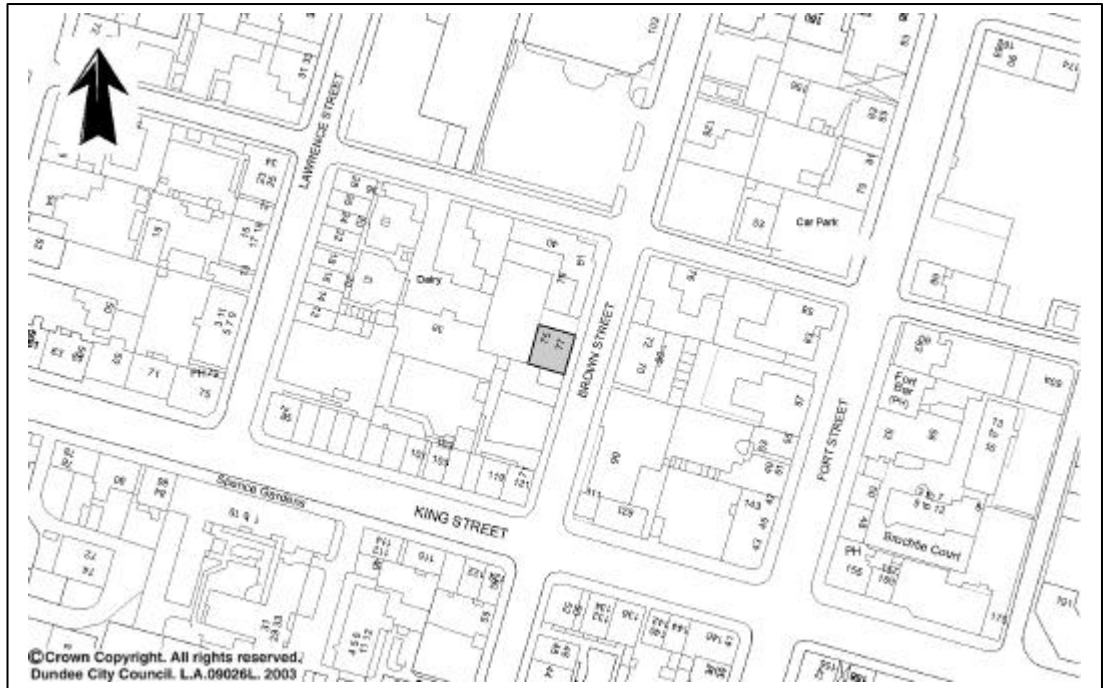


KEY INFORMATION**Ward** Broughty Ferry**Proposal**

Conversion of shop unit/office to residential 2 bedroom flat

Address77 Brown Street
Broughty Ferry
Dundee
DD5 2EP**Applicant**Ferry Properties Ltd
C/o Pask & Pask
18 High Street
Newport
DD6 8AD**Agent**Pask & Pask
18 High Street
Newport
DD6 8AD**Registered** 27 August
2004**Case Officer** C Walker

Proposal to Convert Shop/Office Unit into a flat in Brown Street

The Conversion of shop unit/office to residential is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development provides a satisfactory standard of residential amenity in compliance with the Adopted and Finalised Local Plan standards and there is a justification for approving a residential use contrary to Policy EU27 of the adopted Local Plan. It is therefore recommended for **APPROVAL**.

SUMMARY OF REPORT

- Planning permission is sought to change the use of a ground floor commercial unit to a 2 bedroom flat. It is proposed to form a small area of garden ground behind the flat extending to some 50 sq. metres and provide a dedicated parking space for the proposed flat. Elevational alterations will be carried out to the front and rear of the building to accommodate the new use.
- The site comprises the vacant southmost ground floor commercial unit in a modern 3 storey building of 2 ground floor commercial units and 10 flats on the upper levels.
- In the adopted Local Plan the site is allocated as part of a mixed use area and Policy EU27 seeks to retain non residential uses (subject to amenity considerations) and contains a presumption against changes of use to housing.
- In June 2001 planning permission to convert the 2 ground floor commercial units to flats was refused (application ref no D25174 refers). The reasons for refusal were contravention of Policies EU 27 and H10.
- No public comment was received on the proposed development.
- The proposed development provides a satisfactory standard of residential amenity and there is a justification for approving a residential use contrary to Policy EU27 of the adopted Local Plan.

DESCRIPTION OF PROPOSAL

Planning permission is sought to change the use of a ground floor commercial unit to a 2 bedroom flat. It is proposed to form a small area of garden ground behind the flat extending to some 50 sq. metres and provide a dedicated parking space for the proposed flat. Elevational alterations will be carried out to the front and rear of the building to accommodate the new use.

SITE DESCRIPTION

The site comprises the vacant southmost ground floor commercial unit in a modern 3 storey building of 2 ground floor commercial units and 10 flats on the upper levels. A parking area has been formed in a courtyard to the rear of the building, enclosed by the building and brick walls. The northmost commercial unit is occupied by a property office. All the flats are on upper floor levels and have external balconies.

To the north of the site, on the opposite side of Long Lane, is the health centre car park. To the north east is a fenced car compound occupied by Walter D Watts. To the east, on the opposite side of Brown Street is a house of 2 storeys and a 3 storey flatted block which was originally a traditional 2 storey building but a mansard roof extension had been added. To the south east is an architects office. To the south is garden ground owned by the owners of 2 storey flats at 119-121 King Street. There is a timber lock up garage immediately adjoining the site. To the west at 38 Long Lane are former dairy buildings, a 2 storey house and a shop.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 1998

In the adopted Local Plan the site is allocated as part of a mixed use area and Policy EU27 seeks to retain non residential uses (subject to amenity

considerations) and contains a presumption against changes of use to housing.

Policy H10 sets out standards for residential development.

Dundee Urban Nature Conservation Subject Local Plan 1995

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

Finalised Dundee Local Plan Review

Policy 4 sets out requirements for new housing.



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.

LOCAL AGENDA 21

The proposed development is considered to be sustainable insofar as it involves the use of an existing building.

SITE HISTORY

In September 1998 planning permission was granted to erect this commercial and residential building on the site (application ref no D23511

refers). Because the site was formerly in commercial use it was a material planning consideration whether the development should be approved in this mixed use area. In the end a compromise solution was reached where the applicants proposed commercial units at ground floor level and the application was approved on this basis. A further concern about the application was the extent of garden ground for the flats but again the application was approved on the basis that balconies were provided for the flats to compensate for the shortfall in garden ground.

In November 1999 planning permission was granted to amend the design of the development (application ref no D24292 refers).

In June 2001 planning permission to convert the 2 ground floor commercial units to flats was refused (application ref no D25174 refers). The reasons for refusal were contravention of Policies EU 27 and H10.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the development was advertised as contravening the Local Plan. No public comment was received.

CONSULTATIONS

The Head of Environmental Health and Trading Standards has pointed out that the former garage use of the site means that investigation may be required to ensure that there is no problem with contamination.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act 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.

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 EU27 contains a presumption against residential uses in this location and this proposal contravenes that policy.

Policy H10 sets out standards for new housing. This is primarily geared towards larger developments rather than single change of use applications such as the current proposal. In this case the proposal complies with the standards set out in Policy H10.

It is concluded from the foregoing that the proposal does not comply with Policy EU27 of the adopted Local Plan.

Other Material Considerations

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

i The Finalised Dundee Local Plan Review

This plan does not continue the mixed use policy of the adopted Local Plan. The proposed use of the site as a flat therefore complies with the provisions of this plan. In addition the details of the development comply with the requirements for flatted development set out in Policy 4.

ii The continued vacancy of the commercial unit.

Since the building was constructed 5 years ago this unit has remained vacant. Its continued vacancy does not enhance the environmental quality of the wider area. Attempts to market the premises have been unsuccessful and there seems little prospect of success in the future.

iii The previous decision to refuse permission for a change of use to flats

The previous application concerned both commercial units and was made only 2 years after the building was constructed. No garden ground or parking was proposed for the 2 new flats. The current application is materially different because it does not involve the larger commercial unit, the smaller unit has now been vacant for 5 years and adequate garden ground and parking is proposed. In addition the Finalised Local Plan Review does not contain a presumption in favour of commercial uses at this location.

It is concluded from the foregoing that sufficient weight can be accorded to the change in Local Plan policy framework, the continued vacancy of

the unit and the fact that a reasonable standard of residential amenity will be provided for the proposed flat such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

The proposed elevation alterations to the building are minor in scale and in keeping with the design of the structure.

CONCLUSION

The proposed development provides a satisfactory standard of residential amenity in compliance with the Adopted and Finalised Local Plan standards and there is a justification for approving a residential use contrary to Policy EU27 of the adopted Local Plan.

RECOMMENDATION

It is recommended that planning permission 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 Details of the layout of the private garden ground for the proposed flat including an appropriate form of screening from the car park area 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.
- 3 The private garden ground referred to in condition 2 above shall be fully formed and screened to the satisfaction of the Council prior to the first occupation of the proposed flat.
- 4 Development shall not begin until a scheme to deal with any potential contamination on the site has been submitted to and approved in writing by the planning authority. If any evidence of contamination is discovered the scheme shall contain details of 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.
- iii Measures to deal with contamination during construction works.
- iv Condition of the site on completion of decontamination measures.

Before the proposed flat is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 To ensure a satisfactory standard of residential amenity for the occupants of the proposed flat.
- 3 To ensure a satisfactory standard of residential amenity for the occupants of the proposed flat.
- 4 In order to ensure that the site is fit for the use proposed.