

KEY INFORMATION

Ward Stobswell

Proposal

Erection of 12 apartments, 10 townhouses and a children's nursery.
 Refurbishment to form 8 apartments, 5 shops and an office ancillary car parking, road and landscaping

Address

Land to East of Eliza Street
 Dundee

Applicant

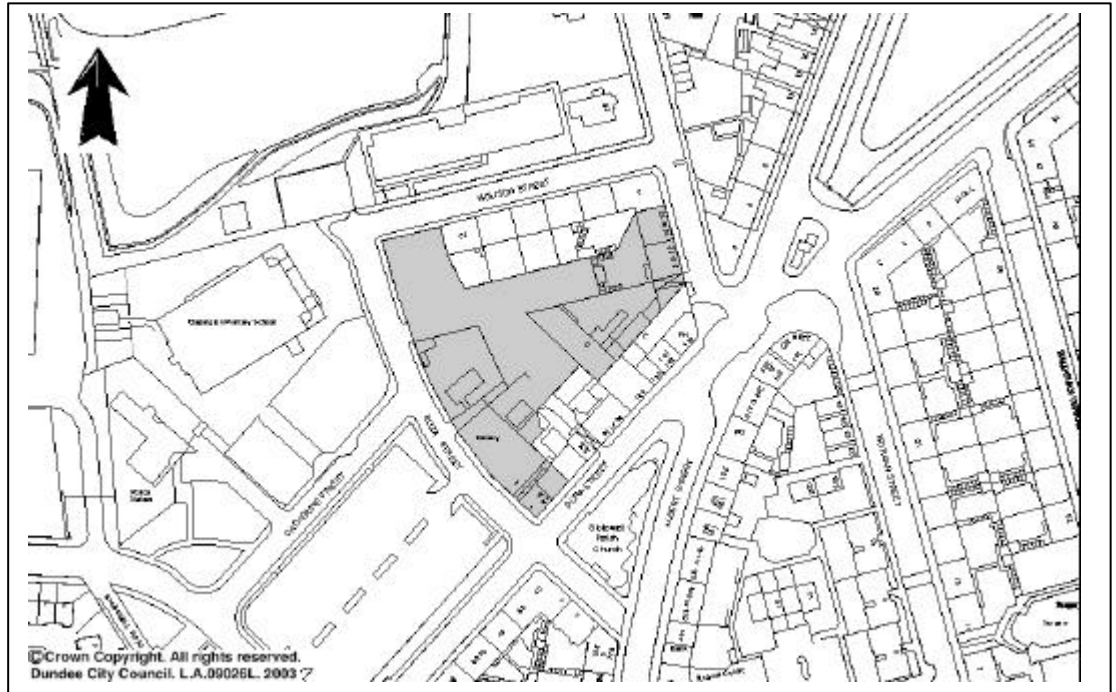
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Registered 27 May 2005

Case Officer C Walker



Proposal for Mixed Use Regeneration at Eliza Street

The erection of apartments, townhouse, a children's nursery and the formation of apartments, shops and an office is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development complies with the provisions of the Development Plan and helps further the Council's objectives for the Stobswell area. It is therefore recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of new dwellings and a children's nursery and the refurbishment of existing buildings on the site. An attractive modern design is proposed.
- The site comprises most of a city block enclosed by Molison Street, Eliza Street, Dura Street and Mains Loan. To the west is Cleington Primary School, a Category A listed building.
- Policies in the Dundee Local Plan Review 2005 relating to housing, day nurseries and the built environment are of relevance.
- No comments from neighbours were received but Historic Scotland expressed concerns about the impact of the proposed building at the junction of Molison Street and Eliza Street on views of the entrance elevation of the listed Cleington Primary School.
- It is concluded that the development complies with the provisions of the development plan, makes a very positive contribution to the Stobswell area and respects the setting of the nearby listed building.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a mixed use development on the site comprising a 4 storey building of 12 apartments at the junction of Molison St and Eliza Street, a row of 10 townhouses on Eliza Street, the refurbishment of a shop and 2 apartments at the junction of Dura Street and Eliza Street, the refurbishment of a tenement building at Mains Loan to form an office, 2 shops and 6 apartments and the erection of a children's nursery in the centre of the site.

It is proposed to form a new road to serve the development through the pend in the Mains Loan building and exiting onto Eliza Street and providing access to parking for the nursery and the apartments. The houses will have integral garages. The townhouses will have private gardens and the apartments will have communal garden areas as well as balconies.

The design of the development is modern with finishing materials of blockwork, coloured render, timber and standing seam roofs for the new apartments and town houses and similar materials but also some facing stone on the nursery. The refurbished buildings on Mains Loan will have new timber shopfronts, coloured render panels and a large feature panel comprising metal framed glazing on the south gable.

The applicants have submitted a "Planning Strategy" outlining the background to the proposed development. It refers to the Stobswell Partnership's aim to provide a wider range of residential choice in the area with larger units to encourage families to re-establish themselves within the area. Therefore the refurbishment of the Mains Loan building involves the merging of 1 bedroom flats to form 3 bedroom flats. Modern design is used to indicate progression away from the standard tenement building and improved standards of internal and external amenity are provided.

SITE DESCRIPTION

The site comprises most of a city block enclosed by Molison Street, Eliza Street, Dura Street and Mains Loan. It

includes 2 existing tenement buildings and an office building on Mains Loan and a two storey with dormers commercial and residential building at the junction of Dura Street and Eliza Street. The rest of the site has been cleared including former bakery buildings on Eliza Street.



To the north are tenement flats on Molison Street. To the west is Clepington Primary School (a Category A listed building) and the Dura Street car park. To the south are commercial and residential properties on Dura Street and to the west is the northern end of the Albert Street district shopping centre.

A small portion of the site (the building at the junction of Eliza Street and Dura Street) lies within the



Maryfield Conservation Area.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 3 Housing Investment Focus Areas - investment in housing and

infrastructure is encouraged at this location.

Policy 3A and Appendix 2 Housing Proposals - This site is allocated as a brownfield housing site.

Policy 4 and Appendix 1 Design of New Housing - Standards set out for new housing development.

Policy 19 and Appendix 4 Private Day Nurseries - Standards set out for nursery developments.

Policy 55 Urban Design - This policy seeks to promote good design and also required development to respect the setting of listed buildings (Clepington School is a Category A listed building).

Policy 61 Development in Conservation Areas - Development proposals will be expected to preserve or enhance the character of the surrounding area.

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

In June 2000 the Councils Planning and Transportation Committee approved a Development Brief for this site. The approved brief indicates a form of development broadly similar to the current application proposals.

LOCAL AGENDA 21

The refurbishment of existing buildings and the erection of new buildings on this brownfield site accords with the Councils Agenda 21 policies.

SITE HISTORY

Pre application discussions, taking into account the terms of the approved Development Brief for the site, have continued over a considerable period of time prior to the submission of this planning application.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the development was advertised as affecting the setting of a Category A listed building (Cleington Primary School). No public comment was received.

CONSULTATIONS

Historic Scotland were consulted as the proposal affects the setting of a Category A listed building (Cleington Primary School). They responded expressing concerns about the impact of the proposed building at the junction of Molison Street and Eliza Street on views of the entrance elevation of the school from Molison Street. They suggest that the building be set back sufficiently so that views are not interrupted.

The Head of Environmental Health and Consumer Protection has asked that conditions be placed on the development regarding potential contamination and noise from commercial units.

The Councils Forestry Officer has asked that landscaping proposals be developed for the site.

The Director of Education has noted the proximity of the site to Cleington Primary School and the new access at Eliza Street and has suggested that there may be an increase in traffic and noise problems particularly during the construction period.

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.

In addition Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Council to pay special regard to the desirability of preserving the setting of the Category A listed Cleington Primary School and Section 64 of the same Act requires special attention to be paid to the desirability of preserving or

enhancing the character or appearance of the Maryfield Conservation 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.

The proposal is entirely in accordance with Policy 3 of the adopted Local Plan in furthering the strategy to invest in housing in Stobswell and to remodel existing built forms to satisfy modern living requirements. It is allocated for housing under Policy 3A.

In terms of Policy 4 and Appendix 1, which set out standards for new housing development, the development complies with most of these standards but does involve the erection of new build flats and the town house gardens achieve the 50 sq. metres limit but 30% of them do not achieve the standard of 75 sq. metres. However Policy 4 allows standards to be departed from where this is in line with an approved planning brief. This is the case here and in addition the erection of 12 new apartments at this site must be seen in the context of the conversion of 12 substandard flats at Mains Loan to form 6 larger units. Policy 4 is not therefore contravened.

Policy 19 and Appendix 4 set out standards for private nurseries. In this case the proposed development complies with all these standards but on the face of it may appear to contravene the section that states that in residential areas "sites accessed from residential streets of less than 4.8 metres width will not be considered suitable". However in this case the area is not entirely residential (existing and proposed uses include commercial uses) and furthermore the site is not accessed from an existing residential street but rather from a new one way road purpose built to serve this new development. The restriction in road width is not contained in the other sections of this policy relating to the City Centre and Employment Areas and it can therefore be assumed that its primary purpose is to protect residential amenity. It is considered that in this case since the new road is not a "residential street" in terms of Policy 19 and Appendix 4 (it is designed to serve the proposed nursery) and since adequate arrangements are proposed for access

and parking for the nursery, that Policy 19 is not contravened.

Policy 55 promotes good design and also seeks to ensure that the setting of listed buildings is respected. The design of the proposed development is of a high standard both in terms of the new build dwellings and the refurbishment of existing buildings.

The setting of the Category A listed Cleington School (formerly Eliza Street School) is adversely affected by the dereliction at the application site over many years (much of this land was originally purchased for the construction of the abandoned North East Arterial Road). It is considered that the proposed development will significantly enhance the setting of the listed building.

Finally Policy 61 requires development proposals in conservation areas to preserve or enhance the character of the surrounding area. Only the small building at the junction of Eliza Street and Dura Street falls within the Maryfield Conservation Area and the refurbishment of this building will enhance the character and appearance of the surrounding area.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

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

a **Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997**

This requires the Council to pay special regard to the desirability of preserving the setting of the Category A listed Cleington Primary School.

This matter has already been considered in the context of Policy 55 of the Local Plan and it has been concluded that the proposed development will remove dereliction and will enhance the setting of the listed building. However Historic Scotland have informally commented that the proposed apartment building at the junction of Molison Street and Eliza Street will adversely affect views of the entrance elevation of the school from Molison Street.

They suggest that the building be set back sufficiently so that views are not interrupted.

However views towards the school from Molison Street are already severely restricted by the presence of 4 storey high tenement flats and the fact that the school is to the south of the axis of that street and is set at an angle to it. There were previously buildings at the corner where the apartment block is now proposed. Taking these factors into account it is not considered that the proposed apartment block will have an adverse impact on the setting of the listed building.

b Section 64 of the Planning (Listed Buildings and Conservation Areas) Act 1997

This requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Maryfield Conservation Area.

This matter has already been considered in the context of Policy 61 of the Local Plan and it has been concluded that the development will enhance the character and appearance of the conservation area.

c The Views of Consultees

The issues raised by Historic Scotland have been considered in section (a) above. The matters raised by the Head of Environmental Health and Trading Standards and the Councils Forestry Officer can be made the subject of planning conditions should Members be minded to approve this application. Finally the matters raised by the Director of Education on traffic and noise can be made the subject of a Note of Guidance to the developer to ensure that the construction arrangements take into account the concerns of the school.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission. It is therefore recommended that planning permission be granted with conditions.

Design

The design of the development is modern with finishing materials of blockwork, coloured render, timber and standing seam roofs for the new apartments and town houses and similar materials but also some facing stone on the nursery. The refurbished buildings on Mains Loan will have new timber shopfronts, coloured render panels and a large feature panel comprising metal framed glazing on the south gable.

It is considered that the proposed design will serve to enhance the visual amenity of the surrounding area and that the development will set a good precedent for other sites in the Stobswell area.

CONCLUSION

The proposed development complies with the provisions of the Development Plan. It forms a significant component in furthering the Councils objectives for the Stobswell area by providing family housing and refurbishing sub standard tenement flats to provide more attractive accommodation.

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, including areas of hardstanding and new roads and pavements, shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples.
- 3 Details of the landscaping of the site, including species, sizes and timescales for planting 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. 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.

- 4 A maximum of 50 children shall be accommodated within the nursery at any one time.
- 5 Development shall not begin until a scheme to deal with potential 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 potential 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 unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.
- 6 Noise from all electrical and mechanical plant on commercial premises shall not exceed NR45 as measured 1 metre from the facade of any residential accommodation.
- 7 The footways ex adverso the site on Molison Street, Eliza Street, Dura Street and Mains Loan shall be upgraded to the satisfaction of the Council. Details of the upgrading of these footways, including the timescale for implementation, 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 Details of all proposed boundary and other enclosures, including walls, fences and railings, 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 a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 4 To comply with Policy 19 of the Dundee Local Plan Review 2005 and to ensure that the use of the premises does not result in an adverse impact on the amenities enjoyed by surrounding residents by reason of excessive traffic or demand for parking spaces.
- 5 In order to ensure that the site is fit for the use proposed.
- 6 In the interests of residential amenity.
- 7 In the interests of pedestrian safety.
- 8 To ensure a satisfactory standard of appearance of the development.