

KEY INFORMATION

Ward Maryfield

Proposal

Conversions and Extensions
to Existing Building to Form
17 Residential Apartments

Address

95 Seagate
Dundee
DD1 2ER

Applicant

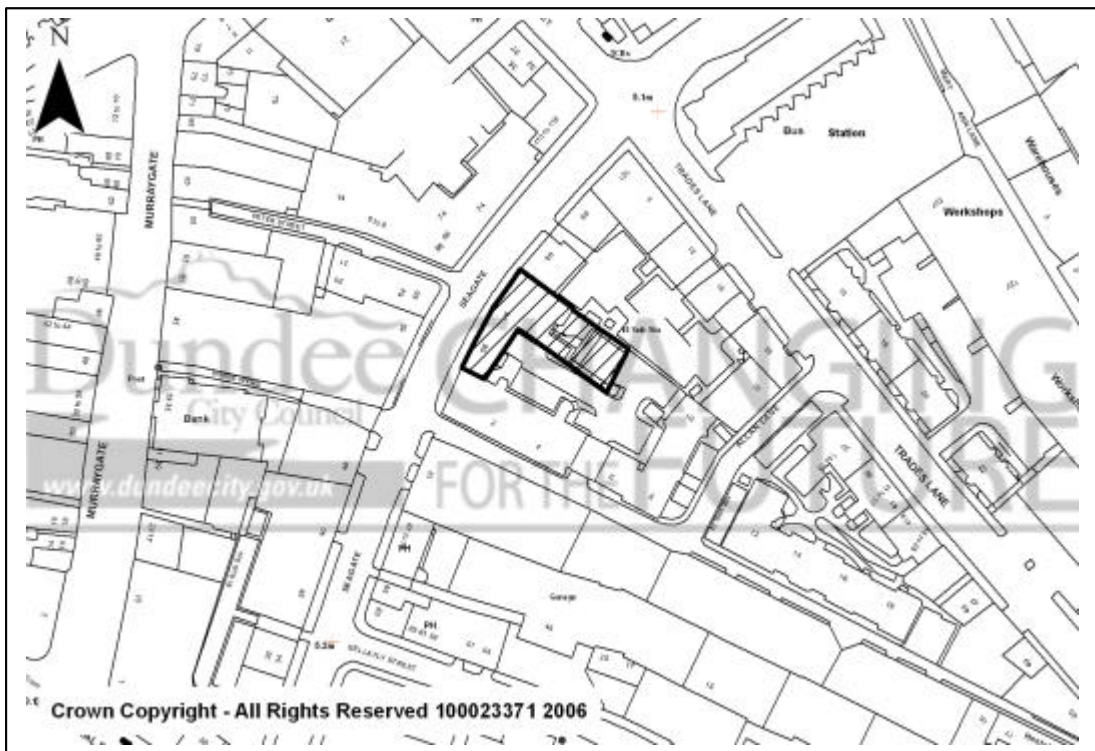
Seagates Estates Ltd
c/o Agent

Agent

Farningham McCreddie
Partnership/White Young
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4 Chester Street
Edinburgh EH3 7RA
FAO: Joanne Plant

Registered 24 June 2008

Case Officer C Walker



Residential Development Proposed in Seagate

The formation of 17 Residential Apartments is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation.

RECOMMENDATION

There is a justification for providing a small number of single bedroom flats in the proposed development contrary to the terms of Policy 4 of the Local Plan. The development will preserve this visually important listed building and will provide a reasonable standard of residential amenity for the future occupiers of the dwellings.

SUMMARY OF REPORT

- Planning permission is sought to convert and extend this Category B listed building to provide a residential development of 17 flats.
- The proposal contravenes Policy 4 of the Local Plan because three of the flats will have one bedroom.
- Four letters of objection were received stating concerns about parking, design, drainage and overshadowing.
- Issues relating to air quality and noise have been addressed. The minor departure from Policy 4 is acceptable particularly since the development will preserve an important listed building.

DESCRIPTION OF PROPOSAL

Planning permission is sought to convert and extend this Category B listed building to provide a residential development of 17 flats. The proposed extensions include a new four storey extension to the rear of the existing building (with a much smaller three storey toilet block extension being demolished) and a third storey extension above the existing building. In total nine flats will be provided through the conversion of the building with an additional eight in the new build extensions. Three of the flats (all within the existing building) will have one bedroom with the other 14 having two bedrooms.

The development is designed to minimise the impact on the listed building. Thus the new third storey extension above the existing building is set back some 1.25 metres from the front elevation behind a 1.5 metre high parapet wall and has a light appearance with extensive glazing and aluminium panel curtain walling. The rear extension is a more robust structure with white render walls. It is largely concealed by high flanking walls to the south west and north east.

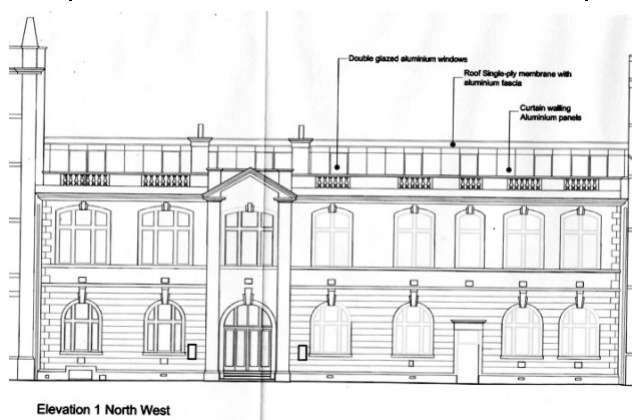
No car parking facilities can be provided within the application site. Open space is also very limited as the buildings occupy 75% of the application site with the small remaining area to the rear of the building being both confined in space and overshadowed by high walls. However the four flats in the rear extension and the three top floor flats facing the Seagate are provided with small balconies and the lower ground floor flat is provided with a small terrace.

In response to concerns raised by the Council about a number of issues including the amenity of the flats, air quality, noise and potential contamination, the applicants have submitted an extensive Supporting Planning Statement. This assesses the proposed development against National, Structure Plan and Local Plan policy and concludes that it complies with planning policy, is sustainable and is consistent with best practice with respect to architectural and urban design, reuse and

refurbishment of listed buildings and conservation issues.

They point out that they have amended the design and layout of the development (compared with previously submitted and withdrawn applications) to reduce the scale of the extensions with the resulting effect that the impact on the character and appearance of the listed building and on the amenities of occupiers of neighbouring flats is now satisfactory and the number of one bedroomed flats has been minimised.

They have addressed the issue of noise disturbance to the proposed flats with a Noise Impact Assessment which concludes that either standard double glazing or the installation of secondary



glazing would resolve any problems. An Air Quality Report was produced which indicated that ground and first floor flats facing the Seagate were affected principally by pollution by traffic but that an adequate standard of amenity could be provided by introducing a mechanical system of ventilation with air intake from the rear of the building at 4 metres above ground level.

Information on the potential for daylight loss and overshadowing was produced in the form of a series of illustrations indicating the impact of the proposed development throughout the year from which the applicants conclude there will be no adverse impact. Information on potential contamination in the form of a Phase 1 Environmental Audit and on potential flooding by correspondence with Scottish Water has been submitted.

SITE DESCRIPTION

The site comprises the former Loyal Order of Shepherds premises at 95-97 Seagate. This is a two storey and basement Category B listed building

constructed in 1907 (rebuilt after a fire in 1906 which destroyed it and the adjacent Watson's Bond). It is an impressive building of brick construction but with ashlar bands and detailing. Internally it is fairly modest in character but the entrance doors, tiling and iron banisters to the stairs are attractive.

Much of the building is now vacant but current occupiers include a recording studio in the basement, a chiropractor at ground floor and a martial arts studio on the first floor. The condition of the building has deteriorated over time although it still provides an attractive elevation to the Seagate.

The building is surrounded to the sides and rear by housing occupying the former Watson's Bond, Category A listed buildings fronting onto Seagate, Trades Lane and Candle Lane. These are substantial five storey buildings which have been converted and extended and are a full two and a half storeys higher than the application premises. The courtyard areas behind these buildings provide private parking facilities for the flats.

The Seagate to the front of the building carries high volumes of traffic and is a major bus corridor with bus stops immediately outside the building on a relatively narrow footway

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

The following policies are of relevance:

Policy 4 on the design of new housing, Policy 55 on urban design, Policies 59 and 60 on listed buildings and Policy 61 on development in conservation areas are relevant to the determination of this application.

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

Applications for planning permission and listed building consent to convert and extend this building to form 25 flats were withdrawn by the applicants in November 2007 - applications 07/00539/FUL and 07/00537/LBC refer.

There is an accompanying application for listed building consent for the current proposals, the report on which appears elsewhere in this Agenda - application 08/00482/LBC refers.

PUBLIC PARTICIPATION

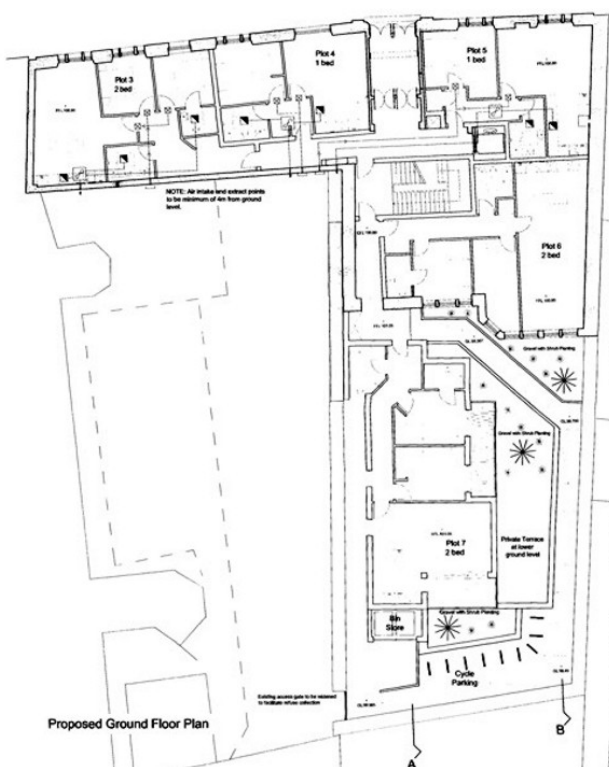
The applicant carried out the statutory notification of neighbours and the proposal was advertised as contravening Policy 4 of the Local Plan. Four letters of objection were received from the occupiers of adjoining dwellings. The objectors are concerned about the lack of parking provision, the design of the development and in particular the use of white render, sewerage and flooding problems in the area, the absence of measures to deter seagulls, the loss of rentable outlets for small businesses (and in particular the loss of the karate school), the poor internal layout and the fact that the development would be in shadow, overshadowing of the adjoining courtyard, the loss of the internal stair, the oversupply of flats in the city centre and problems associated with increased levels of residents in this area.

Members will already have had access to the objection letters and the points raised are considered in the Observations Section of this Report.

CONSULTATIONS

The Head of Environmental Health and Trading Standards has had extensive discussions with the developers on the issues of contamination, air quality and noise.

On contamination, the Preliminary Risk Assessment has been considered, its conclusions are agreed with and a planning condition is proposed to cover this matter.



On Air Quality, the conclusions of the report insofar as they relate to the ground and first floor flats facing the Seagate are accepted. However, it is considered that it has not been established that there will not be a problem with air quality at second floor level and it is therefore proposed that a planning condition be attached to ensure adequate air quality for all the flats in the development.

The conclusions of the Noise Impact Assessment are accepted and again planning conditions are proposed to cover this matter.

The Council's Archaeological Consultant has noted that the development affects a significant archaeological site and he therefore suggests the imposition of a planning condition relating to archaeology.

Scottish Water have stated that there is adequate water and sewerage capacity to serve this development and that due to the proposed attenuation of surface

water, the development will not affect flooding downstream of the development.

Historic Scotland were informally consulted on the accompanying application for listed building consent and were generally supportive of the proposals.

OBSERVATIONS

Statutory Requirements

In accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997 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.

In accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the Council is required to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

In accordance with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the Council is required to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

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 on the design of new housing encourages good quality development but contains few prescriptive standards for sites within the City Centre on issues such as car parking and amenity space. However it does require dwellings to have at least two bedrooms and as there are three one bedroom flats within this proposal the

application was advertised as contravening Policy 4.

Policy 55 relates to urban design and as the proposal involves the conversion and extension of a listed building within the Central Area Conservation Area, Policies 59 and 60 on listed buildings and Policy 61 on development in conservation areas are also relevant. Taken together these policies require a good design quality for the development, the preservation or enhancement of the architectural or historic character of the listed building and the preservation or enhancement of the conservation area.

Previous proposals for a more dominant two storey extension above the listed building were withdrawn and the current application proposes a single storey recessed extension above the front elevation. The new extension will be light in character, consisting entirely of curtain walling and glazing. Because of its low height and recessed position along with the screening provided by the much taller buildings on either side of the site, this extension will not be apparent when the building is viewed from the Seagate and will serve to preserve both the listed building and the conservation area.

The extension to the rear of the building provides a light modern design in what might otherwise be a dark courtyard area. It also involves the removal of unattractive brick extensions and will have a positive impact on the listed building and the conservation area.

The building contains significant vacancy levels and is not being well maintained. Policy 59 encourages new uses for listed buildings and it is considered that the introduction of the proposed residential use will help to secure its future.

There are few features of interest within the listed building, apart from the mosaic and screen doors at the entrance and the internal stair which has attractive balustrades. The stair cannot be retained as its current location would severely hamper the conversion of the building to flats. However the applicants have agreed to salvage the balustrades for use within the development. The mosaic and screen doors will be retained.

It is considered that on this basis the development will preserve the listed building and the character of the conservation area.

It is concluded from the foregoing that the proposal does not comply with Policy 4 of the adopted Local Plan insofar as three flats have a single bedroom.



The Statutory Requirements under Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

These matters have already been



considered in the assessment of the development against Policies 60 and 61 of the Local Plan and it was concluded that the development would preserve the listed building and its features of architectural and historic interest and would preserve the character and appearance of the conservation area.

Other Material Considerations

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

- a The Failure to Comply with Policy 4

The principal aim of Policy 4 is to ensure that a satisfactory standard of residential amenity is provided for new housing developments. It is accepted that in city centre sites such as this it can often be impossible to provide parking and garden ground. However, the development has sought to ensure that each flat is provided with a good standard of amenity, with small

outdoor amenity areas being proposed for eight flats. Only three flats have one bedroom and these are all within the converted listed building (all flats in the extensions have two bedrooms). The conversion of the existing building, due to its layout and the positioning of stairs and lifts, makes it impossible to enlarge the three single bedroom flats and it is considered that this small deviation from Policy 4 is acceptable in this instance. In addition, the benefits of the proposed conversion of the

listed building in terms of securing its future and of introducing residential uses into the city centre are considered to further support the proposed development.

b The views of Objectors

The objectors are concerned about the lack of parking provision, the design of the development and in particular the use of white render, sewerage and flooding problems in the area, the absence of measures to deter seagulls, the loss of rentable outlets for small businesses (and in particular the loss of the karate school), the poor internal layout and the fact that the development would be in shadow, overshadowing of the

adjoining courtyard, the loss of the internal stair, the oversupply of flats in the city centre and problems associated with increased levels of residents in this area.

Parking is not a mandatory requirement for city centre flats if this is not feasible. In this case it is not possible to provide parking and whilst it is accepted that this will put additional pressure on current parking spaces, the accessible location of the site coupled with the small scale of the development means that any difficulties experienced will not be significant.

The issue of the design of the development has already been addressed and it was concluded that it was satisfactory. The proposal to use white render will help enliven what might otherwise become a dark courtyard area. Although the surrounding buildings are finished in brick, they are of modern design and the introduction of a new material is acceptable at this location.

It is not considered that the development will cause sewerage and flooding problems in the area and Scottish Water concur with this view.

Concerns about the absence of measures to deter seagulls can be addressed by a planning condition should Members be minded to approve the application.

Concerns about the loss of rentable outlets for small businesses and in particular the loss of the karate school are at odds with the substantial vacancy levels within this building (which have existed for a number of years) and in other premises within the city centre.

Concerns about the poor internal layout and the fact that the development would be in shadow and would overshadow the adjoining courtyard have been taken into account by the applicants. The proposed development extends both the height and depth of the buildings on the site, which has implications for the adjoining flats. In terms of potential overlooking there are no significant issues. The new north east facing windows on the proposed rear extension to the building will be at right angles to the south east facing windows on the adjoining block at 99 Seagate, are set back some 7 metres from the mutual boundary and are substantially screened by the gable wall of the building. South west facing windows are all secondary windows either serving corridors or as second windows for living areas. However they directly face rear windows at 24 Candle Lane (serving bedrooms and kitchens) and are only some 14.5 metres distant at the nearest point. It is therefore recommended that should Members be minded to approve the application that a planning condition should be imposed requiring these windows only to be glazed or reglazed in obscure glass.

In terms of overshadowing, the existing buildings are close together

and windows are already overshadowed. The proposed development will increase the scale and height of building to the rear of the building line formed by the adjoining blocks at 99 Seagate and 24 Candle Lane. To address this issue the applicants have provided plans indicating the impact of the proposed development on the adjoining properties at various times of the year. These images illustrate that there will be little additional impact. The principal difference will be that there will be a small increase in the extent of shadowing in the car parking area to the north east of the site. It is therefore concluded that there will be no unacceptable overshadowing if the development is approved. In addition to this it is not considered that the proposed flats will suffer from excessive overshadowing. Nine of the flats facing the Seagate will have large unobstructed windows as will most of the eight flats facing the courtyard to the rear. It is accepted that the lower ground floor flat will receive less light but it will still have an acceptable standard of amenity.

The issue concerning the loss of the internal stair has already been considered in the assessment of the proposal against Policy 60 and it was concluded that this was acceptable.

Finally the concern about the oversupply of flats in the city centre and problems associated with increased levels of residents in this area is not accepted. Encouraging new flats and residents in the city centre will help to sustain and enhance its vitality, particularly in the evenings and at weekends.

c Other Issues

Issues of air quality, contamination and noise have been satisfactorily resolved and planning conditions are proposed to ensure an adequate standard of amenity should Members be minded to approve the application.

It is concluded from the foregoing that sufficient weight can be accorded to material considerations such as to justify the grant of planning permission contrary to Policy 4 the adopted Local Plan. It is therefore recommended that planning permission be granted with conditions.

Design

The treatment of the listed building is handled sensitively and the proposed extensions respect the character and appearance of the building.

CONCLUSION

There is a justification for providing a small number of single bedroom flats in the proposed development contrary to the terms of Policy 4 of the Local Plan. The development complies in all other respects with the policies of the Local Plan. The proposed development will serve to preserve this visually important listed building and will provide a reasonable standard of residential amenity for the future occupiers of the dwellings.

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 Samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples.
- 3 Development shall not begin until the investigation and risk assessment proposed in the submitted Stage I Desk Study are completed and a remediation strategy to deal with contamination at the site has been submitted to and approved in writing by the planning authority. The strategy shall contain proposals to deal with contamination to include:
 - i the nature, extent and type(s) of contamination on the site.
 - ii measures to treat/remove contamination to ensure the site is fit for the use proposed and does not contain any significant pollution linkages.
 - iii measures to deal with contamination during construction works.

- iv verification of the condition of the site on completion of decontamination measures.
- 4 Before any unit is occupied the remediation strategy shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority.
- 5 No development shall take place within the site until a scheme of archaeological investigation (including a timetable) has been submitted to and approved in writing by the Council. This approved scheme shall be fully implemented as approved by the Council.
- 6 Details of the measures to be employed to ensure that the roofs of the development are not conducive to nesting or roosting birds 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.
- 7 Details of the provision of secure and covered cycle parking 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.
- 8 The four upper level windows on the south west elevation of the building shall only be glazed or reglazed in obscure glass.
- 9 The proposals set out in the Noise Impact Assessment by Bureau Veritas dated 5 February 2009 shall be fully implemented prior to the occupation of any of the proposed dwellings. The decision whether to use double glazing or secondary glazing shall take account of the requirement to obtain listed building consent for any new windows on this building.
- 10 Whole house ventilation shall be provided in ground and first

- floor dwellings that front onto the Seagate. Whole house ventilation shall also be provided for second floor dwellings that front onto the Seagate unless it is proven to the satisfaction of the Council that such a system is not required in order to overcome air quality issues. Details of the intake and exhaust for the whole house ventilation system as well as for the future maintenance (including frequency of inspections) of the system, shall be submitted to the Council for approval before any development commences and the development shall be carried out only in accordance with such approved details.
- 11 Details of the proposed air handling unit for the proposed whole house ventilation system, which shall be designed to achieve an internal noise standard not exceeding NR25 throughout the proposed flats in both habitable and non habitable rooms and a standard not exceeding NR35 as measured 1 metre from the facade of any adjacent residential property shall be submitted to the Council for approval before any development is commenced and the development shall be carried out only in full accordance with such approved details.
- 12 Details of the replacement of any windows in the listed building 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.
- 13 Details of the salvage and reuse of the stair balustrades and the protection and retention of the mosaic flooring and entrance doors 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.
- 14 Details of the layout and landscaping of the rear courtyard area, including proposed finishing materials, the height

and treatment of the internal wall enclosing the private terrace for the lower ground floor flat and the height and treatment of the boundary walls of 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.

- 15 Prior to the commencement of development full details of the proposed refuse management arrangements for the site, including details of access to these facilities, shall be submitted to and approved in writing by the Council and the development shall be carried out only in 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 ensure that the site is fit for the use proposed.
- 4 In order to ensure that the site is fit for the use proposed.
- 5 In order to examine, record, and salvage items related to archaeology and history.
- 6 To ensure that the site is not used by nesting or roosting gulls in the interests of residential and visual amenity.
- 7 In order to make adequate provision for cycle parking in accordance with Policy 82 of the adopted Dundee Local Plan Review 2005.
- 8 In order to prevent unacceptable overlooking of adjoining dwellings in the interests of residential amenity.
- 9 In order to ensure that residents are provided with an appropriate level of amenity.
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- 11 In order to ensure that residents are provided with an appropriate level of amenity.
- 12 In order to safeguard the appearance of the statutorily listed building and to improve its architectural appearance.
- 13 In order to safeguard the appearance of the statutorily listed building and to improve its architectural appearance.
- 14 In order to provide an appropriate standard of amenity for the occupiers of the proposed flats.
- 15 In order to provide adequate refuse facilities to serve the proposed development.