is nothing in the nature of the proposed conversion that would suggest that any significant works are required. Furthermore the proposed residential use should not lead to any unacceptable noise levels and in any event appropriate insulation can be provided. Finally a proposed commercial use is unlikely to be any less problematic and could give rise to more significant noise problems.

It is concluded from the foregoing that insufficient weight can be accorded to the views put forward by the applicants such as to justify the approval of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be refused.

## Design

The alterations to the building are minor in nature and are of satisfactory design.

## CONCLUSION

The proposed residential use will not cause any unacceptable adverse impact on the amenities of neighbours. However the provision of a 1 bedroom flat, which suffers from a restricted level of natural light, is contrary to the provisions of Policy 4 and Appendix 1 of the adopted Dundee Local Plan Review 2005 and there are no material planning considerations that would justify a departure from the Development Plan.

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RECOMMENDATION

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It is recommended that planning permission be REFUSED for the following reasons:-

Reason

- 1 The proposed development contravenes the provisions of Policy 4 and Appendix 1 of the Dundee Local Plan Review 2005 as it involves the provision of a one bedroom flat with a restricted level of natural light. There are no material considerations that would justify a departure to the provisions of the development plan in this instance.