

KEY INFORMATION

Ward Maryfield

Proposal

Change of use to form 24 No 2 bedroom residential units.

Address

80 High Street
Dundee
DD1 1SD

Applicant

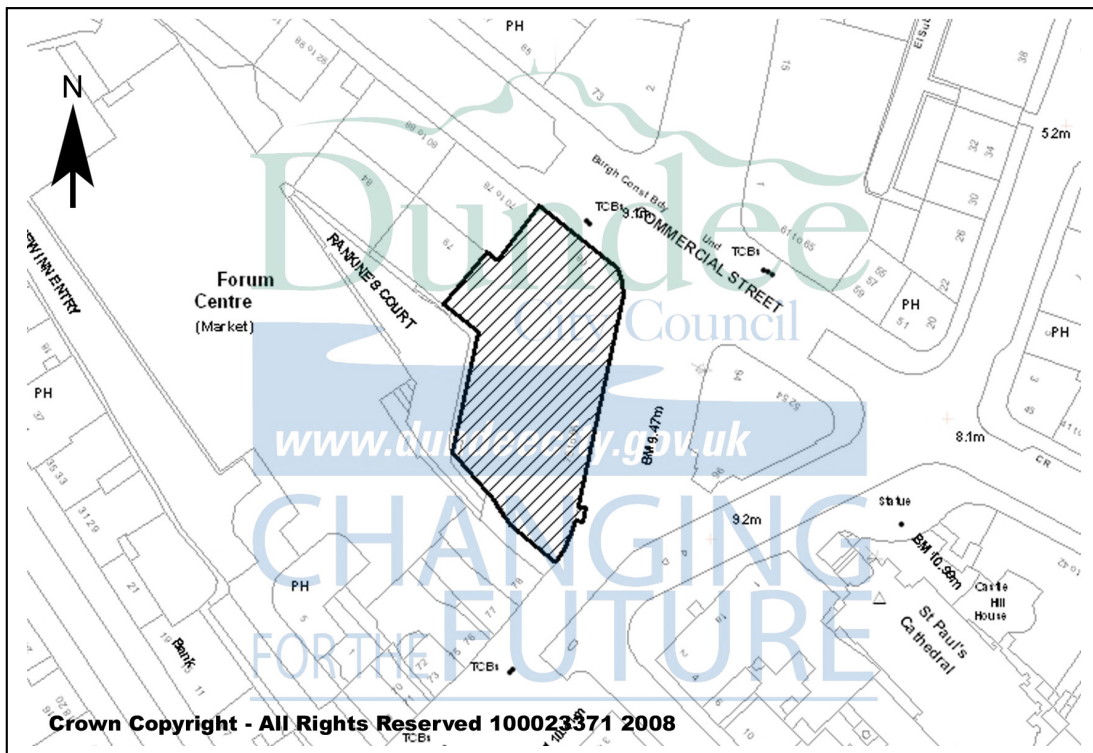
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Case Officer C Walker



City Centre Housing Conversion Proposed

The change of use to form 24 No 2 bedroom residential units is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development provides a good standard of residential accommodation in a well designed scheme that respects the listed building and complies with the Development Plan. The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought to change the use of the upper floors of this Category A listed building to form 24 flats.
- Policies 4, 59, 60 and 61 of the Local Plan are relevance.
- No public comment on the application was received.
- The proposed development provides a good standard of residential accommodation in a well designed scheme that respects the listed building and complies with the Development Plan. A Section 75 Agreement is proposed to restrict the conversion of any of the proposed flats to HMO's.

DESCRIPTION OF PROPOSAL

Planning permission is sought to change the use of the upper floors of this building to form 24 flats. It is proposed to form 8 flats on the new build second floor level and a ninth flat in the existing original building. It is proposed to subdivide the new build third floor level to form 2 new floors providing 8 flats at third floor level and 6 flats in the roof level. It is also proposed to form a maisonette in the third and fourth floor levels of the original building. The top level provides flats within the roofspace lit by dormer windows and rooflights.

Each proposed flat (apart from the maisonette) will have 2 bedrooms and 4 of the flats on the rear elevation will have covered balconies. The flats in the new section of the building have an average area of just less than 100m².

The original areas of the listed building on the south western side of the pend at Rankines Court will be converted to form a 2 bedroom flat at second floor level and a 3 bedroom maisonette incorporating the pillared tea room and art deco room third and fourth floor levels. The second floor level has no internal features of interest but the third floor level (pillared tea room) has a very attractive interior. Rather than subdivide this space, which would damage its character and appearance, it is proposed to retain it as a single space forming the lower level of a maisonette flat. This large space could be used as a lounge area or as a workspace area linked to and ancillary to the residential occupation of the maisonette flat. The top floor level (art deco room) would be subdivided to form the kitchen and bedroom areas.

Access to the upper floor flats is provided by means of a separate stair on the rear of the building off Rankines Court. Lift access will be provided from an entrance off the High Street. This lift is separate from the lift serving the first floor retail premises (Slaters).

It is proposed to deal with refuse by forming internal refuse holding areas at second and third floor levels and providing temporary holding areas.

Cycle parking facilities will be provided at ground floor level.

A Noise Impact Assessment was submitted dealing with noise from delivery and servicing, road traffic and plant. It states that subject to the implementation of a limited number of recommendations (enhanced double glazing and wall insulation) noise is unlikely to give rise to unsatisfactory conditions in the proposed development.



SITE DESCRIPTION

The site comprises the vacant second, third and fourth floor levels of the redeveloped Arnotts building. The basement, ground floor and first floor levels are in retail use. Most of the floor area lies within the new build area and consists of large undivided floor plates accessed by a lift and a rear stairwell. The site also includes



the upper floor levels of the adjoining listed building sitting above the pend into Rankines Close and 2 shop units at 77 and 78 High Street. This original part of the building is separated from the main space by the lift shaft and contains original decorative plasterwork.

This is a Category A listed building occupying a prominent site in the Central Area Conservation Area. There are residential properties on the upper floors of adjoining and nearby buildings, including flats directly adjoining the application site and

directly across the road from the application site.

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 sets out standards for new housing development.

Policy 59 encourages suitable alternative uses for listed buildings where this is necessary to secure their future.

Policy 60 Alterations to Listed Buildings requires such alterations to have regard to the preservation or enhancement 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

Supplementary Planning Policy Guidance on Houses in Multiple Occupation: Policy HMO4 seeks to control multiple occupation in new residential properties and substantial conversions in the Central Dundee Housing Investment Focus Area. It states that the Council will secure this objective through Section 75 Agreements.

SUSTAINABILITY ISSUES

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

SITE HISTORY

Planning permission and listed building consent were granted in 2003

to convert and redevelop the former Arnotts building to provide retail floor space - applications 02/00652/FUL and 02/00653/LBC refer. These consents were implemented but the upper 2 floors of the building have remained vacant.

More recently in July 2006 planning permission was granted to change the upper 2 floors of this building to offices - application 06/00325/FUL refers. This consent has not been implemented.

There is a current application for listed building consent for this development, the Report on which appears elsewhere in this Agenda - application 07/01127/LBC refers.

PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours and no public comment was received.

CONSULTATIONS

The Head of Environmental Health and Trading Standards has considered Noise and Contamination issues. In terms of noise, the applicants Noise Impact Assessment has been reviewed, and subject to a condition dealing with noise from plant, it is considered that potential noise issues can be satisfactorily addressed. In terms of contamination, advice has been given that there may be potential contamination due to the site being adjacent to former industrial works and that the applicants should be informed about this matter and should also notify the Council if any ground contamination is found in the course of the development.

Historic Scotland has informally commented that they are generally supportive of the proposals subject to the sensitive treatment of the historic fabric of the building.

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 proposed development complies with Policy 4 in terms of residential standards. The mandatory standards requiring each flat to have a minimum of 2 bedrooms and to provide covered secure cycle parking are achieved. It is not practicable to provide car parking or garden ground as there is no ground attached to this building. However all the flats have an attractive outlook and west facing balconies are provided for 4 flats on the rear of the building.

In terms of the treatment of the listed building, Policy 59 supports suitable alternative uses. It is considered that the proposed use is suitable and that converting these vacant areas will help to secure the future of the upper floors of this important listed building.

Policy 60 requires alterations to have regard to the preservation or enhancement of the listed building. In this case the significant issues relate to the alterations to the roof, where new dormers and roof lights are proposed and the treatment of the internal spaces known as the pillared tea room and art deco room.

The roof of this building was rebuilt when it was converted as part of a retail development. Prior to its rebuilding, it had many dormer windows constructed over time as part of the Arnotts Department Store but the current slated mansard roof only has dormers above the part of the building on the south western side of the pend at Rankines Court and at the corner "Pineapple" feature at the junction of High Street and Commercial Street. It is proposed to form 9 additional dormers and 7 rooflights on the building to provide light to the top floor flats. The proposed dormers are round headed dormers designed to match the existing dormers on the building and both the dormers and the roof lights are aligned with windows on the lower floors of the building.

It is considered that the alterations to the roof to form additional dormers and roof lights will not adversely impact on the character or appearance of the listed building taking into account the following factors:

- 1 There are currently and have historically been dormers on the roof of this building.
- 2 The design of the dormers replicates that of the original dormers on the building and the rooflights are designed to be as unobtrusive as possible
- 3 The siting of the dormers and rooflights replicates the fenestration pattern on the lower levels of the building.

In terms of the treatment of the interior of the building, the pillared tea room is being retained as a single space forming the lower level of a maisonette flat and the formation of residential accommodation in the upper level in the art deco room will not adversely impact on its character or appearance. On this basis it is considered that the development complies with Policy 60 of the Local Plan.

Policy 61 requires new development to preserve or enhance the character of the Central Area Conservation Area. The most significant impact on the conservation area relates to the alterations to the roof, where new dormers and roof lights are proposed. It is concluded that these features will not adversely impact on the conservation area for the same reasons as set out in the assessment of the development under Policy 60 of the Local Plan. The alterations to the rear of the building to form balconies affect a modern glazed section of the building and will not adversely impact on the conservation area.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

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

(A) - Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications that affect listed buildings, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

This matter has already been considered in the assessment of the proposed development under Policy 60 of the adopted Local Plan and it was

considered that the proposal would preserve the character and appearance of the listed building.

(B) - Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications in conservation areas to have special regard to the desirability of preserving or enhancing the character or appearance of that area.

This matter has already been considered in the assessment of the proposed development under Policy 61 of the adopted Local Plan and it was considered that the proposal would preserve the character and appearance of the conservation area.

(C) - HMO's - concerns have previously been expressed by the Committee about the conversion of dwellings in the city centre and the west end to HMO's with resulting adverse impacts on residential amenity. In September 2006 the Planning and Transportation Committee approved Supplementary Planning Guidance for controlling HMO's. This states in Policy HM04 that the occupation of dwellings in new residential developments by 3 or more unrelated people will be prevented through the use of Section 75 Agreements.

It is therefore considered that it would be appropriate in this case to restrict changes of use of the dwellings in the development to HMO's. Such a restriction by means of a Section 75 Agreement has been discussed with the applicants and their acceptance of it has been obtained.

(D) - Noise and Residential Amenity - the applicants Noise Impact Assessment considers noise from delivery and servicing, road traffic and plant. It states that subject to the implementation of a limited number of recommendations (enhanced double glazing and wall insulation) noise is unlikely to give rise to unsatisfactory conditions in the proposed development. The Head of Environmental Health and Trading Standards agrees with the conclusions of the Report but suggests that noise from plant should be addressed by a planning condition. It is proposed that this condition be attached to the consent should Members be minded to approve this application.

Design

No significant alterations to this imposing building are proposed. The new dormers and rooflights to the front of the building and the alterations to the rear to form balconies are unobtrusive and respect the character and appearance of the listed building. The internal changes do not affect the historic fabric of the listed building.

CONCLUSION

The proposed development provides a good standard of residential accommodation in a well designed scheme that respects the listed building and complies with the Development Plan.

RECOMMENDATION

Recommendation 1

This planning permission shall not be issued unless and until an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 between the Council and parties with appropriate interests in the land has been recorded. This agreement will relate to the prohibition of any of the proposed dwellings becoming houses in multiple occupation.

Recommendation 2

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 Exact details of the proposed new dormers and roof lights using drawings to a scale of 1:10 or similar 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. In particular the proposed roof lights shall be reduced in size to the minimum requirements for daylight under the Building Standards.
- 3 Details of any alterations to the former tea room and art deco areas to form a maisonette flat including the configuration of the stone stair forming the link

between the 2 levels 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 Details of the formation of the corner living room areas at third and fourth floor levels under the roof dome feature including the reconfiguration of the steelwork to provide useable living space 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.
- 5 Details of the method of refuse disposal and provision for recycling at the site 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.
- 6 The recommendations set out in Section 2 of the Noise Impact Assessment by the Charlton Smith Partnership dated 12th May 2008 shall be fully implemented to the satisfaction of the Council prior to the occupation of any of the proposed dwellings. In addition, prior to the commencement of any work on the site, a further Noise Assessment should be undertaken to the satisfaction of the Council to assess noise from plant areas and ducting so that the achievement of internal levels of NR25 within apartments can be achieved.
- 7 Details of the replacement windows to achieve the required levels of noise attenuation for the flats 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.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

- 2 In order to safeguard the appearance of the statutorily listed building and to improve its architectural appearance.
- 3 In order to safeguard the appearance of the statutorily listed building and to improve its architectural appearance.
- 4 In order to provide attractive and useable living space unencumbered by a steel supporting structure in the interests of residential amenity.
- 5 In order to make adequate provision for refuse disposal and recycling in the interests of residential amenity and sustainability.
- 6 In order to ensure a satisfactory standard of residential amenity for the occupiers of the proposed flats. The further Noise Assessment is required to establish baseline data for the plant and ducting within the building.
- 7 In order to safeguard the appearance of the statutorily listed building and to improve its architectural appearance.