

KEY INFORMATION

Ward East End

Proposal

Change of use from 2 shops to flats

Address18 Linfield Street
Dundee
DD4 8LJ**Applicant**Mr G Squire
4 Linfield Street
Dundee**Agent**Paul Doig
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Dundee
DD5 2EL**Registered** 14 Sep 2007**Case Officer** C Walker

New Flat Proposed in Linfield Street

A change of use from two shops to a flat is **RECOMMENDED FOR APPROVAL** subject to conditions.
Report by Director of Planning and Transportation

RECOMMENDATION

The small scale and specialised nature of the proposed development provides a justification for departing from the Local Plan standards on garden ground and parking in this instance. The application is recommended for **APPROVAL** with conditions.

SUMMARY OF REPORT

- Planning permission is sought to change the use of 2 vacant shop units on the north side of Linfield Street to a 2 bedroom dwelling, sharing its curtilage (including parking and garden ground) with the adjoining building to the west. The applicant, who lives in the adjoining maisonette, has indicated that the proposed dwelling is intended for occupancy by his mother.
- Policy 4 of the adopted Local Plan sets out standards for new housing development with minimum requirements for garden ground and parking provision. The application was advertised as contravening that policy but no public response was received.
- Taking into account the minor scale and specialised nature of the proposal, the fact that a conversion is involved and that adequate shared garden ground and parking is provided and finally that the proposal will enhance the environment of the wider area, it is considered that there is a justification for approving a dwelling on the site.

DESCRIPTION OF PROPOSAL

Planning permission is sought to change the use of 2 vacant shop units (a bakery and takeaway) to a 2 bedroom dwelling. Proposed elevational alterations include the erection of a pitched slated roof above the flat roofed building and the facing of the tiled front elevation in brick to match the adjoining buildings. The proposed dwelling is self contained but shares its curtilage with the adjoining building to the west which comprises a ground floor flat and 2 storey maisonette above.

The applicant, who lives in the adjoining maisonette, has indicated that the proposed dwelling is intended for occupancy by his mother and is agreeable to planning conditions restricting the occupancy of the unit and the sharing of garden ground and parking.

SITE DESCRIPTION

The site comprises a 3 storey residential building (ground floor flat and upper level maisonette) and 2 vacant shop units on the north side of Linfield Street. There is an area of garden ground and parking spaces to the north of the residential building and an electricity sub station immediately to the north of the vacant shop units.

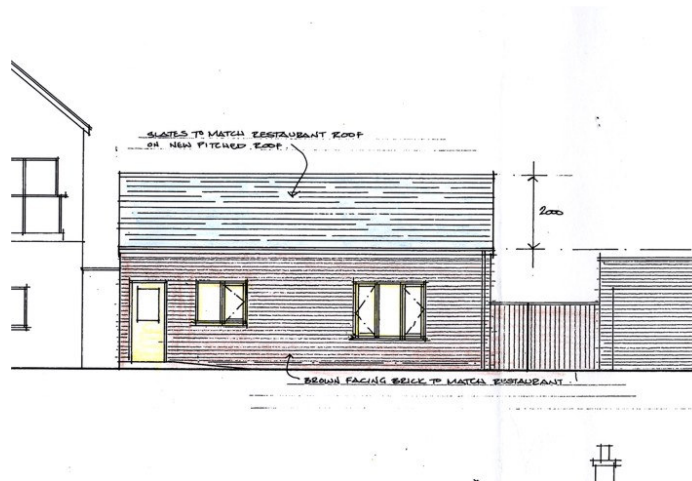
To the north of the site is the rear of the Happyhillock Shopping Centre, separated from the site by an unmade private road which is a service access. To the west is vacant land which has planning permission for the erection of 2 houses. To the south is an area of public open space and then more recently constructed housing at Longcroft Road. To the east is a recently opened restaurant and takeaway. All these properties on the north side of Linfield Street between Longcroft Road and Inglefield Street are owned by the applicant.

The pair of single storey flat roofed shop units were recently renovated and have a tiled frontage.

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:

The site is not allocated for any specific purpose in the adopted Local Plan but Policy 1 is generally applicable. This states that the City Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas.



Policy 4 and Appendix 1 set out standards for new housing development. In a suburban area such as this there are minimum requirements for garden ground and parking provision.

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.

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

Planning permission was granted in August 2006 to redevelop the surrounding area - application 06/00450/FUL refers. That proposal included the erection of 2 houses to the west of this site, the conversion of the shop below the maisonette to a flat and the conversion the pub to the east of the site to a restaurant and takeaway. All elements of that consent, apart from the erection of 2 houses to the west of the site, have been implemented.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposal was advertised as contravening Policy 4 (inadequacy of garden ground and parking) of the adopted Local Plan. No public response was received.

CONSULTATIONS

No adverse comments on the development were received from Statutory 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.

In terms of Policy 1, the proposed residential use is entirely appropriate for an existing residential area.

In terms of Policy 4, the proposed dwelling does not comply with the requirements of Appendix 1 in terms of garden ground and parking provision.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

Other Material Considerations

Although the provision of an additional dwelling at this location contravenes Policy 4 of the Local Plan in terms of garden ground and parking provision, the applicant has pointed out that it is not intended to create a separate dwelling unit but rather to provide accommodation for a family member, sharing the adjoining garden ground and parking.

Taking into account the minor scale and specialised nature of the proposal, the fact that a conversion is involved and that adequate shared garden ground and parking is provided and finally that the proposal will enhance the environment of the wider area, it is considered that there is a justification for approving a dwelling on the site. The demand for shop units at this location is not high and the alternative to residential use is probably a vacant unit.

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

Design

The proposed development will substantially improve the design of the building by providing a pitched slated roof and a facing brick frontage. These design changes will tie the building in with its surroundings and enhance the amenity of the area.

CONCLUSION

The small scale and specialised nature of the proposed development provides a justification for departing from the Local Plan standards on garden ground and parking in this instance.

RECOMMENDATION

It is recommended that consent 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 The occupation of the proposed dwelling shall be limited to members of the family occupying the existing maisonette at 4 Linfield Street.
- 3 The proposed dwelling shall share the garden ground and parking area attached to the maisonette at 4 Linfield Street.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 The proposed dwelling has insufficient parking and garden ground in terms of Policy 4 of the Dundee Local Plan Review 2005 but it is considered that if it was occupied by members of the same family as that occupying the maisonette at 4 Linfield Street and sharing the existing parking and garden ground facilities then this would provide a justification for departing from the required standards.
- 3 The proposed dwelling has insufficient parking and garden ground in terms of Policy 4 of the Dundee Local Plan Review 2005 but it is considered that if the existing parking and garden ground facilities attached to the maisonette at 4 Linfield Street

could be shared then this would provide a justification for departing from the required standards.