

**KEY INFORMATION**

Ward Maryfield

**Proposal**

Convert existing mill buildings (partially disused) into residential units with associated car parking and soft and hard landscaping and to erect 2 new build residential units comprising 12 flats

**Address**

Lower Dens Works  
Constable Street  
Dundee

**Applicant**

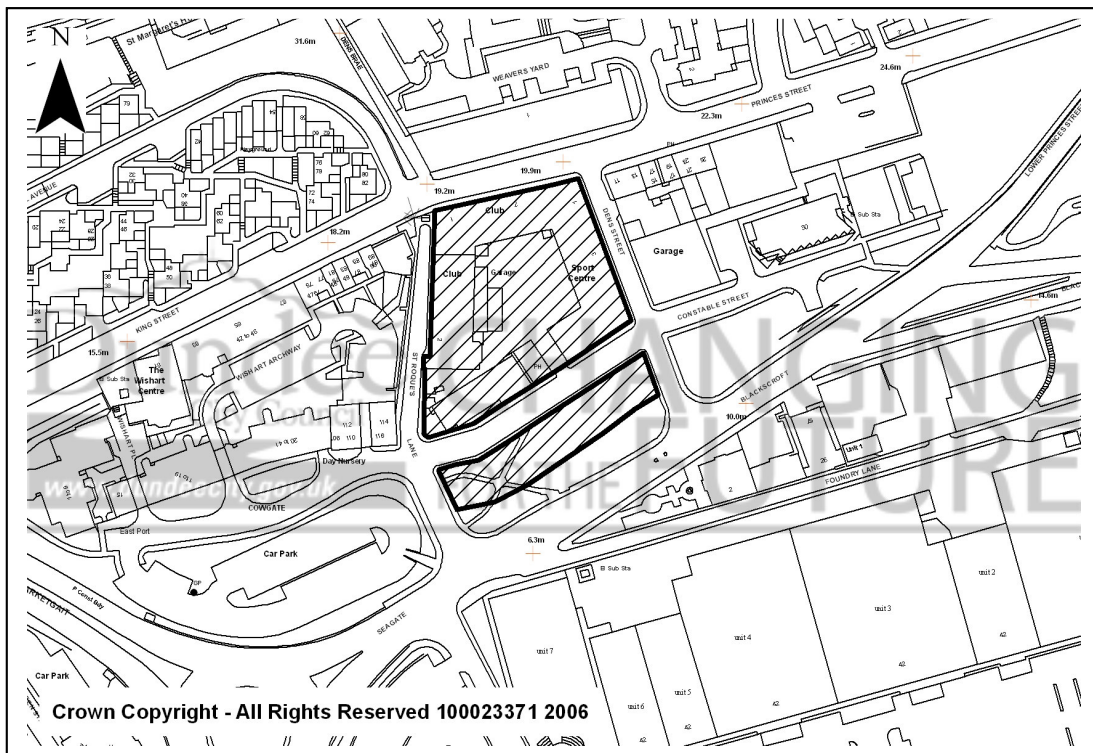
Lindores (Lower Dens) Ltd  
Harbour Chambers  
Dock Street  
Dundee DD1 3HW

**Agent**

J M Architects  
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Edinburgh EH7 4AY

Registered 4 Sep 2008

Case Officer Paul Macari



## Proposed Residential Conversion of Lower Dens Mill

The conversion of an existing mill building into residential units and twelve newbuild flats is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation.

**RECOMMENDATION**

The proposed mill conversion and erection of 12 new build flats complies with the requirements of Policy 59 and 60 of the Dundee Local Plan Review 2005. Although the proposals are contrary to the requirements of Policy 4 there are material considerations that support a departure to the Dundee Local Plan Review 2005. Accordingly the application is recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- This application seeks planning permission for the conversion of the Lower Dens Mill complex into 99 flats and the erection of 12 new build flats at Lower Dens Works, Constable Street, Dundee.
- Policy 1 (Vibrant and Sustainable Communities), Policy 3 (Housing Investment Focus Areas), Policy 4 (Design of New Housing), Policy 59 (Alternative Uses for Listed Buildings) and Policy 60 (Alterations to Listed Buildings) of the Dundee Local Plan Review are relevant to the outcome of this planning application.
- The statutory neighbour notification procedure was undertaken and there have been no objections to the proposals.

## DESCRIPTION OF PROPOSAL

This application seeks planning permission for the conversion of the Lower Dens Mill complex into 99 flats and the erection of 12 new build flats at Lower Dens Works, Constable Street, Dundee.

Of the 99 flats within the A listed former Mill buildings and new build enabling development, 5 will have 3 bedrooms, 93 will have 2 bedrooms and only 1 will have 1 bedroom. Each of the proposed flats will have a combined kitchen/living/ dining area. On the ground floor of each mill building there will be secure cycle storage and bin storage facilities. Given that 2 of the buildings extend to 5 storeys in height there will be lifts providing access to all floors in the Bell Mill and Dens Street Mill.

The proposed flats will benefit from 83 car parking spaces, with 27 spaces provided within the internal courtyard of the Lower Dens complex and 56 spaces located in a new car park situated on the southern side of Constable Street.

The existing vehicular access into the internal courtyard will be maintained and used by both service vehicles and residents. The applicants propose to employ a parking management system for the maintenance and allocation of car parking spaces.

Conversion of Mill Buildings - as well as converting the former mill buildings into flats, the applicants propose to restore the external fabric of the A listed buildings and retain as much of the historic interior as possible. In order to adapt the former industrial mill buildings to accommodate residential dwellings, the southern elevation of the North Mill requires to be rebuilt and all of the existing windows replaced. The existing windows in the mill buildings are "Crittall" type metal framed, single glazed windows. It is proposed to replace these windows with timber framed mock sash and case double glazed 12 pane windows with a rebate between the sashes so that in external appearance, they have the look of sliding sash and case.

Although the roofs of the Bell, Dens Street and St Roques mill buildings will require to be replaced, the applicants propose to maintain the existing roof design through re-using the original cast iron framework to



recreate a steep pitched mansard roof. The original mansard roof light pattern shall be replicated in the new roofs through the use of modern roof lights.

Of considerable importance to the archaeology of the built form are the oculus windows located in the gables. Although these windows will require to be restored and the glazing upgraded, these features will be incorporated into the proposed flats.



Internally, the applicants propose to restore and expose as much of the historic features as possible while complying with the requirements of the Buildings (Scotland) Act 2005. Therefore, while features such as the spiral stair in the south western corner of St Roques Mill will be restored it will be concealed to prevent unsafe access to the proposed flats. Similarly

the cast iron oval cavities in the walls of the upper floors of the Bell and Dens Street Mills will be restored but due to the requirements of the Buildings (Scotland) Act 2005, these features will be concealed by insulation. However, the cast iron lift doors in the Bell and Dens Street Mills will be re-used and hung on walls adjacent to the new lift openings. Similarly where possible the ornate cast iron framework of the mansard roofs will be exposed as will the cast iron support pillars in the upper floors of the Dens Street, Bell and St Roques Mills.

Conversion of Gatehouse - the applicant proposes to convert the 2 storey A listed gatehouse into 2 flats. These works will involve overhauling both the external and internal fabric of the building whereby the modern balcony, windows and doors shall be removed and replaced with timber doors and timber framed side hung windows. The external walls of the gatehouse will be finished in a smooth render. It is also proposed to remove and replace the existing roof and re-use the original slates where possible. Where the original slates cannot be re-used, natural Spanish slate will be introduced. An external stairwell will be erected on the western elevation of the building to provide access to the proposed 1st floor flat. The stairwell will be finished in materials matching the external walls of the building. Internally the ground and first floor flats will have 2 bedrooms and a floor area of 77m<sup>2</sup>. The existing internal fabric of the building will be removed and new partitions erected.

The gatehouse was originally a single storey building but was later extended to 2 storeys in height whereby the original windows and doors were replaced by modern equivalents.

New Build Enabling Development - to facilitate the conversion and restoration of the Lower Dens Mill complex, the applicants propose to erect 2 blocks of 6 flats in place of the existing Marquee night club. The buildings will be 3 storeys in height and will be of a modern scale, design and finish to blend with the Hillcrest



Housing Association development on the western side of St Roques Lane.

The applicant has submitted a detailed planning and design statement as well as a financial analysis of the development in support of the proposals.

## SITE DESCRIPTION

The application site is situated between Princes Street, Constable Street, Dens Street and St Roques Lane. The site is known as Lower Dens Works and is made up of 4 mill buildings dating back to the 19th Century. The 4 mills are named North Mill, Bell Mill, Dens Street Mill and St Roques Mill. The lower levels of the existing buildings are currently leased out by various occupants with the upper levels now unoccupied. The 4 buildings circle a central courtyard along with the Marquee (a former nightclub) which is to be demolished and the Smugglers Bar which is to be redeveloped.

North Mill was constructed in 1935 as a 3 storey building. The building has steel framed vertical hinged windows. The external facade of the building is constructed from traditional masonry and stone. However, the south elevation has been rebuilt at some point and is constructed from reinforced concrete columns and beams with brickwork lift shafts and external walls.

Dens Street Mill is a 5 storey building constructed in 1865. The building also has steel framed vertical hinged windows. This building is constructed from natural stone with stone sills and lintels.

St Roques Mill on the corner of Constable Street and Dens Street is a 3 storey building constructed between 1830 and 1840. Additional works to the roof structure of the building were carried out in 1889. The external walls of St Roques Mill are constructed from traditional stone and masonry with stone lintels and sills forming all window and door openings.

Bell Mill is a 5 storey building constructed in 1866. The building has a tower structure at the south western corner that houses the existing stair. A brickwork lift shaft is located at the north east corner of the mill. The east elevation of Bell Mill facing the courtyard is partially obscured by the

remnants of a brickwork gable wall and an existing single storey structure formerly used as a sports club which is now unoccupied.

The site slopes from north to south and is bound to the north by a converted mill building now used for residential purposes. A similar development bounds the site to the west with a former mill building and industrial premises bounding the site to the east. To the south the site is bound by a grassy buffer zone separating Seagate and Blackcroft from Constable Street.



## 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 m.p.h. 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 59: Alternative Uses for Listed Buildings - suitable alternative uses will be considered for listed buildings where this is necessary to secure their future. Any adaptation of the fabric must be undertaken carefully and sensitively and have minimum impact on the architectural and historic interest, character and setting of the building. Reference should be made to other policies in the Plan.

Policy 60: Alterations to Listed Buildings - the alteration of a listed building will only be acceptable where the proposals have regard to the preservation or enhancement of its architectural or historic character. Alterations will not be permitted where the works would diminish the architectural integrity of the building or its historic interest.

The City Council will provide specific supplementary guidance on the following: window and door alterations, advertisements, shopfronts, roller shutters, treatments to masonry and painting and use of materials.

## Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

SPP23: Planning and the Historic Environment.

Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

Scottish Historic Environment Policy.

## Non Statutory Statements of Council Policy

There are non statutory statements of Council Policy relevant to the determination of this planning application.

## SUSTAINABILITY ISSUES

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

## SITE HISTORY

Planning application ref: 87/12790/D sought permission for the change of use of part of the mill complex to form changing rooms. This application was approved subject to conditions.

Listed building application ref: 08/00550/LBC sought consent for the demolition of disused outbuildings including the Marquee night club located in the south western corner of the current application site. This application was approved subject to conditions.

The listed building partner application 08/00617/LBC appears elsewhere on this agenda.

## PUBLIC PARTICIPATION

The applicant has followed the statutory neighbour notification procedure as stipulated by the Town and Country Planning (General Development Procedure)(Scotland) Order 1992. The proposed developments have also been advertised in the Dundee Evening Telegraph as a Departure to Policy 4 (Design of New housing) of the Dundee Local Plan Review 2005. No letters of objection have been received.

## CONSULTATIONS

The Council's Environmental Health and Trading Standards Department has raised concerns of potential contamination of the application site with respect to the desktop analysis submitted by the applicant. However,

should the Committee be minded to grant planning permission, Environmental Health and Trading Standards has recommended that this matter be addressed by condition.

With regard to noise disturbance Environmental Health and Trading Standards has confirmed that all noise mitigation measures outline in the submitted noise impact assessment should be implemented. This would prevent the transfer of noise generated from passing traffic from entering the proposed flats.

Historic Scotland along with representatives from the Council's Planning and Transportation Department, have been involved in a series of informal pre-application and post-application submission discussions. Recommendations by both Historic Scotland and representatives of this Department have been incorporated into the current proposals. However, Historic Scotland has informally confirmed that while the principle of enabling development is sound, the design of the new build flats may impact upon the character and setting of the A listed buildings.

## 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

In accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the Council is required to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

## The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

As well as satisfying the needs and aspirations of prospective occupiers, new housing should make a positive contribution to the urban environment.

It is therefore the purpose of Policy 4 and Appendix 1 to ensure that the design of new housing should be of a high quality. As a basis for achieving high quality design new housing is required to conform with the quantitative standards of Appendix 1 and the qualitative standards detailed in the preamble to Policy 4.

Appendix 1 is supportive of proposals to convert buildings of merit into flats where conversion to houses is unsuitable or achievable. To subdivide the Lower Dens Mills into houses would not be possible without causing irreparable damage to the historic fabric and interior of the A listed buildings. Further, Appendix 1 states that where flats are proposed in inner city areas of Dundee, flats should have no less than 60m<sup>2</sup> of internal floor space. Only 2 of the proposed flats will have a floor area below 60m<sup>2</sup>. These flats are located on the first floor of the North Mill. The 109 flats remaining will have 2 or more bedrooms and have floor areas greater than 60m<sup>2</sup>.

The flats require to be served by 130% off street car parking. The proposed flats will be served by 74% off street car parking (83 spaces for 111 flats). Each flat will benefit from secure cycle storage facilities on the ground floors of the Bell and Dens Street Mills.

Appendix 1 requires individual flats to be served by no less than 10m<sup>2</sup> of garden ground. No private amenity space will be afforded to any of the proposed flats. However, it should be noted that the Mill buildings are arranged in a perimeter block style with an internal courtyard that originally accommodated cooling ponds. The Mill buildings were not purpose built for residential development and therefore were not accorded any open space.

Although the proposed development is contrary to the requirements of Appendix 1 in terms of flat floor space, car parking and garden ground provision there are material considerations that are supportive of a departure to the quantitative requirements of Policy 4.

With regard to design quality, the previously approved works demonstrate a clear attempt to restore the external appearance of the Lower Dens Mill Complex through the removal of redundant brick built extensions and outbuildings and

restoring any damaged areas of the external elevations of the Mill buildings. The precedent set by these works has been galvanised by the current proposals. The current proposals involve replacing and replicating the existing roofs of the Mill buildings. A distinctive element of the existing roofs of the mill buildings are the continuous ridge and mansard rooflights which are unique to Dundee Mills. Unfortunately it is not possible to incorporate these windows into the proposed flats due to health and safety concerns raised by the Technical Standards of the Buildings (Scotland) Act 2005 therefore it is proposed to omit the ridge level rooflights. However, it is proposed to replicate the mansard rooflight pattern through introducing a single ply roofing membrane incorporating a standing seam to replicate the rhythm of the glazing bars of the original rooflights. New conservation style rooflights will be installed within the single ply roofing membrane. Further, the exterior of the Bell Street Mill will be fully restored with the existing upper floor window openings that have previously been bricked up re-opened. In addition a new southern elevation of the northern mill building will be constructed with window and door openings matching the pattern of the existing mill buildings. The southern elevation of the North Mill will be finished in a smooth grey render to blend with the existing stone finish of the other Mill buildings.

The formation of new window openings in the northern and southern elevation of the north mill as well as the installation of replacement windows in each of the mill buildings to maintain uniformity will enhance the appearance of the mill complex while also endearing the buildings to residential conversion.

Although the proposals are contrary to the quantitative requirements of Policy 4 (Design of New Housing) the external alterations including the replacement windows and rooflights are considered to enhance the appearance and safeguard the presence of the prominent and historic Lower Dens Mill complex while also preserving the industrial past of the city.

With regard to the conversion of the gatehouse, much of the character of the original building was lost when the 1st floor extension was erected. Through

time ad-hoc alterations including changes to the original windows, doors and the erection of a first floor balcony have detracted from both the appearance and historic character of the building. The recent external alterations to the gatehouse have given the building the appearance of being part of the former Marquee night club in the south western corner of the application site rather than an original and integral part of the Lower Dens Mill complex. The current proposals attempt to adapt and restore as much of the original building as possible through removal of the existing roof and replacing the natural slates that cannot be re-used with natural Spanish slate. The external alterations proposed will blend with the surrounding mill buildings as well as the new build flats.

The proposed new build flats are of a scale, design and massing that will blend well with the recently built housing association flats on the western side of St Roques Lane. The flats will be positioned so as to expose as much of the southern elevation of the Bell Mill as possible. The proposed flats are considered to be an acceptable addition to the Constable Street streetscape and are not considered to impact upon the character or setting of the A listed buildings. The proposed buildings will have a roof design similar to the A listed gatehouse and recently built housing association flats on the western side of St Roques Lane. The enabling development will therefore have the appearance of being independent from the A listed mill buildings and will not have a significant impact upon the character or setting of the Lower Dens Mill complex.

Policy 59 (Alternative Uses of Listed Buildings) stipulates that proposals involving alternative uses for listed buildings will only be considered acceptable where the proposals have regard to the preservation or enhancement of its architectural or historic character. The Lower Dens Mill complex was formerly one of the largest and most productive jute and flax mills in the world. The majority of the A listed buildings have been empty for several years with only the ground floors of the North and Dens Street Mills being occupied in the last 10 years. In that time the building has suffered the indignity of vandalism and

the effects of various types of dampness and rot as a result of poor maintenance. Much of the buildings have been colonised by pigeons whereby their presence and faecal matter have led to the increased degradation of the original windows, timber and plaster furnishings of the buildings. The proposals will secure the future of the A listed buildings while also setting a precedent for effective maintenance and repair through making good any external defects caused by age and redundancy. The external alterations shall minimise the impact of adaptation and modernisation through the replacement and repair of the historic fabric of the building damaged or uncovered as a result of the proposed works. The retention of the existing Oculus windows, roof cowls, mansard roofs, barrelled basement roofs as well as the replication of the existing mansard rooflights will inscribe the industrial past of the mill complex on the external appearance of the buildings. The proposed replacement windows will reflect the traditional design and period of the Lower Dens Mill complex while also matching the fenestration of the recently converted Upper Dens Mill on the north side of Princes Street. Internally the proposed conversion will allow for the restoration of the existing spiral stair in St Roques Mill while also ensuring that the original decorative cast iron and glass lift doors are retained and incorporated into the layout of communal areas. In each of the attic flats, part of the decorative cast iron roof structure shall be exposed. The elements exposed shall include the columns, collars and trusses.

In their current form the A listed Mill buildings are in a poor condition and are rapidly falling into a state of dereliction due to water ingress, vandalism and pigeon colonisation. The proposals demonstrate a clear understanding of the historic significance of Lower Dens Mill to the industrial past of Dundee. The proposals seek to restore the buildings prominence in the Dundee skyline through conversion to residential flats. The proposals are sympathetic to the historic features of importance and this is reflected in both the internal and external works to restore and repair the buildings. The proposed conversion is therefore considered to safeguard the historic past of the buildings through the restoration of the internal and

external fabric of the A listed buildings while also promoting the longevity of the buildings on the Dundee skyline. The proposals therefore comply with the requirements of Policy 59 (Alternative Uses for Listed Buildings) of the Dundee Local Plan Review 2005.

In accordance with Policy 60 (Alterations to Listed Buildings) the proposals seek to restore and enhance the appearance of the A listed Lower Dens Mill complex. This is demonstrated by the retention, restoration and replication of the external fabric of the mill buildings as well as the repair and restoration of the internal features of historic importance such as the original lift doors, spiral stair in St Roques Mill and the Oculus windows. The proposals shall safeguard the internal and external historic fabric of the building and expose the historic features of interest within both private and public areas of the buildings. The proposed conversion of the Lower Dens mill complex is considered to comply with the requirements of Policy 60 (Alterations to Listed Buildings) of the Dundee Local Plan Review 2005.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan but only in respect of Policy 4 of the Dundee Local Plan Review 2005.

Statutory Duty - the Statutory Requirements under Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 are discharged in the assessment of the proposals against the criteria of the Development Plan above. The proposed redevelopment of the Lower Dens Mill complex is considered to restore and enhance the appearance of the listed buildings and surrounding streetscapes.

### **Other Material Considerations**

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

Scottish Historic Environment Policy - with regard to the proposed redevelopment of Lower Dens Mill complex, paragraph 3.44 of the Scottish Historic Environment Policy states "Applications should demonstrate that in arriving at a strategy for intervention, the importance of the building has been clearly understood and those features which contribute to its special interest

have been identified." The proposals demonstrate that the main features of architectural merit and historic importance have been identified and retained. This is evident in the restoration and retention of the oculus windows and roof cowls, restoration of the original lift doors and spiral stair in St Roques Mill and the replication of the existing mansard roofs and mansard rooflights.

Paragraph 3.50 of the Scottish Historic Environment Policy states that "Where a proposal involves alteration or adaptation which will sustain or enhance the beneficial use of the building and does not adversely affect the special interest of the building, consent should normally be granted." Although Historic Scotland has expressed concern over the proposed replacement windows, in compliance with paragraph 3.50 above, the proposals will give the mill complex a uniform appearance with historic and newly formed window openings glazed in the same style of window without compromising the special interest of the building. The loss of the original windows is considered a small price to pay for the overall retention and restoration of the A listed mill buildings and gatehouse. The nature of the proposed conversion including the replacement windows will promote the longevity of the building in a sustainable manner which seeks to retain and restore the internal and external features of historic importance. The proposals are therefore considered to comply with the requirements of the Scottish Historic Environment Policy 2008.

Material Considerations to Warrant a Departure from Policy 4 (Design of New Housing) - Policy 4 (Design of New Housing) states "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 Lower Dens Mill complex comprises of 3 A listed mill buildings and an A listed gatehouse.

Of the 111 flats proposed only 1 flat will have one bedroom and 2 will have a floor area less than 60m<sup>2</sup>. The 2 flats are located on the 1st floor of the North Mill and are considered to provide variety and choice in terms of the type and size of accommodation proposed. Given the proximity of the

application site to both the city centre and the designated Stobswell housing investment focus area, the provision of new housing which offers variety is considered to accord with the preamble to Policy 3 (Housing Investment Focus Areas) of the Dundee Local Plan Review 2005. The preamble states "In order to provide greater housing choice for existing residents, to attract newcomers and to address the environmental quality and image of the area, the housing investment focus strategy will include remodelling, integrating and selective demolition of the existing built forms." Through converting the existing Lower Dens Mill complex into residential flats, the applicants seek to provide a variety of 1,2 and 3 bedroom flats in a pleasant south facing historic mill complex which will provide greater housing choice to the residents of Dundee as well as attract newcomers to the City.

In its current form the application site does not benefit from any open space or car parking facilities apart from the internal courtyard which was previously occupied by cooling ponds serving the mill. The applicants have secured an area of land to the south of the application site on the southern side of Constable Street and propose to utilise this area along with the internal courtyard to provide 83 car parking spaces for use by the owners/ tenants of the proposed flats. In addition to the 83 car parking spaces, 136 cycle spaces will be created in the ground floors of Bell Mill and Dens Street Mill. Although the 83 car parking spaces proposed fall well below the 144 required to comply with Appendix 1 of Policy 4, the application site is situated within 150m of the city centre where there is access to public transport in the form of Dundee train station and bus station. Furthermore the city centre and Stobswell district centre provide a range of facilities including supermarkets, chemists, dental surgeries, medical centres, banks and post offices that are all within 400m (walking distance) of the application site. Therefore, in accordance with the Council's Road Standards Dundee - Streets Ahead, the number of car parking spaces proposed is considered acceptable as well connected developments in close proximity to public transport facilities and walking and cycling routes are less likely to be dependent on the motor car as the principle form of transport. With regard to the requirement of

Appendix 1 of Policy 4 to provide visitor parking facilities, there are on-street parking spaces available on the streets surrounding the application site as well as 2 pay and display car parks within 100m of the application site. Access to the car park to the south of the site and to the internal courtyard shall be managed through an electronic barrier system.

With regard to the requirement for open space, the Lower Dens Mill complex was not built with the intention of residential conversion but rather for industrial purposes. Given the scale and massing of the existing buildings on site, it is not considered possible or practical to provide usable open space.

although the proposals are contrary to the requirements of Appendix 1 of Policy 4 with respect to flat size, garden ground provision and car parking, the mill conversion will lead to the provision of additional and a variety of much needed housing units in close proximity to the city centre and Stobswell Housing Investment Focus Area. Not only this but the proposed mill conversion will restore the historic Lower Dens Mill complex and enhance the appearance of the Blackcroft/ Princes Street streetscape.

Policy 4 states that where conversion of a listed building is proposed, there may be limited flexibility in applying the garden ground and parking requirements where compliance is impractical. The material considerations outlined above clearly illustrate that to facilitate the restoration of the A listed buildings and provision of a variety of high quality flatted accommodation the requirements of Policy 4 regarding garden ground and parking provision require to be applied flexibly. Given the benefits that will arise from the redevelopment of Lower Dens Mill, the proposals are considered to merit leniency in the application of the requirements of Appendix 1 of Policy 4.

Supporting Statements - the planning, design and financial statements submitted in support of the proposed mill conversion clearly demonstrate that it is the applicant's intention to fully restore the external appearance of the A listed mill buildings and gatehouse. The financial statement demonstrates that the proposed mill conversion would not be possible

without the erection of the 12 new build flats as an enabling development. In a similar vein the financial and design statements also clearly demonstrate that it would not be sustainable to replace the existing windows on a like for like basis due to the costs involved and the lack of energy efficiency of single glazed crittal type windows.

The design statement shows the organic evolution of the current proposals as well as different densities, finishes and massing diagrams that were explored as the current proposals took shape. The design statement also highlights and addresses many of the difficulties the buildings posed in finding the most appropriate conversion solution. The planning, design and financial statements demonstrate that the conversion and new build solution proposed is sympathetic to the historic character, setting and fabric of the A listed buildings while also illustrating clearly that to safeguard the longevity of the buildings they require to be brought back into use. Together with the proposed plans, the supporting statements demonstrate that the conversion of Lower Dens Mill into 111 flats will set a precedent for continued maintenance and sustainable development that will enhance the appearance of the buildings in relation to the surrounding built form.

Views of Environmental Health and Trading Standards - with respect to the submitted noise impact assessment the Council's Environmental Health and Trading Standards Department has concluded that the standard 6/12/6 glazing proposed will be sufficient to prevent the transfer of noise generated by passing traffic to the north and south of the application site into the flats. Should the Committee be mindful to grant planning permission, the specified glazing type will be conditioned to ensure that the requirements of Environmental Health and Trading Standards are satisfied.

The applicants submitted a contaminated land risk assessment for the proposed development. The Council's Environmental Health and Trading Standards Department has stated that the findings of the risk assessment are satisfactory. However, to ensure that all contamination on site is treated, an intrusive risk assessment is required as well as a detailed remediation strategy. Environmental

Health and Trading Standards are satisfied that these issues can be addressed by condition should the Committee be minded to grant planning permission.

Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 - the area of car parking on the southern side of Constable Street which forms part of the application site is owned by Dundee City Council. Therefore the Council as Planning Authority has an interest in this development. Although the proposed development is contrary to the requirements of Appendix 1 of Policy 4 of the Dundee Local Plan Review 2005, the material considerations above demonstrate that the proposals do not represent a significant departure to the Development Plan. Therefore, in accordance with Paragraphs 13 and 14 of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009, the proposed development is not required to be referred to Scottish Ministers.

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 external alterations to the A listed buildings are considered to be of a sympathetic design that will enhance the appearance of the buildings as well as the surrounding streetscape. With regard to the new build flats, the 2 flatted blocks are of a scale, design and finish that blends with the recently built housing association flats on the western side of St Roques Lane.

## CONCLUSION

The proposed mill conversion and erection of 12 new build flats complies with the requirements of Policy 59 and 60 of the Dundee Local Plan Review 2005. Although the proposals are contrary to the requirements of Policy 4 there are material considerations that support a departure to the Dundee Local Plan Review 2005. Accordingly it is recommended that planning permission be granted subject to conditions.

## RECOMMENDATION

It is recommended that consent be GRANTED subject to the following condition(s):

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.
- 2 BEFORE WORK STARTS ON SITE, samples of the proposed roofing materials shall be submitted to this Planning Authority for written approval. Thereafter, the approved roofing materials shall be applied in accordance with stamped approved drawings.
- 3 BEFORE WORK STARTS ON SITE, samples of the finished replacement rainwater goods, aluminium ventilation louvres, mechanical extraction fan and glazed automatic smoke vent shall be submitted to the Council for written approval. Thereafter the materials approved by virtue of this condition will be installed in accordance with the stamped approved plans.
- 4 BEFORE WORK STARTS ON SITE, samples of the proposed replacement sandstone coursed ashlar as well as a method statement detailing the processes involved in repointing and repairing the existing sandstone coursed ashlar walls of the A listed mill buildings shall be submitted to the Council for written approval. Thereafter, the repointing and repairing of the external walls of the A listed mill buildings will be carried out in accordance with the stamped approved plans.
- 5 BEFORE WORK STARTS ON SITE, a sample of the proposed engineering brick and smooth render shall be submitted to the Council for written approval, thereafter the approved engineering brick and smooth render shall be applied in accordance with stamped approved plans.
- 6 BEFORE WORK STARTS ON SITE, details to a scale of no less than 1:20 of the proposed windows, doors and rooflights shall be submitted to the Council for written approval. Thereafter,

the windows, doors and rooflights approved by virtue of this condition shall be installed in accordance with the stamped approved plans. For the avoidance of doubt, the 6/12/6 glazing recommended in the Noise Impact Assessment by New Acoustics dated 28 October 2008 should be incorporated into the design of the proposed windows.

- 7 BEFORE WORK STARTS ON SITE, details of the parking management system to safeguard the parking areas to the southern side of Constable Street and in the internal courtyard of the A listed mill buildings for use by residents only will be submitted to the Council for written approval. Thereafter the approved parking management system shall be brought into force prior to the occupation of the first flat.
- 8 BEFORE WORK STARTS ON SITE, a scheme of landscaping for the proposed development shall be submitted to the Council for written approval and thereafter the proposed landscaping will be implemented prior to the occupation of the first flat. For the avoidance of doubt, the scheme of landscaping should include the numbers and species of plants/ trees to be planted and a maintenance schedule for their up keep. The plants/trees/ shrubs approved by this condition shall be replaced should they fail or become uprooted within 2 years of planting.
- 9 Development shall not begin until the investigation and risk assessment proposed in the submitted Stage I Desk Study are completed and a remediation strategy to deal with contamination at the site has been submitted to and approved in writing by the planning authority. The strategy shall contain 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 and does not

contain any significant pollution linkages.

- c measures to deal with contamination during construction works.
  - d verification of the condition of the site on completion of decontamination measures.
- 10 Before any unit is occupied the remediation strategy shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the Council.

## Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of safeguarding the historic character and setting of the A listed buildings.
- 3 In the interests of safeguarding visual amenity and the character of the A listed buildings.
- 4 In the interests of safeguarding the historic fabric of the A listed buildings.
- 5 In the interests of safeguarding visual amenity and the setting of the A listed buildings.
- 6 In the interests of safeguarding the appearance of the A listed buildings
- 7 In the interests of providing a sufficient level of parking for the residents of the 111 flats proposed.
- 8 In the interests of providing a pleasant residential environment.
- 9 In the interests of providing land that is safe for residential habitation.
- 10 In the interests of providing land that is safe for residential habitation.