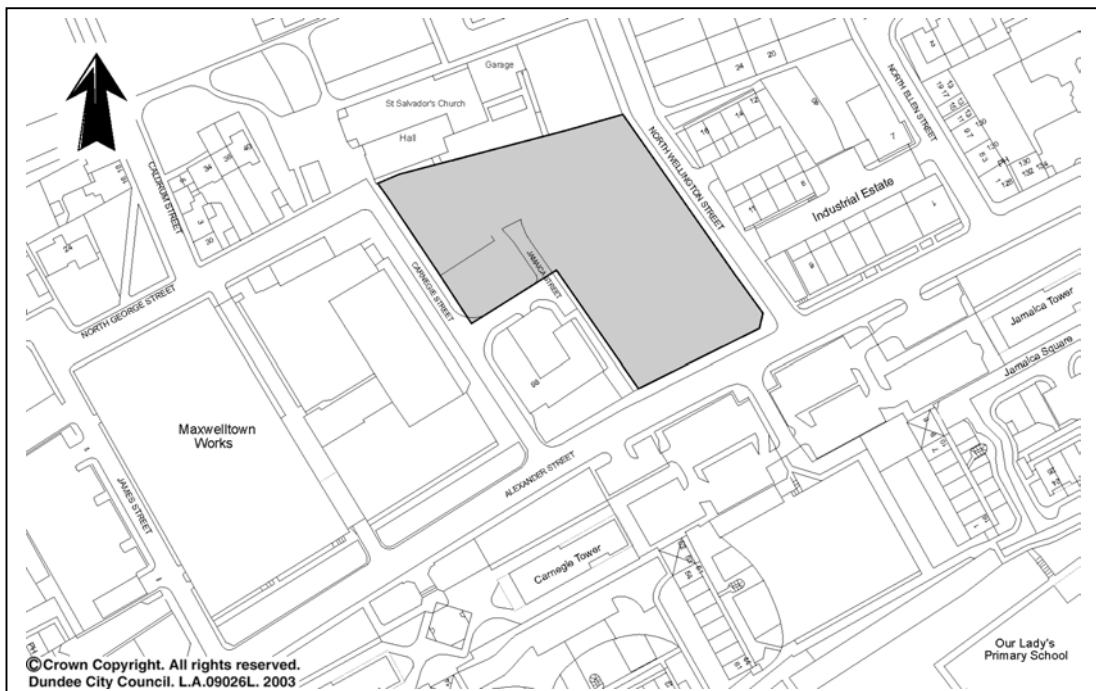


KEY INFORMATION

Ward Hilltown

ProposalErection of 16 houses and
12 flats**Address**Jamaica Works Phase 2
Carnegie Street
Dundee
DD3 7AG**Applicant**Hillcrest Housing Association
4 South Ward Road
Dundee
DD1 1PN**Agent**KDM Architects
15 Camperdown Street
Broughty Ferry
Dundee
DD5 3AA**Registered** 12 Oct 2004**Case Officer** C Walker

The erection of 16 houses and 12 flats is **RECOMMENDED FOR APPROVAL** subject to conditions.
Report by Director of Planning and Transportation

RECOMMENDATION

The proposals will provide an attractive residential development which will enhance the environmental quality of the wider area. The allocation of the site for industry in the adopted Local Plan has been overtaken by the Finalised Plan and the approved Site Planning Brief. The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for a residential development of 16 houses and 12 flats on the site. In terms of its design the development seeks to create a residential block with frontage development to the surrounding streets.
- The site is allocated as a general industrial area under Policy EU1. The proposal contravenes this policy. Policy H10 sets out standards for new housing development. The proposed development includes more flats than permitted by this policy but there is a justification contained in the policy for the amount of flats proposed in this application.
- The Council approved a Site Planning Brief for this site in September 2004. This Brief indicates a form and type of development very similar to the application proposals.
- A letter of objection on behalf of St Salvador's Church stating concerns about the proposed finishing materials and the density of development being too low. A letter of representation on behalf of IBP Conex was received stating concerns about the proximity of houses to this building and the need to address the issue of noise.
- It is considered that the allocation of the site for housing in the Finalised Plan, the terms of the approved Site Planning Brief and the fact that the site has been vacant for many years and its continued dereliction detracts from the environment of the wider area provide a justification for approving the development. It is further considered that the design and density of the development are satisfactory and that concerns about noise can be addressed by a planning condition.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a residential development of 16 houses and 12 flats on the site. In addition consent is sought for a further 7 houses to the south west of this site by the same applicant (see Report on application ref. No. 04/0000855/FUL elsewhere in this Agenda) as part of a unified development for the entire block bounded by Alexander St, Carnegie St, North Wellington St and St Salvador's church and hall.

The layout of the proposed development comprises a 4-storey block of 12 flats at the junction of Alexander Street and North Wellington Street. This block has a parking area to its west accessed from Carnegie Street through a pend in new dwellings. To the north of the flats is a linked terrace of 3 townhouses (three storeys) and 6 houses on North Wellington Street and to the north west of the site is a further linked terrace of 7 houses on Carnegie Street.

The flats each have 2 bedrooms and a garden area of some 165 sq meters along with parking for 13 cars to the west of them. 12 of the houses have 3 bedrooms and 4 have 4 bedrooms. The proposed houses have private gardens ranging from the smallest at 52 sq. metres to the largest at 235 sq. metres with an average size of some 115 sq. metres. Each house has a parking space in front of it.

In terms of its design the development seeks to create a residential block with frontage development to the surrounding streets. The flatted block at the junction of Alexander Street and North Wellington Street provides an appropriate scale at this location. The terrace on Carnegie Street is set back behind a pocket park and curves gradually in a north westerly direction to expose views of the Category A listed St Salvador's Church and Hall. Larger floor to ceiling window openings on selected elevations provide interest as do the proposed finishing materials of coloured render and panels, brick and tiles.

Landscaping is proposed in the form of a boulevard of trees along Alexander Street and street trees on North Wellington Street and Carnegie Street.

The existing lime trees will be felled to make way for the new landscaping proposals.

SITE DESCRIPTION

The site comprises some 0.6 ha of disused ground. To the north are the high stone walls of the Category A listed St Salvador's Church and Hall, a social club and a scaffolding yard. To the east is North Wellington Street with modern single storey industrial units on the opposite side of the road. To the south is Alexander Street with car parking areas and open space associated with the multi storey flatted blocks further to the south east and south west on the opposite side of the street. To the south west is a disused modern industrial building at the



junction of Alexander Street and Carnegie Street. This site is the subject of a separate application for 7 houses by the same applicant (see Report on application ref. No. 04/0000855/FUL elsewhere in this Agenda). To the west is Carnegie Street and on the opposite side of the road are the IBP Conex industrial premises. These premises include loading bays on Carnegie Street.

The site has been cleared of buildings. It was last occupied by the Jamaica Works industrial buildings and a former church and hall used as a showroom. The site is generally open and featureless but there are the remains of a wall and railings running along part of the North Wellington Street and Alexander Street frontages, and there are lime trees just inside this wall. The site slopes gently upwards to the north.

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 site is allocated as a general industrial area under Policy EU1. The proposal has been advertised as contravening this policy. Policy EU1(E) allows other uses in industrially allocated areas subject to criteria.

Policy H10 sets out standards for new housing development. As the proposed development includes 12 flats (43% of the total or 34% if the extra 7 houses in application ref. no. 04/00855/FUL are included) the proposed development has also been advertised as potentially contravening Policy H10 which suggests that only 25% of the units should be flats. The other standards of Policy H10 are met by the proposed development.

Dundee Urban Nature Conservation Subject Local Plan 1995

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

Finalised Dundee Local Plan Review

In this Plan the application site is allocated for housing under Proposal H24. Policy 4 sets out standards for the design of new housing. The proposed development meets these standards other than the presumption against flats. However flats can be permitted in certain circumstances.

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of this application.

Non Statutory Statements of Council Policy

The Council approved a Site Planning Brief for this site in September 2004.

This Brief indicates a form and type of development very similar to the application proposals. In particular it indicates that a 4 storey building of 12 apartments could be justified at the corner of North Wellington Street and Alexander Street.

LOCAL AGENDA 21

The proposed development is considered to be sustainable and in accordance with the Councils Agenda 21 policies as it involves the reuse of a brownfield site and provides housing close to existing services and facilities.

SITE HISTORY

In 1998 an application for outline planning permission for 20 dwellings on part of this site was refused planning permission - application ref. No.D23135 refers. The reasons for refusal related to contravention of Local Plan allocations of the site for industrial use, the poor standard of residential amenity provided for the dwellings and the proximity to adjoining industrial properties.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposal was advertised as contravening Policy EU1 and potentially contravening Policy H10 of the adopted Local Plan. In addition it was advertised as affecting the setting of the Category A listed St Salvador's Church and Halls. A letter of objection on behalf of St Salvador's Church to the north and a letter of representation on behalf of IBP Conex to the west were received.

The letter of objection submitted on behalf of the church states that that the proposed roofing material of grey tiles is unsatisfactory in the context of a Category A listed building and that the rainwater goods should be cast iron. It states that the density of development is too low and that the terrace on Carnegie Street should terminate in a much stronger building adjacent to the church hall.

The letter refers to previous comments on the Site Planning Brief when it was stated that historically there was very dense development to the south of the church and hall and that the redevelopment of this site should seek to recreate similar densities and screen the south walls of the church and hall

which were not intended to be exposed to public view.

The letter of representation submitted on behalf of IBP Conex states that the company is a long established heavy engineering firm hoping to increase its workforce to 120 employees. It operates 24 hours a day, 7 days a week, and inevitably has noise associated with it. It does not object to housing in principle but is concerned to ensure that the development is designed with appropriate acoustic insulation to ensure that there will be no difficulties in this respect and that the viability of their firm is not threatened by future complaints about noise. The company made similar comments on the Site Planning Brief and notes that the housing on Carnegie Street is now even closer to their premises. It is also concerned to ensure that Carnegie Street, which is used by its vehicles, is widened and parking restrictions maintained to avoid any conflicts with residential users.

Copies of these letters are available for inspection in the Members Lounges and the points raised are considered in the Observations Section of this Report.

CONSULTATIONS

The Head of Environmental Health and Trading Standards has stated in relation to contamination that planning conditions will need to be imposed and that in connection with noise matters that a condition should be imposed seeking the provision of a noise impact assessment and the implementation of its findings.

The Council's Forestry Officer has no objections to the felling of the pollarded lime trees on the site subject to replanting of street trees of an appropriate size and species.

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 principal issue relates to the allocation of the site for employment uses under Policy EU1 of the adopted Local Plan. Policy EU1(E) permits alternative uses subject to criteria and whilst the proposals satisfy some of these criteria (relating to length of vacancy and supply of industrial land), it cannot be accessed independently from the adjoining industrial area and is not a logical extension to an established residential area.

In terms of Policy H10 there is a justification contained in the policy for the amount of flats proposed in this application. This states that an exception can be made for visually important sites where a very imaginative proposal of quality is put forward. It is considered that in this case the scale of Alexander Street and the importance of the corner junction with North Wellington Street provide a justification for a 4 storey building at this location.

It is concluded from the foregoing that the proposal does not comply with Policy EU1 of the adopted Local Plan.

Other Material Considerations

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

The Finalised Dundee Local Plan Review:

This plan allocates the site for housing, not industry, so that the proposed development is acceptable in principle. Policy 4 sets out standards for the design of new housing. The proposed development meets all these standards other than the presumption against flats. However Policy 4 states that flats will be permitted if the site is allocated for flats in the Local Plan. In this case the Site Planning Brief, which has recently been approved, suggests that up to 12 flats would be acceptable on this site. It is considered that on this basis the proposed development complies with the policies of the Finalised Dundee Local Plan Review.

The adopted Site Planning Brief:

The Council approved a Site Planning Brief for this site in September 2004. This Brief indicates a form and type of development very similar to the

application proposals. In particular it indicates that a 4 storey building of 12 apartments could be justified at the corner of North Wellington Street and Alexander Street. The proposed development is wholly compliant with the Brief.

The comments made by notified neighbours and consultees:

The views on behalf of St Salvador's Church comment on finishing materials and the density of development. In terms of the roofing material, it is considered that a tile of satisfactory specification would be appropriate on this site and a condition to this effect is proposed. It is not considered that it would be reasonable to insist that rainwater goods for this development be of cast iron, particularly in circumstances where the design is modern and where the development sits to the rear of the A listed buildings.

The concerns about the density of the development being too low were addressed when the Site Planning Brief was approved. Whilst the objectors historical analysis is not disputed, it is considered that the aspirations of the Council for housing (as opposed to a dense flatted development) in this area should take precedence particularly since it is considered that the proposed development will not in any way detract from the setting of the listed buildings.

The concerns of IBP Conex about noise are legitimate and the Head of Environmental Health and Trading Standards has stated that this issue needs to be addressed. This matter was considered in the Site Planning Brief which is why the housing in Carnegie Street is set back behind a pocket park with its own access arrangements.

The applicants have engaged a consultant who is satisfied that a workable solution can be achieved and who has discussed this matter with officers of the Environmental Health and Trading Standards division. It is therefore proposed that this matter should be dealt with by a planning condition. The widening of Carnegie Street is incorporated as part of the development proposals.

The matter of potential contamination at the site can be addressed by a planning condition.

It is concluded from the foregoing that the following material considerations justify the grant of planning permission contrary to the provisions of Policy EU1 of the adopted Local Plan:

- 1 The site is allocated for housing in the Finalised Dundee Local Plan Review
- 2 There is a recently approved Site Planning Brief which advocates a housing development similar to that proposed in the current application
- 3 The site has been vacant for many years and its continued dereliction detracts from the environment of the wider area.

It is therefore recommended that planning permission be granted with conditions.

Design

In terms of its design the development seeks to create a residential block with frontage development to the surrounding streets. The flatted block at the junction of Alexander Street and North Wellington Street provides an appropriate scale at this location. The terrace on Carnegie Street is set back behind a pocket park and curves gradually in a north westerly direction to expose views of the Category A listed St Salvador's Church and Hall. Larger floor to ceiling window openings on selected elevations provide interest as do the proposed finishing materials of coloured render and panels, brick and tiles.

CONCLUSION

The proposals will provide an attractive residential development which will enhance the environmental quality of the wider area. The allocation of the site for industry in the adopted Local Plan has been overtaken by the Finalised Local Plan and the approved Site Planning Brief.

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. In particular the proposed roofing material shall not be a standard concrete tile but rather shall either be slates/slate like tiles or a modern material of quality.
- 3 The existing setts on the site shall be salvaged and details of the salvage of the setts and their reuse on the new road serving Plots 1-7 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.
- 4 A noise assessment shall be submitted to and approved by the Council before any development is commenced. This assessment shall focus in particular on the relationship of the development to the IBP Conex premises on the west side of Carnegie Street and vehicle movements associated with that business. The development shall be carried out only in full accordance with the approved details including necessary noise attenuation measures.
- 5 Development shall not begin until a scheme to deal with 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:
 - a the nature, extent and type(s) of contamination on the site.
 - b Measures to treat / remove contamination to ensure the site is fit for the use proposed.
 - c Measures to deal with contamination during construction works.
 - d Condition of the site on completion of decontamination measures.

Before any dwelling is occupied the measures to decontaminate

the site shall be fully implemented as approved by the planning authority.

- 6 No development shall commence on site until proposals for the landscaping of the site have been submitted to and approved in writing by the Council. These proposals shall specify the species and size of planting, the timescales for implementation and the provisions for future maintenance. 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.
- 7 Details of the protection of existing trees on the site in accordance with BS5837 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.
- 8 The parking area to the west of the proposed flats shall be fully operational prior to the occupation of any of the flats.
- 9 Details of improvements to the stone boundary wall between Plot 35 and the scaffolders yard to the north 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.

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 proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 4 In the interests of residential amenity and to ensure that the use

of the site for housing does not jeopardise the continued operation of the industrial business.

- 5 In order to ensure that the site is fit for the use proposed.
- 6 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 7 To protect those landscape features which are of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development.
- 8 To ensure that adequate parking is provided for the use of the occupiers of the flats.
- 9 The wall is in poor condition and would be visually unacceptable in its current state as a boundary to the curtilage of the proposed dwelling on Plot 35.