

**KEY INFORMATION**

**Ward** Broughty Ferry

**Proposal**

Erection of 8 luxury apartments, 2 semi-detached cottages, alteration and extension of existing buildings to form 6 luxury apartments and 1 mews house and construction of 10 garages and the formation of access roads.

**Address**

Former Dundee Limb Fitting Centre  
133 Queen Street  
Broughty Ferry  
Dundee DD5 1AG

**Applicant**

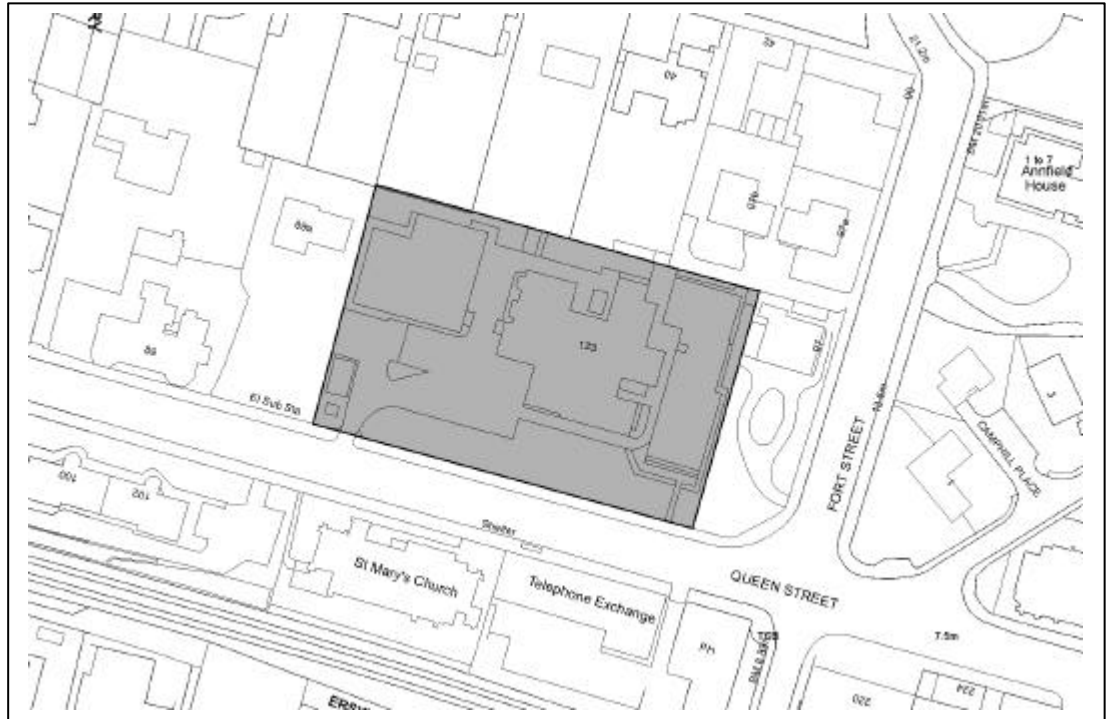
Tayfield Investments  
18 Albany Road  
Dundee DD5 1NT

**Agent**

Nicoll Russell Studios  
111 King Street  
Broughty Ferry  
Dundee DD5 1EL

**Registered** 4 Feb 2002

**Case Officer** C Walker



## Housing Development Proposed at Former Limb Fitting Centre

The proposed erection of 8 luxury apartments, 2 semi-detached cottages and alteration and extension of existing buildings to form 6 luxury apartments and 1 mews house, construction of 10 garages and the formation of access roads is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation.

**RECOMMENDATION**

The proposed development will enhance the Conservation Area. The development is predominantly flatted, but it can be supported in the context of Policy H10 because it retains the original house and provides a high quality new development with almost all of the dwellings enjoying the attributes of houses such as individual entry points, private gardens and garages. The development is therefore recommended for approval.

**SUMMARY OF REPORT**

- Planning permission is sought to convert and extend the original house on this site to form 6 flats, to convert the existing coach house to a house, to construct a pair of semi detached houses to the east of the main building and to construct a new block of 8 flats to the west of the site.
- Policy H10 of the Local Plan sets out guidelines for new housing development. This site is considered to be in an area which is neither completely within central Broughty Ferry nor within a suburban housing area.
- In September 1999 an application for planning permission to erect 22 dwellings (8 townhouses and 14 flats) on the site was refused by the Council and an appeal was subsequently determined by the Scottish Executive. In determining the appeal the Reporter considered, amongst other matters, that a positive effort should be made to retain the original building and that the appeal site was neither typical of central Broughty Ferry nor clearly suburban in character.
- A submission was received criticising the development as lacking in flair and imagination. Broughty Ferry Community Council and the occupiers of 2 neighbouring houses wrote in to support the proposed development.
- The proposed development will serve to enhance the character and appearance of the Grove Conservation Area with the retention of existing buildings of importance, the removal of unattractive modern buildings and the erection of new buildings of character and quality. Although the proposed development is predominantly flatted, it manages to retain the original house and a very high specification is proposed with almost all of the dwellings enjoying the attributes of houses such as individual entry points, private gardens and garages. The development is therefore considered to be justified as an exception to Policy H10.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for a residential development on this site. The components of the development are as follows:

- 1 It is proposed to convert and extend the existing main building to form 6 flats. Existing buildings added to the main house at various stages will be demolished. The ground floor of the front elevation will be rebuilt with conservatories provided for the 2 ground floor flats. Each flat will have 2 bedrooms.
- 2 It is proposed to convert the existing coach house to the rear of the main building to form a house with 2 bedrooms.
- 3 It is proposed to construct a pair of semi detached houses to the east of the main building, each with 2 bedrooms.
- 4 It is proposed to construct a new block of 8 flats in a building of 2 and 3 storeys to the west of the site. A lift will be provided and again each flat will have 2 bedrooms.

Access to the site will utilise the existing Queen Street entrance which will be widened and a new driveway will provide access to 10 garages and 16 parking spaces. The pedestrian entrance to the east of the site will be retained. The existing trees along the roadside frontage will be retained and a single tree will be removed to provide access to the site.

The buildings will be set in a constant building line established by the main building. The design of the buildings follows the theme set by the main house, although there is contemporary detailing for certain new elements.

The 2 new houses to the east of the site will have conventional front and back gardens. The converted house to the rear of the site will have a small private garden area and a semi private courtyard in front of it. The flats will have shared garden areas and a shared drying area although the ground floor flats will also have private gardens. In the converted house 2 of the ground floor flats will have conservatories and in the new build block 2 of the flats

will have conservatories and the 4 upper floor south facing flats will have small balconies.

## SITE DESCRIPTION

The site comprises some 0.46 ha of ground on the north side of Queen Street occupied by the former Limb Fitting Centre. The main building is a former dwelling of two and a half stories which was gifted to the local community as a hospital after the First World War. The site was last occupied as a limb fitting centre but this facility was moved to new purpose built premises in the grounds of Ninewells Hospital. Since then the site has been boarded up but suffers from continual vandalism and is having a negative impact on the visual amenity of the area.



The original house is a traditional harled and slated building. It is not a listed building. Its visual appearance has been somewhat compromised by the addition of brick flat roofed extensions to the south and west and the erection of modern utilitarian buildings to the east and west. The southern extension affects the principal elevation of the original house.

The site is surrounded by a stone wall with a vehicular access at the south west corner on Queen St. Most of the site is occupied either by buildings or car parking with a small grassed area containing mature trees along Queen Street to the south. The site slopes in a southerly direction so that it sits well above the level of Queen St.

Housing surrounds the site to the west, north, and east. There is also a nursing home further to the west at Brae Cottage (a Category B listed building). To the south, on the opposite side of Queen St is St Mary's Church (Category B listed), the telephone exchange and the Post Office Bar (Category C listed). The site lies within the Grove Conservation Area.

## POLICY BACKGROUND

The following policies in the adopted Local Plan are of relevance:

- 1 Policy SCE1 states a presumption in favour of retaining existing social, health and community buildings and sites for such purposes.
- 2 Policy H4 sets out criteria for infill developments.
- 3 Policy H10 sets out guidelines for new housing development. This site is considered to be in an area which is neither completely within central Broughty Ferry nor within a suburban housing area. Therefore an amalgamation of the standards for both areas should apply.
- 4 Policy BE4 sets out criteria for development within the garden ground of houses and BE11 states that within conservation areas all development should complement and enhance the character of the surrounding area.

## LOCAL AGENDA 21

The proposed development is considered to be sustainable because it involves the reuse of a brownfield site on a busy bus corridor and close to facilities in the centre of Broughty Ferry.

## SITE HISTORY

In September 1999 an application for planning permission to erect 22 dwellings (8 townhouses and 14 flats) on the site was refused by the Council - application ref. no D24102 refers. The reasons for refusal were that Policies H1 and H10 of the Local Plan were contravened because the development would overlook the private gardens of houses, would provide mainly flats and not houses and was of unsatisfactory design and that the development would contravene Policy BE11 and detract from the visual amenity of the Grove Conservation Area.

An accompanying application for Conservation Area Consent to demolish all the buildings on the site was also refused at the same time (ref.

no DS00167) on grounds that the demolition of the original house and its replacement with a development of standard design quality would detract from the conservation area and contravene Policy BE11 of the Plan.

These decisions were appealed but the Scottish Executive dismissed the appeals in March 2000. In determining the appeals the Reporter considered, amongst other matters, that a positive effort should be made to retain the original building and that the appeal site was neither typical of central Broughty Ferry nor clearly suburban in character.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the development was advertised as potentially contravening Policy H10 of the Local Plan and as affecting the setting of the Grove Conservation Area. Letters were received from 2 neighbours supporting the application. A submission was also received criticising the development as lacking in flair and imagination with quality and innovation having been sacrificed for maximum units and minimum structural interest. Copies of these submissions are available for inspection in the Member's Lounge and the points raised will be considered in the Observations section of this Report.

## CONSULTATIONS

Broughty Ferry Community Council wrote in to support the proposed development noting that it retained the better quality buildings, redeveloped a brownfield site and minimised impacts on neighbouring properties. It commented that the design of the new buildings should reflect the details of the original house including the window proportions, that the coach house should not be harled, that the Victorian pump should be retained and that the development should commence as soon as possible to prevent ongoing dereliction. These points will be considered in the "Observations" section of this Report.

## OBSERVATIONS

The determining issues for the Committee in this instance are:

- 1 Does the proposed development comply with the policies of the Local Plan (specifically SCE1, H4, H10, BE4 and BE11) and if not are there any material considerations which would justify the approval of the application contrary to these policies?
- 2 Is the design of the proposed development acceptable taking into account the requirements of Policies H10 and BE11 of the Local Plan and the location of the site in the Grove Conservation Area close to listed buildings?
- 3 Are the access and parking proposals for the development satisfactory?

In terms of Policy SCE1, although the proposed development will not involve the maintenance of a community use on the site, it is considered that there are material considerations which justify approving a residential use. The former use as a Limb Fitting Centre has not been lost to the community as the facility has been relocated to Ninewells Hospital. In these circumstances it is considered that no further provision for community use is required.

In terms of Policy H10 of the Plan this site is somewhat of an anomaly. The proposed development was advertised as potentially contravening this policy. The site lies on the fringe of the divide between central Broughty Ferry where an entirely flatted development is permissible and suburban Broughty Ferry where houses are expected. This point was central to the previous appeal decision on the previous application on this site and the Reporter concluded that an amalgamation of both sets of standards would be the correct approach for this site. In addition Policy H10 contains an exception "where the retention of Listed Buildings might otherwise be prejudiced; for difficult and visually important sites which might need a more dominant building and where a very imaginative proposal of quality is put forward". In this case it is proposed to retain the original main building on the site. Whilst this

building is not listed, it makes a significant contribution to the character and appearance of the conservation area and again the Reporter in the decision on the previous appeal stated that positive steps should be taken to ensure its retention.

Due to the nature of this building it is not considered practical to convert and extend it to houses as opposed to flats. The proposed conversion is of a high quality where space standards are generous. The retention of this building is one of the most positive features of this application and a significant factor in the positive public reaction to the scheme. 3 houses are proposed as part of the development (1 conversion and 2 new build). The proposed new block of flats to the west of the site contains 8 units. This building mirrors the scale and design of the original house and in this respect it is considered that the development falls within the exception to H10 where this is a "visually important sites which might need a more dominant building and where a very imaginative proposal of quality is put forward".

The quality of the proposed accommodation is of a high specification. Many of the proposed flats share features normally associated with houses such as individual entry points, private gardens, conservatories and garages. The new build flatted development includes a lift. It is not considered that the proposed development in any way adds to the surplus of standard flats which prevails in the city.

In these circumstances it is considered that the proposed development does not contravene Policy H10 of the Plan. In August 2001 the Council agreed a review of Policy H10 to emphasise concerns about over provision of flatted development. For central Broughty Ferry flats will only be permitted in "exceptional circumstances where site specific circumstances dictate" and in suburban areas there will be a "general presumption against the development of flats". However for the reasons set out above, including in particular the retention of the original house (which all previous development proposals failed to achieve stating that this was not economically viable), it is considered that this site is an

exceptional one where there is a justification for the form of development proposed. In addition the Council's review of Policy H10 stressed that if new flats were to be provided then they should be of an exceptionally high standard. In this case, as has been pointed out above, most flats have individual entry points, private gardens, conservatories and garages. Internal space standards are high and a lift is proposed for the new build block of flats. It is considered that both the nature of the site and the quality of accommodation proposed justifies the approval of this development even taking into account the review of Policy H10.

In terms of the impact of the proposed development on residential amenity, it is considered that the development complies with those aspects of Policies H4 and H10 relating to this matter. It is notable that no objection to the development was received from neighbours (whereas the previous development proposals attracted a considerable body of objections relating to overlooking and overshadowing of adjoining properties). The scale of the proposed development and its distance from boundaries ensures that there will not be an adverse impact on neighbouring properties.

It is not considered that any issues arise in the context of Policy BE4. The proposed development restores the original house, actually reduces the amount of coverage of buildings and increases garden areas and the new build elements are of a high quality design.

It is considered that the access and parking proposals for the development are satisfactory. It is proposed to widen the existing access which was heavily used by the previous Limb Fitting Centre development. The proposed parking provision is 10 garages and 16 parking spaces, averaging at just over 1.5 spaces per unit. It is considered that this provision is acceptable for this site which is adjacent to central Broughty Ferry and well served by public transport.

With regard to other issues raised, the details of the proposed development including finishing materials can be resolved by planning conditions. The views of the Community Council will

be taken into account in this process although it is not agreed that matters such as the window detailing on the new build elements of the development should necessarily replicate the window proportions on the original house. The views of the objector who is concerned about the lack of flair and imagination in the proposed development are not accepted. The retention of the original house (including the coach house) is the principal feature governing the design of the development. The other new build elements must pay respect to this building. This, of necessity, has a constraining impact on the design of the development but it is not accepted that this design is in any way substandard or inappropriate for this site.

### Design

This is a prominent site in the Grove Conservation Area. The proposed retention of the original house will positively contribute to the character and appearance of the conservation area. The new buildings must of necessity pay respect to this building. Although this has a constraining impact on the design of the development, this design is of a very high quality and appropriate for this site.

### CONCLUSION

The proposed development will serve to enhance the character and appearance of the Grove Conservation Area with the retention of existing buildings of importance, the removal of unattractive modern buildings and the erection of new buildings of character and quality. Although the proposed development is predominantly flatted, a very high specification is proposed with almost all of the dwellings enjoying the attributes of houses such as individual entry points, private gardens and garages. The development is considered to be justified as an exception to Policy H10.

### 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 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 Within six months of the first occupation of any of the dwellings, trees and shrubs shall be planted on the site in accordance with a scheme which has been submitted to and approved by the City Council. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.
- 4 Details of all hard landscaping features within the site including surfacing materials, walls and other enclosures, the fountain and seating areas 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.
- 5 Details of the allocation and formation of private garden areas and the allocation of garages and parking spaces shall be submitted to the Council for approval before any dwelling is completed and if approved the development shall be carried out only in full accordance with such approved details.
- 6 The layout of the northmost ground floor flat in Apartment Block 2 shall be adjusted to permit direct access to its private garden area to the west and details of this revised layout shall be submitted for the written approval of the Council prior to the commencement of development on the site.
- 7 A lift shall be provided in Apartment Block 1 as indicated in the approved plans and to the written satisfaction of the Council prior to the occupation

of any of the flats in this building.

- 8 The proposed development shall be carried out strictly in accordance with the approved plans as amended by conditions. Any changes to these plans, including any clarification of the details of the development, shall be submitted for the written approval of the Council before they are implemented.

## 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 ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 4 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 5 In the interests of residential amenity.
- 6 In the interests of residential amenity.
- 7 To ensure that the proposed development is of an exceptionally high quality as required by the Council's Review of Policy H10 (Report No 462-2001 approved in August 2001).
- 8 In order to safeguard the visual amenity of the Conservation Area.