

KEY INFORMATION

Ward West End

Proposal

Alterations to Block C to form 2 No additional flats in roofspace and alterations to 3 No other existing flats in Block C to provide additional bedroom

Address

Keiller Court
66 Horsewater Wynd
Dundee

Applicant

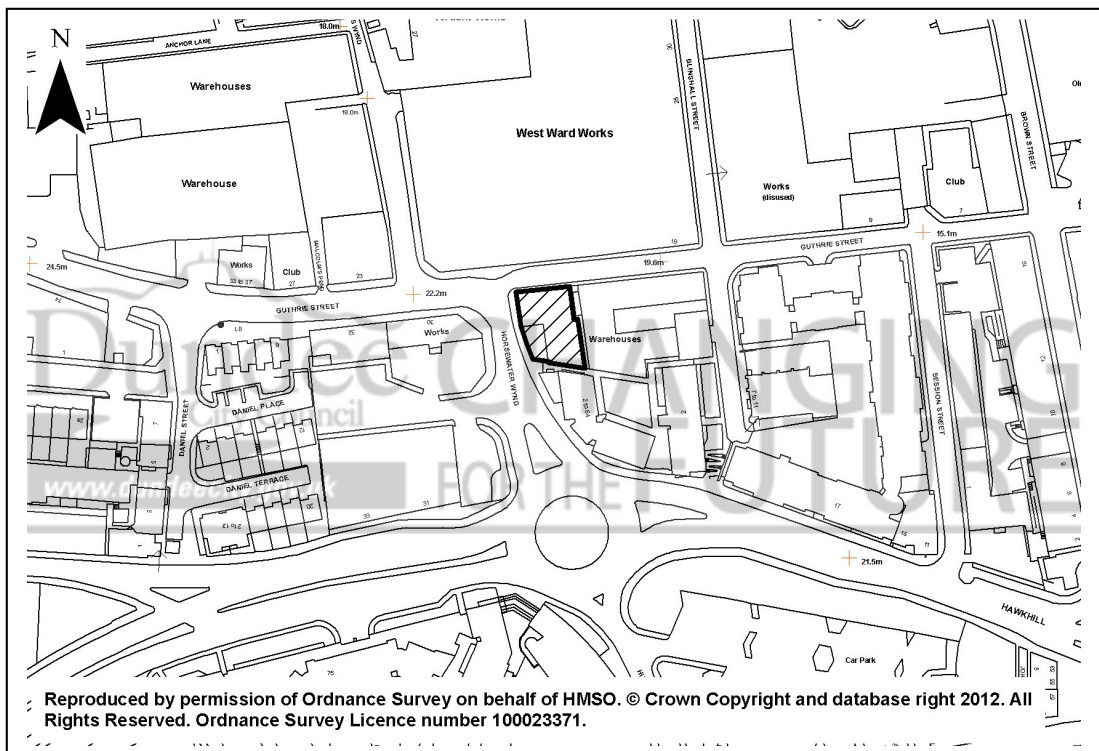
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Two Flats Proposed at Horsewater Wynd Student Complex

The Alterations to Block C to form 2 No additional flats in roofspace and alterations to 3 No other existing flats in Block C to provide additional bedroom are **RECOMMENDED FOR APPROVAL subject to conditions and the completion of a Section 75 Planning Obligation**. Report by Director of City Development.

RECOMMENDATION

The proposals satisfy the requirements of the Development Plan. The concerns of the objectors are not supported. There are no other material considerations that would justify refusal of planning permission. The application is therefore recommended for **APPROVAL** subject to conditions and the revision/completion of a Section 75 Planning Obligation.

SUMMARY OF REPORT

- This application seeks planning permission for the formation of 2 student flats in the roof space and internal alterations to existing student flats on the ground, first and second floors of the B listed building to create additional bedrooms within the Keiller Court student housing complex at 66 Horsewater Wynd, Dundee.
- Policies 9 (Student Housing), 60 (Alterations to Listed Buildings) and 61 (Development in Conservation Areas) of the Dundee Local Plan Review 2005 are relevant to this application.
- 6 letters of objection have been received from residents of the existing student flats at Keiller Court. The concerns raised relate to noise disturbance from building works and the impact that this will have on the amenity of the existing students living at Keiller Court.
- The concerns of the objectors are not supported.
- The proposals satisfy the requirements of the Development Plan.

DESCRIPTION OF PROPOSAL

This application seeks planning permission for the formation of 2 student flats in the roof space and internal alterations to existing student flats to create additional bedrooms within the B listed Keiller Court student housing complex at 66 Horsewater Wynd, Dundee.

The proposed student flats will comprise of 5 and 6 bedrooms respectively, a living, dining and kitchen area and 2 communal bathrooms.

The internal alterations to the B listed building will create an additional bedroom in 3 of the existing 5 bedroom flats on the ground, first and second floors of the building.

Externally it is proposed to install roof lights on the northern and southern roof planes of the building to provide light and a means of escape from the proposed flats.

In accordance with Section 26 of the Town and Country Planning (Scotland) Act 1997 as amended the proposals require to be the subject of a formal application for planning permission as they involve the formation of 2 flats.

In accordance with the Councils Scheme of Delegation this application is being reported to the Development Management Committee as 6 objections have been received from residents of the existing student flats.

SITE DESCRIPTION

The site is bounded by Guthrie Street to the north and by Horsewater Wynd to the west. The site comprises of a 2 storey stone built former industrial/warehouse building which is Category B listed. This building as well as those to the north and east form student accommodation. To the south of the site there is a 7 storey modern building which also forms student apartments.

The surrounding area displays a wide range of uses including restaurants, residential, industrial, religious, business, commercial and education.

The site is located within Blackness 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 9 (Student Housing).
- Policy 60 (Alterations to Listed Buildings).
- Policy 61 (Development in Conservation Areas).



Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

- Scottish Planning Policy 2010.

- Scottish Historic Environment Policy 2009.

Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application.

SUSTAINABILITY ISSUES

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

SITE HISTORY

Planning application ref: 06/01185/FUL sought planning permission for the change of use of the former warehouse to student accommodation and erection of new student accommodation to form 86 flats on land to the north of Hawkhill, Dundee. This application was approved subject to the completion of a Section 75 Planning Obligation by the Council's Development Management Committee on 26 March 2007.

Listed building consent ref: 06/01183/LBC sought listed building consent for alterations and extension to form student accommodation at land to the north of Hawkhill Dundee. This application was approved by the Council's Development Management Committee and Cleared by Historic Scotland on 24 April 2007.

Listed building consent application ref: 12/00048/LBC has been granted for internal alterations to the B listed building at Keiller Court to facilitate the creation of 2 additional flats in the attic space of the building and additional bedrooms in existing flats.

PUBLIC PARTICIPATION

The Council has carried out the statutory neighbour notification procedure as stipulated in Section 19 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

6 letters of objection have been received from students living in the

existing student accommodation. The concerns raised relate to noise disturbance during construction and the impact that this will have on the level of amenity afforded to residents of the existing flats.

Members will already have had access to copies of the objection letters and the issues raised are discussed in the "Observations" section below.

CONSULTATIONS

No adverse comments have been received from consultees.

OBSERVATIONS

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.

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

This application seeks planning permission to adapt and alter the existing student accommodation at Keiller Court to create 2 additional flats in the attic space and an extra bedroom in 3 of the existing flats.

Due to the nature of the proposals, Policy 9 (Student Housing) of the adopted Local Plan applies. This Policy identifies sites for the development of student housing and also advises that proposals on sites

within 15 minutes of the main Universities will be supported where this is in accordance with other local plan policies. The preamble to this policy also advises that the Universities will need to keep under review the demand for student accommodation to ensure that supply is managed to guard against a surplus emerging.

Universities and is also located on a main bus route through the City. In this respect the proposals will not adversely impact on existing car parking pressures or road and pedestrian safety on the streets surrounding the application site.

In the granting of planning application 06/01185/FUL the Council and applicant recognised that the use of the

proposed student flats required to be controlled by way of a Section 75 Planning Obligation as should the flats have been used for mainstream residential purposes the level of amenity afforded to such properties would have been unacceptable due to the low level of garden ground and in-curtilage car parking provision. Should the Committee be minded to grant planning permission for the proposed development, this will be subject to the approved flats being incorporated into the original S75 planning obligation.



Although the proposals involve the creation of additional accommodation within an existing student housing complex the application site has been allocated by the Dundee Local Plan Review 2005 as a site for student housing. It is therefore considered that the principle of creating additional student accommodation at this location is acceptable.

Policy 60 (Alterations to Listed Buildings) is supportive of proposals that seek to preserve or enhance the architectural or historic character of listed buildings.

The external alterations to the roof of the B listed building will have a neutral affect on the appearance of the building. The form and fitting of the proposed roof lights will be controlled by condition to ensure that the proposals do not adversely impact on the historic appearance of the building.



Although the proposals do not include an extension to the existing car parking facilities at Keiller Court, the student housing facility is located in close proximity to the City Centre and

Internally the existing building has no features of historic importance as these were stripped out when the building was converted to student accommodation. Therefore the internal alterations would affect modern partitions only and would have no bearing on the special historic interest of the building.

The proposals satisfy the requirements of Policy 60 (Alterations to Listed Buildings) of the Dundee Local Plan Review 2005.

Policy 61 (Development in Conservation Areas) is supportive of proposals that seek to enhance or

preserve the character of conservation areas.

The proposed external alterations to the B listed building will not adversely affect the appearance of the building relative to the surrounding streetscapes and historic Blackness conservation area. This is because the form and fitting of the roof lights will be controlled by condition to ensure that they are flush fitting and of a conservation style. In addition only the roof lights on the western and southern roof planes will be publicly visible. Given the topography of the surrounding area and the form of the application site and surrounding premises the northern roof plane will not be publicly visible.

The proposals satisfy the requirements of Policy 61 (Development in Conservation Areas) of the Dundee Local Plan Review 2005.

By satisfying the requirements of Policies 60 and 61 the proposals also comply with Policy 9 of the Dundee Local Plan Review 2005.

The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended

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.

By satisfying the requirements of the Dundee Local Plan Review 2005 the statutory duty set out in Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended have been discharged.

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 - National Policy and Guidance

The Scottish Planning Policy 2010 and the Scottish Historic Environment Policy 2009 set out the means by which proposals for alterations to listed buildings and development in conservation areas should adhere to the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended. By satisfying the requirements of the Development Plan and discharging the statutory duties set out in Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended the proposals adhere to the guidance contained within the Scottish Planning Policy 2010 and the Scottish Historic Environment Policy 2009.

B - Views of Objectors

6 letters of objection have been received from residents of the existing student accommodation at Keiller Court. The concerns raised relate to noise disturbance and the impact on the level of amenity afforded to residents of the student flats during construction.

Construction noise is not normally taken into account in considering the impact of a proposed development on residential amenity unless there are exceptional circumstances. In this case there are not considered to be exceptional circumstances and noise issues during construction can be controlled by environmental legislation.

In this particular case the applicant has confirmed that should the Committee be minded to grant planning permission for the proposed development the works will take place out with term time when the existing student accommodation is vacant. This will ensure that the level of amenity afforded to students currently living in the existing student flats at Keiller Court is maintained for the remainder of the semester to ensure that there is no impact on the living conditions of student residents in the build up to year end exams. However this is a voluntary arrangement by the developer and for the reasons stated above, if it is not adhered to for any

reason then complaints about unacceptable construction noise can be dealt with through environmental legislation.

In this instance the concerns of the objectors are not supported.

It is concluded from the foregoing that the material considerations outlined above support the approval of planning permission.

Design

The external alterations of the B listed building will be controlled by condition to ensure that they do not affect the special character of the building or the surrounding historic streetscapes of the Blackness Conservation Area.

CONCLUSION

The proposals satisfy the requirements of the Development Plan. The concerns of the objectors are not supported. There are no other material considerations that would justify refusal of planning permission. It is therefore recommended that planning permission is granted subject to the revision/completion of a Section 75 planning obligation and conditions.

RECOMMENDATIONS

Recommendation 1

This planning permission shall not be issued unless and until the existing Section 75 planning obligation relating to the erection of 86 student flats on Land to the north of Hawkhill is revised or a new Section 75 planning obligation between the Council and parties with appropriate interests in the land has been recorded. This obligation will relate to the prohibition of any of the proposed flats approved by planning application ref: 06/01185/FUL and 12/00047/FULL being used for mainstream residential purposes.

Recommendation 2

It is recommended that consent be GRANTED subject to the following conditions:

- 1 Prior to the commencement of work on site, details of the proposed roof lights including sections showing their projection from the roof planes of the B listed building shall be submitted

to the Council for written approval. Thereafter, only the form and fitting of the roof lights approved by this condition shall be installed in roof planes of the building at 66 Horsewater Wynd.

- 2 The proposed flats hereby approved shall be used to provide student accommodation only and for no other purposes. For the avoidance of doubt this means that at no time shall the proposed student flats hereby approved by used as mainstream residential accommodation.

Reasons

- 1 In the interests of safeguarding the historic character and appearance of the B listed building.
- 2 In the interests of safeguarding the level of amenity afforded to the existing student flats at Keillor Court.