

KEY INFORMATION

Ward West End

Proposal

External Alterations to 13-27 Union Place and Internal Alterations to Flats on First, Second Third and fourth Floor of 19-25 Union Place from 12 x 3 Bedroom Flats to Form 12 x 2 Bedroom and 12 x 1 Bedroom Flats

Address

13-27 Union Place
Dundee DD2 1AA

Applicant

Springfield Properties Group Ltd
c/o J & E Shepherd
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Dundee DD1 1XA

Agent

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Registered 20 April 2007

Case Officer Eve Jones



Proposal to Subdivide Existing Tenement Flats in Union Place

External alterations and internal alterations to 12 X 3 bedroom flats to form 12 X 2 bedroomed and 12 X 1 bedroom flats is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal fails to comply with Policy 4 Design of New Housing and Policy 1 Vibrant and Sustainable Communities. The new windows will adversely affect the building and conflict with Policy 61 - Development in Conservation Areas. Whilst the proposed environmental improvements are welcomed and do comply with Policy 61 they cannot be accepted as justification for the creation of 24 flats below the minimum size required in the Dundee Local Plan.

SUMMARY OF REPORT

- Planning permission is sought to convert 12 existing 3 bedroom flats to form 12 x 2 bedroom and 12 x 1 bedroom flats in 4 of the tenements with the insertion of new windows. All 8 tenement blocks will be renovated with external alterations comprising new fences, railings, lighting, landscaping, drying areas, bike and bin stores.
- The site is on the west side of Union Place, south of Perth Road. The tenements currently have open front garden areas and communal rear gardens with drying areas.
- Dundee Local Plan 2005. Policy 4 - Design of New Housing Appendix 1 requires that flats should have a minimum gross internal floorspace of 60 square metres. The proposed flats comprise 12 x 2 bedroom flats, all 45 square metres and 12 x 1 bedroom flats, all 36 square metres. All of the new flats fail to meet the minimum floor area required by Policy 4 and have insufficient parking which also fails to meet Policy 1 Vibrant and Sustainable Communities.
- Whilst the environmental improvements are welcomed, the new windows will adversely affect the building. Different elements comply and conflict with Policy 61 - Development in Conservation Areas. The environmental improvements cannot be accepted as justification for the creation of 24 flats below the minimum size required in the Dundee Local Plan.
- 1 Objection was received from a neighbour on grounds of traffic, parking and access problems and is supported.

DESCRIPTION OF PROPOSAL

Planning permission is sought for internal alterations to convert 12 existing 3 bedroom flats to form 12 x 2 bedroom and 12 x 1 bedroom flats in four of the tenements in this terrace. The proposed new flats will require the installation of a new window on each of the three upper floors of the four tenement units.

The 8 tenement blocks will also be renovated with external alterations comprising new fences, railings, lighting, landscaping, drying areas, bike and bin stores.

SITE DESCRIPTION

The site comprises 8 units in a terrace of 4 storey tenements on the west side of Union Place, south of Perth Road. The narrow road slopes down from Perth Road and the east side comprises two public car parks separated by a pair of traditional semi-detached houses and gardens. The tenements currently have open front garden areas and communal rear gardens with drying areas. The site lies within the West End Lanes Conservation Area.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 2005

The following policies are of relevance:

Policy 4 - Design of New Housing.

Policy 61 - Development in Conservation Areas.

Policy 1: Vibrant and Sustainable Communities.

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.

SUSTAINABILITY ISSUES

The following sustainability policy implication(s) arise from this application :

5 - Built Environment. Whilst the proposals include environmental improvements to the front and rear gardens, the additional windows are not considered to improve the appearance of the buildings and the additional flats will increase the pressures on scarce car parking in the area.



SITE HISTORY

01/30024/FUL Planning permission for the formation of 8 attic flats with dormer windows at 13-27 Union Place was refused by Committee on 24 September 2001. An appeal against the refusal was dismissed on 15 April 2002.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised as a development contrary to the Development Plan. 1 Objection was received from a neighbour on grounds of traffic, parking and access problems. Copies of the objection are available in Members' lounges and the issues raised will be considered in the Observations 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 4 - "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 be required to conform to the Design Standards contained in Appendix 1 of this Local Plan unless:

- the City Council, through either site allocation in the Local Plan or site planning briefs, considers it appropriate to vary the standards to reflect the constraints or opportunities offered by the development of a particular site; or
- the proposal is within an established low density residential area, in which case the density of the new development should reflect this and more generous external space standards will be required."

"Where conversion of a listed building or other building worthy of retention is proposed, there may be limited flexibility in applying parking and garden ground requirements where compliance is impractical. The development of flats through conversions of buildings of merit may also be acceptable where conversion to flats is the only appropriate action."

Appendix 1 states that flats in the Inner City are acceptable where conversion of an existing building is proposed and

houses are impractical. These tenements already contain flats and conversion to form houses is impractical due to the form of the building. However they are existing flats which are being sub-divided to form two smaller flats.

Appendix 1 requires that flats should have a minimum gross internal floorspace of 60 square metres. The proposed flats comprise 12 x 2 bedroom flats, all 45 square metres and 12 x 1 bedroom flats, all 36 square metres. All of the new flats fail to meet the minimum floor area required by Policy 4.

Appendix 1 also requires that private flats should generally have 130% parking provision and that this may be increased or decreased in light of on street and off street parking provision nearby.

The proposed development will increase the number of flats by 12 with no increase in available parking spaces. While there is a car park near to the development for use by the general public, the car park and Union Place are both heavily used for car parking by residents in the area. It is considered that with the level of proposed development, car parking in the immediate area will be inadequate for the number of residences.

The development does not comply with Policy 4 due to traffic and road safety issues that will be brought about by the lack of appropriate car parking.

Policy 61 - Development in Conservation Areas.

The policy requires that all development preserve or enhance the character of the surrounding area. The proposed development includes the formation of an additional window on the east elevation of the 4 tenements to serve the new flats. The buildings are traditional stone tenements and the insertion of new windows into such a facade will be quite obvious. It is considered that this alteration would have a detrimental impact on the appearance of the buildings and therefore on the Conservation Area.

Environmental improvements are proposed to the 8 tenement blocks as detailed above. The proposed new dwarf walls and railings to the street elevation will enhance the character of the area by restoring traditional boundary enclosures. The subdivision of the rear gardens and the provision of

landscaping, bike and bin stores will also improve and enhance the environment of the flats.

In respect of Policy 61, the proposed alterations to the building will be detrimental to its appearance but the environmental improvements will enhance the character of the surrounding Conservation Area.

Policy 1 seeks to ensure that new development should be in accordance with other policies in the Plan and seek to minimize any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise and smell. It is considered that this proposal does not comply with other policies and the increase in the number of flats will have an adverse affect on the environmental quality enjoyed by local residents by virtue of lack of parking. The proposal does not comply with Policy 1.

It is concluded from the foregoing that the proposal does not comply with Policy 4 and will both comply and conflict with Policy 61 of the development plan.

Other Material Considerations

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

Supporting Statement

A detailed supporting statement has been submitted by an agent acting for the applicant. It states that the proposal will re-instate the properties to their original number and type of accommodation. They were altered "at some time in the past" to 3 bedroom flats. This area was popular for shared student accommodation but due to new legislation, this market has weakened but the market for smaller flats has strengthened. The statement goes on to suggest that the proposal will remove the problem of HMO's. In respect of Dundee Local Plan 2005 policies, the statement suggests that the proposal complies with Policy 1 as it provides choice. Whilst the flat size is below the minimum size in Appendix 1, this is justified by the small size of the existing 1 bedroom flats in the remaining tenements which are fully let. The statement concludes that as there is demand for smaller flats, they should be approved.

Each point is responded to as follows:

There is no evidence of when the flats were altered to form 3 bedrooms and re-instatement of the poor standards of early 20th Century tenement layouts does not meet current objectives to improve the quality of the housing stock in the City. The flats proposed to be sub-divided are described as 3 bedroom and are shown on the plans as having 3 bedrooms and a kitchen and bathroom. The agent has stated that they are currently used as their original layout ie with a kitchen/living room to the rear. However, they could be laid out as conventional two bedroom flats with a separate living room and kitchen, a not unusual layout.

Policy 1. Whilst the introductory text does refer to the diversity of residential areas, this is in reference to the provision of services and facilities within such residential areas in order to create sustainable communities.

Policy 4 sets minimum standards to ensure that new housing is of an acceptable standard. It specifically points out that Dundee has a high proportion of small flats and that "new housing development must improve the range and choice of housing available in the City". The flats which are proposed to be sub-divided are 81 square metres and provide choice in the market. As the schedule of accommodation of the existing flats in 13-27 Union Place shows, the 52 flats provide a range of size of accommodation as follows; 25 x 1 bedroom; 15 x 2 bedroom and 12 x 3 bedroom. This range of choice is more acceptable than the proposal which would result in 64 flats, 37 x 1 bedroom and 27 x 2 bedroom.

The existing flats if used for multiple occupancy do not require planning permission under the terms of the recently approved Supplementary Planning Guidance on Houses in Multiple Occupation. It states that planning permission is required for new HMO's in flats that will be occupied by 4 or more people. Such a use would only require a license to control the management of the property in the interests of the residents and neighbours. Many of the problems identified with HMO use eg pressure on parking and traffic movement, demand for refuse facilities, drying areas etc; increased pedestrian movement and noise are all equally likely to occur where 12 flats are proposed to be sub-divided to form 24 smaller flats.

Whilst the environmental improvements are welcomed, they cannot be accepted as justification for the creation of 24 flats below the minimum size required in the Dundee Local Plan. They provide basic facilities such as bike and bin stores, drying areas, garden fences for security and limited landscaping which could realistically be expected to be provided by a landlord owning property on this scale in this desirable part of the City.

Objection

The objection is on the grounds of parking and traffic issues due to the narrow nature of Union Place and the difficulties caused by current parking associated with the existing flats.

There are parking restrictions on Union Place but the West End generally suffers from a shortage of car parking provision, despite the two car parks which lie to the east of the site. The objection is supported on the grounds of the lack of parking for the proposed flats.

Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997

The statutory duty set out in Section 64 of the Act, to preserve or enhance the character or appearance of the Conservation Area would not be satisfied by the approval of this proposal for the reason given above with regard to the impact of the proposed new windows.

It is concluded from the foregoing that the statement of justification is not accepted and insufficient weight can be accorded to it as a material consideration which would justify the grant of planning permission contrary to the provisions of the development plan. The objection in respect of increased pressure on parking and resulting traffic issues is supported.

Design

As noted, the environmental improvements are acceptable but the alterations to the elevation of the buildings by the insertion of new windows are not acceptable.

CONCLUSION

The proposal fails to comply with Policy 4 Design of New Housing and different elements both comply and

conflict with Policy 61 Development in Conservation Areas. Whilst the proposed environmental improvements are welcomed, they could be carried out without any alterations to the number of flats in the blocks and they cannot be used to justify the proposed sub-divisions. The failure to meet the minimum space standards for new flats is a significant departure from the policy of the Dundee Local Plan which overrides any environmental benefit.

RECOMMENDATION

It is recommended that consent be REFUSED for the following reasons:

Reasons

- 1 The proposed development is contrary to Policy 4 - Design of New Housing of the Dundee Local Plan Review 2005 as the proposed flats do not meet the minimum gross internal floor area and there is no additional car parking provision all as detailed in Appendix 1. There are no material considerations of sufficient strength to justify the granting of planning permission contrary to the policy.
- 2 The proposed development is contrary to Policy 61 - Development in Conservation Areas of the Dundee Local Plan Review 2005 as the new windows will adversely affect the appearance of the building and the Conservation Area. There are no material considerations of sufficient strength to justify the granting of planning permission contrary to the policy.
- 3 The proposed development is contrary to Policy 1 - Vibrant and Sustainable Communities of the Dundee Local Plan Review 2005 as the proposal does not comply with other policies in the Plan and the increase in the number of flats will have an adverse affect on the environmental quality enjoyed by local residents by virtue of lack of parking. There are no material considerations of sufficient strength to justify the granting of planning permission contrary to the policy.