

**KEY INFORMATION**

**Ward** Bowbridge

**Proposal**

Partial demolition of factory buildings and redevelopment of site to provide 11 houses, 3 of which will be conversion of existing building.

**Address**

Constable Works  
31-33 Constitution Street  
Dundee DD3 6NL

**Applicant**

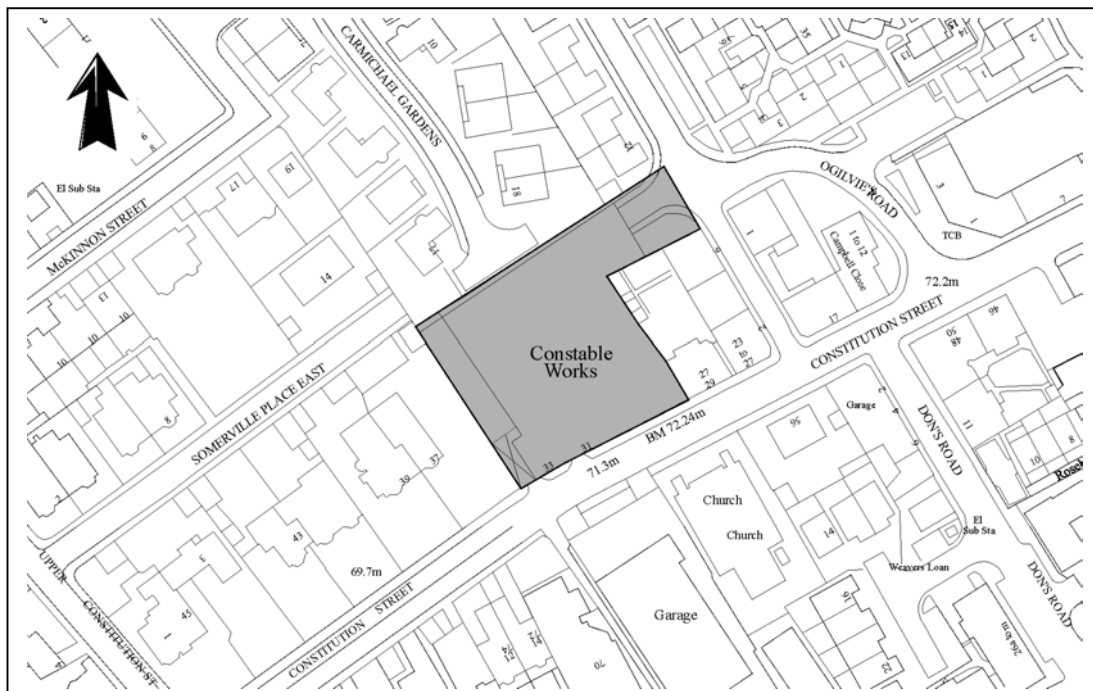
George Martin Builders  
5-9 Fairfield Road  
Dundee DD3 5HR

**Agent**

KDM Architects  
15 Camperdown Street  
Broughty Ferry  
Dundee DD5 3AA

**Registered** 4 April 2003

**Case Officer** D Gordon



The partial demolition of existing factory buildings and redevelopment of the site to provide 11 houses three of which will be conversion of existing building is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

**RECOMMENDATION**

It is considered that the proposed residential development is in accordance with the policies and proposals of the Dundee Local Plan 1998. The site is identified in the Finalised Dundee Local Plan Review as a brownfield housing site. The application is recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- Planning permission is sought for the partial demolition of a factory building and the provision of 8 new build houses and conversion of an existing office building into 3 houses (total of 11 houses).
- The proposal raises issues for consideration in terms of the Housing policies of the Dundee Local Plan 1998 and the draft policies of the Finalised Dundee Local Plan Review.
- Three objections to the proposals have been submitted. The main issues raised relate to over-development, overlooking, access problems and landscaping.
- It is considered that the proposed development is innovative in design and in accordance with the relevant policies of the development plan. The proposal fails to meet all the requirements of the Finalised Dundee Local Plan Draft. However, it is considered that there are no material considerations of sufficient weight, including the issues raised by the objectors, to justify refusal of the application

## DESCRIPTION OF PROPOSAL

The proposal involves the partial demolition of a factory building and the redevelopment of the site to provide 11 new dwellings. Eight of the houses are to be new build and 3 are to be formed within the office building of the factory. The new houses facing onto Constitution Street will be 3 storeys in height, to complement the existing office building located to the west side of the site, and will be finished in natural stone (part of retained factory wall), brickwork and roof tiles. The new houses to the north side of the site will be finished in facing brick and roof tiles. Each new house will accommodate 3 bedrooms.

The development also involves the erection of 4 free standing double garages and 6 off street car parking spaces. In addition 2 new houses will each have an integral garage and 1 off street parking space within their curtilage. Access into the site is to be taken from an existing access located on Lawton Place to the east.

## SITE DESCRIPTION

The site is located on the north side of Constitution Street and to the west of Lawson Place. The site accommodates a stone built factory building that has a single storey frontage along part of its length on Constitution Street. This frontage terminates at the south west corner of the site with a 3 storey office building that is associated with the factory. Adjacent to the south east corner of the site there are 4 storey, stone built tenemental flats. To the north, east and west are the residential properties of Carmichael Gardens, Lawson Place, Somerville Place East and Constitution Street. To the south the area displays a variety of uses including housing, a children's nursery and a church.

The Law Terraces Conservation Area is located to the west of the application site.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

Housing Policy 2: Dundee and South Angus Housing Market Area.

### Dundee Local Plan 1998

The following policies are of relevance:

Policy H1 - Safeguarding the environmental quality enjoyed by local residents

Policy H4 - Infill developments and the protection of residential amenity

Policy H10 - Design of new housing

Policy BE30 - Contaminated land



### 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 1: Vibrant and Sustainable Communities

Policy 4: Design of New Housing

Policy 79: Contaminated Land

Brownfield Housing Proposals - Proposal H26 (Constable Works).

### Scottish Planning Policies, Planning Advice Notes and Circulars

The following is of relevance:

Designing Places - A Policy Statement for Scotland.

Non Statutory Statements of Council Policy

The following is of relevance:

Dundee. The Urban Design Guide.

## LOCAL AGENDA 21

It is considered that the proposal is in conformity with the Council's Local Agenda 21 Policies as it re-uses a brownfield site for development purposes. In addition, Local Agenda Key Theme 15 is of relevance to the consideration of this application and seeks to ensure that diversity and local distinctiveness are valued and protected. It is considered that given the location and appearance of the proposed development adjacent to a conservation area the aims of the Key Theme are achieved.

## SITE HISTORY

A recent planning application for the development of this site for residential purposes, with access being taken from Carmichael Gardens to the north, was withdrawn by the applicants prior to formal consideration of the proposal by this Council.

## PUBLIC PARTICIPATION

The statutory neighbour notification procedure has been completed by the applicants. The neighbours were advised of the proposals at the time of the submission of the application and were re-notified as a result of material amendments to the development. In addition, the application was advertised in the local press as Development Potentially Contrary to the Development Plan (Policy H4 of the Dundee Local Plan 1998). At the time of writing, the application has attracted 3 individual objections from local residents. The main relevant issues raised by the objectors relate to:

- 1 The over-development of the site
- 2 The overlooking of adjacent properties by new housing
- 3 Potential access problems leading into the site
- 4 Impact of the proposed landscaping on adjoining properties.

Copies of the objections are available for inspection in the Members Lounge. The various issues that have been raised by the objectors are discussed in full in the 'Observations' below.

## CONSULTATIONS

The relevant Council Departments and outside bodies have been consulted with regard to the proposals.

Scottish Environment Protection Agency has offered comments on the disposal of surface and foul water and the need to investigate any ground contamination within the site.

No adverse comments to the development have been received.

## 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 other material considerations

The proposal involves the partial demolition of a factory and the provision of 11 new dwelling houses on the site. It is proposed to erect 8 new build houses and convert the existing office building on the south west corner of the site into 3 houses.

The single storey, stone built element of factory building on the Constitution Street frontage is to be partially removed and 6 new, 3 storey houses provided. To the rear of these, private garden ground and associated pitched roof garages are proposed. On the north side of the site ie adjacent to Carmichael Gardens, it is proposed to erect a detached, two storey house. This will accommodate an integral garage and an off street car parking space within its curtilage. On the east boundary of the site a three storey house is proposed on the north facing gable of the adjacent 4 storey tememental building. This will also accommodate an integral garage and a curtilage parking space. Access is to be taken from an existing access leading from Lawson Place.

Each new house will accommodate a minimum of 3 bedrooms in addition to

kitchen, living room etc.. Private garden ground for each dwelling ranges in size from 52 sq. m. to 114 sq.m.(average of 72.7sq m.). A total of 18 garage / parking spaces are to be created within the site (164% provision).

It is considered that the proposed development makes good and innovative use of this brownfield site. The design, layout, scale, style, form and appearance of the new buildings are all considered acceptable and will contribute significantly to the visual improvement of the surrounding area. The use of the access from Lawson Place for the amount of vehicles generated by the development is acceptable and indeed will be less problematic than the former use of the site as a factory.

It is also considered that the environmental quality of the adjacent residential properties will not be significantly affected by the proposals. The applicants have attempted to reduce the amount of habitable room windows overlooking adjacent houses in order to secure the privacy the surrounding occupiers. It is considered that any impact on the adjoining dwellings will be minimal within this inner city location.

## 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 H1 - in predominantly residential areas, developments will be permitted where they do not adversely affect the local environmental quality, including in terms of design, layout, parking and traffic movement issues and where they are in accordance with other policies and proposals of the local plan. The residential character of the local area confirms that this policy is of relevance in this instance. It was concluded above that the development would not adversely impact on the character of the surrounding area by virtue of inappropriate design or layout and would not significantly impact on the road traffic and pedestrian safety of the area. The proposal is considered to be in accordance with Policy H1 of the Plan.

Policy H4 - Infill development will normally be granted providing the appearance of the surrounding area is

not adversely affected. Approval is, however, unlikely to be granted where the siting and scale of the development affects the degree of sunlight, daylight and / or privacy enjoyed by the occupants of adjoining property and where the materials, style and form are alien to the surroundings. It was concluded above that the form, design and appearance of the proposed development were all appropriate for this location and indeed the development represented a significant improvement in the visual quality of the local area. It was also concluded that the adjoining occupiers would not be significantly prejudiced by virtue of increased overlooking and reduction of privacy. Consequently, the application is considered to be in accordance with Policy H4

Policy H10 - The design and layout of new housing will generally conform to the guidelines set out within the Plan. Architecture and scale of buildings must respect the surroundings and new development should address surrounding streets and most buildings should front onto streets. It is concluded above that the design and layout of the new development are appropriate and consequently, the proposal is considered to be in accordance with Policy H10.

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

Brownfield Housing Proposals - Proposal H26. The site has been identified in the Review as a housing site.

Policy H1: Vibrant and Sustainable Communities. The terms of this policy are reflected in Policy H1 of the Dundee Local Plan as discussed above. It is concluded that the proposal is in accordance with this draft policy

Policy 4: Design of New Housing. The terms of this policy are generally reflected in Policy H10 above. Within the Inner City area all new houses are expected to have a minimum of 2 bedrooms. This is achieved with each dwelling accommodating a minimum

of three bedrooms. A minimum of 50 sq m of private garden ground should be provided for each house. The development achieves this with each house having a minimum of 52 sq m with the overall average being 72.7 sq.m. per dwelling. The Review also requires that 30% of the gardens should have 75 sq.m. or more garden area. The proposal falls below this requirement with only 27% of the dwellings achieving this figure. However, this small percentage difference is not considered significant within this quality development. With regard to parking, it is recommended that all tenures have at least 1 space within the curtilage of the house with 40% of private houses having a garage or space for one. The development does not achieve this requirement although a total of 10 garages, 2 curtilage spaces and 6 parking spaces are to be provided (total of 164% provision). This is considered acceptable in this instance.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

With regard to the submitted objections, it is considered that the issues raised have been discussed in full and discharged above.

## Design

The submitted plans display a quality of design that is to be welcomed in this area. The applicants have been innovative in the layout of this brownfield site and through the use of good architecture have created a housing scheme that will add to the visual improvement of this local area. It is considered that the partial removal of the existing factory will be of benefit to the surrounding occupiers by virtue of increased light into the garden areas of adjacent housing.

## CONCLUSION

The application to provide 11 houses on this site is considered to be in accordance with the policies and proposals of the Dundee Local Plan 1998. While the development fails to meet all the requirements of the Finalised Dundee Local Plan Review,

the scheme is considered to be of such a quality and benefit to the area that the material considerations in this instance are not considered to be of a sufficient weight to refuse the application.

## 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. Development shall not begin until a scheme to deal with any contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of proposals to deal with contamination to include:
  - 1 the nature, extent and type(s) 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 condition of the site on completion of decontamination measures

Before any residential unit is occupied the measures to decontaminate the site shall be fully implemented to the satisfaction of the planning authority

- 5 Development shall not begin until details of a scheme of hard and soft landscaping works have been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
  - 1 location and design, including materials, of walls, fences and gates
  - 2 soft and hard landscaping works
  - 3 location of new trees, shrubs, hedges and grassed areas

- 4 schedule of plants to comprise of species, plant sizes and proposed numbers / density
- 5 a programme for completion and subsequent maintenance.

## 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 that the site is fit for the use proposed
- 4 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.