

KEY INFORMATION

Ward Broughty Ferry

Proposal

Erection of 7 flats

Address

Loftus Filling Station
305 Queen Street
Broughty Ferry

Applicant

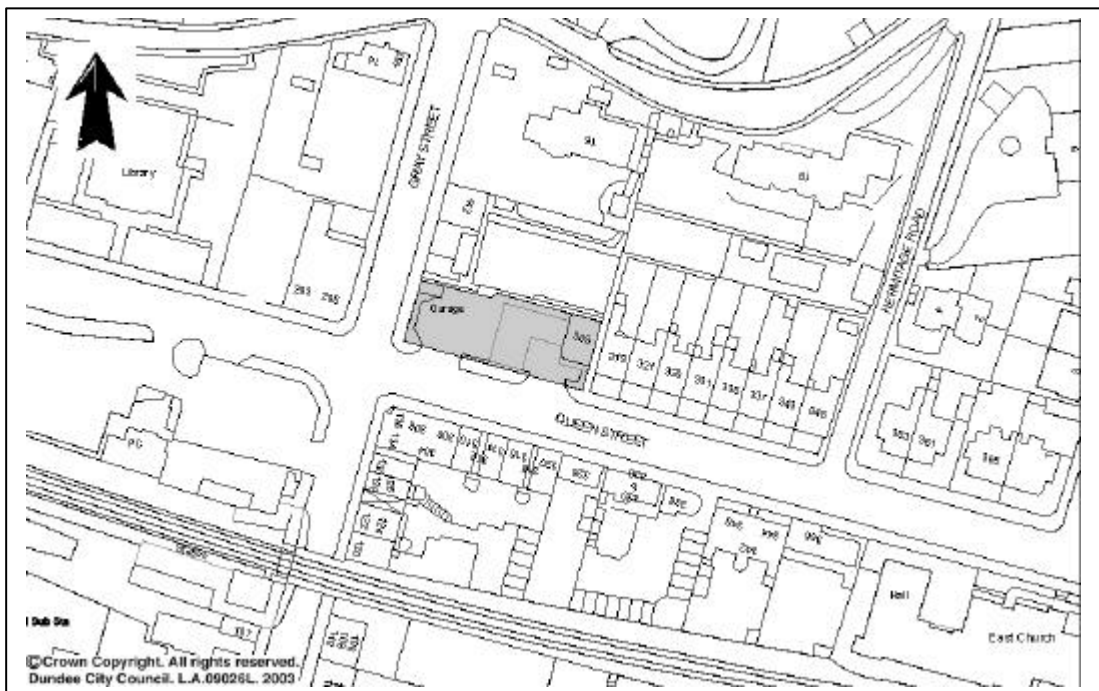
Justice Homes Ltd
Belsize House
Belsize Road
West Ferry
Dundee
DD5 1NF

Agent

Leadingham Hynd
Partnership
18 South Tay Street
Dundee
DD1 1PD

Registered 27 April 2005

Case Officer J Young



Proposed New Flats in Queen Street

The erection of 7 flats is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

It is considered that although the proposal does not comply with the policies in the Dundee Local Plan Review, there are material considerations that justify approval of the application and the redevelopment of this derelict garage site is welcomed. Therefore, the application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of 7 flats on the site of former filling station at 305 Queen Street, Broughty Ferry, Dundee.
- The site is just outwith the Broughty Ferry Conservation Area. The proposal raises issues for consideration in terms of Policies 1, 4 and 55 of the Dundee Local Plan Review 2005.
- One letter of objection has been received from Broughty Ferry Community Council and one from a neighbouring resident. The issues raised relate to design and materials of the proposed development, potential overlooking, loss of privacy and lack of bicycle storage.
- 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 site in Broughty Ferry.

DESCRIPTION OF PROPOSAL

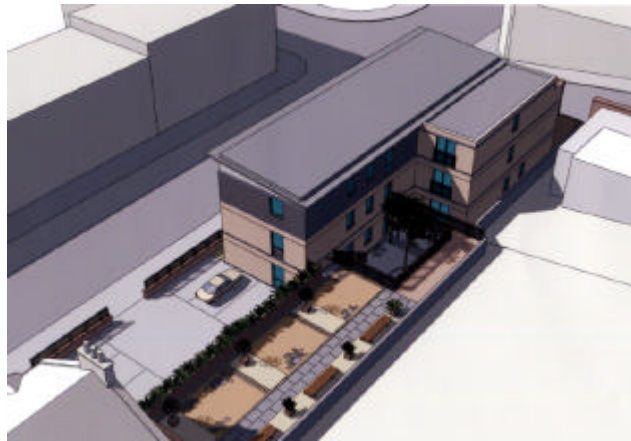
Planning permission is sought for the erection of 7 flats on the site of a vacant petrol filling station at 305 Queen Street, Broughty Ferry. The site area is 0.07 hectares. The building is 3 storeys with access and parking located at the east end of the site. 11 car parking spaces are provided in total and 5 cycle spaces to the west of the car park and to the east of the refuse storage area. A private amenity space of 146sqm is provided at the east end of the site, as a decked area, above the parking spaces. It can only be accessed directly from the first floor level of the flats from an external stair. The floor areas of the flats range from 65.6sqm to 144.5sqm, with two flats exceeding 100sqm floorspace and they have a mixture of two and three bedrooms. Three flats are provided at ground floor level, with two accessed from an entrance lobby off Queen Street and the third accessed by a separate entrance from Gray Street. Two flats are provided at first floor level and they are accessed via the entrance lobby and lift and two flats on the upper level are accessed in the same way. The materials for the proposed building are reconstituted or cast stone for the lower two levels, dove grey horizontal boarding on the upper level, reconstituted stone boundary walls, sarnafil roof and grey/blue aluminium windows.

The proposal was amended through negotiation as it was considered that the space standards in some of the flats and the level of amenity for future occupants was unacceptable due to the small rooms proposed and north windows facing onto a high wall. The number of flats was reduced from 8 to 7 and the windows re-orientated to provide more suitable amenity levels for future occupants. Design issues were also addressed through negotiation with the applicant.

SITE DESCRIPTION

The application site is located on the north side of Queen Street and there is a vacant filling station with forecourt and small shop on the site. There are two accesses into the site with a car

wash area located at the west end. There are 2 storey Victorian houses to the east and 3 storey tenement flats on the opposite side of Queen Street. A retail unit is located at ground level on the corner of Queen Street and Gray Street. A 1.5 storey house is located to the north of the site, with a single garage immediately adjacent to the north boundary. There is a 2 storey office building on the opposite side of Gray Street.



POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the



determination of this application.

Finalised Dundee Local Plan Review 2005

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 4: Design of New Housing - The design and layout of all new housing in Dundee should be of a high quality and design standards are specified for guidance.

Policy 55: Urban Design - for all new developments the emphasis will be on design quality and the City Council will seek the creation of new public places and points of interest which incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. The City Council require the use of Design Statements for planning applications. All development will, in its design and layout, be expected to contribute to an environment which is safe and accessible to all.

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

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

LOCAL AGENDA 21

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

SITE HISTORY

The same applicant had previously submitted an application for 9 flats on the same site. It was being recommended for refusal and so was withdrawn on 23 February 2005.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and two objections were received. A letter was received from a neighbouring resident who stated concerns about potential overlooking and loss of privacy into bedroom windows, design of the proposal and

security and safety issues related to an access path along their boundary. Broughty Ferry Community Council also submitted an objection with the following concerns:

- 1 Acceptability of flats at this location.
- 2 Unsatisfactory design.
- 3 Privacy problems due to the distance of the flats on the opposite side of Queen Street.
- 4 No secure indoor storage space for bicycles.
- 5 Suitability of material for boundary wall.

CONSULTATIONS

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

Noise

The Head of Environmental Health and Trading Standards has concerns about noise impact given that the proposed flats are located along a busy road and assessed it in terms of PAN 56. Given that there are already flats within close proximity, it is considered appropriate to attach a condition to ensure that internal noise levels do not exceed 45dB(A) daytime and 35dB(A) night-time (Daytime is considered to be 0700 to 2300 and night-time is 2300 to 0700).

Potential Contamination

The Head of Environmental Health and Trading Standards has indicated that the site is potentially contaminated and therefore the applicant will have to investigate the potential contamination levels on the site and impose mitigation measures to clear the site of harmful pollutants.

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.

Policy 1 of the Dundee Local Plan Review states that 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. Appropriate boundary treatments will be used to ensure there is no overlooking onto properties and their associated gardens to the north and east. It is considered that the proposal complies with the other aspects of this policy.

Policy 4 only permits flats in exceptional circumstances or where it is identified for flats in a site planning brief. Therefore the proposal does not comply with this policy in the first instance. The requirements specify that each flat should have a minimum gross internal floor area of 60sqm, 130% parking, 100sqm or 10sqm per flat of useable private communal garden areas and 18m between facing windows of habitable rooms. The proposal appears to comply with these requirements for new flatted development. The flats on the opposite side of Queen Street are just under 18m from the proposed flats, but this is considered acceptable in these circumstances as there is a roadway between and the level of amenity within the flats will be more acceptable with the living room windows facing south. Windows on the first and second floors of the north elevation, which belong to shower rooms, bathrooms and stairwells will have obscure glass and a condition will be imposed accordingly. No landscaping details have been submitted at this stage, so this requirement will be attached as a condition. The design of the proposal is discussed in more detail below.

Policy 55 emphasises design quality for new developments and requires the submission of design statements for significant sites. New quality development should create successful, meaningful and memorable buildings and spaces and successfully contribute to the image of Dundee. All development will be expected to contribute to an environment which is safe and accessible to all. The applicant submitted a design statement

for the proposal which is summarised as follows. The variety of window proportions and balance of solid to void was rationalised on the south elevation to provide a more coherent appearance of development. The pattern of fenestration has a clear rational form from floor to floor and it also integrates well with the fenestration of the Victorian terrace to the east. The large living room windows and narrower bedroom windows form a clear repeated pattern along Queen Street. The west elevation to Gray Street continues the skin of dressed stonework down towards Queen Street, and wraps this along the front of the building in a low garden wall with railings and gates to the two entrances off Queen Street. Smooth cement render to the ground and first floors provide continuity of colour with the Victorian terrace to the east, while horizontal boarding in dove grey continues the roof line of the terrace. After negotiation, the application has agreed to use reconstituted or cast stone for the lower two levels of the development.

It is considered that the simple use of materials and generous glazing contributes to the surrounding environment and, although contemporary in style compared to surrounding buildings, it blends in appropriately. Modifications were made to the design as a result of discussions and negotiation with the applicant. The result is a more improved design which respects the area and provides a range of accommodation for the area.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan but there are material considerations to justify approval of the application.

Other Material Considerations

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

Objections

One letter of objection was received from a neighbouring resident to the east who is concerned about overlooking and loss of privacy from the decked amenity area. The applicant has indicated that fencing will be erected around this amenity area to protect the privacy of residents to the north and east. This will be attached as a condition, to ensure it is

an appropriate height and style for its purpose. The other objections relate to the design of the development and issues surrounding an access path adjacent to the east boundary of the site which provides access to a rear garden. The design of the proposal has already been amended as a result of discussion and negotiation with the applicant. It is considered that the design of the proposal is acceptable for this location in terms of its height and use of materials, as discussed above. There will be a new wall with fence on top along the east boundary and this will change to a wall only at the decked area. A condition will be attached for full details of the wall and fence to ensure it will be an appropriate height and style to protect the privacy of the residents to the east and does not leave their access path exposed.

Other objections were received from Broughty Ferry Community Council. The concept of flats at this location has already been agreed in principle due to the restricted nature of the site and its central location within Broughty Ferry. The design of the proposal, particularly in terms of the windows on the south elevation, has been addressed and is considered acceptable. The distance of these windows from the tenement flats opposite has already been discussed and discharged. Secure bicycle storage is provided to the west of the parking area and it will be covered by the decked area and this is considered acceptable. The boundary wall will be finished in reconstituted stone and it is considered that this will fit in appropriately with the contemporary nature of the development, rather than attempting to introduce natural stone as with the Victorian properties. Details of the material for the boundary wall will be submitted prior to development commencing on site.

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

Design

The applicant has submitted a design statement in support of the proposed flatted development. The development has been designed in a contemporary manner with the use of modern

materials, such as horizontal boarding and reconstituted stone. The size and style of windows are in sympathy with the Victorian terraced houses to the east. The design of the apartments and use of the site as a whole have been designed to respect the area and provide a range of accommodation that will further meet these goals.

CONCLUSION

Although the proposal does not technically comply with the Dundee Local Plan Review 2005, there are material considerations to justify approval of the application in these circumstances. The proposal will return this now vacant site to a viable and attractive use, which will be an asset and contribute to the vitality of the street.

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 Details of the proposed finishing materials for the flats, all boundary treatments and 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.
- 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 Internal noise levels within the flatted properties shall not exceed 45dB(A) daytime and 35dB(A)

night-time. For the avoidance of doubt, daytime will be 0700 to 2300hrs and night-time will be 2300 to 0700hrs.

- 6 The windows to be formed on the first and second floors of the north elevation of the proposed building shall only be glazed or re-glazed with obscure glass.
- 7 No development shall take place until there has been submitted to and approved by the planning authority a scheme of landscaping.
- 8 The adjacent footway along Queen Street and Gray Street shall be made good, in a manner acceptable to the City Council, if any damage is caused during the construction period.

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 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 protect future occupants from unacceptable noise levels from traffic.
- 6 To protect the amenities of the occupants/owners of adjacent properties to the north from potential overlooking.
- 7 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 8 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.