

**KEY INFORMATION**

Ward Logie

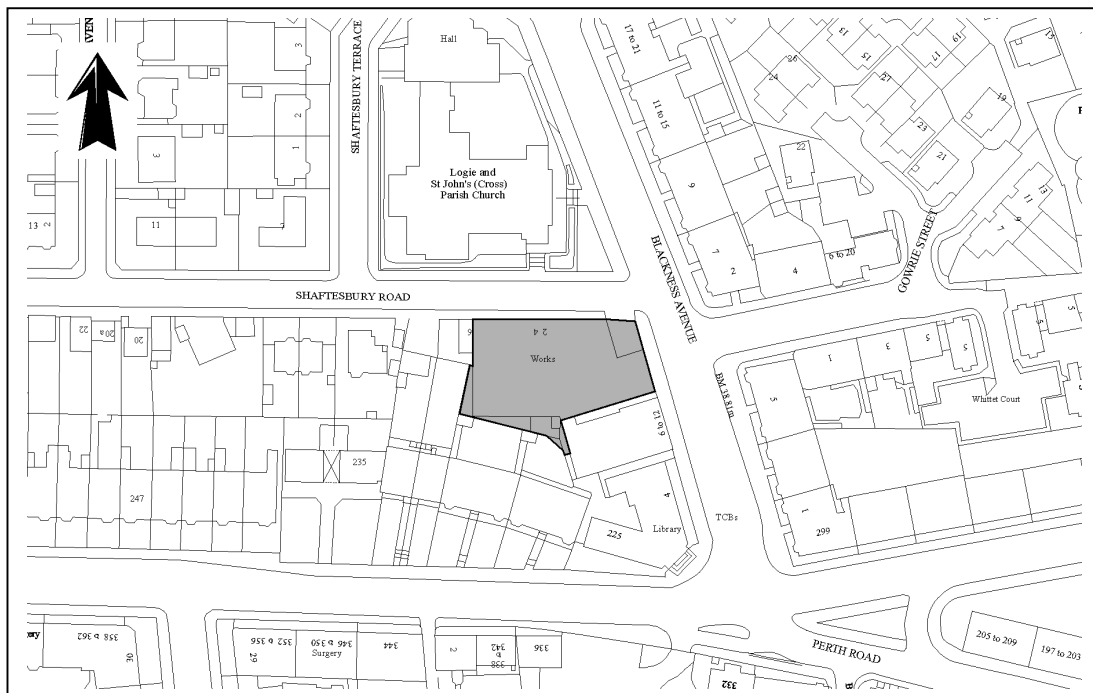
**Proposal**

Demolition of Existing Building and erection of seven townhouses

**Address**2-4 Shaftesbury Road  
Dundee  
DD2 1UL**Applicant**Emmock Homes Ltd  
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Registered 9 Sep 2002

Case Officer Eve Jones



# Proposed Townhouse Development in Shaftesbury Road

The demolition of an existing building and the erection of seven townhouses is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

**RECOMMENDATION**

It is considered that the proposed development complies with the relevant policies in the Dundee Local Plan 1998 and that the objections cannot be supported.

The application is recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- The application is for the redevelopment of a former printing works for the erection of 7 townhouses with integral garages and rear gardens. The houses will have four floors of accommodation including ground floor garden rooms, first floor open plan lounge dining areas and upper floor sunrooms with south facing balconies. The design is modern with extensive glazing to the south and white render with timber detailing to the north. The east wall to Blackness Avenue is constructed in reconstituted stone.
- The site lies within the West End Lanes Conservation Area, on the corner of Blackness Avenue and Shaftesbury Road close to the Sinderins and the busy District Centre on Perth Road.
- The development is required to comply with residential amenity, design and Conservation Area policies in the Dundee Local Plan and the Finalised Dundee Local Plan Review. There have been two individual objections on grounds of loss of amenity, privacy, increased noise and traffic concerns. The adjoining Masonic objects because of possible complaints from new residents regarding noise from social events. The West End Community Council does not object to the proposed development. It is considered that the development complies with the relevant policies in the Dundee Local Plan and other material considerations and the objections cannot be supported.
- The proposal provides large townhouses on a site close to all facilities. The design and materials are modern and the building is of a scale which reflects the traditional tenemental form to the south and east.

## DESCRIPTION OF PROPOSAL

The application is for the demolition of the existing former printers and the erection of a terrace of seven townhouses with integral garages. The houses will be three storey to the front and four storey to the rear with a sloping mono pitch roof. They have 5 rooms plus a large open plan lounge/dining and kitchen. One unit has an additional lounge on the ground floor. The gardens to the rear range in size from 105 square metres to 28 square metres but the unit with the smallest garden has a first floor terrace of almost 40 square metres. In addition, all units have large south facing balconies of approx. 12 square metres on the upper floor. The design is modern with timber boarding and white render. The side wall to Blackness Avenue is reconstituted stone.

## SITE DESCRIPTION

The site lies on the south west corner of Blackness Avenue and Shaftesbury Road, opposite Logie and St John's (Cross) Parish Church. It is currently occupied by the former Harley and Cox printing works. There are houses to the west, houses and tenemental flats to the south, shops with a Masonic Lodge above to the south east and tenemental flats to the east. Beyond the shops is the Blackness Library immediately adjoining the Sinderins junction. The church, the library and the tenements to the south east on Blackness Avenue are all listed buildings and the site lies within the 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 1998

The following policies are of relevance:

Policy H1 - Existing Residential Areas. Within areas where residential uses predominate, the policy supports developments which do not adversely affect the environmental quality

enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell and they are in accordance with other policies in the Plan.

Policy H10 - Design of New Housing. The policy contains Guidelines for the design and layout of new housing, states that architecture and scale of buildings must respect the surroundings and new development should address surrounding streets.

Policy BE1 - Design Quality. The policy advises that new development will be expected to display the highest standards of composition and design and careful integration into the surroundings with regard to scale, form, siting, alignment, materials and landscaping. Infill development should relate closely to the established character of the surrounding area respecting established building



spacing, alignment, orientation and rooflines.

Policy BE11 - Development in Conservation Areas. All development is expected to complement and enhance the character of the area.

### Dundee Urban Nature Conservation Subject Local Plan 1995

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

### Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 4 - Design of New Housing. The policy and its detailed Appendix 1 set out the criteria for the design of new housing in order to achieve a high quality of development.

Policy 61 - Development in Conservation Areas. All new development should preserve or

enhance the character of the surrounding area.

Policy 79 - Contaminated Land. Where contamination is suspected applicants will be required to submit details of site investigations and any necessary remediation measures. Planning conditions may be applied to ensure any such measures are implemented.

## Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

Planning Advice Note 33: Development of Contaminated Land may be of relevance as the site is a former printing works.

Planning Advice Note 56: Planning and Noise is relevant as the site adjoins a Masonic Hall which hosts social events.

## 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 satisfies a number of key themes as it represents beneficial re-use of an existing brownfield site, close to facilities and services and providing a high quality living environment.

## SITE HISTORY

01/30347/FUL Planning application for the erection of 7 townhouses and 1 garage was withdrawn on 23 November 2001 before it could be determined. This application is a re-submission by the same applicant but the design of the development is radically different.

## PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and objections were received from two neighbours and the adjoining Masonic Lodge. The residents objected on the grounds of overlooking of house and garden, loss of privacy, damage to the environment of the area, noise from

vehicles, loss of on street parking and danger to pedestrians especially with regard to the proximity of the eastmost driveway to the corner of Blackness Avenue.

The Masonic Lodge raised a number of legal concerns regarding mutual property and boundaries but also lodged an objection on the basis that the erection of residential properties on this site would be likely to result in complaints from the new residents about the use of the Lodge premises. Fourteen organisations regularly use the hall especially in the evening and they all have annual social events with music. The objections will be considered in the Observations.

## CONSULTATIONS

The Director of Environmental and Consumer Protection undertook an indicative noise survey and from the absolute proximity of the site to the Masonic Lodge anticipated a likely noise breakout from the premises during social events. As a result, a Noise Impact Assessment under the terms of PAN 56 was requested. Following submission of the report by the applicant's consultant, it became clear that there were concerns regarding the levels of noise from the Lodge. It is possible to insulate the properties to an internal standard which would render the music/entertainment noise inaudible with the windows closed, this could not control noise on the overlooking balconies.

At the moment, the Lodge operates legally and legitimately and the Council has received no complaints of noise as the affected site is a printing works. However the Director anticipates that should the development proceed as proposed, complaints could be expected which could then jeopardise the musical entertainment use of the Lodge and possibly its commercial viability. The applicant's agent has submitted supporting information detailing the conditions of the licence under which the Lodge operates. The Director of Environmental and Consumer Protection considers that complaints may result from new residents of the proposed houses and cannot support the application.

With regard to potential contamination from this former printing works, the

applicant's agent has submitted information to the effect that prior to demolition, a comprehensive environmental audit will be carried out and if any contamination is identified, suitable remediation measures will be implemented to ensure that the site is suitable for the proposed residential use. Such processes can be the subject of appropriate planning conditions.

The West End Community Council does not object to the planning application.

## OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by any 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.

## Dundee Local Plan 1998.

Policy H1 - Existing Residential Areas. Within areas where residential uses predominate, the policy supports developments which do not adversely affect the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell and they are in accordance with other policies in the Plan.

The properties are terraced town houses with integral garages and driveways. This design will restrict the impact of noise from vehicles on surrounding residential properties. The development of the site for houses rather than flats not only restricts the number of units but also ensures that the rear part of the site remains in use as gardens rather than as a parking area which would have had a detrimental impact on the tenemental properties to the south. The units have been designed to maximise the southern aspect of the principal living areas and to provide south facing balconies. These compensate for the fact that the

gardens are partly shaded by the high buildings to the south. This does result in limited overlooking of adjoining garden areas.

However, the distance between the new houses and the tenemental properties to the south is at least 20 metres and this distance increases along the terrace. Houses to the west and flats to the east are also more than 20 metres distance. In an inner city location, this distance is considered to be reasonable and acceptable.

The street is in use at present for on street parking but any redevelopment of the site for residential use will result in loss of this facility. However the new development will have parking for 2 cars per unit.

It is considered that the design and layout of the development does not adversely affect the environmental quality enjoyed by local residents and the application is in accordance with the first part of Policy H1.

Policy H10 - Design of New Housing. The policy contains Guidelines for the design and layout of new housing. The policy was the subject of a revision which was approved as a material consideration by the Development Quality Committee on 24 September 2001. The application will be considered with respect to both the adopted and the revised H10 Guidelines.

The site lies within the Inner City and the revised criteria includes development of houses rather than flats except where specific site circumstances demand a flatted development; minimum of 65 % of houses with 3 or more bedrooms and gardens of 50 square metres minimum. The houses all have gardens ranging in size from 28 square metres to 105 square metres and have sunny upper floor terraces in excess of 12 square metres. The house with the smallest garden also has a first floor terrace of 40 square metres. The adopted Guidelines also specify a minimum of 18 metres between facing habitable rooms and 130% parking provision. The proposed development satisfies these criteria.

The policy requires important building units to be respected and any new development to have good architectural manners relative to neighbouring buildings. The design

quality of the development will be considered in relation to Policy BE1.

Policy BE1 - Design Quality. The policy advises that new development will be expected to display the highest standards of composition and design and careful integration into the surroundings with regard to scale, form siting, alignment, materials and landscaping. This development offers large, high quality modern houses in a desirable location close to all amenities. The design and materials are modern but are considered to complement the variety of styles, scale and materials in the surrounding buildings and the development will enhance the character of the surrounding area.

The site is surrounded by buildings which vary in type, scale and materials. Logie and St John's (Cross) Parish Church lies to the north on an elevated site. There are houses to the west, houses and tenemental flats to the south, shops with a Masonic Lodge above to the south east and tenemental flats to the east. Beyond the shops is the Blackness Library immediately adjoining the Sinderins junction. This is not a conventional infill site where there are established building lines or building forms on either side which influence the design of the new development. The site offers the opportunity to provide a modern development of a scale which reflects the tenemental properties on Blackness Avenue but takes the opportunity to provide large modern houses with off street garaging and parking. The orientation of the site allows the principle rooms to be located on the south elevation with the benefit of aspect and views. The relatively restricted and shaded rear gardens are more than compensated for by the top floor terraces on the south elevation. The resulting development offers large, high quality modern houses in a desirable location close to all amenities. The design and materials are modern but are considered to complement the surrounding variety of buildings and enhance the character of the Conservation Area.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

## Other Material Considerations

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

### Finalised Dundee Local Plan Review

Policy 4 - Design of New Housing. The criteria are compatible with Policy H10 of the development plan as detailed above and the development is in accordance with the policy.

Policy 61 - Development in Conservation Areas. All new development should preserve or enhance the character of the surrounding area. This is considered with regard to Policy BE 11 of the development plan as detailed above and the development is in accordance with the policy.

Policy 79 - Contaminated Land. Where contamination is suspected applicants will be required to submit details of site investigations and any necessary remediation measures. Planning conditions may be applied to ensure any such measures are implemented. As detailed in the consultations above, the applicant's agent has complied with the requirements of the policy.

Planning Advice Note (PAN) 33 - Development of Contaminated Land. As detailed in the consultations above, this matter can be addressed by the use of appropriate planning conditions.

Planning Advice Note PAN 56 - Planning and Noise advises that housing should generally be regarded as a noise sensitive land use. The location of a noise sensitive use next to a noise generating use may result in complaints from new residents which may result in the curtailment of the existing use. In view of the close proximity of the site to the Masonic Lodge, a Noise Impact Assessment was requested. Following consideration of the report, the site characteristics and the details of the proposed residential development, the Director of Environmental and Consumer Protection does not support the application.

The use of the Masonic Lodge premises for social events is not a continuous or a daily occurrence. Any noise breakout is likely to be occasional. No complaints have been received from existing residents. The

proposed housing can be built to a required standard which will control the impact of any noise within the buildings.

The Masonic lodge is licensed by the Sheriff Court as a registered club which has its own regulatory controls.

## Objections

Objections were received from two neighbours and from a solicitor acting for the adjoining Masonic Lodge. The individuals objected on the grounds of additional parking problems due to increased residents and loss of on street parking; detrimental impact on the visual environment of the area particularly the library; increased noise from additional residents; loss of privacy to windows and gardens; danger to pedestrians from cars crossing the footway and a driveway close to the Blackness Road junction. The above issues other than the last, have been discharged in the consideration of the relevant policies in the Dundee Local Plan as detailed above. Following discussion, the architect has amended the plans to include a footway build out at the south side of the junction to improved the safety of the access to the first driveway.

The objection on behalf of the Masonic Lodge raised a number of legal rather than planning issues. However, the planning objection relates principally to the perceived risk of complaints from future residents to the social activities held in the premises. As detailed above in consideration of PAN 56, it is noted that the buildings can be constructed to a sufficient standard to control the impact of noise within the houses. If this objection were to be supported on planning grounds it would effectively result in the sterilization of this site for residential use within what is a predominantly residential area.

In conclusion, it is not considered that these objections are sufficiently strong to justify the refusal of planning permission for residential development on this site.

It is concluded from the foregoing that the material considerations support the granting of consent with conditions.

## Design

As detailed in the Observations above, this development offers large, high quality modern houses in a desirable location close to all amenities. The design and materials are modern but are considered to complement the surrounding variety of buildings and enhance the character of the surrounding area.

## CONCLUSION

The proposed development is considered to be in accordance with the relevant policies in the Dundee Local Plan; the Finalised Dundee Local Plan Review and other material considerations. The objections are not considered to be sufficiently strong to support refusal of the application. It is therefore recommended that planning permission be granted with conditions.

## 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 proposed finishing materials 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 3 months of the occupation of the first of the houses hereby approved, 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.
- 4 No development shall commence on the site until a thorough investigation of potential contamination has been carried out and the results have been submitted to, and approved in writing by, the City Council.

- 5 Any measure necessary to remediate the site as identified by the contamination report referred to in condition 4 shall be fully implemented prior to the occupation of any residential unit hereby approved.
- 6 Noise levels from any externally produced amplified music or vocals or electrical or mechanical services within individual dwellings shall not exceed 35 dB, LAEQ (5 min) between 2100 hours and 0700 hours. Before the occupation of any house hereby approved, it shall be demonstrated to the satisfaction of the Council that the foregoing internal noise levels have been achieved.

## Reason

- 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 In order to ensure that the site is suitable for the use proposed and in the interests of the environment of the future occupants of the residential accommodation.
- 5 In the interests of the environment of the future residents of the residential units.
- 6 In the interests of the amenities of the future occupants of the residential accommodation.