

**KEY INFORMATION****Ward** East Port**Proposal**  
Erection of 41 flats**Address**  
1-19 Victoria Street,  
2-22 Albert Street  
Dundee**Applicant**  
Servite Housing Association  
118 Strathern Road  
Broughty Ferry  
Dundee  
DD5 1JW**Agent**  
Keppie Design  
76 Tay Street  
Perth  
PH2 8NP**Registered** 11 October  
2004**Case Officer** J Finlay

## Proposed Sheltered Housing Dev. at Corner of Victoria St and Albert St

The erection of 41 flats is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by  
Director of Planning and Transportation

**RECOMMENDATION**

The proposal does not comply with Policy H10 of the Dundee Local Plan 1998 due to the lack of external amenity space. However, there are material considerations such as the emerging Local Plan Review which allow the policy to be set aside in these circumstances. Therefore the proposal is recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- Planning permission is sought for the erection of 41 amenity flats on a corner site at 1-19 Victoria Street and 2-22 Albert Street. The proposed building will mostly be 4 storeys in height with parking behind.
- The site is allocated as an existing residential area in the Dundee Local Plan 1998 and at the Albert Street frontage Policy S18 of the Plan permits change of use from shopping. Policy H10 of the Plan sets out guidelines for new housing development.
- The Albert Street Study states that "priority should be given to the redevelopment of the derelict tenement property at Albert Street/Victoria Street".
- A development brief relating to this site was approved by the Council in September 2000. The proposed land use is compatible with the terms of this brief.
- One letter of representation was received from Dundee Civic Trust which commends some design aspects of the proposal and is critical of other aspects and in particular the corner feature.
- No objections were received to the proposal. The Head of Environmental Health and Trading Standards requested the submission of a noise impact assessment to assess the potential noise disturbance for future occupants of the flats. They also require a condition regarding the investigation of potential contamination on the site.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for 41 amenity flats for the elderly. The building will be in line with the existing building lines on Albert Street and Victoria Street. It is mostly 4 storeys in height with a 3 storey section at the top end of Albert Street. The flats will be a mix of one, two and three bedrooms and they are connected with communal seating areas, which forms the main feature of the building at the corner of the site. Vehicular access is provided from Victoria Street which leads to a parking area of 20 spaces behind the building and to the west end of the site.

An additional storey has been incorporated at the top end of Albert Street to lift the height of the proposed building to match the existing building heights and relate to the neighbouring buildings.

The principal entrance is located behind the corner of Victoria Street and Albert Street with level access for wheelchair users. The alternative access is located at the corner of Victoria Street and Albert Street with steps within the proposed building connecting to the main ground floor lobby.

Each flat along the front of Victoria Street and Albert Street will be provided with sunspaces to living rooms. Flats to the rear will have balconies with full glazed doors and ballustrading to their living rooms. These sunspaces and balconies form series of projections from the building line of the proposed development and they run the full height of the building.

## SITE DESCRIPTION

The application site is 0.2 hectares in extent. It consists of disused tenement buildings which are predominantly 4 storeys in height with ground floor commercial uses. The buildings are in poor condition and are vacant. There are rear garden areas which are overgrown and in a derelict condition.

To the west of the site is the Wallacetown Health Centre. There are steps immediately to the west leading from Victoria Street to Lyon Street. To the north are residential and commercial premises on Lyon Street, including a four and a half storey corner building at the junction of Lyon

Street and Albert Street with a public house and takeaway at ground floor level. To the east, on the opposite side of Albert Street are tenement properties of a similar scale to those on the application site with ground floor commercial uses and flats above. To the south, on the opposite side of Victoria Street, is the listed former Dundee Savings Bank now owned by the Church of Scotland.

The site slopes steeply downwards from north to south.

## 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:

S18: District Centres - Changes of Use - The Albert Street frontage of the site is allocated as falling within the District Shopping Centre, although outwith the retail core frontage. Changes of use from shopping use will generally be acceptable.

H1: Within areas where residential use predominates, developments will be permitted where they do not adversely affect the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

Policy H10 of the Plan sets out guidelines for new housing development. Architecture and scale of buildings must respect the surroundings, and new development should address surrounding streets and

most buildings should front onto streets. For social rented sheltered housing the requirement for garden ground is 10 sq. metres per unit although the policy adds that this guideline can be interpreted flexibly. The parking requirement is 1 space per 6 units. The policy also states that new development should make a positive contribution architecturally to the street scene but to be in sympathy with the surroundings. The application was advertised as contrary to this Policy on 25th October 2004.

MP7/MR4/MV10: North East and North West Arterial Routes. To the west of the site proposals for the North East Arterial Route are indicated but the specific road building proposals at this particular location have since been abandoned.

### 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 - New development should seek to minimise any effect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

Policy 10: Non Mainstream Residential Uses - these will be supported where a good quality residential environment will be created for residents, the site is accessible to services and public transport, it will not lead to an excessive concentration of non mainstream uses, appropriate car parking is provided, appropriate amenity space is provided and the design reflects the scale, massing and materials of adjacent buildings.

Policy 40: District Centres Outwith Core Areas - Within District Centres, proposals outwith core areas which involve change from shopping use will generally be acceptable.

## 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 following policy statements are of relevance:

The Albert Street Study, which was approved by the Planning and Transportation Committee on 25/10/99, recommends a redefinition of the shopping centre to exclude the declining southern section and that priority be given to measures to address unsightly and derelict properties. In particular it states that "priority should be given to the redevelopment of the derelict tenement property at Albert Street/Victoria Street. The property contributes heavily to the overall run-down image of the location and occupies a prominent site in townscape terms opposite a key listed building (Trinity Parish Church)".

In September 2000, following consultation, the Council approved a Development Brief for this area. The brief became a material consideration in the determination of planning applications in October 2000.

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## LOCAL AGENDA 21

The Council's Local Agenda 21 Policies seek to ensure that places, spaces and objects combine meaning and beauty with utility. Maintaining the existing street lines and the development of new buildings of exceptional design quality would serve to further these policies.

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## SITE HISTORY

Outline planning permission was granted for clearing the site and for the erection of 45 flats on 28th October 2002.

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## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and no objections were received. One letter of representation was received from Dundee Civic Trust regarding design aspects of the

proposal. They welcome the redevelopment of the property and its general scale and design. However they feel the treatment of the corner feature does not work as it does not provide vertical continuity. Their views have been taken into consideration in discussions with the applicant and amended elevations have been submitted at various stages. The application was advertised as contrary to Policy H10 of the Dundee Local Plan 1998 on 25th October 2004.

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## CONSULTATIONS

### Noise

The Head of Environmental Health and Trading Standards obtained short term indicative noise measurements on Victoria Street and Albert Street and at the junction between the two. The results were assessed and the conclusions were that the proposal would fall into category D of PAN56, which suggests that planning permission should not be granted. On that basis, it was considered necessary to request a noise impact assessment from the applicant. This has been submitted and satisfactorily addresses the potential noise issues for future occupants of the flats. The details are sufficient and conditions can be incorporated to ensure that the proposed glazing and materials are suitable to protect residents from unnecessary noise disturbance from traffic.

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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.

### Background

Servite Housing Association are a registered housing association and have been providing affordable housing throughout Tayside for 30 years. During this time they have specialised in providing housing for older people including amenity housing, as is proposed on this site. The layout and specification will be

specifically designed to suit the requirements of older people and has been designed to accommodate wheelchair users, thereby allowing the residents to remain in their home should their physical needs change over time.

The properties will be for affordable rent and as Servite Housing Association is a charitable organisation, they are exempt from "Right to Buy" and therefore the properties will remain in their ownership at all times.

The proposed development forms the first phase of the regeneration of the Stobswell area of Dundee. The redevelopment of this site will have a significant impact on the regeneration of Albert Street and will set a standard for new developments in the wider area.

## 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 H10 specifies guidelines to be met for new housing developments. The specific guidelines for sheltered housing specify that the development may be houses and/or flats. A private landscaped sunny courtyard and landscaped grounds of at least 10sqm per unit should be provided. Parking should be provided at a level of one space per six units. There is only a small seating area provided to the rear of the development but it is not of sufficient size to comply with the Policy requirements. However in the applicant's experience with amenity housing in inner city locations, the tenants are unlikely to use external amenity space extensively. They prefer to use internal amenity space. Communal seating areas connected to balconies have been provided to maximise the amenity space within the building. Whilst external amenity space is limited, soft landscaping has been provided throughout the courtyard and this will soften the impact of hard surfacing to the parking and circulation area and will provide visual stimulation to the area. Parking provision within the development is adequate.

Policy H10 encourages new development that makes a positive contribution architecturally to the street scene and the Council's Agenda

21 Policies and Urban Design Strategy for Dundee all reinforce the importance of good design. It is considered that the proposal meets these expectations. In summary, although the proposal fails to comply with the amenity space provision as outlined in Policy H10, it is considered that the provision of glazed internal communal areas and balconies compensate for this shortfall.

Policy H1 seeks to protect existing residents from adverse effects of development. In this case the new development is replacing a derelict 4 storey tenement and will be no higher and so there will be no adverse effect on the amenity spaces behind adjoining tenements. The design, scale and massing of the proposed building are some of the most important factors in assessing the development of this prominent site and it is considered that the development achieves the correct scale and massing for the location and the materials will blend in and complement surrounding buildings. Therefore the proposal achieves the aims of Policy H1.

It is concluded from the foregoing that although the proposal does not theoretically comply with the provisions of the development plan, there are material considerations that justify supporting the proposal in these circumstances. These include the provision of internal amenity spaces, glazed communal areas and balconies within the proposed development.

## Other Material Considerations

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

### Finalised Dundee Local Plan Review

Policy 10 provides guidelines for non mainstream residential developments. They will be supported where a good quality residential environment will be created for residents, the site is accessible to services and public transport, it will not lead to an excessive concentration of non mainstream uses, appropriate car parking is provided, appropriate amenity space is provided and the design reflects the scale, massing and materials of adjacent buildings.

Policy 1 reiterates Policy H1 of the adopted Local Plan and it is considered

that the proposal complies with this policy for the same reasons.

Policy 55 specifies the importance of high quality design in all developments.

The construction of new built amenity housing for the elderly in a contemporary context will revive the vibrancy and identity of this old community with a modern language. A dark grey concrete tiled roof is proposed over the majority of the development, which will complement the neighbouring slate roofs. A standing seam aluminium roof is proposed for the corner feature which will create a stronger definition to the corner of this landmark building. The proposed building is 4 storey to tie in with the existing buildings but with contemporary proportions and scales. Different materials have been incorporated into the two main elevations onto Albert Street and Victoria Street to give vertical elements to the entire development. Contemporary and lightweight materials above ground level address the pioneering nature of this regeneration project of the area and symbolise the beginning of a new era for Stobswell.

The proposal complies with the details of the Albert Street Study which was approved on 25.10.99 and a development brief which was approved in September 2000.

## Noise

The Head of Environmental Health and Trading Standards has provided comments which are outlined within the "Consultations" section above. Conditions will be attached to ensure there is not an unacceptable degree of noise disturbance by future occupants of the flats.

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

## Design

There have been considerable discussions regarding the design elements of the proposed development. The height of the building respects the heights of surrounding buildings and

will form a landmark at this prominent location. The design and materials are predominantly modern but will blend in appropriately with surrounding buildings. The Albert Street elevation will reuse stonework from the demolition to ensure it ties in appropriately with the adjoining stone tenement building. Glazed sections and sunrooms have been incorporated to take advantage of the orientation of the building and to provide a pleasing environment for the future residents. A mixture of materials are being used which blend well together and provide interest and colour to this large building.

## CONCLUSION

It is considered that although the proposal does not comply with all the policies in the Dundee Local Plan 1998, there are material considerations such as the emerging Local Plan Review and the nature of the occupants of the development which allow the Policies to be set aside in these circumstances. Accordingly, the application is recommended for APPROVAL subject to 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 All windows within the development fronting onto Albert Street and Victoria Street shall be fitted with enhanced double glazing to a standard of 39RW (as detailed in paragraph 6.04 of the associated Noise Impact Assessment). Acoustic wall ventilators (as detailed in paragraph 6.07 of the report) shall be used in conjunction with said glazing.
- 3 No construction shall commence on site until an investigation of potential contamination, under the terms of Planning Advice Note 33 - Development of Contaminated Land, has been carried out and the results have been submitted to and verified by the City Council

- 4 Any measures required to remediate the site as detailed in the report, required by condition 3, shall be fully implemented as detailed by that report and validated in writing for the approval of the City Council prior to the occupation of any of the buildings
- 5 details of proposed finishing materials including surface finishes 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
- 6 no development shall take place until there has been submitted to and approved by the planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on this land, and details of any to be retained, together with measures for their protection in the course of development

## Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 In order to protect future occupants from unacceptable noise levels from traffic
- 3 In the interests of the amenities of the future occupants of the residential accommodation
- 4 In the interests of the amenities of the future occupants of the residential accommodation
- 5 to ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 6 to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area