

KEY INFORMATION

Ward Lochee

Proposal

Conversion of former sports hall to form 39 flats with parking and landscaping

Address

55 Burnside Street
Dundee
DD2 3AH

Applicant

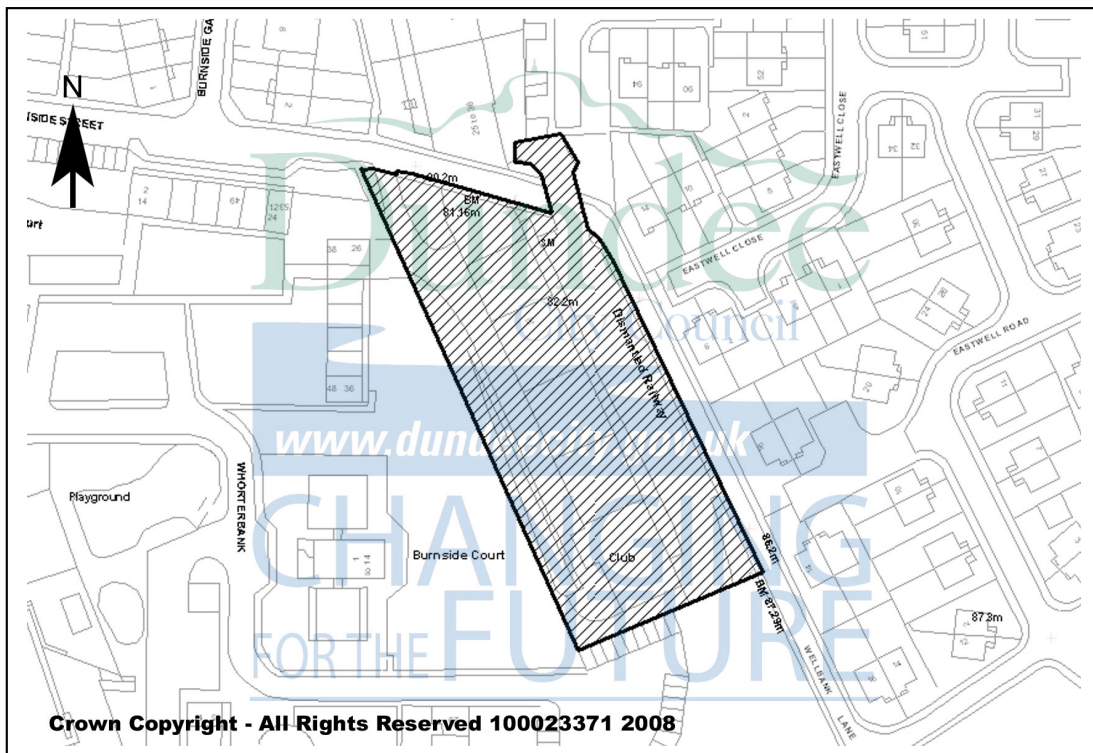
Wellbank Estates Ltd
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Agent

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Chester
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Registered 27 Mar 2008

Case Officer Eve Jones



Residential Use Proposed for Former Sports Centre in Lochee

The conversion of former sports hall to form 39 flats with parking and landscaping is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development meets the requirements of the Dundee Local Plan Review 2008 and National Guidance regarding Listed Buildings. The two objections are not supported and the application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the conversion of a former sports centre, previously a jute warehouse, to form 39 flats with 51 ground floor and external parking spaces, partial excavation of the existing railway embankment to form amenity garden ground including 2 play areas, bin and recycling stores and indoor cycle storage. The high retaining wall to Wellbank Lane is retained in its present form, at its existing height and the road is not re-opened.
- All but 1 of the flats has the minimum of 2 bedrooms, the single room flat of more than 70m² results from the provision of bin and recycling stores and the need to maintain the window pattern. All floors are accessible by lifts and stairs. New timber sash windows and painted timber doors are proposed to replicate the pattern of the existing. A new retaining wall to the west boundary will allow car parking along the full length of the side yard.
- The following policies in the Dundee Local Plan 2005 are of relevance: Policy 4 - Design of New Housing; Policy 59 - Alternative use for Listed Buildings; Policy 60 - Alterations to Listed Buildings.
- Two objections on grounds of loss of privacy and increased noise are not supported. Whilst in one case, the adjacent building to the north is close, the conversion and beneficial re-use of the listed building is desirable.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the conversion of a former sports centre, previously a jute warehouse, to form 39 flats with alterations to the building comprising new windows and doors, the formation of ground floor and external parking areas for a total of 51 cars, partial excavation of the existing railway embankment and the formation of amenity garden ground with 2 play areas.

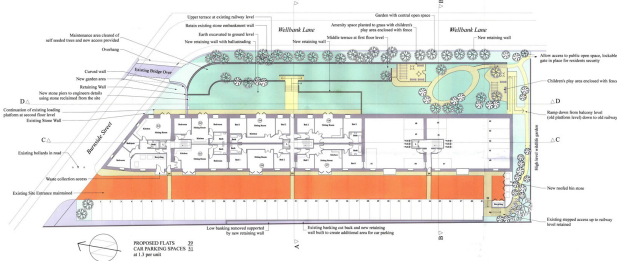
Apart from 1x 3 bed unit and 1x1 bed unit, the flats are all 2 bedroom but vary in floorspace between 75m² and 100m² and all have a combined open plan lounge/kitchen. All units have patio doors in the lounge area, opening onto a small balcony or terrace on the upper floors or a small recessed terrace in the roof space. All floors are accessible by lifts and stairs. The ground floor has 7 flats, a large bin/recycling space and 2 bays providing 12 indoor car spaces and cycle parking. The remainder of the 51 car parking spaces are in the yard to the west of the building where the existing embankment will be cut back and a new retaining wall constructed to provide sufficient space for vehicles to park and turn. The site is accessed via the existing site access off Burnside Street. A second area of bin stores and recycling provision is located at the south end of the building. Extensive terraced garden grounds are proposed to be created by the partial removal of the former railway embankment but the high retaining wall to Wellbank Lane is retained in its present form, at its existing height. Within the gardens there are 2 children's play areas. There is a full length balcony on the east side of the building to replicate the position of the existing railway platform. The existing ground floor entrance doors will be retained and replicated in the upper floors and new timber framed sash and case windows will be inserted to retain the rhythm of the existing windows. New inserts to the building will be dressed in stone quoins with stone lintels to match the existing.

SITE DESCRIPTION

The building forms part of the original Camperdown Works and was originally a railway warehouse where the jute was off loaded from the railway at the high level on the east of the building and then stored in the building for issue to the main mill to be processed. Thus the building



appears to be single storey to the embankment and is two or three storey to the yard to the west. The railway embankment to the north has been removed to enable the "sister" warehouse building to be converted to housing. The railway bridge, which is a fine Listed structure, remains between the two buildings and is connected to the application site by a massive bridge abutment of dressed ashlar stone. The retaining wall to the east side of the railway embankment is a similar massive stone structure up to 6 metres high. The stone shell and



slate roof of the building remains and is in sound structural condition although all windows and most of the door openings have been built up. The original flooring and central columns have virtually all been removed but the building is divided into 6 portions by massive cross walls.

The surrounding uses are largely residential with new housing in the grounds of the former Camperdown Works to the north and east, the flatted blocks of Whorterbank to the west and an area of open space with garage lock-ups to the south. The site lies within walking distance of High Street Lochee.

There is no through traffic from Burnside Street to Wellbank Lane but it is a popular pedestrian route.

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 59 - Alternative use for Listed Buildings

Policy 60 - Alterations to Listed Buildings

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

The Memorandum of Guidance on Listed Buildings and Conservation Areas is of relevance.

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 arises from this application:

- Built Environment and Waste Management.

The issue is discussed in greater detail below.

SITE HISTORY

06/00090/FUL Planning application for conversion of the building to form 38 flats was submitted and then withdrawn on 17 May 2006 to allow the agent to address the issues raised by officers and Historic Scotland following a site visit and consultations.

06/00778/FUL Planning permission was granted subject to conditions for the conversion of the building to form

30 flats with 39 parking spaces by Development Quality Committee on 4 December 2007. The partner listed building application 06/00761/LBC was also approved following consultation with Historic Scotland.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised as a development contrary to the Development Plan on the grounds of the provision of flats. One objection was received from a neighbour on the grounds that the opening up of the windows on the north elevation would adversely affect his privacy. Another neighbour also objected to the Listed building application but the terms of the objection related wholly to planning matters particularly increased noise and overlooking and this objection will be taken into consideration in the assessment of this application.

CONSULTATIONS

A Phase I and Phase II Geo-Environmental and Geotechnical Interpretive Report for this proposed development has been submitted and assessed by the Head of Environmental Health and Trading Standards. Whilst the Phase I report has been accepted, certain aspects of the Phase II report require further investigation and submission of information for approval prior to the commencement of development. It is considered that this can be the subject of appropriate conditions if Members are minded to approve this application.

As noted above, Historic Scotland has been involved in the project from an early stage and have given advice and guidance which has been followed by the applicant in this application. These matters will be dealt with more fully in the partner Listed Building application elsewhere on this agenda.

The applicant was advised to contact Waste Management to discuss refuse disposal and recycling facilities and the proposals have been accepted as suitable.

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

Policy 4: Design Of New Housing states - "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:

- a 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
- b 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.

New housing development should also have regard to the principles of the City Council's Urban Design Guide.

In addition, new housing development should meet "Secured by Design" standards. New residential streets should be designed to promote low vehicle speeds of 20 m.p.h. or less. New housing should have regard to opportunities to maximise energy efficiency and promote sustainable waste management.

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."

This proposal is for the conversion of a listed building worthy of retention to

form flats. Flats are the only form of residential development which is suitable for this site due to the scale and structure of this building. The site lies within the Inner City where Appendix 1 requires a certain standards of flat size; parking provision; usable private garden ground and privacy standards.

As noted above, there is one x 1 bedroom unit but it has a floor space of more than 70m². The unit lies at one of the entrances to the flats, next to the recycling/bin store both of which have external doors. Provision of an additional window for a second bedroom would totally disrupt the visual rhythm of the pattern of windows and doors all along the frontage of the building. As the upper floors do not have the large bin store, the additional room and window can be provided.

The previous application which was approved was for 30 flats and there was no accommodation within the ground floor of the building. The current proposal now has 7 flats in the ground floor which requires more of the embankment on the east side of the building to be excavated to allow windows to be inserted in that face of the building. The former railway bridge will be retained and a retaining wall is required to provide stability for this structure. As a result, the environment of these ground floor flats will be reduced in terms of the hours of direct sunlight which they may receive if they are located on the east side of the building facing the gardens or the noise impact they may experience if they are located on the west side of the building facing the car parking. However it is recognised that they will be accessible units and that they will form part of the varied standards within an attractive development. It is considered that on balance, the need to ensure a beneficial use for this large listed building partly outweighs the reduced residential amenity of the ground floor units.

The site is large enough to provide in excess of 1,200m² of private usable amenity space, much more than the minimum of 300m² required by Appendix 1. The space is also attractive and of high quality, with 2 children's play areas. The policy does seek outdoor drying areas which could be provided given the extensive nature of the garden ground. However the configuration of the flats with the

majority of entrances on the west side of the building to the car park/ public circulation space and the circuitous route to the amenity space for most residents renders the usability and security of any provided drying space very unlikely. Drying areas would also adversely affect the attractiveness of the amenity space which is directly overlooked by half of the flats. In these particular circumstances and for these reasons, it is considered that the provision of drying areas is not required.

It is considered that the proposal meets the requirements of Policy 4 and Appendix 1 which allow limited flexibility in the conversion of a Listed building.

Policy 59: Alternative Uses For Listed Buildings states - "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. Reference should be made to other policies in the Plan."

Part of this building has previously been in use as a sports centre but has been vacant for some time. The scale and structure of the building makes alternative uses difficult to achieve. The site lies within a residential area and the "sister" building to the north was converted to residential use some time ago. Alterations to the fabric are considered in respect of Policy 60 and also in the partner Listed Building application, elsewhere on this agenda. The proposal complies with Policy 4 in terms of the quality of the residential development. It is considered that the proposed development complies with Policy 59.

Policy 60: Alterations To Listed Buildings states - "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."

The stone shell and slate roof of the building remains and is in sound structural condition although all windows and most of the door openings have been built up. The proposed change of use will involve

the reinstatement of the windows, and a number of additional windows and doors on all of the elevations of the building. As noted above, the new windows will be multi pane timber sash and case. Full details of the window proposals have been submitted. The new windows replicate the spacing and proportions of the original but more windows are required to reinstate the building for residential use as opposed to its previous industrial use. The attic flats are proposed to have small inset terraces within the roof line. All of the patio doors to the flats have painted folding timber shutters to replicate the industrial sliding doors of the original mill. The proposed balconies have stone slab floors on a steel frame with simple steel railings. The platform level on the east side of the building will become the second floor of flats and a balcony the length of the building will replicate this feature of the site.

The alterations to this former mill building are essential to allow it to be brought back into beneficial use. It is concluded that the proposals comply with Policy 60.

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:

The Memorandum of Guidance on Listed Buildings and Conservation Areas is of relevance and supports alternative use for listed buildings in order to ensure their retention. As noted, Historic Scotland have been involved since the pre-application stage and the partner Listed Building application will be referred to Historic Scotland for ratification.

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 - Section 59 of the Act requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the planning authority shall have special regard to the desirability of preserving the building or its setting. It is concluded for the reasons set out above, that the proposed development will preserve the building and its setting in accordance with these requirements.

Sustainability policy implication: Built Environment.

The proposed development will ensure the retention and beneficial use of a B Listed Building which forms an important part of the Built Environment of the City.

Waste Management: In consultation with Waste Management, the architect has incorporated 2 area for general waste bins and recycling.

Trees on the adjoining site.

The current proposal is for an increase in the number of flats from 30 as previously approved to 39. One of the reasons for the constraints on the previous development was the number of car parking spaces which could be provided. There is an embankment on the west side of the site which restricted the number of cars which could be parked in the yard. However removal of the embankment had the potential to affect trees growing on the adjoining Council owned land to the west. The applicant has carried out investigations to define the extent to which the roots of the trees on the Council's land have penetrated this embankment in order to assess whether its removal and replacement with a retaining wall would adversely affect the health of the trees. A submitted report clarifies that these trees are not rooted into the embankment and this aspect of the proposed development is now considered to be acceptable.

Objections

As noted above, 2 objections have been received on grounds of loss of privacy.

This part of the mill was in two parts and the partner building to the north was converted to flats some time ago. An objection has been received from a neighbour in that block on grounds that the opening up of the old windows will affect privacy in the lounge and kitchen.

It is acknowledged that the buildings are close, less than 9 metres between facing walls, and that windows in the proposed new flats will face the existing properties. The two flats at first and second floor will have secondary windows to a bedroom, kitchens or stair wells facing the existing flats. Due to the proximity of the listed buildings and the configuration of the structure, it is

difficult to provide flats without opening these windows and it is desirable for the integrity of the building to reinstate these openings and provide new windows to lower floor flats. On balance, it is considered that the objection is not sufficiently strong to justify refusal of this application.

The other objection is from neighbours in the adjoining houses to the east who consider that there will be increased noise from the east facing flats and that their privacy will be affected by the flats in the roof space of the building. The objectors' property is almost 50 metres away to the east. The privacy distance in the Dundee Local Plan Review 2008 is 18 metres and this objection is not supported.

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 in accordance with the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

As noted in the text of the report, the alterations to the building are acceptable and the proposed garden amenity area will complement and enhance the building.

CONCLUSION

This is a particularly large former Mill building, constructed on a massive scale which affects the options for redevelopment of the building. The previous permission for 30 flats was constrained by parking requirements and did not make best use of the space available. The revised proposals, for 39 flats and 51 parking spaces, meet the requirements of the Development Plan and with National Guidance on Listed Buildings. The objections are not supported for the reasons given.

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 Development shall not begin until the investigation and risk assessment proposed in the submitted Environmental Site Assessment, Phase I Desk Study are completed and a scheme to deal with contamination at the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of proposals to deal with contamination to include:

- a the nature, extent and type(s) of contamination on the site;
- b measures to treat/remove contamination to ensure the site is fit for the use proposed;
- c measures to deal with contamination during construction works; and
- d condition of the site on completion of decontamination measures.

3 Before any unit is occupied the measures to decontaminate the site, if required by compliance with condition 02, shall be fully implemented and a validation report should be submitted to and approved by the planning authority"

4 Prior to the commencement of development, a comprehensive landscaping scheme for hard and soft landscaping shall be submitted for approval and if approved, the works shall be carried out only in accordance with such approved details.

5 The landscaping scheme as detailed in condition 4 shall be fully implemented in accordance with the approved details within 6 months of the completion of the development. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.

6 Before the any of the residential units is first occupied bin stores, cycles stores, car parking and manoeuvring areas, as indicated on the approved drawings, shall

be provided and thereafter kept available for use at all times. Phased provision of such essential services may be acceptable but full details must be submitted and approved in writing prior to the first occupation of any unit.

7 Full details of the children's play areas shall be submitted prior to the commencement of development and if approved, shall be fully implemented in accordance with the approved details within 6 months of the completion of the development. The play areas shall be retained for the use of residents unless alternative provision is agreed in writing with the City Council.

8 Remedial works to the fabric of the building shall be carried out using retained demolition material or new materials to replicate the original. Samples of materials to be used shall be provided on site for the approval of the City Council prior to the commencement of remedial works and if approved, the works shall be carried out in accordance with such approved details.

9 The new windows, doors and balconies shall be in accordance with the submitted details.

10 Full details of the proposed elevated terrace on the east elevation at the line of the railway platform is required to be submitted prior to the commencement of development and if approved such works shall be completed only in accordance with such approved details. For the avoidance of doubt it should be noted that access to the terrace shall only be from each individual flat and there shall be no direct access along the length of the building.

11 Full details of the position and form of all proposed ducts, flues and vents shall be submitted prior to the commencement of development and if approved, the development shall be carried out only in accordance with such approved details.

12 The access must be constructed in accordance with details which have previously been submitted to and approved by Dundee City

- Council as Roads Authority in accordance with DCC specifications. This should include detailed provisions for the relocation of the existing bollards in Burnside Street approximately 5 metres further east to provide a turning area for vehicles not requiring access to the site.
- 13 Full details of the proposed attic level terraces shall be submitted prior to the commencement of development and if approved the works shall be carried out only in accordance with such approved details.
 - 14 Prior to the commencement of development, full details of the proposed retaining wall on the west side of the site shall be submitted and if approved, the works shall be carried out only in accordance with such approved details. For the avoidance of doubt, the details shall include a structural engineers report on the design of the proposed wall.
- 10 In order to safeguard the appearance of the statutorily listed building and to improve its architectural appearance.
 - 11 In order to safeguard the appearance of the statutorily listed building and to improve its architectural appearance.
 - 12 In the interests of highway safety
 - 13 In order to safeguard the appearance of the statutorily listed building and to improve its architectural appearance.
 - 14 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of the amenities of the future occupants of the residential accommodation
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