

**KEY INFORMATION**

**Ward** Tay Bridges

**Proposal**  
Erection of 19 townhouses  
and 82 flats

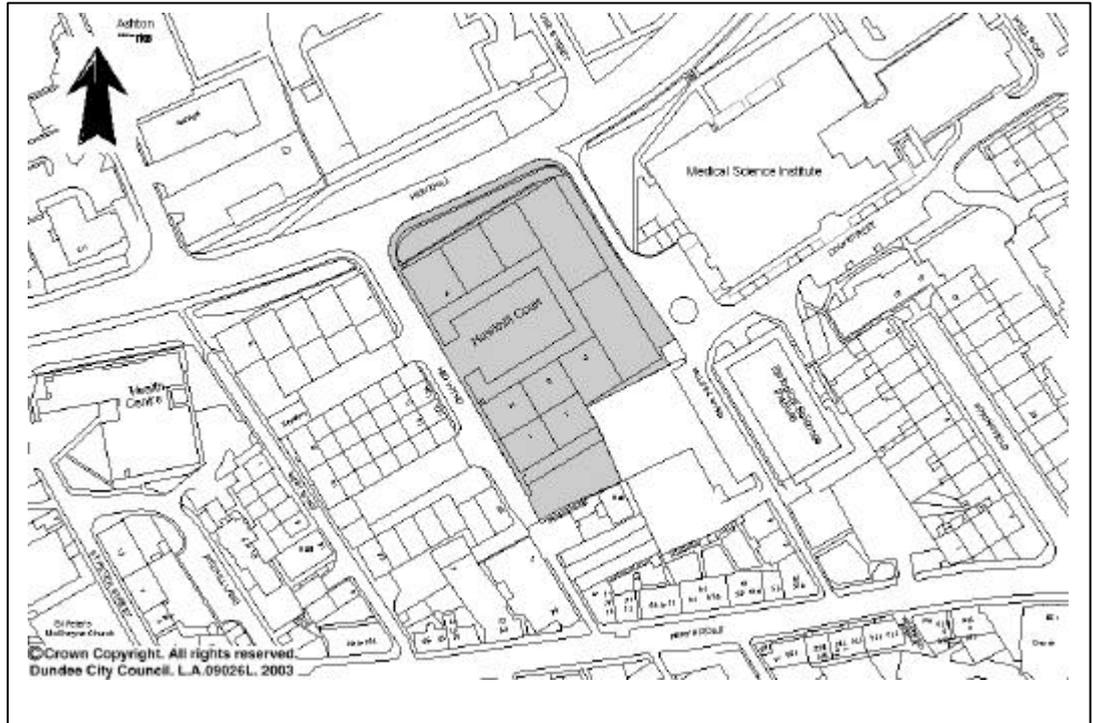
**Address**  
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Mid Wynd  
Dundee

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**Registered** 11 January  
2005

**Case Officer** D Gordon



# Proposed Residential Development at Hawkhill Court

The erection of 18 townhouses and 82 flats is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development is considered to be contrary to the Housing and Industrial policies of the development plan. A Planning and Design Statement has been submitted in support of the application.

The development will reuse a brownfield site and will provide a high quality mixed residential development on a prominent site on the Hawkhill by-pass. The development is recommended for **APPROVAL** with conditions.

**SUMMARY OF REPORT**

- Planning permission is sought for the demolition of existing industrial units and the erection of a mixed residential development of 82 flats and 18 townhouses on a site located on the south side of the Hawkhill by-pass.
- The site is identified as an industrial area in the Dundee Local Plan 1998. The proposal raises issues under Policy EU1 (General Industrial Areas) and Policy 10 of the Plan that offers guidance on the Design of New Housing within the city. The proposals are considered to be contrary to the development plan. The proposal raises similar issues under the relevant development policies of the Finalised Dundee Local Plan Review.
- The proposal has been the subject of one objection and two letters of representation relating to a variety of matters including land use, design and traffic movements.
- It is considered that the proposal will result in the reuse of a brownfield site with high quality residential accommodation that is appropriate in scale, mass, layout and appearance on this prominent and important inner city frontage site.

## DESCRIPTION OF PROPOSAL

The proposal under consideration involves the demolition of existing industrial units and the erection of a mixed residential development comprising both flats and townhouses. The site is located on the south side of Hawkhill and consists of 82 no. flats adjacent to the University medical school and 18 no. townhouses.

The flatted accommodation is to be located on the north side of the site ie facing onto Hawkhill and will comprise of a variety of 2 bedroom flats set over 5 levels with private underground parking, balconies and driveway. The proposed split in flatted accommodation is:

1 flat at lower ground floor

15 flats at ground floor level

60 flats on the upper floors

The development also proposes 6 penthouses at top floor level. These will be a mixture of 2 and 3 bedroom flats that are set back from the main building to create a line of terraces that extend the living spaces from inside to outside. Significant areas of glazing are proposed to capitalise on the aspect and views to the south.

The townhouse element of the development is located on the south side of the site. The proposed houses will be 3 storey in height and will accommodate 4 bedrooms with additional study, integral garage, private front and rear gardens and driveway. In addition to the garden ground provision, balconies (2 per dwelling) are also proposed.

A variety of finishing materials are proposed including textured masonry blockwork, wood cladding, terracotta cladding system, pre-cast stone and smooth render.

Access into the site is to be taken from Mid Wynd to the west. Parking provision within the site will be 100% including 60 covered spaces to be located under the proposed communal decking located on the south side of the new flats. Also within this covered space, 82 cycle parking spaces are to be provided.

## SITE DESCRIPTION

The application site is located to the west of the city centre and to the south

of Hawkhill. The site is bounded on the east by Millers Wynd and to the west by Mid Wynd. The land in question slopes steeply in a north to south direction and currently operates as an industrial estate. These industrial buildings are generally single storey in height and are finished in blockwork and metal cladding.

The surrounding area accommodates a variety of uses including educational (University), industrial, business, commercial and leisure.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001 - 2016

Housing Policy 1: Housing Land Provision. This policy seeks to ensure the continuous provision of a minimum 5 year effective housing land supply. The use of new brownfield sites is encouraged.



### Dundee Local Plan 1998

The following policies are of relevance:

Policy EU1 (General Industrial Areas). The Planning Authority will encourage the establishment and, where possible, the retention of industrial and business uses within Policy EU1 shown on the Proposals Map.

Policy EU1(E). Within the EU1 policy areas, other uses not accommodated by EU1 - notwithstanding its presumption - be favourably considered independently of that policy's employment objections provided that certain criteria can be met including the location of the site, access arrangements, adjoining land uses, occupancy, or otherwise, of the property and impact on the supply of industrial and business land and property.

Policy H4 - Infill development will normally be approved provided the surrounding area is not adversely affected.

Policy H5 - Land Allocation and Availability

Policy H10 - The design and layout of new housing will generally conform to the guidelines set out in the Plan. Architecture and scale of buildings must reflect the surroundings, and new development should address surrounding streets and most buildings should front onto streets.

### Dundee Urban Nature Conservation Subject Local Plan 1985

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 communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New development 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 movement issues, noise and smell.

Policy 3: Housing Investment Focus Area. The City Council will encourage investment in housing and related social and physical infrastructure in the Housing Investment Focus Areas identified on the Proposals Map, working in partnership with Communities Scotland and the private sector. More detailed development frameworks, masterplans and action plans for each of the focus areas will be brought forward as appropriate by the Council and will form supplementary guidance to the Local Plan. In order to achieve the objectives of the Central Dundee Housing Investment Focus Area (within which the application site is located), it is appropriate that the occupation of new residential developments by 3 or more unrelated people is prevented. The Council will seek to ensure by the use of

agreements under Section 75 of the Town and Country Planning (Scotland) Act 1997.

Policy 4 - Design of New Housing. The design and layout of all new housing in the city should be of a high quality.

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

The following are of relevance

Planning Advice Note 67 - Housing Quality

Designing Places - A Policy Statement for Scotland

### Non Statutory Statement of Council Policy

The following policy statements are of relevance:

Dundee - The Urban Design Guide.

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## LOCAL AGENDA 21

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The development will result in the redevelopment of a brownfield site and is therefore considered to be sustainable and consequently consistent with the aims of Local Agenda 21.

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## SITE HISTORY

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There are no approved planning applications that are of direct relevance to the consideration of this proposed development.

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## PUBLIC PARTICIPATION

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The statutory neighbour notification procedure has been carried out by the applicants. In addition, the application has been advertised in the local press as development being potentially contrary to Policy EU1 (General Industrial Areas) and Policy H10 (Design of New Housing).

An objection to the development has been submitted by an occupier of one of the industrial units that are proposed to be demolished. The main issues that have been raised relate to the impact on recent capital investments made in the upgrading of the unit, the lack of suitable good quality alternative industrial sites within the city and the impact of the development on local employment.

A letter of representation has also been received from an adjacent business located to the north of Hawkhill. This relates to any possible alterations to the current traffic arrangements that may adversely impact on his current business.

A copy of the above objection is available for inspection in the Members Lounges. It is intended to comment on the above matters raised in the 'Observations' Section below.

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## CONSULTATIONS

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

The Councils' Head of Environmental Health and Trading Standards has advised that:

- a the proposed performance of the double glazing will mitigate the internal noise levels, for the units overlooking Hawkhill, to a satisfactory level. A condition should be attached to any permission granted that requires the development to be completed in accordance with these submitted details.
- b in assessing the best available data, it is considered that current air quality objectives at the proposed residential properties will be met by the submitted details.
- c that a condition should be attached to any permission granted requiring site investigation works and decontamination measures to be agreed and implemented prior to the occupation of any of the units.

The West End Community Council has submitted a letter of representation. The main areas of concern that have been raised relate to:

- a the proposals are contrary to the development plan
- b the size of several of the proposed flats should be increased
- c the development has a lack of off street car parking
- d the north side of the building will be subject to traffic noise

- e several design details of the new buildings are inappropriate
- f several of the proposed materials are not appropriate for this area.

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## OBSERVATIONS

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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 is located on the south side of Hawkhill and is bounded on the east by Millers Wynd and on the west by Mid Wynd. The site, which slopes steeply in a north to south direction, currently accommodates industrial units.

The proposal under consideration involves the demolition of existing industrial units and the erection of a mixed residential development comprising of 82 no. flats and 18 no. townhouses. The flatted section of the development is located on the north side of the site. This will comprise of a variety of 2 bedroom flats set over 5 levels. Also proposed are 6, two and three bedroom penthouses at top floor level. A total of 18 town houses are proposed for the southern section of the site. These will be 3 storeys in height and each house will accommodate a minimum of 4 bedrooms.

The site is identified in the Dundee Local Plan as being in an area where the Council will encourage the establishment, and where possible, the retention of industrial and business uses (Policy EU1 refers). The use of the site for residential purposes would contravene this Policy.

Policy EU1(E) advises that alternative uses for identified EU1 sites will be considered if the development does not unreasonably fragment a well defined and homogenous industrial area, where the proposals do not depend

significantly on drawing members of the public onto industrial access roads, where the properties have been vacant for a period of 5 years or more and where the proposal does not result in, or exacerbate, a demonstrated shortage of general industrial or business use. In this respect, several of the industrial units are currently occupied and the access road would share with existing industrial / business traffic. Consequently, the proposal is considered to be contrary to Policy EU1(E).

Policy H10 requires that the design of new housing should conform to the guidelines set out in the Plan. It is considered that the proposal fails to achieve the required housing mix within an inner city site ie 75% houses / 25% flats. However, the proposal is in accordance with the terms of the policy as regards the provision of car parking and private garden space provision. Consequently, the proposal is considered to be contrary to Policy H10 of the Plan.

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:

#### Finalised Dundee Local Plan Review.

##### Policy 3 ((Housing Investment Focus Area)

The application site is identified as being within the Central Dundee Housing Investment Focus Area where the Council will encourage investment in housing and related social and physical infrastructure. The principle of establishing new housing in this area would be in line with the aspirations of this policy. The Plan further acknowledges that windfall sites contribute towards a minimum 5 year effective housing land supply and gives preference to the reuse of previously developed land, particularly within the identified Housing Investment Focus Area.

The Council's Planning and Transportation Committee at its meeting 21 March 2005 approved a proposed modification to the Finalised Dundee Local Plan Review seeking to address concerns regarding the multiple occupancy of dwellings in the

Central Dundee Housing Investment Focus Area. This would take the form of a legal agreement under Section 75 of the Act. However, following receipt of an objection to this proposed modification, in order to avoid delay in the adoption of the Dundee Local Plan Review the Planning and Transportation Committee at its meeting on 20 June 2005 will decide whether or not to incorporate the proposed modification into the Local Plan. In addition, consideration will be given to Supplementary Guidance being brought forward to address concerns regarding the multiple occupancy of dwellings.

The applicants have been advised of this requirement and have agreed to give consideration to entering into a Section 75 Agreement that would ensure against the use of the properties for multiple occupancy purposes.

##### Policy 4 (Design of New Housing)

With the principle of the use of this brownfield site being appropriate under the terms of Policy 3 above, the application requires to fulfil the terms of Policy 4 with regard to the mix, design, layout and other associated matters of any new residential development.

The applicants have submitted a Design Statement in support of their application. The proposed mix is 82 flats and 18 townhouses. Appendix 1 attached to Policy 4 suggests that within the inner city there will be presumption in favour of houses with the provision of flats only being permitted where it is identified in a site planning brief or site specific circumstances demand a flatted solution. There is no site planning brief for this site.

With regard to the erection of flats on the north side of this site ie facing onto Hawkhill, it is considered that this is an appropriate solution, in terms of site specific circumstances, as the provision of a low rise development of townhouses would not be appropriate in terms of urban design on this important frontage location. This flatted block forms an 'Urban Wall' to Hawkhill protecting the site beyond whilst bringing back pedestrians to the streetscape to repair the damage that the by-pass has caused to the city's urban fabric. The block also reflects the scale of the neighbouring university buildings to the east. The flats provide a quality of design on the

north elevation that responds well to the urban nature of the busy Hawkhill. The south elevation is designed around a private courtyard with balconies, terraces and decking being provided to maximise the sunlight and views to the south. The applicants are aware of the proximity of the educational buildings located on the east side of the site. Specific design details have been incorporated into the scheme, particularly on the east elevation eg angled windows, in order that the environmental qualities of the future occupiers of the flats is not prejudiced by the proximity of the adjacent buildings.

With the exception of two of the new units, each flat will accommodate a floor area that will exceed the minimum 60sq.m. which is required by the Plan. The flats have a private green deck to the south and additional the use of a green court located in the central section of the development. In addition to this open space provision, balconies and terraces are also proposed. Eighty eight surface car parking spaces are proposed for the flats with 60 of these being provided underground beneath the flatted block. In addition, dry and secure parking provision for 82 cycles is also being proposed.

With regard to the proposed new townhouses, these 3 storey buildings will be located on the southern side of the site. These will form an important link to the Perth Road to the south. The nature and scale of the surrounding buildings fall from north to south, from the University Medical School down to the existing buildings on the Perth Road. The architecture of the townhouses will represent that transition and will act as a continuation of the proposed flatted development. The houses will each accommodate 4 bedrooms and will have integral garages. Private front and rear garden areas are to be provided for all properties and each house will have a minimum of 2 off street curtilage parking spaces ie 200% provision.

The use of appropriate boundary walls and landscaping, particularly on the eastern boundary, will ensure that the private garden areas of the houses will not be prejudiced by the scale and nature of the surrounding buildings.

## Objections

An objection to the proposal has been submitted by a current occupier of one of the units located within the industrial estate. The main concerns raised relate to the impact on recent capital investments made in the upgrading of the unit, the lack of good quality alternative industrial sites within the city and the impact of the development on local employment.

In response to these concerns, the applicants have submitted the following information in support of the proposal. They estimate that there is over 200,000 sq.ft. of comparable industrial units in more suited locations currently available in Dundee. The estates emerging status as a non-conforming use is a practical issue for the on-going sustainability of the estate and its occupiers. The estate is increasingly difficult to let and its future long term as a viable business location is bleak particularly because of the aging types of building. Out of hours the site is a potential target for vandalism, graffiti and crime. It is concluded by the applicants that with the occupiers being readily accommodated elsewhere, the industrial estate is therefore in a very logical position where the educational and residential nature of the Perth Road can be strengthened as part of the city's growth as an educational and technological centre.

The applicants have also advised that the development of the site will not take place until the terms of the current leases on the various units have been completed.

With regard to the matters that have been raised by West End Community Council, the applicants have been made aware of their comments and have offered the following response.

The size and mix of accommodation for this proposal has been carefully considered to ensure a varied proposal has been designed specifically for this site. The provision of both townhouses and flats ensures that the accommodation would be suitable for a wide range of needs. The flats are predominantly two bed units as the market demands and range from 48.80 sq.m. to 84.6 sq.m with larger 3 bedroom units of up to 104 sq.m. In addition, the townhouses are 158 sq.m on average and provide 3-4 bedroom accommodation. If the average size of

the flats were to increase, this would not be appropriate for sale in this location and would compromise the overall concept of providing a variety of accommodation. In relation to car parking, the proposals are in accordance with the current requirements. It should also be noted that 100% cycle parking provision is proposed.

In terms of buildings design and finishes proposed, this site represents a transition between both the commercial and educational facilities of Hawkhill and the residential areas of Perth Road. It is important therefore that this development provides a balanced link between these two vernacular styles in order to enhance the surroundings as a whole. The use of wood is limited and aims to soften the elevations in contrast to the more commercial neighbours and create a link to the domestic scale of the houses. The designs of the houses do include pitched roofs, but they are mono-pitch and the roofing materials proposed are modern, again to reflect the nature of this transition zone. Nonetheless, the roofing colour is slate grey to match the existing. In addition, the design and construction will allow the new residents to benefit from the modern technologies now available and ensure low energy and maintenance requirements in the future, that is felt should be a consideration in all architectural proposals and should therefore be encouraged. It is felt that the design concepts for this site is comprehensive and reflects both the traditional and contemporary solutions that are shaping the future of Dundee city centre and ensuring its emergence as one of Scotland's leading conscious 'city communities'.

With regard to the representation received relating to possible changes to the traffic flows within the local area, there are no plans at this stage to alter the traffic arrangements as they exist at present.

## Design

It is important that this prominent inner city frontage site is developed in a manner that is appropriate in scale, massing, alignment and materials. This requirement has been recognised by the applicants through the submission of a Design Statement that details the philosophy and concept behind the proposed scheme. The

development maximises the potential of the site and creates a high residential quality on this by-pass site. It also demonstrates that the scale, massing, appearance, possible materials and details are appropriate for the site and its setting.

## CONCLUSION

The proposed redevelopment of the site for residential purposes is considered appropriate. The proposal for a high quality mixed residential use maximises the potential use of the site. It will result in an appropriate building form on a prominent site situated on a busy route into the city from the west. The submitted Design Statement offers detailed support of the application in terms of the proposed scale, massing, appearance and layout of the development.

The proposed development is considered to be in accordance with national planning policy guidance and advice. Relevant material considerations also offer support of the application.

The redevelopment of the site will provide an appropriate alternative use for this important inner city site. It will reuse a brownfield site in close proximity to the city centre and will provide a high quality standard of residential accommodation in this location. The proposed mix of townhouses and flats will provide a wide choice of accommodation for the future occupiers of the properties.

The proposal is considered to be contrary to the industrial land use policies of the Dundee Local Plan. However, there is a recognised requirement for good quality housing to be provided within the Central Dundee Housing Investment Focus Area within which the application site is located. The development would replace an aging industrial estate with well designed residential accommodation that would be suitable for a wide range of needs. The Dundee Local Plan is nearing the completion of its status as the main component of the development plan with the Finalised Dundee Local Plan Review now being a strong material consideration in the determination of planning applications. This Review does not identify the estate as an industrial site and consequently it is not allocated as such in the Proposals Map.

In order to ensure that the scheme will promote and sustain the provision of good quality housing and in order address concerns regarding the multiple occupancy of dwellings in the Central Dundee Housing Investment Focus Area, it is considered appropriate that a Section 75 Agreement be entered into that restricts the future occupancy of the new units proposed.

## RECOMMENDATION

### Recommendation 1

This planning permission shall not be issued until an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 between the Council and the parties with appropriate interests in the land has been recorded. The Agreement will relate to the future occupancy of the residential units granted permission.

### Recommendation 2

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 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:
  - i location and design, including of walls, fences and gates
  - ii location of new trees, shrubs, hedges and grassed areas.
  - iii schedule of plants to comprise species, plant sizes and proposed numbers / density
  - iv programme for completion and subsequent maintenance

Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 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.

- 3 Development shall not begin until a scheme to deal with waste recycling has been

submitted to and approved in writing by the Council. The development shall not be brought into use until the measures have been put in place in full accordance with the approved scheme.

- 4 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 include details of proposals to deal with contamination to include:
  - a the nature, extent and type of the contamination on the site
  - b measures to treat/ remove contamination to ensure that 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 unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority

- 5 That none of the residential units hereby granted permission shall be brought into use until the measures contained in the Noise Impact Assessment of 08.12.2004 (ref. no. AGNX0074) submitted by Casella Stanger and their subsequent letter of clarification dated 23.03.2005 that relate to the proposed double glazing have been implemented.

### Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 to ensure a satisfactory standard of appearance of the development
- 3 In the interests of sustainable development
- 4 In order to ensure that the site is fit for the use proposed
- 5 In order to protect local residents from road traffic noise.