

Formation of Student Accommodation in Brown Street, Dundee

KEY INFORMATION

Ward West End

Address

The Old Mill
19 Brown Street, Dundee

Applicant

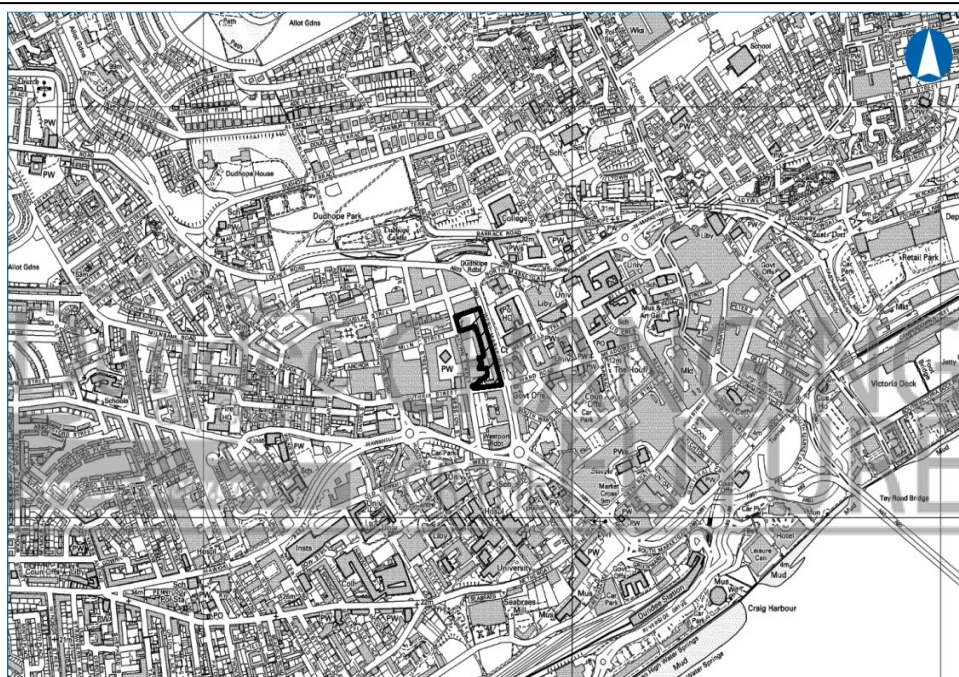
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Agent

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Registered 12 June 2014

Case Officer Paul Macari



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SUMMARY OF REPORT

- This application seeks planning permission to convert a former retail unit to form 22 duplex studio apartments and a new management facility, common room and reception in the vacant former Transform Furniture store on the ground floor of The Old Mill 19 Brown Street.
- Policies 3, 14, 44, 45, 47, 48 and 50 of the Dundee Local Development Plan are relevant to the outcome of this application.
- No letters of objection or representation have been received.
- The proposals accord with the requirements of Policies 14, 44, 45, 47, 48 and 50 of the Local Development Plan but are contrary to Policy 3.
- More details can be found at <http://idoxwam.dundeeccity.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=N6YN9VGCJLJ00>.

RECOMMENDATION

The proposal fails to satisfy the requirements of the Development Plan. There are material considerations that would justify approval of planning permission. Therefore, it is recommended that this application is **APPROVED** subject to conditions and the completion of a Section 75 Planning Obligation.

1 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission to convert a former retail unit to form 22 duplex studio apartments, a new management facility, common room and reception area to serve the existing student accommodation facility at The Old Mill, 19 Brown Street, Dundee.
- 1.2 The student apartments will be located in the northern and western wings of the former retail unit with the new management facility, common room and reception located centrally.
- 1.3 Internally the proposals will comprise of the erection of partition walls to divide the former retail space, the erection of twenty three sets of stairs to form the twenty two duplex apartments as well as the common room and management facility. The reception area will be located on the ground floor at the main entrance on Guthrie Street.
- 1.4 The proposed duplex apartments will comprise of an open plan lounge, kitchen and dining area and a bathroom on the ground floor with stairs providing access to a mezzanine level comprising of a bedroom and study area.
- 1.5 Externally the proposals will involve the restoration of original door openings in the northern elevation, the repair of the existing windows and repairs to the facade of the A listed building where necessary. The proposals will also involve the relocation of the existing bicycle and refuse storage facilities adjacent to the western elevation of the application site.
- 1.6 Detailed design and planning statements, a noise impact assessment, contaminated land risk assessment and details of whole house ventilation have been submitted in support of the proposed development.
- 1.7 In accordance with the Council's Scheme of Delegation this application is being reported to the Development Management Committee with a recommendation for approval subject to the completion of a Section 75 Planning Obligation.

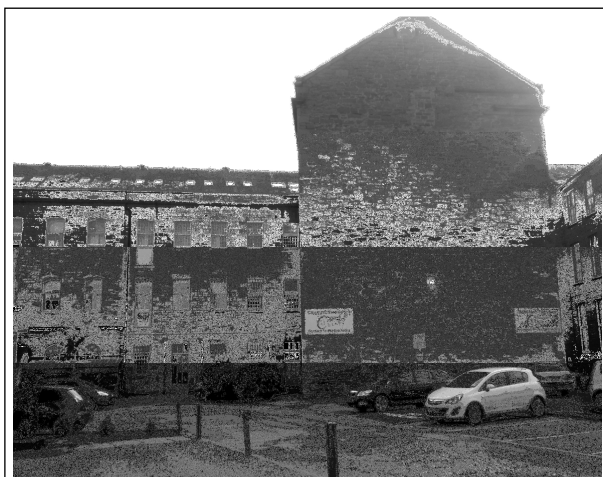


Figure 1 – West Elevation

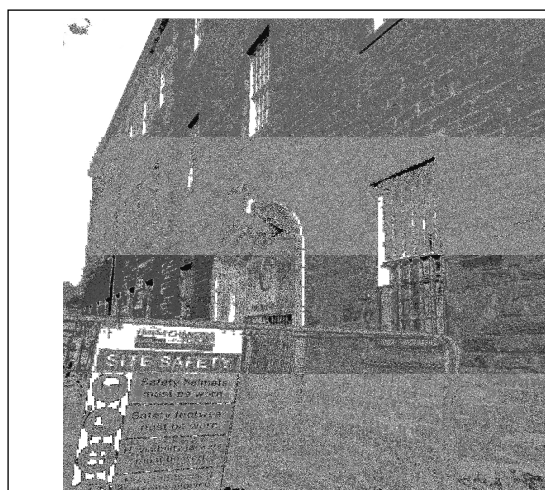


Figure 2 – South Elevation

2 SITE DESCRIPTION

- 2.1 The application site comprises the former Transform Furniture retail unit located on the ground floor of the Old Mill, 19 Brown Street. The retail unit is located in the south eastern corner of the mill complex and is bound to the east by West Marketgait and to the south by

Guthrie Street. To the north and west the application site is served by a court yard serving the Old Mill Complex. The court yard is accessed from Brown Street.

- 2.2 The Old Mill complex is an A listed former Jute Mill located within Blackness Conservation Area. The building is stone built with a pitched roof finished in slate. The building has white painted timber framed sash and case windows.

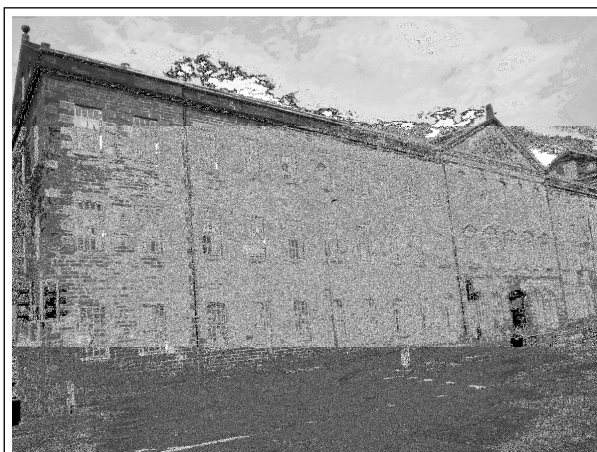


Figure 3 – East Elevation

3 POLICY BACKGROUND

- 3.1 The following plans and policies are considered to be of direct relevance:

DUNDEE LOCAL DEVELOPMENT PLAN

Policy 3: General Economic Development Areas

Policy 14: Student Accommodation

Policy 44: Air Quality

Policy 45: Land Contamination

Policy 47: Environmental Protection

Policy 48: Listed Buildings

Policy 50: Development In Conservation Areas

- 3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

4 SITE HISTORY

- 4.1 Applications ref: 10/00096/FULL and 10/00097/LBC sought consent to convert an existing ground floor retail unit to 25 student studio apartments at Old Mill, 19 Brown Street. Both of these applications were refused planning permission by the Development Management Committee. Consequent appeals to the DPEA were successful and planning permission and listed building consent for the conversion of the former retail unit to 25 student studio apartments was granted.

5 PUBLIC PARTICIPATION

- 5.1 The statutory neighbour notification procedure outlined by the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 have been adhered to. This application has also been advertised in the Dundee Evening Telegraph. No objections or letters of representation have been received.

6 CONSULTATIONS

- 6.1 **Environmental Protection** – it is requested that issues relating to air quality are overcome by conditions requiring the installation and maintenance of a whole house ventilation system prior to the first occupation of the proposed student accommodation. Similarly concerns relating to noise disturbance from passing traffic should be overcome by the implementation

of the recommended mitigation measures outlined in the report submitted by New Acoustics dated 25 June 2014 entitled Proposed Student Accommodation, Marketgait, Dundee. This matter will be addressed by condition

- 6.2 Concerns relating to the presence of contamination on site have also been raised given the historic use of the application site. This matter shall also be addressed by conditions should planning permission be granted.

7 DETERMINING ISSUES



Figure 4 – Proposed Ground Floor Plan



Figure 5 – Proposed Upper Ground Floor

- 7.1 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.

THE DEVELOPMENT PLAN

The provisions of the development plan relevant to the determination of this application are specified in the Policy Background section above.

DUNDEE LOCAL PLAN REVIEW 2005

- 7.2 **Policy 3: General Economic Development Areas** - this policy supports proposals involving uses falling within Classes 4, 5 or 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and uses of a wider industrial nature such as wholesalers, car showrooms and scrap yards within areas of the City designated by the Local Development Plan as General Economic Development Areas.
- 7.3 The development involves the creation of student accommodation which is a Class 8 use within Blackness General Economic Development Area. The proposal does not fall within Classes 4 (Business), 5 (General Industrial) or 6 (Storage and Distribution) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended.
- 7.4 **The proposal contravenes Policy 3.**

7.5 **Policy 14: Student Accommodation** - this policy is supportive of proposals for the creation of student accommodation where:

- 1 it can be suitably demonstrated that a demand exists within the particular area for the level and type of student accommodation proposed;
- 2 it is within convenient walking distance of the higher education institution to which a need exists and is well connected to local services and facilities; and
- 3 the design and layout of the proposed development is of a high quality and provides an appropriate level of amenity space, car parking provision, refuse/recycling storage space and secure bike storage facilities.

A Section 75 planning obligation may be required to restrict occupancy to students unless a higher education institution is a partner in the proposed development, in which case planning conditions may be appropriate.

7.6 The Student Accommodation Market Report 2014 prepared by the applicant demonstrates that there is greater demand for studio and two bedroom apartments rather than five and six bedroom apartment options. As a result of this significant change in demand Crosslane have undertaken to reconfigure the existing student accommodation offering at the Old Mill. The report highlights that the current application forms an integral part of the reconfiguration of the existing student accommodation with the 66 six bedroom flats being removed completely and the number of five bedroom apartments being reduced from 95 to 65 and the number of three bedroom apartments being reduced from 42 to 30 in order to meet the increased demand for studio and two bedroom apartments. The reconfiguration of the existing three, five and six bedroom apartments including the creation of 22 studio apartments proposed by the current application will result in an increase in studio apartments from 33 to 98, two bedroom apartments from 66 to 114. However, including the current proposal the reconfiguration of student accommodation at the Old Mill will result in the overall number of student bed spaces remaining at 414.

7.7 It is therefore considered that while there is a demand for additional studio student apartments within Dundee, the current application will not increase the number of student bed spaces offered at the Old Mill but rather forms part of an overall project by Crosslane to provide modern student accommodation that meets the needs of the City's students. In this instance the proposals satisfy the requirements of Criteria 1 of Policy 14.

7.8 The application site is located on the boundary of the City Centre in close proximity to a variety of services and facilities. In addition the proposed student accommodation will be located within convenient walking distance to University of Dundee and Abertay University, the railway station and bus station. Given the accessibility of the application site to both higher/further education institutions, local services and facilities the proposals satisfy the requirements of Criteria 2 of Policy 14.

7.9 The proposal involves the conversion of a former retail unit within the A listed Old Mill complex. The mill currently houses 414 student bed spaces and is served by a small area of car parking, a secure bicycle storage area and refuse storage area in the rear courtyard. The proposed student accommodation will be served by the existing bicycle and refuse storage facilities and will also have access to the small car parking area to the rear of the building. However, given the convenient location of the application site in relation to higher/further education institutions, local services and facilities, the railway station and bus station there is no reason for students residing at the Old Mill complex to be dependent upon the private car as their main mode of transport through the City. In this instance the proportion of student car parking spaces available within the Old Mill complex relative to the number of

student bed spaces is considered to be adequate. The proposals satisfy the requirements of Criteria 3 of Policy 14.

- 7.10 As the proposed student accommodation is not being developed in partnership with any of the City's further or higher education institutions the applicant is agreeable to the occupancy of the proposed student apartments being restricted by way of a Section 75 Planning Obligation.
- 7.11 **The proposal satisfies Policy 14**
- 7.12 **Policy 44: Air Quality** - this policy only supports new development that will introduce people into areas of elevated pollution concentrations where mitigation measures are adopted to reduce the impact to levels acceptable to the Council.
- 7.13 The application site is located within an identified air quality hotspot. However, the applicant has submitted details relating to a whole house ventilation system whereby clean air taken from the roof of the Old Mill will be circulated through the proposed student accommodation. This will mitigate against the effects of poor air quality generated by passing traffic on West Marketgait. The Head of Environmental Protection has requested that this matter is controlled by condition to ensure that the whole house ventilation system is in place before the first occupation of the student accommodation should planning permission be granted.
- 7.14 **The proposal satisfies Policy 44.**
- 7.15 **Policy 45: Land Contamination** - this policy requires development proposals for potentially contaminated brownfield land to be accompanied by a site investigation report with a satisfactory remediation strategy to treat and mitigate against the effects of the contamination identified by the site investigation report.
- 7.16 The Head of Environmental Protection is satisfied that this matter can be controlled by condition.
- 7.17 **The proposal satisfies Policy 45.**
- 7.18 **Policy 47: Environmental Protection** - this policy requires new development in close proximity to existing sources of noise to demonstrate that it can achieve a satisfactory level of amenity.
- 7.19 A noise impact assessment has been submitted in support of the proposed development. The recommendations of the noise impact assessment if implemented in full demonstrate that noise from passing traffic will not adversely impact on the level of environmental quality afforded to the proposed flats. The implementation of the recommendations of the noise impact assessment will be controlled by condition.
- 7.20 **The proposal satisfies Policy 47.**
- 7.21 **Policy 48: listed Buildings** - this policy is supportive of alternative uses of listed buildings where this is necessary to secure their future. Alterations to listed buildings will only be considered acceptable where the proposals have regard to the preservation or enhancement of its architectural or historic character.
- 7.22 The proposal presents the opportunity to bring a vacant retail unit within an A listed building into use as student accommodation which would be consistent with the existing use of the remainder of the ground and upper floors of the listed building. Externally the proposals will have minimal interventions to the listed building and will mainly involve the reinstatement of

existing door openings. Internally the vaulted ceilings and pillars shall be retained in situ. The partitions separating the studio apartments, new management facility, common room and reception shall be erected around the pillars. The vaulted ceilings shall be exposed within the studio apartments and common room. The form and finish of the external alterations to the listed building shall be controlled by condition to ensure that they do not diminish the historic fabric or appearance of the A listed building. The design statement outlines the processes that will be undertaken to sensitively restore and repair the existing windows and doors as well as the methods that shall be employed to sensitively utilise the internal space within the application site to create the student accommodation, management facility, common room and reception area.

7.23 The proposals shall preserve what remains of the historic fabric and character of the A listed building.

7.24 **The proposal satisfies Policy 48.**

7.25 **Policy 50: Development in Conservation Areas** - this policy is supportive of proposals that will preserve or enhance the character of the surrounding area. The proposals will not involve any significant alterations to the appearance of the listed building. In this instance as the appearance and historic character of the A listed building will be preserved the proposals will also preserve the character of the surrounding conservation area.

7.26 **The proposal satisfies Policy 50.**

7.27 It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

Statutory Duty

7.28 Section 59 Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Council to have special regard to the desirability of preserving or enhancing the character or setting of listed buildings.

7.29 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that the Council have special regard to any buildings or other land in a conservation area and special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the area.

7.30 It has been established in the assessment of the proposal against the requirements of the Local Development Plan above that the internal and external alterations to the listed building will preserve the historic fabric and appearance of the A listed building while also preserving the character of the surrounding Blackness Conservation Area. In this instance by approving this application the statutory duty outlined by Sections 59 and 64 of the

7.31 **Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 will be discharged.**

OTHER MATERIAL CONSIDERATIONS

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

GENERAL ECONOMIC DEVELOPMENT AREAS

7.33 Areas of the City designated by the Dundee Local Development Plan as General Economic Development Areas are safeguarded for uses falling within Classes 4, 5 or 6 of the Town

and Country Planning (Use Classes) (Scotland) Order 1997 and wider industrial uses such as car show rooms, scrap yards and wholesalers.

- 7.34 The Planning Statement submitted in support of the proposed development highlights that the proposal does not involve the creation of new floor space and the site is already in use for purposes outwith Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended. The Planning Statement also highlights that the predominant use of the Old Mill Complex is student accommodation. Taking these factors into account the Planning Statement concludes that the proposed development will safeguard the level of amenity afforded to the existing student accommodation within the Old Mill complex while also safeguarding the integrity of Blackness General Economic Development Area through the conversion of an existing retail unit rather than converting an existing industrial premises to student accommodation.
- 7.35 The material considerations outlined above are of sufficient weight to justify a departure to Policy 3 of the Dundee Local Development Plan in favour of the creation of 22 student studio apartments within Blackness General Economic Development Area. However, 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.
- 7.36 **It is concluded from the foregoing**

8 CONCLUSION

- 8.1 The proposal fails to satisfy the requirements of the Development Plan. There are material considerations that would justify approval of planning permission. Therefore, it is recommended that this application is approved subject to conditions and the completion of a Section 75 Planning Obligation.

9 RECOMMENDATION

RECOMMENDATION 1

- 9.1 This planning permission shall not be issued unless and until an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 as amended between the Council and parties with appropriate interests in the land has been recorded. This agreement will restrict the occupancy of the proposed student accommodation.

RECOMMENDATION 2

- 9.2 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 repair and restoration of stone work, doors and windows and the formation of door openings as well as the installation of any vents or flues shall be submitted to the Council for written approval. Thereafter, the works approved by this planning permission shall be carried out in strict accordance with the details approved by this condition.
 - 2 Prior to the first occupation of the proposed student flats hereby approved, the recommended noise mitigation measures detailed in the report by New Acoustics dated 25 June 2014 entitled Proposed Student Accommodation, Marketgait, Dundee shall be implemented in full.

- 3 Prior to the first occupation of the student accommodation hereby approved, the whole house ventilation system shall be installed and fully operational. For the avoidance of doubt, the ventilation system hereby approved shall be maintained and serviced in strict accordance with the manufacturer's instructions.
- 4 Development shall not begin until detailed plans for the investigation and risk assessment of ground gas issues proposed in the submitted Stage I Desk Study are submitted and approved by the Council. This investigation and risk assessment must be completed and, if necessary, a remediation strategy to deal with any contamination at the site should be 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 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.
- 5 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.

REASONS

- 1 In the interests of safeguarding the character and appearance of the A listed building.
- 2 In the interests of safeguarding the level of environmental quality afforded to the proposed student accommodation.
- 3 To ensure a satisfactory standard of air quality within the student accommodation hereby approved.
- 4 In the interests of decontaminating the application site so that it is fit for purpose.
- 5 In the interests of ensuring that the application site is decontaminated and fit for purpose.