

KEY INFORMATION

Ward Tay Bridges

Proposal

Erection of 39 residential units comprising 30 apartments and 9 townhouses

Address

Bellfield House
31 Bellfield Street
Dundee

Applicant

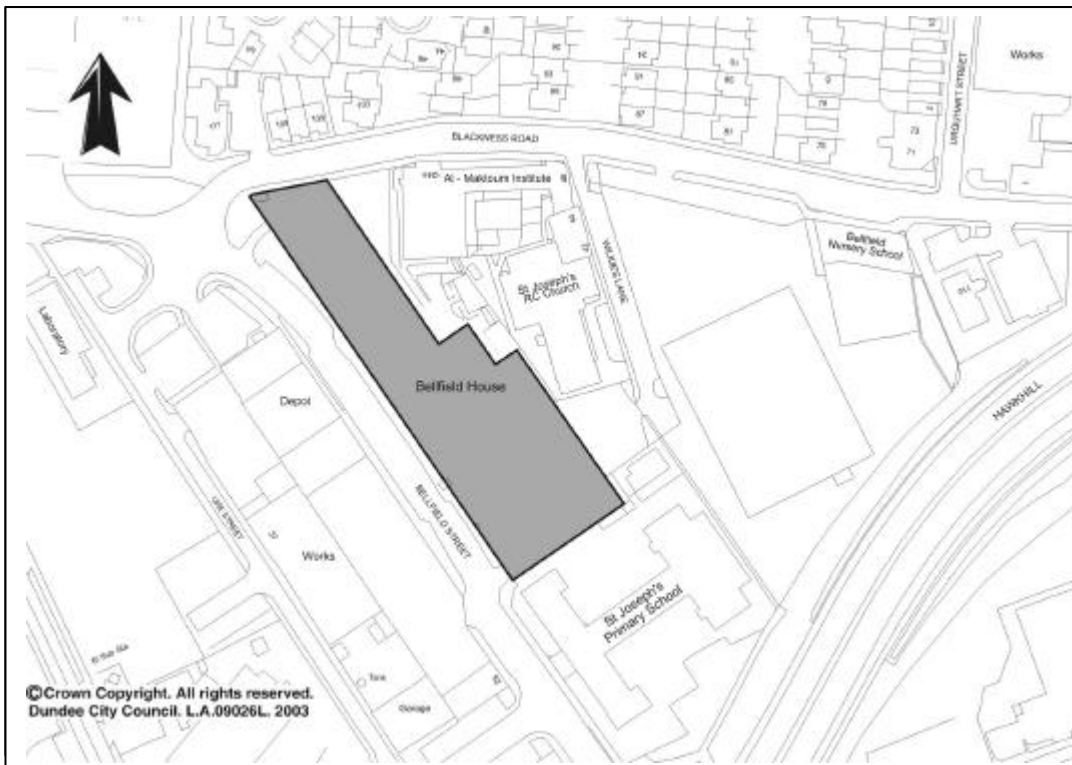
Shakila Property
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Agent

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Registered 12 April 2006

Case Officer Eve Jones



New Housing Proposed in Bellfield Street

The erection of 39 residential units comprising 30 apartments and 9 townhouses is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is considered to comply with Policy 2 - Housing Land Release and Policy 4 - Design of New Housing. The applicant has agreed to enter into a Section 75 agreement to restrict HMOs. Accordingly the application is Recommended for APPROVAL subject to a Section 75 and to appropriate conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of 39 dwellings comprising 30, 2 and 3 bed apartments and 1 penthouse and 9 townhouses, (8 x 3 bed and 1 x 5 bed). The properties are accessed from two cul-de-sacs with private parking at the rear of the buildings screened from the road. The floor area of the dwellings and the car parking are in excess of the minimum required by policy. The majority of the apartments and all of the townhouses have large balconies with good aspect, there is amenity space, cycle stands and bin storage. The design and materials are modern and progressive in keeping with this part of the City.
- The site is on the east side of Bellfield Street, adjacent to the Al-Maktoum Institute, St Josephs Church and School and the Whitehall Theatre. The site is close to the University where there is significant new development.
- Policies 2 and 4 of Dundee Local Plan Review cover housing land release and the design of new housing. A detailed justification has been submitted which supports the provision of flats in this location on site specific grounds due to the height and scale of surrounding buildings and access restrictions. The restricted garden ground provision is off-set by the provision of balconies to the majority of the flats, 12 of which have two balconies. It is considered that the proposal complies with the policies.
- Representations from an adjoining occupier in respect of the lowering of a boundary wall have been addressed, there was no objection to the development.
- Due to the location of the site, close to the University, the applicant has agreed to enter into a legal agreement to restrict the use of these dwellings as HMOs in accordance with recently approved supplementary guidance.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of 39 dwellings comprising:

Block 1: 17 apartments, 5 x 2 bedroom, 11 x 3 bedroom and 1 x 4 bedroom penthouse.

Block 2: 4 terraced townhouses, 3 x 3 bedroom and 1 x 5 bedroom.

Block 3: 5 x 3 bedroom terraced townhouses linked to 13 apartments, 6 x 2 bedroom and 7 x 3 bedroom.

The 2 bedroom apartments are 88 square metres and the 3 bedroom are 88 square metres with the penthouse being 177 square metres. The 3 bedroom houses are 133 square metres and the 4 bedroom are 180 square metres.

The properties are accessed from two cul-de-sacs with private parking for the flats at a ratio in excess of 130% located to the rear of the buildings. The townhouses all have integral garages and a parking space. The majority of the apartments and all of the houses have balconies large enough to be used. The design is modern and the materials comprise white render, buff/grey reconstituted stone, timber and patinised (green) copper cladding. The roof will be a thin membrane with standing seams to replicate the appearance of lead. Landscaping is proposed within the parking areas.

SITE DESCRIPTION

The site lies on the north east side Bellfield Street at its junction with Blackness Road and close to Hawkhill. It comprises the current site of a long narrow storage warehouse and a wide area of footway at the corner of the two roads which is currently being purchased from the City Council. The existing building is a long white painted traditional building with on street parking, no yard areas and 6 vehicle access doors on to Bellfield Street. The surrounding uses are mixed and comprise new residential development to the north, the Al-Maktoum Institute and St Josephs Church to the east, St Josephs school to the south and commercial buildings including car sales and repairs to the west. The Al Maktoum, the church and the school are large institutional

buildings, the former two are listed. The wider area is characterised by considerable amounts of new development in association with the University, many of which are significant buildings of modern design and materials.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 2005

The following policies are of relevance:

Policy 2 - Housing Land Release

Policy 4 - Design of New Housing



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 proposal involves the redevelopment of an Inner City brownfield site which is considered to be sustainable and in accordance with the aims of Agenda 21.

SITE HISTORY

There is no site history of direct relevance to this application.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and no objections were received. Further information was requested with regard to the eventual height of the boundary wall between the site and the Al Maktoum Institute and the issue has been clarified.

The application was also advertised as a development contrary to the Development Plan, no objections were received.

CONSULTATIONS

There were no adverse comments from consultees.

The agent advises that:

- Tayside Fire and Rescue Service have confirmed that their vehicles can pass through the pend created at Block 3; and
- the Architectural Liaison Officer of Tayside Police has been consulted and there are no objections in principle to the proposals.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- whether the proposals are consistent with the provisions of the development plan; and if not
- 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 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 be required to

conform to the Design Standards contained in Appendix 1 of this Local Plan unless:

- a the City Council, through either site allocation in the Local Plan or site planning briefs, considers it appropriate to vary the standards to reflect the constraints or opportunities offered by the development of a particular site; or
- b the proposal is within an established low density residential area, in which case the density of the new development should reflect this and more generous external space standards will be required.

New housing development should also have regard to the principles of the City Council's Urban Design Guide.

In addition, new housing development should meet "Secured by Design" standards. New residential streets should be designed to promote low vehicle speeds of 20 m.p.h. or less. New housing should have regard to opportunities to maximise energy efficiency and promote sustainable waste management.

There is no brief for the site.

Appendix 1:

House Types. Flats will only be permitted if identified in a site planning brief or site specific circumstances demand a flatted solution. Flats should have a minimum gross internal floor area of 60 sq metres.

The agent states in the supporting justification that "Given the importance of the site at the bottom of Blackness Road our client proposes the erection of a landmark building designed to optimise its presence at this important junction". The north side of the junction also contains a flatted block marking the corner of the development site. The existing building presents a strong uninterrupted street frontage to Bellfield Street and the surrounding buildings have considerable mass and height. The statement continues, "The roof line, elevations and specific design elements all contribute to the streetscape and proved a natural progression from the height at the North end, falling in the middle and then rising to complement the scale of St Josephs Primary School".

The linking of the southern apartment block and the adjacent townhouses with access to the rear parking via a pend maintains the strong building line to the street which could not be achieved by townhouses with direct access on to Bellfield Street. The scale and mass of the building also sits more comfortably with the large block of St Josephs Primary School immediately to the south. The gardens which flank the road will have garden walls to maintain the strong built frontage.

The flats are large enough to comply with the House Types criteria in terms of numbers of bedrooms and floor area.

It is considered that the site specific circumstances in the justification for the erection of two apartment blocks at either end of this particular site are acceptable in the discharge of this part of Appendix 1.

The townhouses comply with the criteria for House Types in terms of the number of bedrooms and the floor area.

Access/Car/Cycle Parking:

The development is served by two accesses and car parking is to the rear of the buildings to prevent the creation of a sea of car parking to the street. The parking areas are also overlooked by the housing. The two accesses replace the six entrances to the existing building where lorries regularly reverse into the road and there is on street parking by commercial vehicles. All vehicles will be able to turn and exit the site in a forward gear. This will enhance the safety of pedestrians to the adjacent school. The development meets the required standard for car parking. The apartment blocks both have cycle parking to meet the standards.

Amenity/Garden Space:

The houses meet the minimum private garden provision which is required other than the provision of a private path to the street for mid terraced gardens. However, the ground floor of the townhouses has a clear hallway from the front door to the back door and bin stores are located to the front of the properties. It is considered that in the interests of security, this constitutes an acceptable access to the mid terrace rear gardens.

In respect of apartments, the criteria requires; "usable private communal

garden areas of 100 square metres or 10 square metres per flat whichever is greater", with drying areas additional. However private communal gardens provision may be reduced if balconies that are useable and attractive in terms of size and outlook are provided".

In this development, the majority of the apartments on the upper floors has at least one balcony, all are at least 4 square metres and are located on the south and west elevations of the building to ensure the best aspect. Balconies are impractical for the three apartments in the linking element above the pend. Block 1 is located on a corner and has its parking to the rear of the building, at the request of the Council, in order to minimise the visual impact of the parked cars. As a result, has limited opportunities for provision of usable private communal garden which totals 40 square metres. However, the majority of the flats have balconies which are larger than 4 square metres, 6 have two large balconies and the penthouse has 3. It is considered that this provision compensates for the lack of communal garden for Block 1. Block 3 which includes 13 apartments has 100 square metres of usable private communal garden. 8 of the apartments have balconies and of those, 5 have 2 balconies. It is considered that this level of provision of usable private space is an acceptable compensation for the reduction in the required provision of communal amenity space as allowed by the policy.

There are no privacy issues as Block 1 is 18 metres away from the existing flats on the north side of Blackness Road and the angles of buildings are such that the windows are not directly facing.

Waste disposal/recycling:

It has been confirmed that vehicles from the Cleansing Service will be able to negotiate the proposed pend. Both apartment blocks have large bin store facilities at the main door convenient for disposal. All houses have designated bin stores with space for 3 bins per unit.

It is concluded that the proposed development complies with the requirements of Appendix 1 to Policy 4 as the applicant's agent has demonstrated that the

development satisfies the site specific circumstances and provides the

compensatory features which the policy requires.

However, Policy 4 requires more than simply a catalogue criteria to be met. The policy requires that the design and layout of all new housing should be of a high quality. The layout presents a strong built facade to the street which screens the parking areas and renders them semi-private and overlooked by windows to improve security. The design of the development is modern and progressive which is in keeping with this part of the City. It creates a landmark development at an important junction with a mix of townhouses and apartments. The features of the design are large balconies, bay windows, fine roof profiles and a mix of modern materials. The addition of good landscaping and boundary enclosures to the houses will further enhance the quality of the development and contribute to the regeneration of this part of the City.

Policy 2: Housing Land Release identifies the basis upon which any proposals for housing land additional to the sites allocated in the Plan will be considered.

This site is not allocated in the Local Plan and would fall to be considered under the terms of Policy 2. The criteria in the Policy are:

- a housing development is in accordance with all other policies in the Local Plan; and
- b it will make a positive contribution to quality and choice of housing available in the local area; and
- c it satisfies all housing standards in Appendix 1; and
- d it will improve tenure mix in areas where there is limited choice and contribute to wider community regeneration objectives.

As noted above, the proposal is considered to comply with Policy 4 and Appendix 1, the design and materials are of high quality, it will contribute to the wider regeneration of this part of the City and will provide larger properties in an area where recent housing has been smaller units. It is considered that the proposal complies with Policy 2.

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:

Representation. The adjoining Al Maktoum Institute sought assurances about the boundary wall between the two sites. The agent has confirmed that the existing rear wall will be lowered in height to 1.8 metres and will be capped off.

HMO use:

With regard to the matter of the potential of the new houses to be used for Houses in Multiple Occupation purposes, the applicants are fully aware of the concerns that have previously been expressed by the Committee about the conversion of residential units in the city centre and the west end of the city to HMO's with resulting adverse impacts on residential amenity. In September 2005, the Planning and Transportation Committee approved draft supplementary guidance for controlling HMO's for consultation. This states that within a specific area of the City, 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 the use of the houses as HMO's. Such a restriction by means of a legal agreement has been discussed with the applicants and their acceptance of this has been obtained.

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.

Design

The design issues have been considered in the Observations above.

CONCLUSION

It is concluded from the foregoing that the proposal complies with the provisions of Development Plan Policies 2 and 4. The proposed development complies with the requirements of Appendix 1 to Policy

4 as the applicant's agent has demonstrated that the development satisfies the site specific circumstances and provides the compensatory features which the policy requires. Further detailing can be the subject of appropriate conditions.

The design of the development is modern and progressive which is in keeping with this part of the City. It creates a landmark development at an important junction with a mix of townhouses and apartments. The apartments have standards above the minimum required by Council policy and the development encloses and screens the private car parking. The development provides large, well designed, modern family houses with gardens and parking.

The developer has agreed to conclude a Section 75 legal agreement to restrict possible HMO uses on the site.

It is therefore recommended that planning permission be granted with conditions subject to the recording of a Section 75 agreement.

RECOMMENDATION

Recommendation 1

This 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 dwellings hereby approved 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 Samples of the finishing materials proposed to be used 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 The means of access to the development shall be laid out and formed in accordance with details to be submitted to and approved

- by the City Council before the use is commenced.
- 4 Before any of the units hereby approved is first occupied the car parking and manoeuvring areas indicated on the approved drawings in association with each of the accesses shall be provided and thereafter marked out and kept available for use at all times.
 - 5 The footway ex adverso the site shall be reinstated in accordance with details to be submitted to and approved by the City Council prior to the commencement of the development. The works to the footway shall be completed prior to the completion of the works hereby approved.
 - 6 Following demolition and the opportunity to carry out further site investigations, a revised Site Investigation Report in accordance with PAN 33 Development of Contaminated Land shall be submitted to the City Council for approval.
 - 7 Prior to the commencement of development any required remediation measures identified in the Site Investigation Report to be approved in accordance with Condition 06 shall be carried out and the completion of the works shall be notified in writing to the City Council for verification. No construction of dwellings can commence until the verification process has been completed in writing
 - 8 Prior to the commencement of development, a comprehensive landscaping scheme for hard and soft landscaping shall be submitted for approval and if approved, the works shall be carried out only in accordance with such approved details.
 - 9 The landscaping scheme as detailed in condition 8 shall be fully implemented in accordance with the approved details within 6 months of the completion of the development. 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.

- 10 Full details of the proposed boundary treatments to the houses shall be submitted for approval prior to the commencement of the development and if approved, the boundaries shall be completed in accordance with the approved details prior to the first occupation of the dwellings hereby approved.
- 11 The boundary wall to the north east of the site shall be lowered to m and shall be capped off as detailed in the agents letter of .
- 12 Prior to the first occupation of the residential development the amenity space, external drying facilities and bin storage areas shall be laid out in full accordance with the approved plans.
- 13 Prior to the first occupation of any of the apartments hereby approved, the cycle stands as detailed shall be provided and shall be retained in perpetuity for the use of residents and visitors.
- 14 The wall to the existing building at the south east of the site shall be demolished and the original brick boundary wall of the school shall be retained. Any damage to the existing copes shall be replaced to match the existing.

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 highway safety.
- 4 In the interests of highway safety.
- 5 In the interests of public and highway safety and the visual amenities of the area.
- 6 In the interests of the amenities of the future occupants of the residential accommodation.
- 7 In the interests of the amenities of the future occupants of the residential accommodation.
- 8 To ensure that the proposed development has a satisfactory external appearance in the

interests of the visual amenities of the area.

- 9 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 10 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 11 In the interests of the amenities of the occupiers of nearby properties.
- 12 In the interests of the amenities of the future occupants of the residential accommodation
- 13 In the interests of highway safety and the amenities of the occupiers of nearby properties.
- 14 In order to maintain the existing secure boundary to the school in good condition.