

KEY INFORMATION

Ward Hilltown

Proposal

Erection of 12 Newbuild Flats

Address

28-30 Nelson Street & 85-89 Ann Street
Ann Street
Dundee
DD1 2PU

Applicant

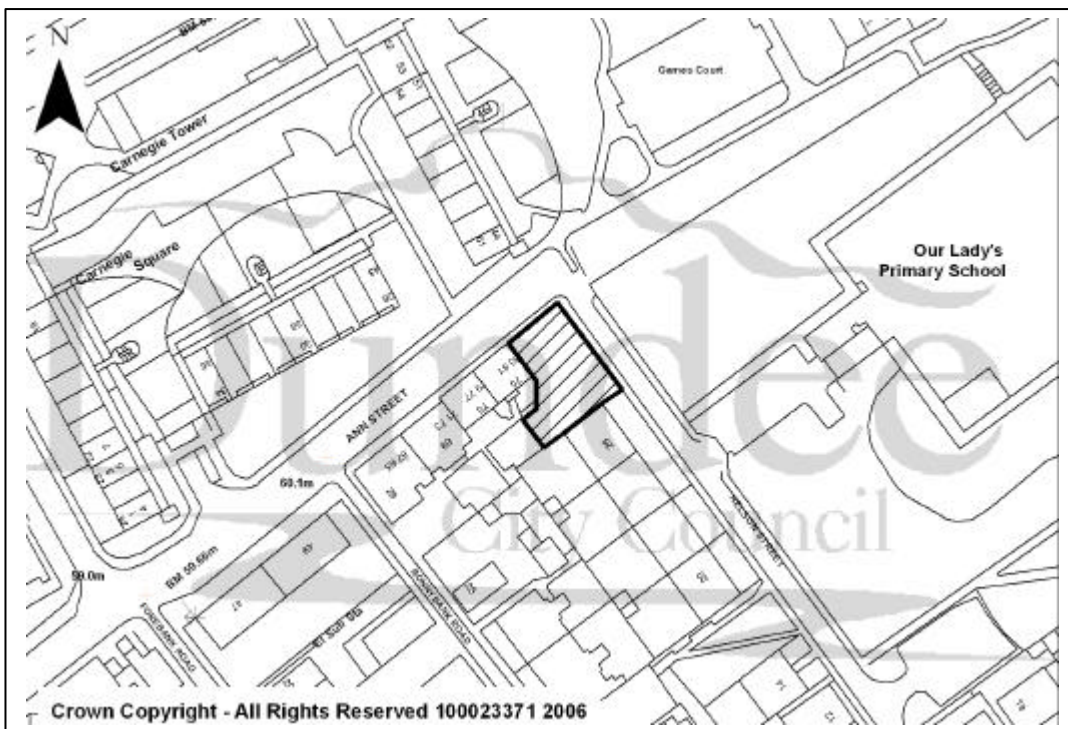
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Registered 30 Nov 2006

Case Officer S Johnson



Proposed Residential Development in Nelson Street

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

RECOMMENDATION

The proposed development is contrary to Policy 4 of the Dundee Local Plan Review 2005. The proposed development will contribute to the regeneration of the Maxwelltown area and provide a high quality, modern flatted development. The application is recommended for **APPROVAL subject to conditions**.

SUMMARY OF REPORT

- Planning permission is sought for erection of 12 new build flats at 28-30 Nelson Street and 85-89 Ann Street, Dundee.
- Policies 1 and 4 of the Dundee Local Plan Review 2005 are relevant to the determination of the application. The proposal does not comply with Policy 4 as no parking has been provided and the standard amount of amenity space has not been provided. No objections were received from surrounding neighbours to this application.
- It is considered that there are material considerations to justify approval of the proposal in these circumstances. The development will contribute to the Maxwelltown area.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of 12 flats on the vacant site of the former Nelson Bar at 28-30 Nelson Street and 85-89 Ann Street, Dundee.

The site area is 0.034hectares. It is proposed to provide a six storey 12 flatted block. Each flat will have two bedrooms. Pedestrian access is taken from Nelson Street. A common garden area is provided to the south west of the site and all the upper floor flats will have balconies.

The finishing materials are buff coloured facing brick, buff roughcast, grey profiled metal sheeting.

SITE DESCRIPTION

The application site is a vacant site located prominently on the corner of Nelson Street and Ann Street. The site was formerly occupied by a four storey building with a public house on the ground floor and flats on the upper floors. The former building was extensively damaged by fire and was demolished as a public safety measure. To the south the site is bounded by a row of four storey tenement flats. To the west is a row of flats with ground floor commercial /retail units although the majority of these are boarded up, vacant or are part of current planning applications for residential development.

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 1: Vibrant and Sustainable Communities

The City Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New development 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 or smell.

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 the 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.

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

A development brief for Ann Street and Nelson Street was approved at the Planning and Transportation Committee 20 December 2004. The planning brief identifies the need for a five storey building at the corner of Nelson Street and Ann Street. The brief included a much wider area for development. This included the redevelopment of adjacent properties which would enable the provision of

private car parking. The brief requires that high quality materials be used in order to provide the necessary urban townscape requirements of the site.

SUSTAINABILITY ISSUES

Provision has been made for recycling with the provision of six 240litre paper bins. Due to the size of the development this provision meets the necessary requirements. There are no other specific sustainability policy implications arising from this application.

SITE HISTORY

Outline consent was granted in 2005 for residential development on this site. (Planning reference 05/00713/OUT).

PUBLIC PARTICIPATION

The application was advertised as contrary to Policy 4 of the Dundee Local Plan Review 2005 due to the absence of parking and the required amount of amenity space within the development.

Statutory neighbour notification was carried out and no letters of objection were received.

CONSULTATIONS

The Head of Environmental Health and Trading Standards has indicated that due to the historical use of the site as a public house that any former basement or cellar area may have been filled with unknown and potentially contaminated materials. Consequently, a preliminary investigation of the site is required and

this can be covered by condition if Members are minded to grant consent.

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

Background

The brownfield site forms the corner of Ann Street and Nelson Street and prior to demolition, the corner was formed by a four storey Victorian tenement building. The former Victorian tenement at 85-89 Ann Street comprised six flats above the ground floor pub and 28 Nelson Street comprised three flats. The gross site area is 0.034hectares and is currently bounded on two sides by four storey Victorian tenements. The site forms an important area of townscape opportunity to make a new corner junction between Ann Street and Nelson Street and to set a suitable precedent for the redevelopment of the wider Maxwelltown area. The height of the building is justified to 'turn the corner' of both streets and to provide a direct visual axis with St Salvador's Church to the north of Alexander Street, thereby becoming a new landmark building in the Maxwelltown area. The height of the former Victorian tenement on Ann Street from ground to wall head measured approximately 17.5metres. The proposed new building will measure approximately 18metres. The proposed new building is only an extra 0.5metres higher than the former Victorian tenement. To Nelson Street the Victorian building was three Victorian storeys in height from the rear which equates to four modern storeys.

This site is identified for a landmark building in the Hilltown Draft Physical Regeneration Framework which is presently out to consultation.

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 seeks to protect the amenity of neighbouring residents from unacceptable developments. The adjoining residential properties on Nelson Street are four storey although the proposal is six storey it is situated on a downward sloping site. As stated previously, the proposed new building is only an extra 0.5metres higher than the former Victorian tenement on Ann Street. Consequently it is considered the new development will not lead to any unacceptable overshadowing or overlooking to the neighbouring flats. It is considered that the scale and proportions of the proposed development will complement the existing Victorian tenements. It is considered that the proposal complies with Policy 1.

Policy 4 sets out the standards for the design of new housing at this inner city location. Appendix 1 to Policy 4 states that flats will be permitted where the site has been identified in a site planning brief and site specific circumstances demand a flatted solution. As mentioned previously this site has been identified in a planning brief for the development of flats. And due to the nature of the site flatted development would be the most appropriate for this site. Appendix 1 requires flats should have a minimum gross floor space of 60sq.m. This proposal fulfils this requirement as the smallest floor area will be approximately 67sqm. The principle of developing housing at this location is appropriate and is in line with the regeneration of the Hilltown area and the outline planning permission.

As this is an inner city location, the parking standards as stated in Appendix 1 of the Dundee Local Plan Review, for social rented flats should be 100%. This may be reduced depending on the provision of on-street parking. Although on-site parking is not available at this location due to the nature of the site, it is considered that as Ann Street is a wide street and is not a main route, the introduction of flats will not cause any significant on-street parking issues at this location. There currently are no parking issues on this street. It should be noted that there is an existing car park approximately 96metres to the south east of the site. In addition, the site is within an inner city area with close proximity to the Hilltown District Centre where public

transport is readily available. The applicant has provided supporting information regarding the absence of dedicated car parking stating:

- a Due to both the size of the development required for this site and the small footprint of the site no car parking can be provided.
- b Ann Street is a particularly wide street which can accommodate a substantial amount of additional on-street parking.
- c There are a considerable number of existing houses to the immediate north side of Ann Street which are vacant and due for demolition. Therefore there are fewer cars parked in this area.

This site was previously occupied by nine flats and a public house. This proposal will provide twelve new flats. It is considered that this previous mixed use would have required a certain amount of associated parking where dedicated parking was not provided.

Provision has been made for secure indoor storage for bikes. This provision satisfies the requirements of Policy 4 of the Dundee Local Plan Review 2005.

In relation to the provision of useable amenity/garden space, private communal areas either 100sq m or 10 sq m per flat whichever is greater should be provided. Drying areas should be provided in addition to this provision. The plans indicate that an area of approximately 83.5sqm. will be provided. To compensate for this shortfall, balcony areas have been provided within all flats except the two located on the ground floor. Each balcony measures approximately 4sqm in area resulting in an additional 40sqm of private areas. This additional space equates to a total of 123.5sqm amenity space which is above the required amount as stated in Appendix 1 of the Dundee Local Plan Review. The applicant has indicated that the proposed balcony system will enable the occupants of the flats to either have fully enclosed or fully open balconies.

In order to compensate for the absence of a separate drying area, the applicant has stated in correspondence dated 30 January 2007, they are willing to

install washer/dryers in each of the flats.

Located on a corner site, this proposed building successfully 'turns the corner' providing an important contribution to the overall urban form. The contemporary design of the development is appropriate as it complements the scale and mass of the adjacent Victorian tenement buildings. It is considered that this building will enhance the visual character of the area and provide an appropriate landmark building to the Maxwelltown area.

The design of the development has been amended to include Parisian style balconies on the rear elevation and additional glazing on the stairway on the Nelson Street elevation which will be painted in a terracotta colour. Amended drawings indicating these changes were received on 6 February 2007.

The explanatory text to Policy 4 recognises that in certain circumstances compliance with Appendix 1 is not always practical and some flexibility will exist where the proposal is exceptional quality. It is considered physically impossible to add a new building onto this site that both responds to the townscape needs and to the requirements of Appendix 1 of the Dundee Local Plan Review 2005 in terms of garden ground, drying green provision and private car parking facilities. Balconies have been included to the front which will provide either a fully enclosed or fully open area and Parisian style balconies have been added to the rear elevation of some of the upper floor flats.

It is recognised that due to the restraints of this site it is not possible to meet all the requirements of policy. Consequently, due to the specific nature of the site, sufficient weight can be given to the material considerations to justify granting planning permission contrary to the development plan.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

Other Material Considerations

Committee Report 548 - 2006 indicates that the entire Maxwelltown area is declared as surplus and for redevelopment thereafter. Ann Street is suggested for re-design to include on street car parking facilities. Consequently, if required, parking

provision for this proposal may be provided at this stage. It is considered that this proposal will assist the overall regeneration of the Maxwelltown area by providing this landmark building.

It is also considered that on this occasion, due to the specific nature of the site that sufficient weight can be given to the material considerations to justify granting planning permission contrary to the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

The development is of modern design to complement rather than copy the surrounding tenemental properties. The height of the building is justified to 'turn the corner' of both streets and to provide a direct visual axis with St Salvador's church to the north of Alexander Street. As discussed above it is considered that this modern design is appropriate in order to provide such a landmark building to promote the regeneration of Maxwelltown.

CONCLUSION

Although the proposed development does not comply with Policy 4 of the Dundee Local Plan 2005 due to the failure to provide sufficient amenity space and parking provision, it is considered that there are site specific circumstances to justify the approval of the application. The site is located within an inner city area where public transport is easily accessible and there is on street parking and a car park available nearby. In terms of amenity space, the use of balconies has added an additional 40sqm to compensate for this shortfall. Therefore the application is recommended for APPROVAL subject to conditions.

RECOMMENDATION 1

In terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997, if Members are minded to approve the planning application it will be necessary to refer it to the Scottish Ministers due to the Council having a financial interest in the site and where the proposal does not comply with the development plan.

RECOMMENDATION 2

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 Development shall not begin until a scheme to deal with 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 contamination to include:

- 1 The nature, extent and type(s) of contamination on the site.
- 2 Measures to treat/remove contamination to ensure the site is fit for the use proposed.
- 3 Measures to deal with contamination during construction works.
- 4 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.

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 the site is suitable for the future occupants of the residential properties.