

**KEY INFORMATION**

**Ward** Tay Bridges

**Proposal**

Erection of 2 No town houses with car parking

**Address**

Land to the South of Stevens Yard  
Shepherds Loan  
Dundee  
DD2 1AX

**Applicant**

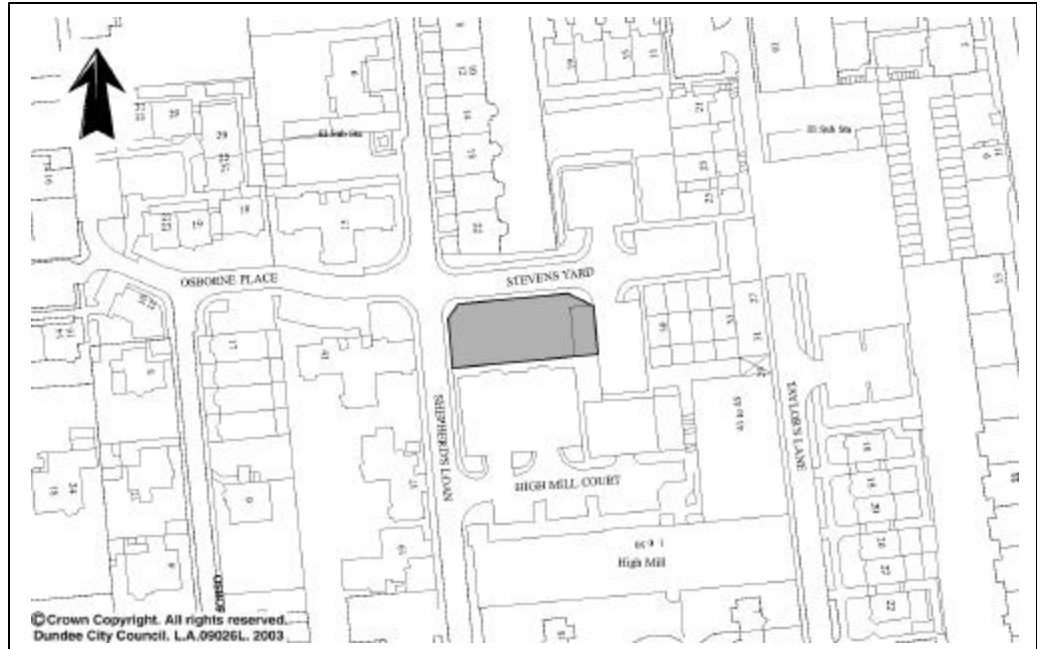
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**Registered** 30 Sep 2004

**Case Officer** D Gordon



# Proposal for New Townhouses in Shepherds Loan

The erection of two town houses with car parking is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposal will not contribute to the improvement in the environmental quality of this former inner city industrial site by virtue of the adverse impact the development will have on the surrounding conservation area and adjacent listed building. The application is recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- Planning permission is sought for the erection of a semi-detached block of 3 storey dwelling houses on a vacant site located on the east side of Shepherds Loan. The land forms part of the former Seafield Works re-development site and is currently vacant and in a well maintained condition. The site was previously identified as the location for the re-erection of the former half timers school that was demolished as part of the approved proposals for the area.
- The statutory neighbour notification procedure was undertaken by the applicants in addition to the application being advertised in the local press as development adversely affecting the setting of a conservation area and listed building.
- Three objections to the proposal have been received. The main issues raised relate to the adverse impact of the proposal on the environmental quality of the surrounding area, including the loss of the existing area of grass.
- The details of the proposals are not considered to be in full accordance with the requirements of the relevant development plan policies. There are no material considerations that would justify the approval of the application contrary to these policies.

## DESCRIPTION OF PROPOSAL

The application seeks permission to erect a semi-detached block of 3 storey houses on a site located on the east side of Shepherds Loan. The dwellings will be set back approximately 11 metres from Shepherds Loan and will accommodate both front and rear garden areas.

The new houses will provide kitchen, dining room, toilet and utility room on the ground floor, a living room and an en-suite bedroom at first floor level and 3 further bedrooms and a bathroom at second floor level. The buildings are to be finished in Spanish slate (roof), second hand slate (selected dormer and porch roofs) and roughcast/facing brick walls.

Off street car parking (5 spaces in total) is to be provided on the existing car parking area located on the east side of the site.

## SITE DESCRIPTION

The application site is located in the inner city sector of Dundee within the curtilage area of a former jute mill that was redeveloped, primarily for residential purposes, in the late 1980's - early 1990's. The site is located to the west of Shepherds Loan, to the north of High Mill Court, to the west of Taylors Lane and to the south of Stevens Yard. The site, which measures .0435 hectares, is currently vacant, grassed over and is in a well-maintained and tidy condition. The land is generally flat although it does slope slightly in a north to south direction. The site is contained within the West End Lanes Conservation Area.

The surrounding area is predominantly residential in character and offers a wide variety of residential accommodation ranging from new build 2 and 3 storey housing to converted former industrial buildings including the dominant former High Mill located to the south. This Mill is a Category A Listed Building. Traditional tenemental buildings are also evident in the immediately area.

The off street car parking areas for the High Mill building is located to the south side of the site.

## 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 - Within areas where residential use predominates, developments will be permitted where they do not adversely affect the environmental quality enjoyed by local residents. The proposals should also be in accordance with the policies and proposals found elsewhere in the Plan.

Policy H4 - Infill developments will



normally be approved where the appearance of the surrounding area is not adversely affected. However, permission will not normally be granted where the environmental quality of adjoining occupiers is prejudiced.

Policy H10 - This policy offers design guidelines for new developments within the city.

Policy BE1 - The Council will expect the highest standards of composition and design in all new development and its careful integration with its surroundings as regards scale, form, siting, alignment, materials and landscaping. Infill development

should relate closely to the established character of the surrounding area.

Policy BE11 - Within conservation areas all development will be expected to compliment and enhance the character of the surrounding 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 1: Vibrant and Sustainable Communities. The Council will promote vibrant and sustainable communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New developments should be in accordance with other policies in the Plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic issues, noise and smell.

Policy 4: Design of New Housing. The design and layout of new housing in the city should be of a high quality. As a basis for achieving this, new development will require to conform to the Design Standards contained in Appendix 1 of the Plan unless certain circumstances dictate otherwise.

Policy 61: Development in Conservation Areas. Within conservation areas all development proposals will be expected to preserve and enhance the character of the surrounding area.

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

The following are of relevance:

National Planning Policy Guideline 18: Planning and the Historic Environment. This NPPG sets out the Government's planning policies in relation to the historic environment

with a view to its protection, conservation and enhancement.

Designing Places - Policy Statement for Scotland (Scottish Executive 2000). This document sets out the policy context for raising the standards of urban development in Scotland.

Memorandum of Guidance on Listed Buildings and Conservation Areas - Historic Scotland 1998.

## Non Statutory Statements of Council Policy

The following policy statements are of relevance:

Dundee - The Urban Design Guide.

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## LOCAL AGENDA 21

Key themes of Local Agenda 21 include combining places, spaces and objects to achieve beauty with utility and protecting diversity and local distinctiveness. Although the development of an inner city brownfield site is to be encouraged, the proposal fails to achieve a quality acceptable to its local surroundings.

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## SITE HISTORY

The site forms part of the comprehensive redevelopment of the former Seafeld Works. However, the following applications are of direct relevance to this vacant site.

D13738 - Re-erection of half-timers school and its use as a restaurant - App. 1/11/88.

D18868 - Re-erection of half-timers school - application was withdrawn 1995.

D20662 - Re-erection of half-timers school and its use as a house - App. 23/8/95.

D23203 - Re-erection of half-timers school and use as a bistro bar - Refused 28/5/98.

DLB01536 - Re-erection of half-timers school - App. 28/5/98.

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## PUBLIC PARTICIPATION

The applicants have undertaken the statutory neighbour notification procedure in addition to the application being advertised in the local press on 7 October 2003 as Development Affecting the Setting of

a Conservation Area and Listed Building. A total of 3 objections from local residents have been received. The terms of the objections are as follows:

- 1 The proposed development will result in overlooking of adjacent properties.
- 2 The development will detract from the appearance of the surrounding area.
- 3 The proposal will encroach into the current open space in the local area.
- 4 The development will potentially result in increased on street parking in the local road network.

Copies of these letters are available for inspection in the Members Lounges. It is intended to comment on the various issues in "Observations" below.

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## CONSULTATIONS

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

The Head of Environmental Health and Trading Standards has advised of potential contamination issues relating to the development of the site for residential purposes.

No adverse comments have been received for any of the other parties who have been consulted on this proposal.

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## 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 Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

The site forms part of the comprehensive re-development of the former Seafeld Works for residential

purposes that was undertaken in the late 1980's / early 1990's. This application site was originally identified as being suitable for the re-erection of the Mill complex half-timers school that was demolished as part of the redevelopment proposals for the area. Unfortunately, a combination of vandalism, theft and weathering has resulted in very little of the former listed building remaining. This, combined with the failure of the previous developer of the site to re-erect the school, has meant that the site has remained vacant for some time. Taking this into account, it is considered that the opportunity to re-construct the original building has now disappeared.

The proposal now under consideration is the provision of a block of semi detached, 4 bedroom, 3 storey dwellings with associated off street car parking located to the east. The proposed finishing materials are Spanish slate (roof), roughcast and wire cut facing brick walls. Garden ground is to be located to the east and west of the new houses.

Policy H1 of the adopted Local Plan offers support to developments within residential areas that do not adversely affect the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell. As regards the design of the new buildings, the Members are advised that a similar house type was approved permission by this Council on 23 February 2004 on a site located to the east on the east side of Taylors Lane (03/00682/FUL refers). The development of this site with the house type proposed was considered acceptable as the proposal completed the redevelopment of the eastern section of former industrial site and the submitted details were considered to be an improvement on the plans originally granted permission. It was also considered that the application did not prejudice the environmental quality of the adjacent occupiers or detract from the setting of the surrounding conservation area.

However, as stated above, the application site now under consideration was originally allocated for the erection of a stone built, listed building that would, through its design, location and historical significance, compliment the setting of

the adjacent Category A listed building ie the former High Mill. It is considered that the development of this isolated site for buildings of the size, scale and design proposed would not fulfil the anticipated role of the former school building. The new buildings do not relate well in scale and design to the existing stone built buildings located to the north and south ie the tenemental buildings and the Mill. Consequently, and despite the existence of modern 3 storey residential properties located directly opposite to the west, it is considered that the proposal will not enhance the setting of the surrounding conservation area and will prejudice the setting of the adjacent listed Mill building particularly when viewed from the north.

Policy H4 of the adopted Local Plan advises inter alia that infill developments will normally be granted where the appearance of the surrounding area is not adversely affected. It considered that the issues raised in Policy H1 above are relevant to this policy and consequently, the same conclusions are offered.

Policy H10 offers design guidelines for new build dwellings within the city. The terms of this policy are met by the proposal with regard to housing mix, layout, garden area and off street car parking space provision.

With regard to Policy BE1 (Design Quality) and Policy BE11 (Developments in Conservation Areas), it is considered that these issues have been fully discussed in Policy H1 above and the same conclusions are drawn.

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

### Other Material Considerations

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

The terms of the relevant policies of the Finalised Dundee Local Plan Review (Policy 1: Vibrant and Sustainable Communities, Policy 4: Design of New Housing and Policy 61: Development in Conservation Areas) are reflected in Local Plan Policies H1, H4, H10, Be1 and BE11 above. Consequently, the same conclusions are considered appropriate.

The proposal is considered to be contrary to the terms of national planning policy guidelines for such developments and also contrary to the aspirations of Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas.

With regard to the issues raised by the objectors to the development, it is considered that the matters relating to the impact of the proposal on the appearance of the surrounding area and the local road network have been discharged above. As regards the issue relating to the overlooking of adjacent properties, the new houses are located sufficiently distant from existing residential units so as to minimise any such impact. With regard to the use of the site for housing purposes and not open space as currently exists, the site is an allocated development site and its use for open space, while welcome, would not be in accordance with the approved re-development proposals for the former Seafeld Works site.

It is concluded from the foregoing that the material considerations all weigh against the grant of planning permission. It is therefore recommended that planning permission be refused.

### Design

The proposed design of the new dwellings has been approved for another, and more appropriate development site within this former Mill complex. The vacant site now under consideration sits in isolation on the north side of the Mill building. The development of this site with a 3 storey block of semi detached housing of the scale and appearance proposed would be inappropriate by virtue of its adverse impact on the setting of the surrounding conservation area and the adjacent Category A Listed Building.

### CONCLUSION

The proposal does not satisfactorily complete the re-development of this section of the former Seafeld Works site. The details submitted for determination are considered to be unacceptable and do not result in an improvement on the plans originally approved for this site. The proposal will detract from the setting of the surrounding conservation area and will adversely impact on the setting of the

adjacent Mill that is a Category A listed Building.

### RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reason(s):-

#### Reason

- 1 That the proposed development by virtue of its design, scale and appearance does not have due regard to the surrounding conservation area and adjacent Category A Listed Building and consequently fails to meet the requirements of Policies H1, H4, BE1 and BE11 of the Dundee Local Plan 1998.
- 2 That the proposed development by virtue of its design, scale and appearance does not have due regard to the surrounding conservation area and adjacent Category A Listed Building and consequently, fails to meet the requirements of Policy 1, Policy 4 and Policy 63 of the Finalised Dundee Local Plan Review.