

KEY INFORMATION

Ward Maryfield

Proposal

Proposed Demolition of Garage and Part of Existing Nursery and Erection of Replacement Nursery Extension and Six Flats

Address

3-5 Raglan Street
Dundee
DD4 6NT

Applicant

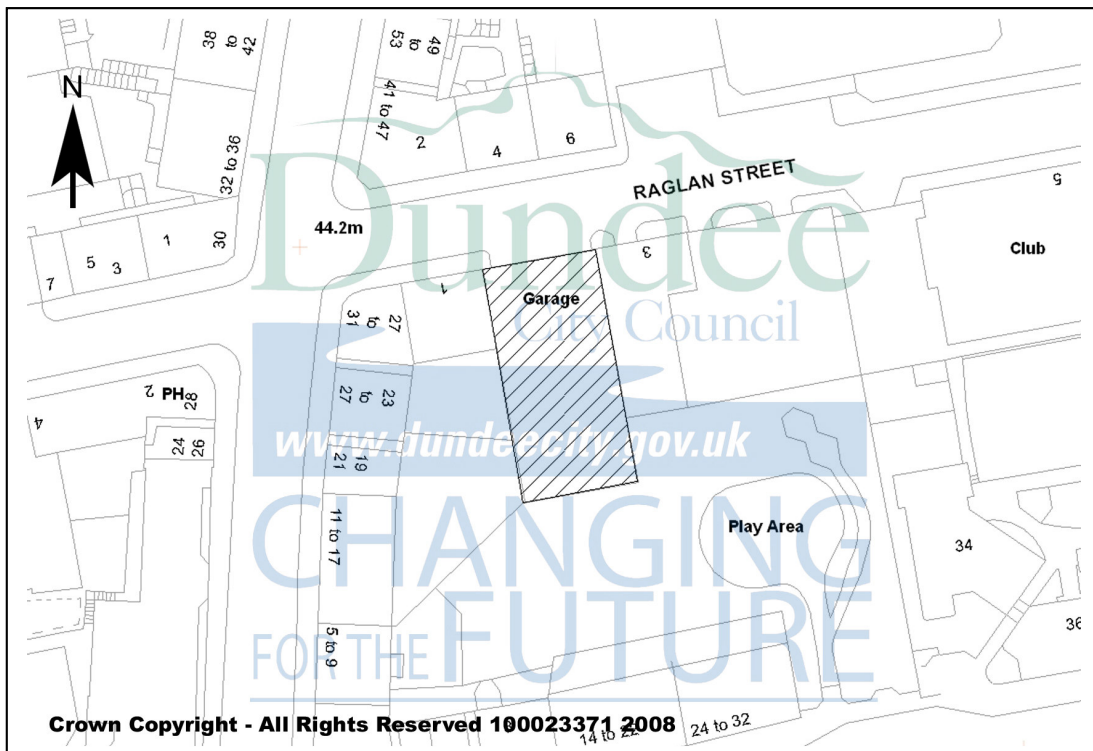
Mr Gordon Bremner
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DD4 6NT

Agent

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DD1 1LP

Registered 1 Aug 2008

Case Officer P Macari



Proposed New Tenement in Raglan Street

The Development of a Nursery Extension and Six Flats is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation.

RECOMMENDATION

The proposed development is contrary to Policy 4 (Design of New Housing) and Policy 19 (Private Day Nurseries) of the Dundee Local Plan Review 2005. However, there are material considerations that justify a departure to the Development Plan. It is therefore recommended that planning permission is granted subject to conditions.

SUMMARY OF REPORT

- This application seeks full planning permission for the erection of a four storey tenement building that will accommodate an extension to the adjoining nursery on the ground floor as well as six flats on the upper floors at 3-5 Raglan Street, Dundee.
- Policy 4 (Design of New housing) and Policy 19 (Private Day Nurseries) of the Dundee Local Plan Review 2005 are relevant to the outcome of this planning application.
- The applicant has followed the statutory neighbour notification procedure as dictated by the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- This application was advertised as development contrary to the provisions of Policy 4 (Design of New housing) and Policy 19 (Private Day Nurseries).

DESCRIPTION OF PROPOSAL

This application seeks full planning permission for the erection of a four storey tenement building that will accommodate an extension to the adjoining nursery on the ground floor as well as six flats on the upper floors.

It is proposed to create a pend through the proposed building giving pedestrian and vehicle access to the rear of the premises where there shall be four parking spaces, a communal drying area and 113m² of communal garden ground.

The ground floor of the proposed building will form an extension to the existing nursery adjoining the site. The nursery extension shall accommodate a dining hall, toilets, storage facilities, a sleep room as well as additional activity space. The remainder of the ground floor shall form a stair well providing access to the upper floor flats from Raglan Street and the access pend. Secure bin and bike storage facilities for the upper floor flats will be located in the south western corner of the ground floor. Access to the bike and bin stores will be taken from outside the building.

Each of the upper floors will accommodate two 2 bedroom flats. Each of the proposed flats will have a floor area of 61m² and will comprise two bedrooms, a kitchen/living/dining area and bathroom. The master bedroom of each flat will have en-suite facilities. Each of the flats will benefit from a south facing balcony measuring some 6m² in area.

SITE DESCRIPTION

The application site is located on the south side of Raglan Street. There is a single storey garage with adjoining two storey nursery to the east. A parking area is located to the east of the building. There are four storey stone-built tenement flats to the west and three and a half storey tenement flats on the opposite side of Raglan Street. An outdoor play area for the nursery is located to the east side of the nursery building. At present the nursery extends into part of the same building as the garage on the ground level. There is a public park to the

south, which is accessed from Arbroath Road.

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 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 mph or less. New housing should have regard to opportunities to maximise energy efficiency and promote sustainable waste management. Where conversion of a listed building or other building worthy of retention is proposed, there may be limited flexibility in applying parking and garden ground requirements where compliance is impractical. The development of flats through conversions of buildings of merit may also be acceptable where conversion to flats is the only appropriate action.

Policy 19: Private Day Nurseries - in support of the development of well located nurseries offering good quality facilities in a pleasant surrounding environment, planning permission will only be granted where proposals are in accordance with the guidelines contained in Appendix 4 of the Local Plan. In general proposals that provide for more than 50 full time places (or equivalent)

will not be supported, nor will sites on major or heavily trafficked roads be considered suitable. Nursery premises should be situated wholly or predominantly on the ground floor and should have ground floor access, including ramped access suitable for wheelchairs and pushchairs. Tenement buildings/flatted accommodation are not considered suitable. Adequate sound insulation to the satisfaction of the Director of Environment and Consumer Protection should be provided.

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

The following policy statements are of relevance:

The Dundee Urban Design Guide.

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

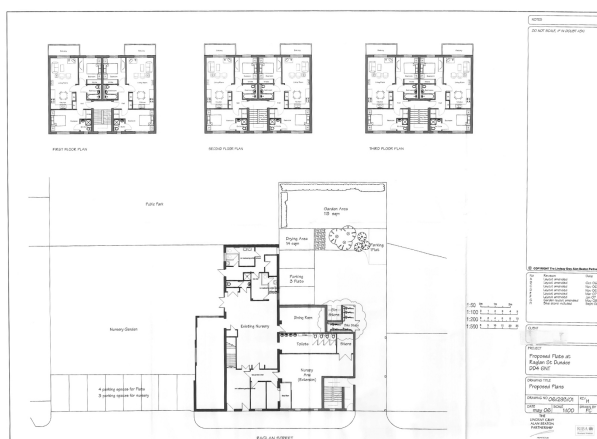
Planning Application Ref: 07/00035/FUL sought planning permission for the demolition of the existing garage and part of the existing nursery, and the erection of a replacement nursery extension and eight flats at 3-5 Raglan Street, Dundee. This application was refused planning permission as the proposals were considered contrary to the provisions of Policy 4 (Design of New Housing) and Policy 19 (Private Day Nurseries) of the Dundee Local Plan Review 2005. Principally this was because the proposals involved the erection of flats in an inner city area of Dundee where site specific circumstances did not demand a flatted solution, flats were not identified in a site planning brief and no conversion of an existing building was proposed. Further, in terms of Policy 19, the proposals were considered contrary as the applicant failed to submit staff car parking, pick up drop off details or details of outdoor play space.

The Applicant appealed the Council's decision to the Scottish Government. After a public hearing the Scottish Government's Directorate for Planning and Environmental Appeals dismissed the appeal on grounds of unacceptable design, architectural composition and parking provision. In relation to design and architectural composition, the Reporter stated that over development of the site would create a poor residential environment with inadequate servicing. The Reporter

conceded that issues of parking could have been overcome by conditions had the overall development been to a higher quality. However, together the proposed parking facilities, design and architectural composition were considered to have a significant impact upon the amenity of Raglan Street.

PUBLIC PARTICIPATION

The applicant has followed the statutory neighbour notification procedures as dictated in the Town and Country Planning (General Development Procedures) (Scotland) Order 1992. This application has been advertised as contravening Policy 4 (Design of New Housing) and Policy 19 (Private Day Nurseries). No letters of objection have been received.



CONSULTATIONS

The Council's Environmental Services and Trading Standards Department has raised concern that the application site may potentially be contaminated due to its former uses. Although a pre-determination risk assessment was requested, it is considered that this matter can be satisfactorily addressed by way of planning condition should the Committee be mindful to grant planning permission.

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 of the Dundee Local Plan Review 2005 seeks to ensure that the design of all new housing should be of a high quality. It is appropriate that the City Council sets general standards to which new development must achieve, these quantitative standards are set out in Appendix 1. It is recognised that where site specific circumstances permit, it is not always suitable to meet the criteria of Appendix 1.

As well as satisfying the needs and aspirations of prospective occupiers, new housing should make a positive contribution to the urban environment. Compliance with the quantitative standards of Appendix 1 alone is not a guarantee of quality in new housing developments. The Dundee Urban Design Guide complements the Local Plan's quantitative standards and sets out the Council's urban design principles as a framework within which a qualitative assessment of development proposals can be made.

While the current use of the site demonstrates that not only residential development is suitable in this location, the applicant has failed to justify that a nursery extension with flats is the most appropriate form of redevelopment of the application site. Therefore, the proposals are contrary to the criteria of Appendix 1 as the application site has not been identified in a site planning brief as being suitable for flats, site circumstances do not demand a flatted solution and none of the existing buildings on site are to be converted.

However, where it has previously been argued that flats were not suitable in this location, it is considered that due to the scale and massing of the surrounding built form a flatted development solution is wholly suitable. Principally this is because the application site is surrounded by tall buildings that bound the street directly. The erection of two storey houses or even three storey townhouses on the application site would struggle to meet

the requirements of Appendix 1 while also appearing out of place and dwarfed by the scale of the buildings they would adjoin. It is therefore evident that there are material considerations that justify a departure to the criteria of Appendix 1 of Policy 4 of the Dundee Local Plan Review 2005.

Each of the proposed flats would benefit from two bedrooms, an open plan kitchen, dining and living area as well as a three piece bathroom. The master bedroom of each flat will benefit from en-suite facilities with the kitchen/dining and living areas taking full advantage of the southern aspect of the rear elevation through French doors that open out on to a contemporary balcony 6m² in area. The floor area of each flat exceeds 60m² as required by Appendix 1 of Policy 4.

As well as each flat being afforded a small balcony, there shall also be 113m² of communal amenity space to the rear of the application site as well as a small communal drying area 14m² in area. The rear garden, drying and parking area shall be enclosed by the existing 2m high boundary walls and hedging. In terms of the provision of usable amenity space, the proposed development complies with the criteria of Appendix 1.

Appendix 1 dictates that flatted developments in the inner city area of Dundee should benefit from 130% parking provision. However, this provision may be increased or decreased in light of on street and off street parking provision near by. Secure indoor storage for bikes is also required.

The proposed development will benefit from secure indoor bike storage facilities for six bikes. The cycle storage facilities will be located on the ground floor of the building in the south western corner. Access to the storage facility will be external to the building.

To the rear of the application site there will be four parking spaces and to the east of the existing nursery building there will be another two dedicated parking spaces for the flats and two visitor parking spaces. The existing nursery staff parking spaces will be retained. The applicant has not submitted any detailed information as to how the proposed car parking spaces shall be managed or dedicated but has

stated that collapsing bollards will feature. This matter can be addressed by way of condition should the Committee be minded to grant planning permission.

The proposed bike storage facilities and parking facilities are in compliance with the provisions of Appendix 1. As detailed above, the matter of safeguarding the proposed parking bays for use by occupants of the proposed flats and nursery will be addressed by way of condition should the Committee be mindful to grant planning permission.

The layout and design of the proposed development complements the Raglan Street streetscape. This is because the proposals will mirror the street frontage created by the tenement buildings to the west and adjacent to the application site as well as the existing nursery building to the east. Further, the proposed building will mirror the window pattern and proportions of the adjoining tenement building to the west of the site. The height of the proposed building is considerably less than the building bounding the application site to the west. This allows for a more organic change in ridge heights between the buildings bounding the site to the east and west which consequently complements the appearance of streetscape by virtue of scale and massing. While incorporating traditional window proportions and patterns, the proposed building by virtue of the access porch and balcony design will have a contemporary appearance that will enhance the visual amenity of Raglan Street.

With regard to the provisions of Policy 19, the proposed development will not result in an increase in the amount of children attending the nursery, staffing levels, amount of available staff car parking, pick up and dropping off facilities or amount of usable space afforded to the nursery as approved by planning application ref 90/15193/D. As the existing car parking and pick up drop off facilities serving the nursery were approved prior to the adoption of the Dundee Local Plan Review 2005, the criteria of Appendix 4 is not considered relevant to the outcome of this planning application. However, the proposals are contrary to the provisions of Policy 19 as the proposals will include the location of residential

accommodation above the extended nursery.

It is therefore concluded from the foregoing that the proposal does not comply with the criteria of Policy 4 or Policy 19 of the Dundee Local Plan Review 2005.

Other Material Considerations

The other material considerations to be taken into account are as follows:

a Appeal Ref: P/PPA/180/210

As detailed in the section headed Planning History above, planning application ref 07/00035/FUL sought planning permission for the demolition of the existing garage and part of the existing nursery, and, the erection of a replacement nursery extension and 8 flats at 3-5 Raglan Street, Dundee. This application was refused planning permission as the proposals were considered contrary to the provisions of Policy 4 (Design of New Housing) and Policy 19 (Private Day Nurseries) of the Dundee Local Plan Review 2005. The applicant consequently appealed the Council's decision to the Directorate of Planning and Environmental Appeals.

The findings of the Reporter state that the existing nursery provides a valuable service to the community and it is a use compatible with its general surroundings. For these reasons the retention of the nursery is considered a reasonable planning objective and thus a potential constraint on the redevelopment of the application site. The Reporter also concluded that it is a reasonable planning expectation that redevelopment proposals should make full and efficient use of the application site. As the nursery extension proposed under planning application ref 07/00035/FUL would occupy only the ground floor, the Reporter considered that a single storey building would appear out of place given the scale and massing of the existing built form. It was therefore concluded that a single storey building alone would not be a full and efficient use of the site. From the surrounding built form it was evident that a multi level building

would be appropriate on the application site. The Reporter concluded from the surrounding land uses that a combination of both an extension to the existing nursery as well as some additional residential development was therefore an appropriate redevelopment proposal for this site. Although Policy 19 of the Dundee Local Plan Review 2005 precludes flats over nurseries (to avoid noise transfer and general disturbance), no concerns were raised by the Council's Environmental Health and Trading Standards Department. It was therefore concluded by the Reporter that as no history of disturbance from comings and goings at the nursery had been registered and the use of the nursery would not be intensified, the co-existence of the nursery and residential uses should not be a barrier to the redevelopment of the application site.

The Reporter's decision has demonstrated that the retention of the nursery is a viable planning objective as is the full and efficient redevelopment of the application site. Therefore the principle of developing both flats and a nursery in co-existence on the application site is a sound redevelopment proposal. It is therefore evident that there are mitigating circumstances that justify support of the proposed development although contrary to the provisions of Policy 4 and Policy 19 of the Dundee Local Plan Review 2005.

b Applicant's Supporting Statement

The Applicant has submitted a statement in support of the proposed redevelopment of the application site. The statement confirms that the extension will not lead to an increase in children attending the nursery. This is because the proposed extension will replace an existing annexe that is located on the application site and will therefore form one nursery building rather than separate buildings for differing age groups. The Applicant has also confirmed that no additional staff will be required as a result of the proposed nursery extension as the amount of children in

attendance will not increase. This information supports both the Council and the Reporter's interpretation of Appendix 4 and Policy 19 of the Dundee Local Plan Review 2005 that no additional car parking, amenity space or pick up and drop off facilities are required as the existing circumstances in which the nursery operates are to remain unchanged.

A financial breakdown of the proposed development has also been submitted in support of the proposals. This information shows that the erection of the proposed nursery extension would not be possible without the erection of six flats.

It is concluded from the foregoing that sufficient weight can be accorded to the 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 layout and design of the proposed development complements the Raglan Street streetscape. This is because the proposals will mirror the street frontage created by the tenement buildings to the west and adjacent to the application site as well as the existing nursery building to the east of the site. Further, the proposed building will mirror the window pattern and proportions of the adjoining tenement building to the west of the site. The height of the proposed building is considerably less than the building bounding the application site to the west. This allows for a more organic change in ridge heights between the buildings bounding the site to the east and west which consequently complements the appearance of streetscape by virtue of scale and massing.

CONCLUSION

The proposed development is contrary to Policy 4 (Design of New Housing) and Policy 19 (Private Day Nurseries) of the Dundee Local Plan Review 2005. However, there are material considerations that justify a departure to the Development Plan. It is therefore recommended that planning permission is granted subject to conditions.

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 BEFORE WORK STARTS ON SITE, details of sound proofing and noise mitigation measures to prevent the transfer of noise between the nursery extension and the upper floor flats of the proposed building shall be submitted to this Planning Authority for written approval. Thereafter the proposed nursery and upper floor flats shall be constructed in accordance with the stamped approved plans and the information approved by virtue of this condition.
- 3 Development shall not begin until a Preliminary Risk Assessment is completed and, if required, an Intrusive Investigation and a scheme to deal with contamination at 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:
 - a assessment of the risks associated with contaminant sources, pathways and receptors specific to the proposed use of the site, and if necessary;
 - b a remediation Implementation Plan detailing measures to treat/remove contamination and mitigate risks to ensure the site is fit for the proposed use;
 - c measures to deal with contamination during construction works; and
 - d verification sampling, testing, certification and monitoring of the site to demonstrate suitability for the proposed use on completion of remediation measures.
- 4 BEFORE WORK STARTS ON SITE, a scheme detailing the management and dedication of the six proposed flats and nursery shall be submitted to this Planning

- Authority for written approval and thereafter implemented in accordance with the details approved by virtue of this condition.
- 5 BEFORE WORK STARTS ON SITE, details of the proposed finishing materials including the proposed rainwater goods and balconies shall be submitted to this Planning Authority for written approval. Thereafter, the finishing materials shall be applied in accordance with the stamped approved plans and the details approved by virtue of this condition.
 - 6 BEFORE WORK STARTS ON SITE, elevational details and surface treatments of the proposed balconies on the rear elevation and the windows and window bars on the front elevation shall be submitted to this Planning Authority for written approval. Thereafter the proposed balconies and window bars will be installed in accordance with the details approved by virtue of this condition.
 - 7 A footway must be provided to Dundee City Council standards and specifications ex adverso the site. Details of the footway must be agreed prior to any works on site.
 - 8 Any existing accesses that are no longer required as part of the proposed development must be made good as footway to Dundee City Council specifications. Details of the alterations must be agreed prior to any works on site
- 5 In the interests of safeguarding visual amenity of Raglan Street.
 - 6 In the interests of safeguarding visual amenity.
 - 7 In the interests of safeguarding pedestrian safety.
 - 8 In the interests of road safety.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of safeguarding residential amenity and the amenity of the nursery by virtue of preventing noise disturbance.
- 3 In the interests of identifying and remediating potentially contaminated land and providing land that is safe for habitation.
- 4 In the interests of road safety and amenity of the Raglan Street streetscape.