

**KEY INFORMATION**

**Ward** Broughty Ferry

**Proposal**

Amendment to planning consent 05/00359/FUL  
Erection of 7 flats

**Address**

305 Queen Street  
Broughty Ferry  
Dundee

**Applicant**

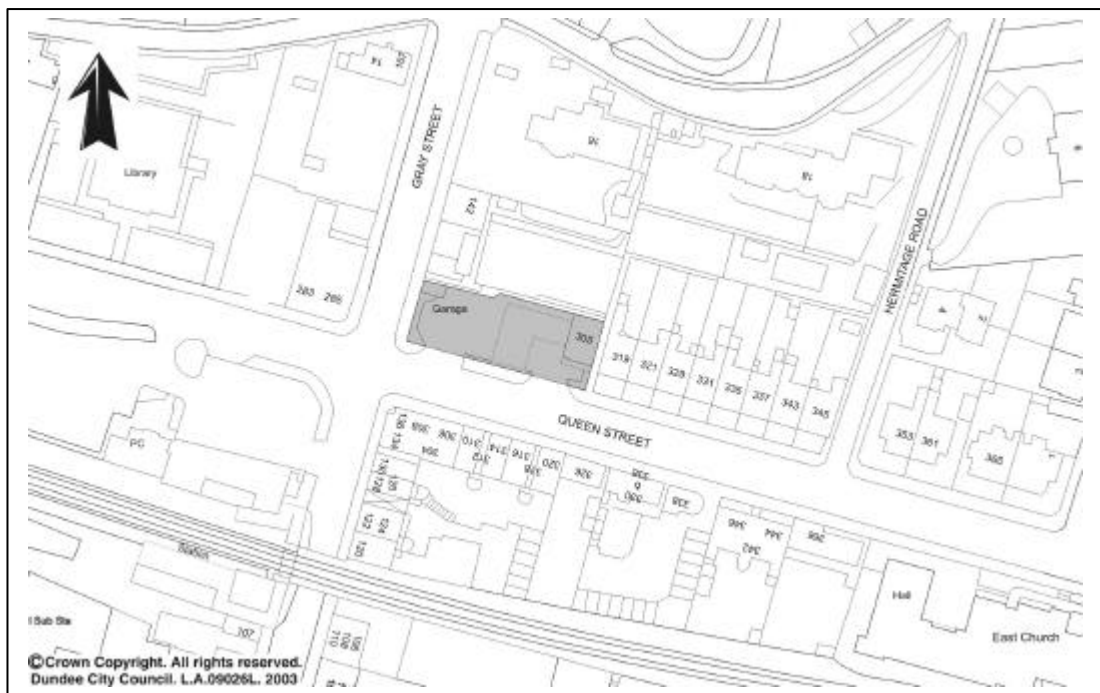
Justice Homes Ltd  
Belsize House  
Belsize Road  
West Ferry  
Dundee DD1 1NF

**Agent**

Leadingham Jameson  
Rogers and Hynd  
18 South Tay Street  
Dundee DD1 1PD

**Registered** 3 May 2006

**Case Officer** Julie Young



# Amended Proposed for New Flats in Queen Street

An amendment to planning consent 05/00359/FUL - erection of 7 flats is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed amendment raises no new issues and the proposal was previously assessed against the Policies of the Dundee Local Plan Review 2005. The redevelopment of this derelict garage site is welcomed and the proposal will result in high quality, spacious flats in a prime location. Therefore, the application is recommended for **APPROVAL subject to conditions**.

**SUMMARY OF REPORT**

- Planning permission is sought for an amendment to planning consent 05/00359/FUL for the erection of 7 flats on the site of former filling station at 305 Queen Street, Broughty Ferry, Dundee. Amendments include the replacement of an internal lift with stairs, enlargement of some rooms and provision of disabled access.
- 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 a neighbouring resident. The issues raised relate to loss of privacy and potential noise disturbance.
- 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 an amendment to planning consent 05/00359/FUL for the erection of 7 flats on the site of a vacant petrol filling station at 305 Queen Street, Broughty Ferry. The amendments are as follows:

The overall building area enlarged by removing lift from central circulation, rotating stair and moving north wall to Flats 1, 4 & 6 outwards.

### Ground Floor

#### Flat 1

Flat redesigned to enlarge overall areas especially Kitchen, Living/ Dining and Bedrooms.

#### Flat 2

Flat redesigned to enlarge overall areas especially Kitchen, Living/ Dining and Bedrooms.

#### Flat 3

One bedroom removed. Flat redesigned to make accommodation and access meet current disabled space standards.

### First Floor

#### Flat 4

Flat redesigned to enlarge overall areas especially Kitchen, Living/ Dining and Bedrooms. Balcony accessible from flat provided for amenity and maintenance.

#### Flat 5

Flat redesigned to enlarge overall areas especially Kitchen, Living/ Dining and Bedrooms. Study added. Balcony accessible from flat provided for amenity and maintenance.

### Second Floor

#### Flat 6

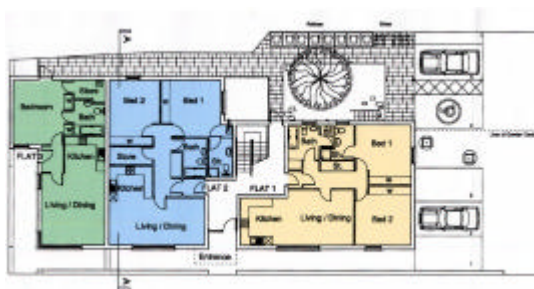
Flat redesigned to enlarge overall areas especially Kitchen, Living/ Dining and Bedrooms. Balcony accessible from flat provided for amenity and maintenance.

#### Flat 7

Flat redesigned to enlarge overall areas especially Kitchen, Living/ Dining and Bedrooms. Study added. Balcony previously accessible from Kitchen/Dining replaced with balcony

accessible from Living area for amenity and maintenance.

AMENITY AREA also enlarged.



### Car Parking

1 Disabled Space provided.

Includes replacing an internal stair with

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 (including one disabled space) 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 209sqm 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 or from an external stair. The floor areas of the flats range from 60.4sqm to 158.8sqm, with two flats exceeding 150sqm 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 stairs 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 (lead grey colour) roof and grey/blue aluminium windows.

## 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.

### 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.

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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 consistent with the aims of Local Agenda 21.

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## SITE HISTORY

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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 23.02.2005.

Planning permission was granted on 29.08.05 for the erection of 7 flats on the same site.

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## PUBLIC PARTICIPATION

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Statutory neighbour notification was carried out and one objection letter was received from a neighbouring resident who has concerns about loss of privacy and potential noise disturbance.

Copies of the objection letters are available for viewing in the Members' Lounges and they are discussed 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 proposal. No further comments have been received and their previous views will be considered within this amended proposal. The Head of Environmental Health had previously commented on the previous approved application on both noise and

potential contamination of the site and appropriate conditions will be attached, should Members be minded to grant permission.

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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 proposal does not raise any new issues for consideration in terms of Policies 1 and 4 of the Dundee Local Plan Review 2005. The amenity space has actually increased in size and any potential overlooking issues can be dealt with by condition.

The design of the proposal has been addressed in the previous application (ref: 05/00359/FUL). There are no substantial changes to the design and so it is considered acceptable. 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.

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 such as the location and dimensions of the site, which are more suited to a flatted development.

## 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 loss of privacy due to overlooking 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. Noise was also raised as a potential problem due to people using the decked area. This is a residential area and any potential noise disturbance is dealt with under separate legal powers.

It is concluded from the foregoing that sufficient weight can be accorded to 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 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.

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## CONCLUSION

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Although the proposal does not technically comply with the Dundee Local Plan Review 2005, there are material considerations to justify approval of this amended proposal 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.

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## RECOMMENDATION

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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.