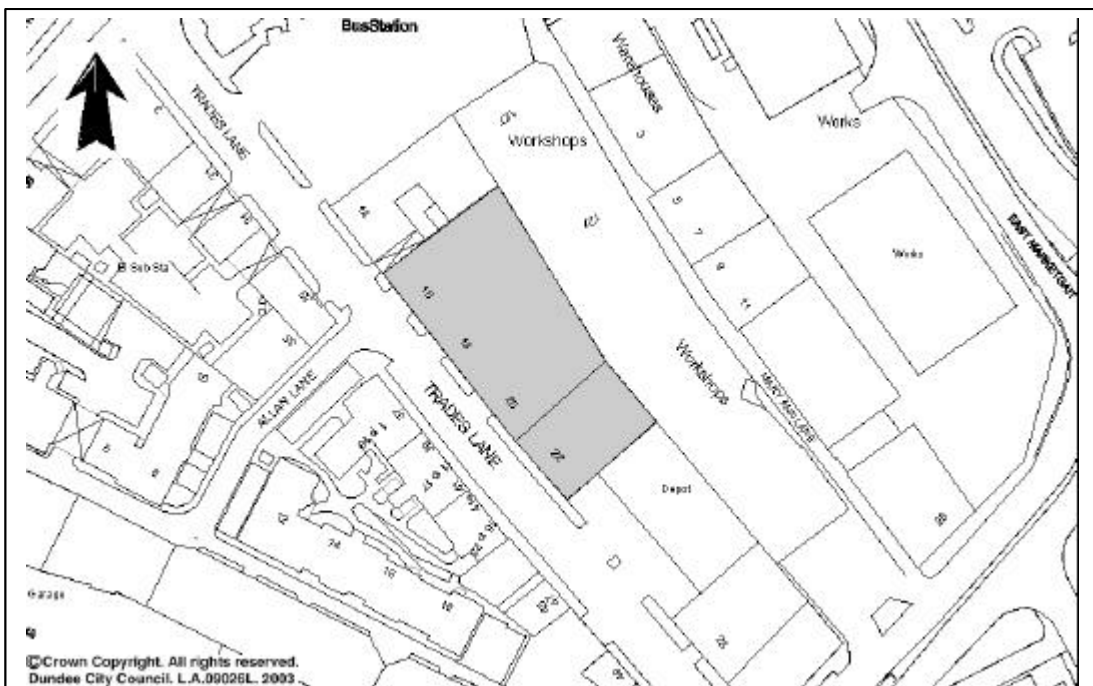


**KEY INFORMATION**

Ward East Port

**Proposal**

Erection of 32 flats

**Address**14-22 Trades Lane  
Dundee**Applicant**Arnold Clark Automobiles  
Great Western Road  
Clydebank  
Glasgow**Agent**Wellwood Leslie Architects  
Fort Street House  
Broughty Ferry  
Dundee**Registered** 13 Sept 2005**Case Officer** Julie Young

# Proposed Housing Development in Trades Lane

The erection of 32 flats is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development is considered to be in accordance with the relevant policies of the Dundee Local Plan Review 2005. There are no material considerations that would justify the refusal of the application contrary to the terms of the Plan. The proposal is recommended for **APPROVAL subject to conditions**.

**SUMMARY OF REPORT**

- Planning permission is sought for the demolition of an existing car showroom and the erection of 32 flats with associated car parking and landscaping works. The site is located at 14-22 Trades Lane, Dundee.
- Policy 4 of the Dundee Local Plan Review 2005 is relevant to the determination of the application and offers guidance on the design of new housing within the City Centre.
- Eight letters of objection were received on the grounds of adverse impact on traffic and parking, overlooking, overshadowing, loss of privacy, appearance of building and design concerns, flooding and drainage issues, noise concerns, pollution, architectural loss and loss of retail. One letter of representation was received from Dundee Civic Trust.
- It is considered that the provision of flats at this location is in accordance with the policies in the development plan. The impact on the immediate and surrounding is not so adverse to merit refusal of the application. The proposal will enhance the area due to its high quality residential accommodation that is appropriate in scale, mass, layout and appearance at this City Centre location.

## DESCRIPTION OF PROPOSAL

The planning application under consideration seeks permission to demolish an existing car showroom and erect a 4 storey flatted development of 32 units with 100% car parking provision, secure cycle storage and landscaping. The development will comprise a mixture of 28 two bedroom flats and four three bedroom flats.

The development is 4 storeys in height and is divided into two separate blocks with an access between leading to a parking area behind the buildings. The southernmost building has four flats and the northernmost has 28 flats, with four 3 bedroom flats at the north end.

The proposed materials are a smooth white render, red brick detailing, aluminium cladding panels, glazed stair towers, standing seam aluminium roof and redwood framed windows. The front elevation of the buildings have a generous proportion of glazing, balconies and vertical glazed stair towers. The main living spaces are located at the front of the flats, facing onto Trades Lane. There will be a low wall in red brick with railing on top from the edge of the overhanging balcony area to meet the stair tower. This will enclose the area in front of the bedrooms and provide a small amenity area for planters. The rear elevation has vertical elements in the form of angled windows to mitigate potential noise disturbance from the adjacent bus garage.

The proposed access road will be finished in rolled asphalt, the parking bays will be surfaced in interlocking concrete blocks and paving within the site will be buff riven-faced slabs.

The applicant has submitted supporting information including a noise impact assessment, archaeological desk-based assessment and responses to objections raised to the proposal. The noise assessment made recommendations in relation to layout and design of the buildings and these have been incorporated into the development. They include the positioning of the car park to the rear of the site to provide a noise barrier between the bus garage and flats and

the window orientated away from the garage.

## SITE DESCRIPTION

The application site is located on the east side of Trades Lane and the current building on the site is a car showroom. It is a traditional stone built, single storey building with slate roof and ornate archway at the north end, which provides access to a customer parking area at the rear of the building. There are a number of



glazed openings on the front elevation onto Trades Lane.

Seagate bus station is located immediately to the north and its associated garage is immediately behind the site. There is a modern four storey flatted development with retail units on the ground floor on the opposite side of Trades Lane. A former Bond building further to the north on Trades Lane was converted into flats in the early 1990s.



## 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 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 developments 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 Areas.** The 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.

**Policy 4: Design of New Housing.** The design and layout of all new housing in Dundee should be of a high quality. As a basis for achieving this, new development will require to conform to the Design Standards contained within the Plan.

**Policy 55: Urban Design.** For all new developments, the emphasis will be on design quality and the Council will require the use of Design Statements for planning applications for new buildings on significant sites. All development will, in its design and layout, be expected to contribute to an environment that is safe and accessible to all.

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

**Policy 65: Archaeological Sites -** where any proposal could affect a site of known

archaeological importance or potential, the applicant will be required to provide an assessment of the archaeological value of the site and the likely impact of the proposal on the archaeological resource.

**Policy 79: Contaminated Land.** When considering development proposals involving sites where the presence of contamination is suspected, the

Council will require developers to submit details of investigations to assess the nature and extent of any contamination and the appropriate remedial works to render the site fit for the use proposed.

## Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

Scottish Planning Policy 3 - Planning for Housing 2003. This policy seeks to promote residential developments in suitable locations. It also seeks to ensure that housing land requirements are met in full and promotes good quality design in residential developments.

Planning Advice Note 56: Planning and Noise - This PAN offers advice on a number of noise related matters. This includes how noise issues should be handled in dealing with planning applications for development, specific guidance on noise sensitive development, ways of mitigating the adverse impact of noise and guidance on the use of planning conditions relating to noise.

Designing Places - A Policy Statement for Scotland. This statement from the Scottish Executive sets out their aspirations on the design and the role of the planning system for delivering these aims. It promotes the need for high quality design of buildings and layout for proposed developments.

## Non Statutory Statements 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 is no site history of direct relevance to the application site in these circumstances. Other flatted developments have been granted permission and built in this general

area within the past 5-10 years. Some listed buildings have also been converted into flats within the past 15 years.

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## PUBLIC PARTICIPATION

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The applicants have carried out the statutory neighbour notification procedure. In addition, the proposal was advertised in the local press as affecting the setting of a conservation area.

The proposals have attracted 8 individual objections and a letter of representation from Dundee Civic Trust has also been received, who suggest that the proposal would benefit from some landscaping along Trades Lane.

The main issues raised by the objectors relate to:

- a adverse impact on traffic and parking;
- b overlooking to flats on opposite side of Trades Lane;
- c overshadowing;
- d loss of privacy for flats opposite;
- e appearance of building and design concerns due to its height and modern use of design and materials;
- f flooding and drainage issues;
- g noise concerns due to the close proximity to the bus station;
- h pollution from adjoining bus station;
- i architectural loss of archway on front elevation of existing building; and
- j loss of retail.

Copies of these objections can be viewed in the Members Lounges and they will be discussed in the "Observations" 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 Head of Environmental Health and Trading Standards has, due to the previous use of the site, requested that an appropriate condition relating to any contamination and remediation

works be attached to any permission granted.

A noise assessment was requested as part of the application. In terms of potential noise disturbance, it has been concluded that predicted noise levels from bus movements in the station/garage will be audible (particularly the reverse alarms) within the proposed flats (with windows open for ventilation) but will be within acceptable limits of currently applicable criteria. The assessments are based on worst case scenario and noise intrusion will be short term. PAN 56 states that it is reasonable for occupants to expect satisfactory internal noise levels with windows open for ventilation. However within a city Centre environment, it is reasonable to expect occupants to use their windows to mitigate noise intrusion. In this situation, internal noise levels with windows closed are well within acceptable standards.

In terms of air quality, the Head of Environmental Health and Trading Standards has advised that the development proposes introducing new receptors within 10m of the adjacent bus station. The number of bus movements is below that requiring assessment and therefore no air quality assessment is required in these circumstances.

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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.

Policy 1 of the Dundee Local Plan Review 2005 states that new development should 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. The development is located on the

opposite side of the street from the nearest residential properties and this is considered acceptable in a City Centre location. The design of the building is contemporary and will complement surrounding buildings in terms of scale, massing and materials. 100% car parking is provided which complies with other policies and is acceptable in the City Centre, where public transport is widely available. Noise has been assessed by the Head of Environmental Health and Trading Standards and it is concluded that noise levels will be within acceptable standards.

Policy 4 sets out the requirements for flatted developments within the City Centre. This includes a minimum of two bedrooms per flat, 100% car parking provision, amenity space or balcony provision as appropriate, secure cycle provision and 18m between facing habitable rooms. There are 28 two bedroom flats and 4 three bedroom flats within the development, 100% car parking and each flat has a balcony on the front elevation. Limited landscaping details have been provided but a condition will be attached to require further detail prior to the commencement of development on site. The proposal complies with all other requirements of Policy 4.

Policy 55 emphasise design quality for new developments. New development should create successful, meaningful and memorable buildings and spaces and 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 some supporting information regarding the layout and design of the proposal as follows. The design layout locates the flats to maintain and define the street frontage while maintaining 18m from the flats opposite for privacy. The flats have been designed for "Housing for Varying Needs" standards. This allows a courtyard to the rear for car parking. Site vehicle access has been appropriately positioned in relation to other access points. The form has endeavoured to be urban and appropriate to its city centre location, whilst reflecting some materials in the local area. 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.

The site is located just outwith the Central Conservation Area and was advertised as potential affecting the setting of the conservation area. It is considered that the proposed building blends in appropriately with the buildings on the opposite side of Trades Lane, which are located within the Conservation Area. Therefore the proposal complies with Policy 61.

Policy 65 states that the applicant is required to provide an assessment of the archaeological value of the site and the likely impact of the proposal on the archaeological resource. The applicant submitted an archaeological desk-based assessment which made the following recommendations:

"The proposed development does not contain any listed buildings or scheduled ancient monuments. Nor does it contain any structures above ground that are of such importance that they ought to be preserved in situ. As far as can be known at this stage, it does not contain any below-ground features that would require to be preserved in situ.

However, it does contain structures above ground that would merit a very basic level of recording if they are to be destroyed. Below ground, it is likely that it contains evidence of the development of Dundee's early modern waterfront, and of its 19th century industries, which ought to be recorded before it is destroyed. It may be possible to leave some of the below-ground evidence undisturbed, depending on the foundation design adopted for any new construction on site.

It is recommended that, in advance of the proposed development, an archaeological evaluation be undertaken to establish the nature and extent of any surviving archaeological remains of the embankments and reclamations that took place as well as of the two industries of shipbuilding and the foundry.

It is also recommended that, if the existing buildings are to be demolished, a building survey be undertaken, comprising a photographic and measured drawing survey of them before demolition. The presence of the three circles, possibly chimney stacks, within the warehouses shown on the OS First Edition and later plans,

suggests that the buildings may have been used for other purposes before being converted into warehouses. They may have formed part of the Trades Lane Calender Works that stood on the site now occupied by the bus station. The north west end of the present building is that shown on the OS First Edition. A building survey could clarify any earlier use of the building and record features before they are destroyed in demolition."

A condition will be attached to ensure that any findings within the site are appropriately recorded and/or preserved.

A condition regarding the requirement to investigate potential contamination of the site and remediation measures will be attached, should Members be minded to recommend approval of the application.

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:

## Objections

The grounds of objection are discussed as follows:

- 1 Adverse impact on traffic and parking:

The required 100% parking has been provided with the development and complies with Policy 4 of the Dundee Local Review 2005.

- 2 Overlooking to flats on opposite side of Trades Lane:

The development is located within the City Centre, where development is denser than other areas within the City. There is 18m from the proposed flats to the nearest flats on the opposite side of Trades Lane.

- 3 Overshadowing:

It is not considered that there will be overshadowing problems for future occupants or neighbouring residents.

- 4 Loss of privacy:

It is considered that there is sufficient distance between the proposed development and the

existing buildings to prevent overlooking into rooms. Policy 4 requires 18m between habitable rooms and this distance is maintained.

- 5 Appearance of building and design concerns due to its height and modern use of design and materials:

The proposed development respects the scale and massing of surrounding buildings, has an urban form and is appropriate for this City Centre location. Some materials from the surrounding buildings have been reflected in the development.

- 6 Flooding and drainage issues:

The floor level of the development is 600mm above the adjacent road surface. The applicant has indicated that the surface water drainage will be connected to the public drain and the foul drainage will be connected to the public sewer. No adverse comments have been received from Scottish Water or SEPA.

- 7 Noise concerns due to the close proximity to the bus station:

A noise assessment was submitted as part of the application and concludes that there will be no noise problems for future occupants of the flats. The flats have been designed with noise attenuation measures incorporated within the development. The Head of Environmental Health and Trading Standards has confirmed the acceptability of the development in noise terms.

- 8 Pollution from adjoining bus station:

The Head of Environmental Health and Trading Standards has confirmed that there is no requirement for the submission of an air quality assessment and therefore pollution is not considered an issue at this site.

- 9 Architectural loss of archway on front elevation of existing building:

The architect has confirmed that the archway on the front elevation will be incorporated into the development.

- 10 Loss of retail:

This is not a valid planning objection.

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 contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

### Houses in Multiple Occupation

The applicants are aware of the concerns that have previously been expressed by the Committee about the conversion of residential units in the city centre and west end of the city to HMOS with resulting adverse impacts on residential amenity. In September 2005, the Planning and Transportation Committee approved draft supplementary guidance for controlling HMOs for consultation. This states that the occupation of dwellings in new residential developments by 3 or more unrelated persons will be prevented through the use of Section 75 Agreements. It is therefore considered that it would be appropriate in this instance to restrict any change of use of the flats to HMOs. Such a restriction by means of a legal agreement has been discussed with the applicants and their acceptance of this has been obtained.

### Design

The proposed development is contemporary, whilst reflecting elements of traditional surrounding buildings. The flats are spacious and have large glazed areas and balconies on the west elevation, which will provide high quality living accommodation for future occupants.

### CONCLUSION

The proposal complies with the relevant policies in the Dundee Local Plan Review 2005. It is considered that the objections do not carry sufficient weight to merit refusal of the application.

## RECOMMENDATION

### Recommendation 1

The planning permission shall not be issued unless and until an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 between the Council and parties with appropriate interests in the land has been recorded. This agreement will relate to the prohibition of any of the proposed dwellings becoming a house in multiple occupation.

### 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 Details of the proposed finishing materials for the buildings, surfaces around the buildings and car park surfaces 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 No development shall take place until there has been submitted and approved by the planning authority a full scheme of landscaping.
- 6 The adjacent footway along Trades Lane shall be made good, in a manner acceptable to the City Council, if any damage is

caused during the construction period.

- 7 The recommendations by SUAT Ltd as outlined on page 7 of the archaeological desk-based assessment shall be carried out prior to the commencement of development works on site and details shall be submitted to the City Council for approval.
- 8 Details of provision for waste recycling facilities within the proposed development 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. The approved scheme to deal with waste recycling shall be operational prior to the first occupation of any of the residential units.

## 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 ensure a satisfactory standard of appearance of the development 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.
- 7 In order to examine, record and salvage items related to archaeology and history.
- 8 To ensure the site has adequate waste recycling provision in the interests of the amenity of the area.