

KEY INFORMATION

Ward West End

Proposal

Refurbishment of Former Student Residences into Residential Flats, partial demolition and the formation of a car park

Address

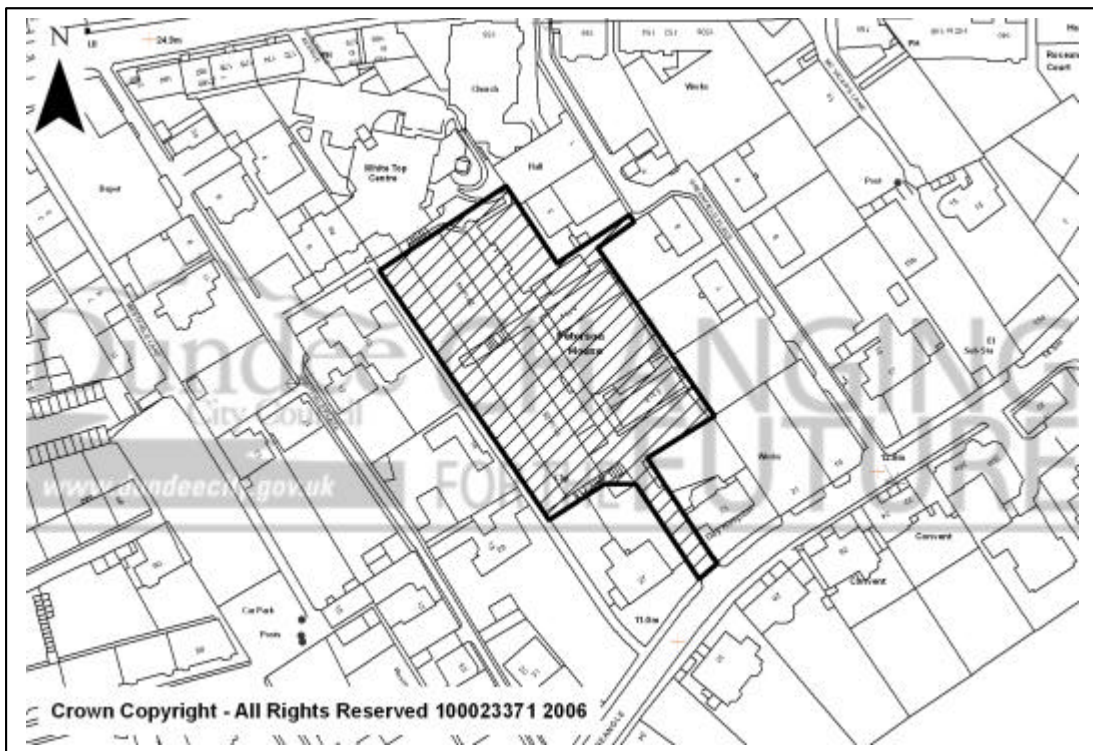
Peterson House
25 Roseangle
Dundee

Applicant

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Residential Conversion Proposed at Peterson House

The refurbishment of former student residences into residential flats is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

It is concluded that the proposals are in accordance with the relevant development plan policies. The statutory requirements set out in Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 are discharged. The application is recommended for **APPROVAL** subject to conditions. It is further recommended that the use of the new flatted units be subject to a legal agreement preventing their future use as a HMO.

SUMMARY OF REPORT

- Permission is sought to demolish one block and convert 3 remaining blocks of former student housing to private flatted accommodation. Each new unit will have a minimum of 2 bedrooms. The proposals also involve the provision of new stairs and lift facilities on the north west block, the formation of an associated off street car parking area on the west side of the site and minor alterations to the elevations of the retained blocks.
- The statutory neighbour notification procedure has been undertaken by the applicants. No objections or representations from members of the public have been received.
- It is concluded that the proposals are in accordance with the relevant development plan policies for the area and that the statutory requirements set out in Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 are discharged.
- There are no material considerations of sufficient weight that would justify the refusal of the application contrary to the provisions of the development plan.
- It is recommended that the use of the new flatted properties be subject to a legal agreement under Section 75 of the Act in order to prevent their future use as houses in multiple occupation.

DESCRIPTION OF PROPOSAL

The proposals under consideration seek permission to change the use of student accommodation to 33 flatted properties on a site located to the north of Roseangle and to the south of Perth Road. The application also involves the demolition of the south west block to assist in the formation of an off street car parking area for the scheme. Alterations to the retained buildings are also proposed and include the provision of new stairs and lifts, infilling works, new windows and the provision of bin stores.

The retained three storey south block on the east side of the site will accommodate 6 flats that will range in size from 79.3m² floor area to 109m². Each unit will have 2 bedrooms.

The 3 storey north block on the east side of the site that elevates in an east to west direction will accommodate 5 flats ranging in size from 87m² floor area to 116.8m². Each unit will contain 2 bedrooms

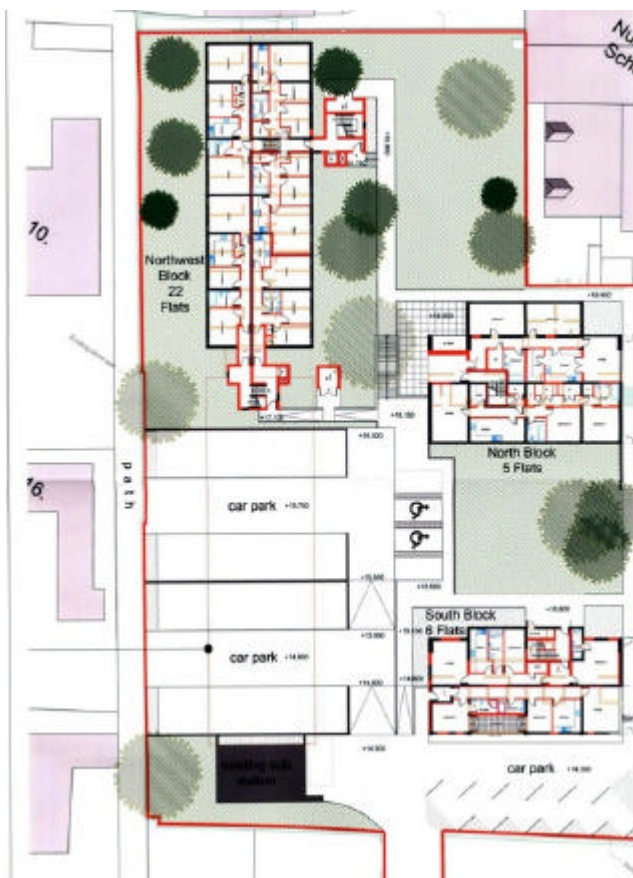
The large 4/5 storey north west block that elevates in a north to south direction down the west side of the site is to be sub-divided into 22 flats. These units will range in size from 60.2m² floor area to 94m² and each will contain 2 bedrooms. New stairs and lift facilities are to be provided on the south and east elevations of this block. These extensions will be finished in materials to match the existing ie smooth blue brick.

Access into the site is to be taken from Roseangle to the south by means of an existing roadway that runs between 23 and 27 Roseangle. Associated car parking (43 spaces) is to be located on the south east and the west sides of the site. The existing pedestrian access leading from the site to Greenfield Place to the east is to be retained.

SITE DESCRIPTION

The site is located to the north of Roseangle, to the south of Perth Road, to the west of Greenfield Place and to the east of Westfield Place. The site contains 4 blocks of 3 - 4/5 storey, flat roof former student

accommodation that is predominantly finished in blue brickwork. The site accommodates 198 bedrooms in 43 self contained units.



Vehicular access into the site is achieved via an existing roadway that runs northwards from Roseangle. Limited car parking is currently available (9 spaces) on the south side of the site. Open landscaped areas are evident throughout the site and these contain grassed areas, shrubs and a number of mature trees.

The surrounding area is of a character that is representative of its inner city location and includes residential and ecclesiastical uses. The White Top Centre is located on the north boundary of the application site.



The site is contained 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 3: Housing Investment Focus Areas - the City Council will encourage investment in housing and related social and physical infrastructure in the Housing Investment Focus Areas identified on the Proposals Map, working in partnership with Communities Scotland and the private sector. More detailed development frameworks, masterplans and action plans for each of the focus areas will be brought forward as appropriate by the Council and will form supplementary guidance to this Local Plan.

Policy 4: Design Of New Housing - 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.

Policy 61: Development In Conservation Areas - within Conservation Areas all development proposals will be expected to preserve or enhance the character of the surrounding area. This will require the retention of all features which contribute to the character and appearance including unlisted buildings of townscape interest, trees and landscape features and the historic pattern of streets and spaces, as identified in the Conservation Area management plans to be advanced in the near future.

Policy 62: Demolition of Listed Buildings and Buildings In Conservation Areas - applications for the demolition of a listed building or building that is worthy of retention in a Conservation Area must be fully supported by reports on the condition and marketing history of the building along with a feasibility study which explores the viability of retaining the building in active use.

Where the demolition of buildings is permitted, applications must be supported by acceptable proposals for the redevelopment or treatment of the cleared site.

Policy 72: Trees and Urban Woodland - New developments must have regard to existing healthy mature trees, the survival and retention of which will be strongly encouraged through sensitive site layouts and both during and after construction. Where appropriate, development proposals must be accompanied by a tree planting and landscaping scheme which includes a

supporting justification and sufficient map based material to document existing planting within the application site, as well as new planting and



maintenance arrangements. The Council will promote Tree Preservation Orders to protect individual trees or entire planting schemes where expedient to do so.

The Council and its partners will pilot



local urban woodland projects within suburban communities to provide sustainable land use treatment for



vacant or underused land. Temporary urban woodland projects will be based

on a "minimum cost, rapid impact, site recovery" approach with interpretative signage, so not to preclude future development. Public access will be

discouraged within these areas. In addition, peripheral vacant sites with little or no development value will be targeted by the Council and its partners for permanent urban woodland schemes.

The Council will also support advance planting on key development sites, enhanced tree planting within Greater Camperdown Country Park and the City Parks, as well as the creation of new community forests on the urban fringe in conjunction with neighbouring authorities.

Policy 79: Contaminated Land - when considering development proposals involving sites where the presence of contamination is suspected, the City

Council will require applicants to :

- a submit the results of site investigations which assess the nature and extent of any contamination which may be present; and
- b where contamination is found to be present, notify the authority of the remediation measures proposed to render the site fit for its intended use including all receptors.

Appropriate conditions and/or legal agreements may be applied to ensure that such measures are implemented to the satisfaction of the Council.

Alternatives to the uses permitted by the Local Plan may be supported on contaminated sites in instances where evidence can be presented to establish that the severity of contamination is such that the site cannot be economically developed for its allocated use. In such instances the City Council will require to be satisfied that:

- clear evidence has been provided to establish the nature and extent of the contamination present;

- an economic appraisal has been provided which demonstrates that development based on the Local Plan allocation is not economically feasible due to the remediation requirement;
- justification for the proposed alternative to the Local Plan allocation is supported by economic and market appraisals which include the assessment of other potential options; and
- the proposed alternative use can be justified in relation to other policies of the Local Plan

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

Scottish Planning Policy 23: Planning and the Historic Environment

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 implications arise from this application:

Policy 79 (Contaminated Land). Development proposals involving sites where the presence of contamination is suspected, the Council will require applicants to submit results of site investigations which assess the nature and extent of any contamination which may be present and notify the Council of the remediation measures proposed to render the site fit for the use proposed if evidence of contamination is found.

Due to the historical nature of the site, including the use as a hessian works, print works and an omnibus depot, there is contamination potential.

This issue is discussed in greater detail below.

SITE HISTORY

Application 9130 - Erection of 200 Student Flats, Janitors Flat, Garages, Laundry and Plant Room for

St Andrews University - Approved 5/01/65.

D19569 - Conversion of former garages to Students Common Room - Approved 8 August 1994.

08/00614/FUL - Demolition of Student Accommodation and Erection of 26 Dwelling Houses - Withdrawn 20 March 2009.

08/00612/CON - Demolition of Student Accommodation - Withdrawn 20 March 2009.

09/00155/CON - Demolition of South West Block - Application remains to be determined.

PUBLIC PARTICIPATION

The applicants have undertaken the statutory neighbour notification procedure. No objections to the proposals have been received from members of the public.



CONSULTATIONS

The Council's Head of Environmental Health and Trading Standards has advised that the proposed demolition of one of the existing residential blocks will expose previously covered ground. The site was previously used for industrial purposes including a hessian works, a print works and an omnibus depot which means the potential for the presence of contamination. It is intended to attach an appropriate condition to any permission granted requiring the discharge of this matter prior to the commencement of any development works on site.

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 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 and 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 3A (Housing Proposals) - this Policy requires that identified housing sites are reserved for housing purposes. The site is identified as a brownfield housing site on the Proposal Map of the Dundee Local Plan Review 2005. In this respect, it is concluded that the use of this site for residential purposes is consistent with the aims of Policy 3A.

Policy 4 (Design of New Housing) - this policy requires that all new residential developments within the city should be of a high quality. As a basis for this, new development will be required to conform to the Design Standards contained in Appendix 1 of the Plan. The location of the site dictates that the proposals should be assessed under the Design Standards relevant to the inner city sector of the city.

The proposal involves the demolition of the south west block of former student housing and changing the use the remaining 3 blocks of accommodation to 33 private residential flats. The site previously accommodated 198 bedrooms (204 occupants) in 43 self contained units. Appendix 1 advises that flats will only

be permitted if identified in a site planning brief, site specific circumstances demand a flatted solution or conversion of an existing building is proposed and houses are impractical. Also flats should have a gross internal floor area of 60m².

The applicants have submitted a Design Statement to accompany their proposals. This Statement, amongst other things, advises of the reasoned justification for the retention of the majority of the buildings and their use as private flatted accommodation. The proposals will result in minimal alterations to the internal layouts of the buildings to achieve the required minimum gross internal floor area of 60m². In addition, all flats will accommodate a minimum of 2 bedrooms.

The south west block is to be removed in order to improve sunlight into the site and also to increase the amount of off street car parking within the site from 9 spaces to 43 spaces. This equates to 130% provision throughout the site. Cycle parking is also to be provided.

The site currently contains a significant amount of open areas around the residential blocks. The submitted proposals advise that approximately 1260m² of open communal/garden area space would be available to the residents of the new accommodation (approximately 38 sq./flat). The Design Standards require a minimum of 10m² flat.

With regard to privacy / overlooking issues, the existing window openings within the buildings are to be substantially retained and consequently it is considered that the environmental qualities of the surrounding occupiers will not be further prejudiced by the proposals.

It is concluded from the above that the development is in accordance with the requirements of Policy 4 of the Plan.

Policy 61 (Development in Conservation Areas).

The site is contained within the West End Lanes Conservation Area. The removal of the south west block together with the scale of the minor extensions and alterations to the buildings are acceptable in this secluded site and consequently it is concluded that the proposals will have a positive impact on the setting and

character of the surrounding conservation area.

In this respect, it is considered that the proposals are in accordance with the requirements of Policy 61 of the Plan.

Policy 62 (Demolition of Buildings in Conservation Areas).

The south west block and the attached tall chimney structure of the complex form an incongruous architectural feature in the local area. It is considered that their removal from the site will assist in the preservation and enhancement of the surrounding conservation area. In addition, the application site is secluded in nature and the removal of the building will not result in the creation of an ugly or unattractive gap site in a prominent street frontage location. The proposed use of the site for off street car parking spaces is considered to be acceptable in this instance. In this respect it is concluded that the proposed demolitions are acceptable and in accordance with the terms of Policy 62 of the Local Plan.

A separate Conservation Area Consent application to demolish the south west block has been submitted to this Council for consideration (09/00155/CON refers). At the time of writing, this application remains to be determined.

Policy 72 (Trees and Urban Woodland) - the proposals to demolish the south west block and use provided associated off street car parking will result in the loss of two trees from the south west section of the site. The applicants have advised of their intention to replace these with four indigenous species in locations to be agreed with the planning authority. The remaining trees within the site are to be retained and protected during any construction works within the site. It is intended to attach appropriate conditions to any permission granted that relate to the replanting and protection of trees within the site.

It is concluded that the proposals do not contravene the terms of Policy 72 of the Local Plan.

Policy 79 (Contaminated Land) - due to the historical industrial nature of the land there is the potential for contamination to be evident within the site. It is intended to attach conditions to any permission granted that relate to the submission of appropriate site

investigation and remediation strategy reports in order to ensure that the site is fit for the use proposed.

It is concluded that the terms of Policy 72 of the Local Plan are not prejudiced by the demolition and conversion proposals.

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

The statutory requirements under Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 have also been discharged in the assessment of the proposals against the criteria of the Development Plan above.

Other Material Considerations

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

Sustainability

The applicants have submitted a Design Statement to accompany their planning application. A section of this Statement deals with the sustainability aspects of the proposals and the environmental benefits that will arise from the re-use of the existing buildings on this brown field site.

Houses in Multiple Occupation

Concerns have previously been expressed by the Committee about the conversion of residential properties in the certain areas within the city including the west end to HMO's with resulting impacts on residential amenity. In November 2006 the Planning and Transportation Committee approved supplementary planning policy guidance for controlling HMO's within the city. This guidance was reviewed in February 2008. This guidance states 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, by virtue of the size of the flats and their proximity to the University of Dundee campus area, to restrict changes of the use of the flats to HMO's. Such a restriction by means of a Section 75 Agreement has been discussed and agreed with the applicant's and their acceptance of it has been obtained.

It is concluded from the foregoing that there are no material considerations of sufficient weight to justify the refusal of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

The removal of the prominent south west block from the site will not result in a reduction in the environmental quality of the surrounding area. The relatively minor alterations to the retained buildings will assist in the visual improvement of these structures and will enhance their setting in the conservation area.

CONCLUSION

In examining the details of this application, it is considered that the various demolitions, extensions and alterations proposed will significantly improve the appearance of the retained buildings in the local area. It is also concluded that the proposals will preserve and enhance the character and setting of the surrounding conservation area.

The proposed internal conversion works will result in the provision of good quality flat units and the retention of the buildings will ensure minimal disruption to the existing trees which play an important visual role in the setting of the site. The proposals are in accordance with the relevant development plan policies for the area and the statutory requirements under Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is discharged.

The applicants, in their Design Statement, have put forward arguments in support of the development in terms of the sustainability advantages in re-using the existing buildings. It has been confirmed that the units are sound in both structure and construction and that there are no overriding reasons for demolition and removal of all the buildings from the site.

There are no material considerations of sufficient weight that would justify the refusal of this application contrary to the provisions of 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 flats becoming a house 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 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 full details of hard and soft landscaping works have been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - a existing landscape features and vegetation to be retained and, in the case of damage, restored;
 - b soft and hard landscaping works;
 - c indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;
 - d location of new trees, shrubs and grassed areas;
 - e schedule of plants to comprise species, plant sizes and proposed numbers/density; and
 - f programme for completion and subsequent maintenance.

For the avoidance of doubt, any trees or shrubs which, in the opinion of the planning authority, are dying, severely damaged or diseased within 5 years of planting shall be replaced by trees or shrubs of a similar specification to those originally planted.

- 4 Development shall not begin until the trees to be retained within the site have been protected by suitable fencing. Details of this fencing shall be submitted for the consideration of the planning authority and no work shall commence until written approval of the planning authority has been given.
- 5 That prior to the commencement of development full details of the proposed refuse management arrangements for the site, including details of improvements to the existing facilities, shall be submitted to and approved in writing by the planning authority.
- 6 That no alterations or improvements to the access or the visibility splay of the access shall be undertaken without the prior written approval of the planning authority.
- 7 Development shall not begin until an appropriate risk assessment is completed and a remediation strategy to deal with any 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:
 - a the nature, extent and type(s) of contamination on the site;
 - b measures to treat/remove contamination to ensure that the site is fit for the use proposed and does not contain any significant pollution linkages;
 - c measures to deal with contamination during construction works; and
 - d verification of the condition of the site on completion of decontamination measures.

For the avoidance of doubt, 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 in writing by the planning authority.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 To protect those landscape features which are of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development.
- 4 To protect those trees which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance of the development.
- 5 In the interests of sustainable development.
- 6 To enable drivers leaving the site to have a clear view over a length of road sufficient to allow safe exit.
- 7 In order to ensure that the site is fit for the use proposed.