

KEY INFORMATION

Ward Maryfield

Proposal

Retrospective change of use
from storeroom to flatted
dwelling

Address

59 Dock Street (Flat 1/2)
Dundee
DD1 3DU

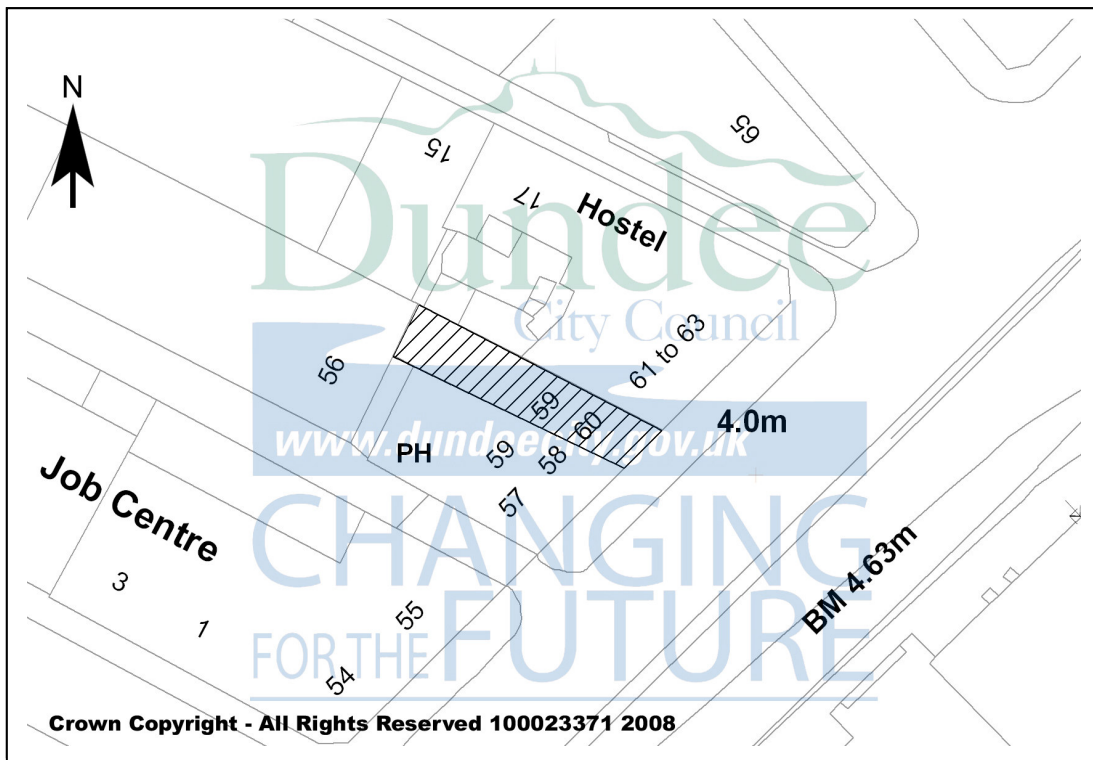
Applicant

Mr & Mrs J Wilson
17 Mary Findlay Drive
Longforan
DD2 5JE

Agent

Registered 16 May 2008

Case Officer Stephen Page



Consent Sought for Flat Conversion in Dock Street

A retrospective change of use from a storeroom to a flatted dwelling is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal has been found to be contrary to Policy 4 of the Dundee Local Plan Review 2005. However the constraints of the building and the nature of the development are considered to be a material consideration of sufficient strength to warrant approval contrary to the Development Plan. It is therefore recommended that planning permission be **APPROVED** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the retrospective change of use from a storeroom and office space to a one bedroom flat. The site lies on the first floor of a tenement property facing to Dock Street and was previously directly associated with a ground floor retail premises.
- The property is not listed. However it can only be accessed through the neighbouring listed building and shares an entrance with it. Of note is that Historic Scotland has recently surveyed the property with a view to listing.
- The proposal has been found to be contrary to Policy 4 of the Dundee Local Plan Review. However the constraints presented by the building and the nature of the development are considered to be substantial material considerations sufficient to warrant approval contrary to the provisions of the Development Plan.

DESCRIPTION OF PROPOSAL

The application seeks retrospective consent for the conversion of a shop storeroom/office to a one-bedroomed flat.

SITE DESCRIPTION

The site lies to the north side of Dock Street, opposite the harbour Customs House. The property in question exists at first floor level above a small shop, (previously used as a Tattoo shop). The property is accessed through the stairwell of 59 Dock Street which is a category B listed building within the Central 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 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 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 59: Alternative Uses For Listed Buildings - suitable alternative uses will be considered for listed buildings where this is necessary to secure their future. Any adaptation of the fabric must be undertaken carefully and sensitively and have minimum impact on the architectural and historic interest, character and setting of the building.

Reference should be made to other policies in the Plan.

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.

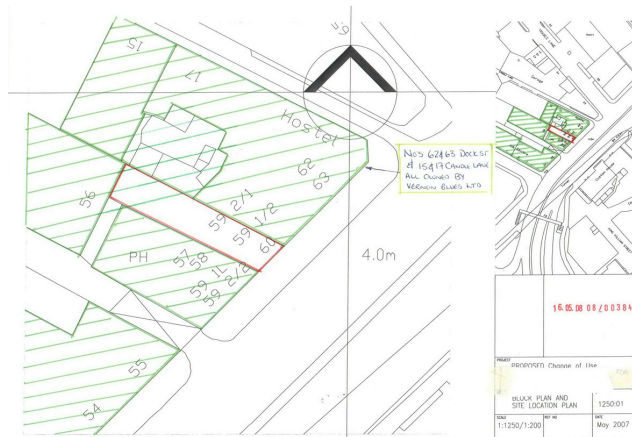
Following the purchase of the property it became apparent to the owners that the true nature of the property was as designated office and storage space for the shop. The office/store is believed to have been changed to residential use without the benefit of any permissions or warrants over an unknown but extended period of time.

PUBLIC PARTICIPATION

The applicant has carried out the statutory neighbour notification and the proposal was advertised as being contrary to the development plan. No representations were received in respect of this proposal.

CONSULTATIONS

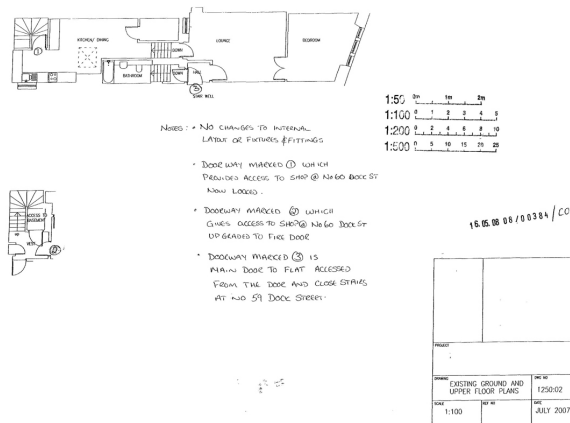
The Director of Environmental Health and Trading standards has advised that consideration should be afforded to the sound insulation in the bedroom accommodation which fronts to Dock Street. In particular that enhancement to the windows are required.



SUSTAINABILITY ISSUES

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

Historic Scotland have visited the property with a view to consider it for formal listing but are awaiting the outcome of this application before undertaking such action.



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.

SITE HISTORY

The property previously formed an office and storeroom directly connected with the retail unit at 60 Dock Street. The current owner bought the premises in 2007 in the belief that they were buying a residential property as it had been advertised as such by the selling solicitors.

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: Design of New Housing

This policy seeks to provide high quality housing design for the population of Dundee and sets out minimum standards to be achieved

(appendix 1 standards). Exceptions to the standards are possible in terms of parking and garden ground and the provision of flats where conversion of a listed building or other building worthy of retention is involved.

In this instance the building is not formally listed. However its principal means of access is through the shared stairway of a Category B Listed Building. It is therefore concluded that the property is within the curtilage of the listed building and therefore for the purposes of this policy should be considered as a "building worthy of retention".

The Plan's appendix 1 standards require city centre flats to have a minimum of 2 bedrooms and provide car/cycle parking where possible and give consideration to garden space or balcony provision. In this instance the property fails these standards as it only offers 1 bedroom. As it is a conversion of a building it is considered that the provision of car/cycle parking and garden ground is impractical and no different to the other residences at 59 Dock Street. With regard to the 1 bedroom - this property is of such a size that two bedrooms is considered impractical without significant disruption to the interior which includes a significant number of original features. Furthermore, if a second bedroom were added it would result in a living accommodation of poor quality due to the narrow nature of the buildings and restricted window openings. There is no opportunity for the building to be extended to accommodate a second bedroom and therefore a single bedroom flat is the only viable option for the residential use of this space.

The shop below also has substantial cellar storage space and the upper floor has been separated from the retail use for some considerable time

Accordingly whilst the proposal does not strictly comply with the provisions of Appendix 1, the unique nature of the property, its lack of viable alternatives and need for retention of the building provides sufficient justification to depart from the policy.

Policy 59: Alternative Uses For Listed Buildings - this policy seeks to ensure

that new uses for listed buildings do not have a detrimental impact on the building.

Whilst this building is not listed, it's doorway is included in the listing of 59 Dock Street. An interior and exterior survey of the property was carried out by representatives of the Planning & Transportation Department and Historic Scotland. In conclusion it was felt that the conversion has been achieved with very little impact on the building and has retained a large number of original features. Accordingly the proposal is considered to comply with this policy.

Policy 61 Development In Conservation Areas - the proposal is for the change of use of the building and therefore does not affect the external appearance, however the need for noise attenuation may require



alterations to the windows, which would affect the character of the building. Accordingly a condition can be applied to ensure that any such alteration is sympathetic to the buildings appearance, and so comply with this policy should members be minded to grant planning permission.

It is concluded from the foregoing that the proposal does not comply with the provisions of Policy 4 of the development plan.

Other Material Considerations

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

Building Worthy Of Retention

Whilst not wholly listed it is argued that the building should be treated as a building worthy of retention and therefore afforded the benefit of the concessions that such buildings enjoy with regard to their conversion. The building as it extends above 60 Dock street is not formally listed. However all the flatted properties in the building can only be accessed via 59 Dock Street which is category B listed and are therefore within the curtilage of that listed building and permanently linked to it.

The proposal is therefore considered to present a sensible and sensitive conversion of the building. A development which has been successful in retaining many of the original features of the property. Whilst not inconceivable that the property could be used as storeroom/office accommodation, its use as residential is in keeping with the other properties above and next door and has not been shown to be problematic.

Environmental Quality

Comments were received from the Director of Environmental Health & Trading Standards indicating a potential for noise disturbance from road traffic on Dock Street. This is based on experience in nearby buildings and not specifically on the applicant property. To alleviate the potential concern would likely require the addition of secondary glazing to the front windows of the property. A condition has therefore been applied to limit the noise levels to acceptable levels.

The implementation of replacement windows would be potentially contrary to the aims of achieving preservation of the building's original features, therefore an additional condition relating to the window design is also applied to ensure that replacements be complementary to the building, or that secondary glazing be used.

It is concluded from the foregoing that sufficient weight can be accorded to

the material considerations 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 proposal involves internal alterations only. There is no impact on the external appearance of this building.

CONCLUSION

The conversion of this property to a one bedroom flat is contrary to the provisions of Policy 4 of the Dundee Local Plan Review, however the small scale of development together with the desire to retain and preserve the historic character of this architecturally important building in a conservation area is a material consideration of sufficient weight to justify departure from the Development Plan. Accordingly the proposal is recommended for APPROVAL subject to conditions.

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 Internal noise levels within all habitable rooms shall not exceed 45dB(A) during the day and 35dB(A) during the night. For the avoidance of doubt, day time shall be 0700-2300hrs and night time shall be 2301-0659hrs. Details of a scheme of attenuation to ensure that noise from traffic does not adversely impact on the occupiers of the flat in the 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.
- 3 Details of any proposed replacement windows or secondary glazing on the 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.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To protect the residential amenities of the occupiers of the proposed flat in terms of noise attenuation.
- 3 In order to safeguard the appearance of the building and its architectural appearance.