

KEY INFORMATION

Ward Bowbridge

Proposal

Erection of 22 townhouses and 24 apartments with new road access and parking

Address

26-28 Milton Street
Dundee
DD3 6QS

Applicant

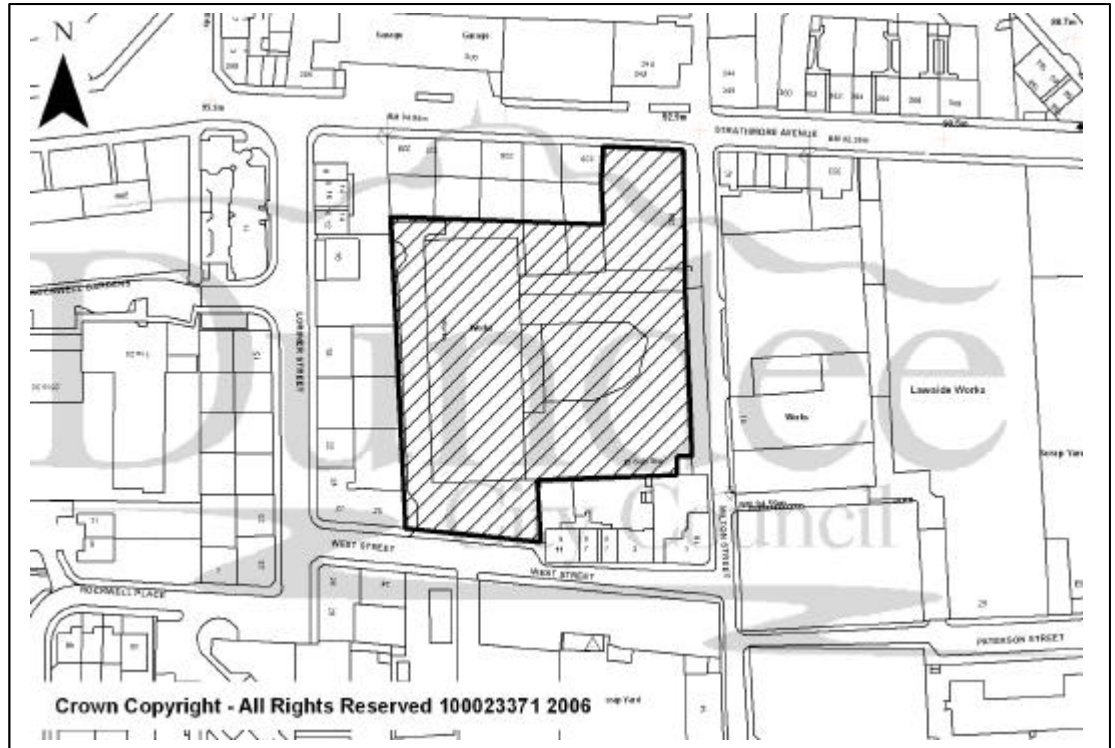
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Registered 10 Nov 2006

Case Officer Eve Jones



New Housing Development Proposed for Milton Street

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

RECOMMENDATION

It is concluded from the foregoing that the proposal complies with the provisions of Development Plan Policies 2 and 4 and Appendix 1 to Policy 4. The objections are not supported as it is considered that the development will have a net benefit for the regeneration of the area. Therefore, the application is recommended for **APPROVAL**.

SUMMARY OF REPORT

- Planning permission is sought for the erection of 46 dwellings comprising: 24 apartments of approx 75m², all 2 bedroom except 1 x 3 bedroom penthouse and 22 terraced 4 bedroom townhouses with integral garages and private gardens. The access is off West Street with 32 parking spaces for the flats. 11 townhouses front on to Milton Street which is to be widened with an improved access to Strathmore Avenue. The site faces the former Lawside Works which is currently under redevelopment for housing.
- The design is modern and the materials comprise cream render, buff reconstituted stone with brick bands on the corner blocks and blue grey roof tiles.
- Policy 2 - Housing Land Release supports the development of the site for housing, in particular the provision of family houses. The provision of flats on the two corners of the site are justified under Policy 4 - Design of New Housing.
- Objections from two groups of local residents are on the grounds of loss of parking, increased traffic, design, materials, and impact on residential amenity. It is considered that the replacement of this large industrial site with housing will result in a net benefit to the area and enhance the regeneration of this part of the City.
- The development provides a bold redevelopment of a vacant industrial unit and provides attractive flatted blocks to link the traditional tenements with the large, modern family townhouses with gardens and parking which enclose and screen the private car parking and central landscaped amenity space.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of 46 dwellings comprising:

Block A: 12 apartments, 11 x 2 bedroom and 1 x 3 bedroom penthouse.

Block B: 12 apartments, all 2 bedroom. The apartments comprise approximately 75m² floor area per unit.

Units 1 - 4 comprising a total of 22 terraced townhouses in 4 blocks; all have 4 bedrooms in different internal arrangements providing floorspace of 136-138m²; an integral garage and private gardens of between 50 and 75 square metres.

32 parking spaces are provided in addition to the townhouse parking (garage plus driveway) and there is a central area of landscaped amenity space of more than 650m².

The flats and 11 of the townhouses are accessed from a cul-de-sac off West Street with private parking for the flats. The remaining townhouses front on to Milton Street. Milton Street is to be widened along the frontage of the development with an improved access to Strathmore Avenue.

The majority of the apartments and all of the houses have balconies. The design is modern and the materials comprise cream render, buff reconstituted stone with brick bands on the corner blocks and blue grey roof tiles. The block facing Strathmore Avenue is bold with a feature roof which turns the corner into Milton Street with a tower of banded brick. The block at the opposite corner of the site also turns a corner from West Street into the site with a smaller more modest block which also has a banded brick corner feature. Both blocks are smaller than the adjoining traditional tenements.

SITE DESCRIPTION

The site lies on the west side of Milton Street, north of West Street with a short frontage at the corner on to Strathmore Avenue. The site is currently occupied by a vacant industrial unit with access from both Milton Street and West Street. There are traditional tenements bounding the

site to the north and part of the west boundary fronting Lorimer Street, where there are also two storey houses and flats. On the north side of Strathmore Avenue there are commercial buildings. There are traditional one and a half storey houses adjoining the site to the south on West Street, turning the corner into Milton Street. On the opposite side of West Street there are former industrial buildings now in use for a range of commercial purposes including scrap yard and vehicle repairs. To the east, fronting Strathmore Avenue, there is a traditional two storey block which is divided into flats. The remainder of the eastern boundary faces the former Lawside Works which is currently under redevelopment for housing, including the retention for conversion to flats of the large listed mill building at the corner of Milton Street and Paterson Street.



Strathmore Avenue is a busy local distributor road linking Hilltown and Lochee.

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.

SUSTAINABILITY ISSUES

The following sustainability policy implication(s) arise from this application: 5. Built Environment. The issue is discussed in greater detail below.

SITE HISTORY

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

PUBLIC PARTICIPATION

The application was advertised as a development contrary to the Development Plan and was also the subject of statutory Neighbour Notification. 6 objections were received from neighbours in the flats to the east on grounds of privacy, increased traffic, loss of parking, design and materials, noise, pollution and loss of sunlight. One joint representation from 4 residents of houses in West Street expressing concerns on a number of issues including privacy, parking and traffic, boundaries, landscaping and construction matters. They are available in Members' lounges and are considered in the Observations below.

CONSULTATIONS

The Head of Environmental Health and Trading Standards advises that due to the industrial history of the site, appropriate conditions to ensure investigation of potential contamination and remediation of any identified contamination be applied to any planning permission.

In respect of traffic noise from Strathmore Avenue, a Noise Impact Assessment was submitted and the recommendations in respect of the noise insulation standards of the proposed windows has been accepted and can be the subject of an appropriate condition if Members are minded to approve the application.

Waste Management advise that refuse provision at the proposed development is acceptable subject to specific bin sizes and collection points. Taking

into account the size of the development, provision of a mini recycling centre is not mandatory. Recycling units more suitable for this site could be introduced if required.

Scottish Water have provided advice to the developer but do not object to the development.

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. Whilst the site is a vacant industrial unit, the site is not identified for industrial uses.

Policy 2 - Housing Land Release

Proposals for housing land release additional to the Local Plan allocations will be acceptable where:

- 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 of the housing standards contained in Appendix 1 of the Local Plan or those in any site planning brief approved by the City Council; and
- d it will improve tenure mix in areas where there is limited choice and contribute to wider community regeneration objectives.

Outwith the Housing Investment Focus Areas identified in the Local Plan, a condition may be imposed requiring that development commences within two years:

- a The application will be considered against Policy 4 in the following section.

- b The development provides 22 four bedroom townhouses in an area of the City where the predominant house type is traditional tenement flats. The proposed flats will be tested against Policy 4 and if justified, they provide modern flats with off street parking and generous shared communal garden grounds.
- c No planning brief was prepared but the proposals will be tested against Appendix 1 of Policy 4.
- d As noted, the traditional housing in this area is tenemental flats and the provision of housing will improve the mix. This site together with the regeneration of the former Lawside Works which is currently underway will make a positive contribution to the regeneration of this part of the City.

Subject to compliance with Policy 4, it is considered that the proposal complies with Policy 2.

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 and the site lies within the Inner City.

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 60m².

The flats are proposed in at the north east and south west corners of the site to adjoin existing four storey tenement blocks and address the corners. They form a transition to the smaller three storey townhouses in the central part of the site. Neither corner would be appropriate for houses either on residential amenity grounds or on the grounds of good urban design. Accordingly the principle of flats on these corner sites is considered to be in accordance with Appendix 1.

The flats comply with the requirements of Appendix 1 in respect of floor area, number of bedrooms, parking and cycle storage. The amenity space is provided by means of communal garden ground immediately adjoining the flats, balconies where appropriate and where overlooking of adjoining private house gardens can be avoided and shared communal garden ground in the centre of the site in excess of 650m².

The townhouses comply with all criteria other than provision of a private path to the street for all units. Of the 22 houses, only 7 do not have such a path due to the terraced nature of the layout although in these units, the bin stores are located to the front for ease of collection. It is considered that in the interests of the security of residents of these 7 units, the requirement for path access to the rear gardens can be relaxed.

The development meets the required standard for car parking. The apartment blocks both have cycle parking to meet the standards.

Privacy

The balconies on Block B have been amended and no longer directly overlook the rear gardens of the existing houses on West Street. The facing windows between existing or proposed properties on adjacent sites

and the proposed new townhouses are more than the minimum 18 metres apart.

Waste Management

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 development satisfies the site specific circumstances for the development of flats.

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 encloses the parking areas and the semi-private large area of communal open space. It creates a landmark development on Strathmore Avenue which is a busy local distributor road. The developer will improve the existing junction at Strathmore Avenue and Milton Street to improve safety but will retain the setts on the road to protect its character.

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.

As the application complies with Policy 4, it is considered that it also 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:

Objections

Objections have been received from 6 residents of flats in the properties to the east of Milton Street. The objections are on grounds of grounds of privacy, increased traffic, loss of parking, design and materials, noise, pollution and loss of sunlight.

Privacy: There are no windows on the gable of the neighbouring property. The garden ground of the flats is only

overlooked by bedroom windows and this does not breach the policy.

Increased traffic: This is a large industrial site which could generate substantial traffic if operated by another business but has been vacant for some time. The development will include an improvement to a currently substandard junction to aid traffic safety.

Loss of parking: Residents have been accustomed to parking on the site and object to the loss of this facility. The site is surrounded by tenements and houses which do not have off street parking and the redevelopment of the site cannot accommodate parking for these particular residents.

Design and materials: The road improvement will be carried out with setts to match the existing. The design is modern with modern materials and this is considered to be acceptable in an area with a variety of design and materials including new development being constructed at present on the adjoining site.

Noise and pollution: Noise and pollution from housing will be less than noise from industrial premises. The impact of construction is temporary and not a reason to refuse redevelopment.

Loss of sunlight: The development lies to the west of the objector's property and will have minimal, if any, impact on the available sunlight.

Sustainability Policy 5 - Built Environment. The Policy supports the enhancement of local environments through ongoing regeneration and the replacement of a vacant industrial unit with an attractive development of new family houses and flats meets this objective.

It is considered that the Objections are not supported.

It is concluded from the foregoing that insufficient weight can be accorded to any 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. Further detailing can be the subject of appropriate conditions.

The development provides a bold redevelopment of a vacant industrial unit and provides attractive flatted blocks to link the traditional tenements with the large, modern family townhouses with gardens and parking which enclose and screen the private car parking and central landscaped amenity space.

RECOMMENDATION

It is recommended that consent 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 Prior to the commencement of development a comprehensive Site Investigation Report in accordance with PAN 33 Development of Contaminated Land shall be submitted to the City Council for approval. The scheme shall contain details of proposals to deal with 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 the condition of the site on completion of the decontamination measures.
- No construction shall commence until the report has been approved in writing.
- 4 Any required remediation measures identified in the Site Investigation Report to be approved in accordance with Condition 3 shall be carried out and the completion of the works shall be notified in writing to the City Council for verification. No dwellings can be occupied until the verification process has been completed in writing.
- 5 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. The details shall include trees within front gardens as detailed on the submitted plans and underground services should be designed to accommodate tree pits where required.
- 6 The landscaping scheme as detailed in condition 5 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.
- 7 The proposed boundary treatments shall be completed in accordance with the details on the approved details prior to the first occupation of the dwellings hereby approved. The boundary treatment to the gardens of the houses on West Street shall be submitted to the Council for approval prior to the works being carried out and if approved the works shall be carried out only in accordance with such approved details.
- 8 The widening of Milton Street must be formed and constructed with materials to match the

- existing road construction while the footway can be formed in asphalt all to Dundee City Council specifications.
- 9 Prior to the occupation of any of the properties on the west side of the site, the footway on the north side of West Street should be continued into the site as far as the proposed turning area and the existing access from West Street must be made good as footway to Dundee City Council standards
- 10 before the any of the residential units is first occupied the car parking and manoeuvring areas indicated on the approved drawings shall be provided and thereafter kept available for use at all times
- 11 Before the occupation of any of the undernoted properties, they shall be so insulated to achieve sound attenuation in accordance with the content of section 4 of "New Acoustic's" Report, dated 2007, entitled ' Proposed Housing at Milton Street, Dundee" , submitted to and approved by this council and thereafter implemented in accordance with the content of said report.
- 12 The properties referred to are within block A , the north bedrooms in flats A ,D,G and both bedrooms and living kitchens in flats B,E and H.
- 13 The specifications of the windows shall be submitted to the Council with a covering letter from the developer to confirm the compliance with the condition.
- 14 before the any of the residential units is first occupied the bin stores and cycle stores indicated on the approved drawings shall be provided and thereafter kept available for use at all times. The bin stores for the flats shall comprise provision for 4 x 1280 litre communal wheeled bins and agreed collection points shall be provided in consultation with the City Council's Waste Management Department.
- 15 Prior to the commencement of development, full details are required of the proposed surface water drainage for roads and other hard surfaces and the agreement of both Scottish Water

- and SEPA to the submitted details.
- 16 Prior to the occupation of any of the dwellings hereby approved, a management scheme for the maintenance of the central open space shall be submitted to the City Council for approval and if approved, the site shall be maintained in accordance with such approved details. For the avoidance of doubt, drawing no 1181/PA/010 showing control and responsibility for land does not form part of this consent.
- 17 The proposed access road from West Street must meet current specifications with a 1.8 metre adoptable service strip to its east side around the whole turning head with no landscaping/walls/fences within this strip. Parking spaces must be set back behind this strip.
- 18 Prior to the first occupation of any of the units in Block A or Unit 1 of the Townhouses, a self-closing lockable gate and railings shall be installed between the two blocks, to the rear of the parking bay and shall be maintained as part of the management of the communal landscaped area.

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 that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 6 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.

- 7 In the interests of the amenities of existing neighbours and future residents.
- 8 In the interests of highway safety and the amenities of the occupiers of nearby properties.
- 9 In the interests of highway safety and the amenities of the occupiers of nearby properties.
- 10 To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety.
- 11 In the interests of the amenities of the future occupants of the residential accommodation.
- 12 In the interests of the amenities of the future occupants of the residential accommodation.
- 13 To ensure that the site can be drained appropriately and in a sustainable manner.
- 14 In the interests of the amenities of the future occupants of the residential accommodation.
- 15 In order to ensure that a road can be formed to Dundee City Council standards.
- 16 In the interests of the amenities of the future occupants of the residential accommodation and in order to maintain the security of the site.