

KEY INFORMATION

Ward Bowbridge

Proposal

Outline permission for redevelopment of former Lawside Works including change of use of retained buildings to create 57 residences.

Address

Former Lawside Works
Paterson Street
Dundee DD3 6QR

Applicant

Hillcrest Housing Association
Ltd
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Dundee DD1 1PN

Agent

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Registered 21 February
2002

Case Officer Eve Jones



Proposed Housing Development at Former Lawside Works

Outline permission for re-development of former Lawside Works including change of use of retained buildings to create 59 residences is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The redevelopment of this former industrial site is considered to be in accordance with the Local Plan and includes beneficial use of a Listed Building to provide an attractive residential site close to local facilities. The outline application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- The application is for outline planning permission for the redevelopment of land including the former Lawside Works and an adjacent former builders yard and scrap yard for residential use. The application is for a total of 59 units. The details of the design of the properties will be the subject of a later application.
- The development includes the conversion of the Category B Listed Lawside Works Mill to provide 15, two and three bedroom flats and the retention and conversion of the attractive Clock Tower building to form a detached house.
- More than 60% of the new housing will have at least three bedrooms and all houses will have parking and garden ground. The development will provide a range of accommodation including two wheelchair adapted cottages, 8 x 2 bedroom houses, two cottages and 6 x 2 bedroom flats.
- The site is developed with two linked cul-de-sacs to provide access through the site. There is an enclosed children's play area at the heart of the site.
- The site is identified in the Local Plan for industrial use but has been vacant and marketed unsuccessfully since early 2000. A detailed statement of justification from the agent supports the application. This satisfies most of the criteria in the Local Plan for residential use of the site and the beneficial use of the Listed Building.

DESCRIPTION OF PROPOSAL

This is an outline application is for the redevelopment of an existing industrial complex for residential use. Whilst the application is for outline consent, the agent has indicated that the layout plan be considered as the submission of reserved matters with regard to the siting of the buildings and the means of access to them. The proposed development comprises:

- retention of the existing Listed Building and conversion to form 15 flats, 11 x 4 person x 2 bedrooms and 4 x 4 person x 3 bedrooms..
- retention and conversion of the existing Clock Tower building to provide 1 x 2 bedroom house.
- new build housing providing a total of 43 units in 3 phases comprising a mix of house types and sizes including 2 wheelchair adapted cottages, 2 x 1 bedroom and 1x 2 bedroom cottages, 6 x 2 bedrooms x 3 person flats and 32 two storey houses with 2 or 3 bedrooms to accommodate 3 to 6 persons.
- the site has 100% parking and all houses have car parking within their curtilage.
- there is a children's play area in the centre of the site.

SITE DESCRIPTION

The site is a large (approx. 2.6 acres) former jute mill bounded by Strathmore Avenue to the north, Milton Street to the west and Patersons Street to the south but also including the former buildings yard on the south side of Paterson Street and the existing scrapyard adjacent to the Lidl supermarket. The site is no longer in industrial use but still has a wide range of existing buildings including the original 2 storey and attic, stone built mill, an attractive Italiante clock tower building, and later additions and extensions comprising traditional industrial buildings. There is also a large yard area.

The site is very close to the Fiveways roundabout on Strathmartine Road and adjacent uses include Coldside Library and Lidl supermarket to the east,

housing and St Peter and Paul school to the south, industrial units to the west which are in a variety of uses and residential uses to the north. The site is close to several bus routes. The junction of Paterson Street and Milton Street is very narrow with poor visibility due to the proximity of the Listed mill building to the corner.

POLICY BACKGROUND

National Planning Policy. The Memorandum of Guidance on Listed Buildings 1998 advises that new uses for old buildings may often be the key to their survival and it may be justifiable for planning authorities to



relax control over use, zoning, density, plot ratio, daylighting or other restrictions.

Dundee Local Plan 1998

Policy EU1 - General Industrial Areas. The site lies within an industrial area where the policy is to encourage the establishment and retention of industrial and business uses. The policy indicates that whilst there will be a general presumption against other uses, particular circumstances, including the possible reuse of Listed Buildings at perceived risk may encourage flexibility as defined in Policy EU 1(E).

Policy EU1 (E) Escape Into Other Uses. This policy identifies a range of criteria which should be satisfied before the redevelopment of an industrial site for any other use can be supported. These criteria include the site location, the duration of the vacancy of the site, the marketing of the site and the impact of the loss of industrial land.

Policy H10 - Design of New Housing. The guidelines identify the requirements for housing size and mix, amenity ground, parking, design and layout. Policy H10 has been the subject of a later revision which is a material consideration in the determination of the application.

Policy BE15 - alternative Uses for Listed Buildings. Suitable alternative uses will be encouraged in order to secure the future of a Listed Building, having regard to the other policies in the Local Plan.

LOCAL AGENDA 21

The proposed development satisfies several key themes.

- 1 Resources are used efficiently and waste is minimised.
- 2 Local needs are met locally.
- 3 Settlements are human in scale and form.
- 4 Diversity and local distinctiveness are valued and protected.

SITE HISTORY

There is no planning history of relevance to this proposal. 02/00452/LBC is the current Listed Building application for the conversion of the mill and clock tower.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised as potentially contrary to the Development Plan. A letter of representation was received from a resident in an adjoining property in Milton Street. The letter asked that existing traffic problems and lack of parking be taken into consideration when the development is being considered. The letter was not considered to be an objection.

A late objection was received from an individual who objected generally to the use of industrial land and buildings for other purposes and to the conversion of this particular site to residential use.

CONSULTATIONS

Scottish Environment Protection Agency SEPA has no comment to make on the proposed drainage of the site and that surface water disposal should be by means of Sustainable Urban Drainage Schemes. Due to the previous land uses at the site the issue of potential land contamination must be addressed to the satisfaction of the City Council.

Scottish Water is satisfied that the site can be drained to the existing drainage system.

The Director of Environmental and Consumer Protection has commented on noise issues and contaminated land as follows:

Noise. The application proposes the introduction of noise sensitive development ie housing into an area where there are existing industrial and commercial premises on the west side of Milton Street. The developer was requested to undertake a Noise Impact Assessment under the terms of Planning Advice Note 56 - Planning and Noise. The report has been submitted and assessed and the Director advises that mitigation measures can be carried out to ensure that the noise levels within the houses do not exceed specified levels and that appropriate conditions should be imposed on any planning permission.

Contaminated Land. The application site contains a former mill, a former builders yard and an existing scrap yard which has been on site for some considerable time. In accordance with Planning Advice Note 33 (revised 2000) - Development of Contaminated Land, the applicant was requested to submit a study of the site in order to assess the suitability of the site for the proposed use, the potential for contamination and the mitigation measures to be carried out if required. The Director advises that the applicant's consultants have carried out an initial study, have identified the potential risks of the site and have proposed an acceptable programme of investigation works. Appropriate conditions requiring further investigation and proposed remediation measures should be imposed on any planning permission.

The Director of Leisure and Arts requests landscaping details.

Historic Scotland were involved in early pre-application discussion which established the principle of retaining and re-using the original mill and the clock tower. The conversion of these buildings is the subject of a separate Listed Building application, ref 02/00452/LBC, which has yet to be determined.

OBSERVATIONS

The determining issues for Committee in this instance are:

- 1 whether the proposed development is in accordance with the policies in the Dundee Local Plan 1998 and if not
- 2 whether there are any material considerations which would justify the granting of planning permission, and
- 3 whether the objection is of sufficient strength to support refusal of the application.

1 Dundee Local Plan 1998

Policy EU1 - General Industrial Areas. The site lies within an industrial area where the policy is to encourage the establishment and retention of industrial and business uses. The policy indicates that whilst there will be a general presumption against other uses, particular circumstances, including the possible reuse of Listed Buildings at perceived risk may encourage flexibility as defined in Policy EU1 (E). In principle however, the proposed redevelopment of the site is contrary to the policy.

As noted above, the local plan provides an opportunity for favourable consideration of alternative uses within EU1 policy areas. Policy EU1 (E) Escape Into Other Uses, identifies a range of criteria which should be satisfied before the redevelopment of an industrial site for any other use can be supported.

- a Site should be on periphery of EU1 area and should not fragment a well defined and homogeneous industrial or commercial area.
- b Site can be accessed independently of industrial area.
- c Where residential use is proposed, the site should significantly abut an established residential area of which the development should

form a logical extension and the resulting housing environment should comply with Policy H10 Guidelines.

- d The property should have been vacant for not less than 5 years and should have been actively marketed.
- e The proposed use should not result in a localised shortage of land or premises for industrial and business use.

The applicant's agent has submitted a detailed and comprehensive statement of justification in support of this application which is available in Members Lounges. The statement argues that Milton Street will form a clear division between existing industrial and commercial premises to the west and the predominantly residential character of Hilltown. The site can be accessed directly via Paterson Street and Milton Street. The proposed closure of the junction between these two streets would prevent through traffic and effectively separate residential and commercial traffic. The site abuts an established residential area and provides an acceptable residential environment in accordance with Policy H10. It also proposes the relocation of an existing scrap yard, a use which is no longer desirable within a predominantly residential area.

With regard to marketing the agent advises that the site comprises three properties. The former Lawside Works is the largest part of the site. It has been actively marketed since July 2000 and has attracted no interest from potential industrial or commercial users because of the poor location, unsuitable nature of the premises for modern use and the presence of a Listed Building. The former builders yard has been empty and derelict for more than 5 years and does not appear to have been actively marketed. The scrap yard as noted is currently in operation, the operator is agreeable to relocation and discussions are underway to seek an alternative site. The agents consider that the proposed redevelopment would not result in a local shortage of industrial or commercial premises.

The statement concludes by proposing that the redevelopment of the site for residential use will facilitate the regeneration of the area and provide a

high quality housing environment which is in accordance with the policies in the Dundee Local Plan.

It is considered that the justification complies with most of the criteria in the policy other than the period of vacancy and marketing of the unit (since early 2000). Under normal circumstances, the continued marketing of the site would be required however, this site contains a fine Listed building and the longer the site is vacant, the more vulnerable the building becomes. It is not considered that there is a shortage of available industrial and commercial land in the area.

Policy H10 - Design of New Housing. The site lies within the Inner City and the guidelines identify the requirements for housing size and mix, amenity ground, parking, design and layout. The proposal has been assessed as follows:

Housing Mix: there are 43 new build properties, 24 of which are 3 bedroom family houses. The remaining range of properties include 2 wheelchair adapted cottages, 2 x 1 bedroom and 1 x 2 bedroom cottages, 6 x 2 bedrooms x 3 person flats and 8 x two storey 2 bedroom houses. The housing mix complies with the Policy H10 Guidelines in the adopted Dundee Local Plan.

Garden Ground: 50 square metres of private, usable garden ground is required. The garden size varies throughout the site with several larger gardens over 60 square metres. The majority of units have the required garden area but 3 of the mid terrace units have gardens of 48 square metres.

Parking: 130% parking is provided comprising 77 spaces for 59 units. All houses have parking space within the curtilage. There are no garages and there are limited opportunities for garages to be built. The flats in the converted buildings and the new build flats have parking immediately adjacent to the buildings. The lack of garages or space for garages does not fully comply with the requirements of Policy H10.

Access to rear gardens: the layout comprises 37 detached, semi-detached and terraced houses. Seven mid terraced properties do not have a direct footpath link from the rear garden to

the street but have bin stores to the front. The provision of paths would affect garden ground provision and reduce the security of private rear gardens. These properties do not fully comply with Policy H10.

Privacy: a minimum of 18 metres between facing windows of habitable rooms is required. One of the wheelchair adapted cottages in the centre of the site is 15 metres from the nearest house to the rear but the property is single storey and privacy will be provided by garden fences.

The Policy H10 Guidelines were revised and adopted as a material consideration by Committee on 24/09/2001. The revised Guidelines identify a general presumption in favour of houses rather than flats in the Inner City on small sites or sites allocated for flatted development. The proposed development contains 15 flats in the converted Listed Building and 6 flats within the new build total of 43 units. The other units are all houses. New flats are required to have 100 square metres of usable and private gardens. The block of 4 has approx 180 square metres and the block of 2 has 96 square metres. The Guidelines further require a minimum of 65% of houses should have three or more bedrooms and a minimum of 50 square metres of garden ground. 61% of the new build houses have three or more bedrooms. As noted above, 3 units have rear garden ground of 48 square metres, the remainder have larger gardens which comply with the Guidelines.

In conclusion, the proposed development does not fully comply with all of the Guidelines in Policy H10 and in the revised H10 Guidelines. However the principal elements ie house size, mix, garden and parking provision combine to provide a good quality of housing environment providing a wide range of properties in a location which is very close to community facilities, local shopping and public transport. On balance, the proposal is considered to be sufficiently in accordance with the Guidelines to be acceptable.

Whilst the details of the conversion of the Listed Building are the subject of a separate application, the principle must be assessed against Policy BE15 - Alternative Use for Listed Buildings. The original mill building is L shaped

in plan and occupies the south west corner of the site bounded by Milton Street and Paterson Street. The building has been extended to the rear and original walls have been removed. The conversion proposals include a modern glazed corridor facing into the courtyard utilising original columns where these can be salvaged. The building is served by two glazed stair towers. The accommodation comprises 11 x 4 person x 2 bedroom flats and 4 x 4 person x 3 bedroom flats all in excess of 100 square metres with living/dining or kitchen/dining space. The Clock Tower building which lies at the heart of the site is not visible from public roads at present. Whilst not specifically listed, it is an attractive building which forms part of the historic mill. It will be converted to a single house and will occupy a prominent position within the new layout.

The Memorandum of Guidance on Listed Buildings 1998 advises that new uses for old buildings may often be the key to their survival and it may be justifiable for planning authorities to relax control over use, zoning, density, plot ratio, daylighting or other restrictions.

The beneficial use of the Listed Building and the formation of large family apartments as part of a new residential development in a convenient location complies with Policy BE15.

It is considered that the application generally complies with the requirements of the relevant policies in the Dundee Local Plan. The reasoned justification in support of the use of the site for residential development in accordance with Policy EU1(E) is accepted. Protection and beneficial use of the Listed Building is given particular weight in accordance with National planning guidance when considering the shorter period of marketing of the Lawside Works site. With regard to Policy H10, the layout and mix does not fully comply with all of the Guidelines but the overall range of properties proposed is acceptable and of benefit to this area of the City. Full details of the appearance of the buildings and the landscaping will be the subject of a later application for reserved matters.

2 Material Considerations.

As detailed above, the revised Policy H10 Guidelines are a material consideration.

Reference has previously been made to the three parts which make up the whole site, one of which is an active scrap yard and the other a former builders yard. Neither are suitable neighbours for the existing surrounding uses or a new residential development of this scale. The applicants have indicated that they are in discussions with the scrap yard operator who is willing to move to a more suitable location. Clearly the relocation of such a use to a more acceptable location, further away from housing, shops and community facilities will be of benefit to the community as a whole. Construction of any part of this development should not commence until the scrap yard and the former builders yard have been bought and the scrap yard operations relocated.

3 Representation and Objection.

The letter of representation sought assurances that the existing traffic problems and lack of parking would be taken into consideration. The proposed stopping up of the Paterson Street/Milton Street junction will prevent traffic "rat runs" between Strathmore Avenue and Strathmartine Road. The change of use from industrial to residential will change the pattern and character of traffic using the junctions. The proposed development has sufficient car parking for the number of houses proposed. Parking provision cannot be made for adjacent housing which is not within the site.

There was one letter of objection received almost four months after the formal notification and advertisement period had expired. The objection was against the change of use of industrial sites and buildings in general and specifically stated that the objector wanted to purchase the Lawside works site and retain it for industry.

As detailed above, the applicant's agent has confirmed that during the period when the Lawside works site was being marketed, no interest was shown in the site for industrial or commercial uses in accordance with its Policy EU1 General Industrial status in the Local Plan. In addition, the

scheme involves the redevelopment of a site which is currently vacant and derelict and an active scrap yard which is very close to housing, shops and community facilities. The City does not suffer from a recognised shortage of industrial and commercial sites and the scheme involves the retention and beneficial use of a significant local Listed Building as well as the attractive but unlisted Clock Tower. The continuation of industrial use of the site may not necessarily utilise the Listed Building and may therefore jeopardise its retention.

It is not considered that the terms of this late objection are sufficiently strong to support the refusal of consent.

Design

The applicant has confirmed that they wish the siting of the buildings and the means of the access to the buildings to be considered as reserved matters. The road layout takes the form of a cul-de-sac from Milton Street and Paterson Street which are joined by a pedestrian lane between the retained buildings and adjacent to the children's play area in the centre of the site. Normally such layouts are discouraged but it is recognised that there is a real potential for the development to be used as a vehicle "rat run" from Strathmartine Road to Strathmore Avenue. The possible closure of Paterson Street at its junction with Milton Street would increase this likelihood. The detailed designs of the new build will be submitted at a later date.

The conversion proposals retain the external features of the Listed Building which had been remodelled and extended. The new proposals include a modern glazed corridor facing into the courtyard utilising original columns where these can be salvaged. The building is served by two glazed stair towers also of modern design.

The layout incorporates a walled courtyard for secure parking and an enclosed children's play area. The housing association will be responsible for the installation and maintenance of the play area. The existing high stone wall at the north and south of the site will be retained to provide a secure rear boundary to the adjacent houses and increase the enclosure of the site.

CONCLUSION

This site is identified in the current Local Plan for industrial uses. Lawside Works which forms the largest part of the site has been marketed since July 2000 and attracted no industrial or commercial users. It contains a wide range of buildings from the original historic mill and its later additions and extensions to large brick industrial units. The former builders yard to the south is semi-derelict behind crumbling stone walls and the active scrap yard to the east abuts a local supermarket and is close to existing housing, library and school.

The proposed development offers a wide range of family housing and large flats in the retained and converted Listed Building. The site lies close to existing housing, shopping, community facilities and public transport. The applicant's agent has submitted a reasoned justification for the granting of planning permission for residential use as required by Policy EU (1) of the Dundee Local Plan. The justification complies with most of the criteria other than the period of vacancy and marketing of the unit (since early 2000). Under normal circumstances, the continued marketing of the site would be required however, this site contains a fine Listed building and the longer the site is vacant, the more vulnerable the building becomes. Noise studies and Contaminated Land studies have been carried out and required works can be covered by planning conditions.

It is critical that the former builders yard and the active scrap yard are in the control of the developer and the uses are relocated before any construction is commenced on site. Similarly, the phasing of the development in accordance with the submitted plans will ensure that the conversion of the Listed Building is completed before Phases 2 and 3 which comprise 17 units are commenced.

It is considered that in this particular case, the proposal complies with the majority of the requirements of the relevant policies and would result in a development which would be of benefit to this part of the City.

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following conditions:-

- 1 The approval of the Council shall be obtained to the following reserved matters before any development is commenced viz: the design of the buildings; the external appearance of the buildings; the landscaping of the site. The landscaping scheme shall include details of the provision and future maintenance of the proposed play area.
- 2 the development to which this permission relates shall begin within 5 years of the date of permission or 2 years of the final approval of the reserved matters, whichever is the later
- 3 application for approval of the matters referred to in condition (1) above must be made within 3 years of the date of this permission
- 4 No development shall commence until the scrap yard operating on the site identified as Phase 3 Drawing reference 1937/GA/001/E is removed from the site.
- 5 The details to be submitted in accordance with condition 01 shall comply with the site layout plan and the schedule of accommodation drawing reference 1937/GA/001/E
- 6 Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the City Council. The scheme shall contain details of proposals to deal with contamination to include: 1. the nature, extent and type of contamination on the site. 2. measures to treat/remove contamination to ensure the site is fit for the use proposed. 3. measures to deal with contamination during construction works. 4. the condition of the site on completion of the decontamination measures.
- 7 Prior to the occupation of any residential unit hereby approved,

- any measures to decontaminate the site as identified in accordance with condition 06, shall be fully implemented as approved by the City Council.
- 8 The Laeq within the proposed houses from traffic impact shall be no more than 45dB(A) from 0700 to 2300 hours and 35 dB(A) during the remaining hours of the night in accordance with the noise mitigation measures detailed in Chapter 4 of the Noise Impact Assessment submitted as part of the application.
- 9 The Laeq within the proposed houses from non traffic sources shall be no more than 40 dB(A) for any hour during the period 0700 to 2300 hours or 30 dB(A) during any 5 minute period in the remaining hours of the night.
- 10 All of the works comprising Phase 1 of the development hereby approved as detailed in site plan reference 1937/GA/001/E shall be completed prior to the commencement of construction of any of the units approved as Phases 2 or 3 unless otherwise agreed in writing by the City Council.
- 11 this permission shall operate only to enable development to be carried out in accordance with the details shown on the approved drawings and in the application documentation or contained in any approved amending document and unless permission has been granted by the City Council, no further development shall take place within the site other than the painting of the exterior of any building. For the avoidance of doubt any other permitted development rights which would normally apply following the grant of this permission are hereby removed.

Reasons

- 1 to reserve these matters for future consideration by the Council
- 2 to comply with Section 58 of the Town & Country Planning (Scotland) Act 1997

- 3 to comply with Section 58 of the Town & Country Planning (Scotland) Act 1997
- 4 In order to ensure that the amenities of the future residents of the development are protected.
- 5 to ensure that the development is carried out only in accordance with the terms of this permission
- 6 In order to ensure that the site is suitable for the use proposed in the interests of the environment of the future residents.
- 7 In order to ensure that the site is suitable for the use proposed in the interests of the environment of the future residents.
- 8 in the interests of the amenities of the future occupants of the residential accommodation
- 9 in the interests of the amenities of the future occupants of the residential accommodation
- 10 To ensure that the application site is developed in a satisfactory manner and that the conversion of the Listed Building is completed.
- 11 that having regard to the general nature of the proposed development it is considered important to ensure that no further development is carried out that would detract from the appearance of the area and affect the amenity of adjacent properties without the prior written permission of the District Council