

**KEY INFORMATION****Ward** Maryfield**Proposal**

Erection of housing development consisting of one 4-storey block of 8 flats, one block of five 3-storey townhouses and one block of three 3-storey townhouses

**Address**

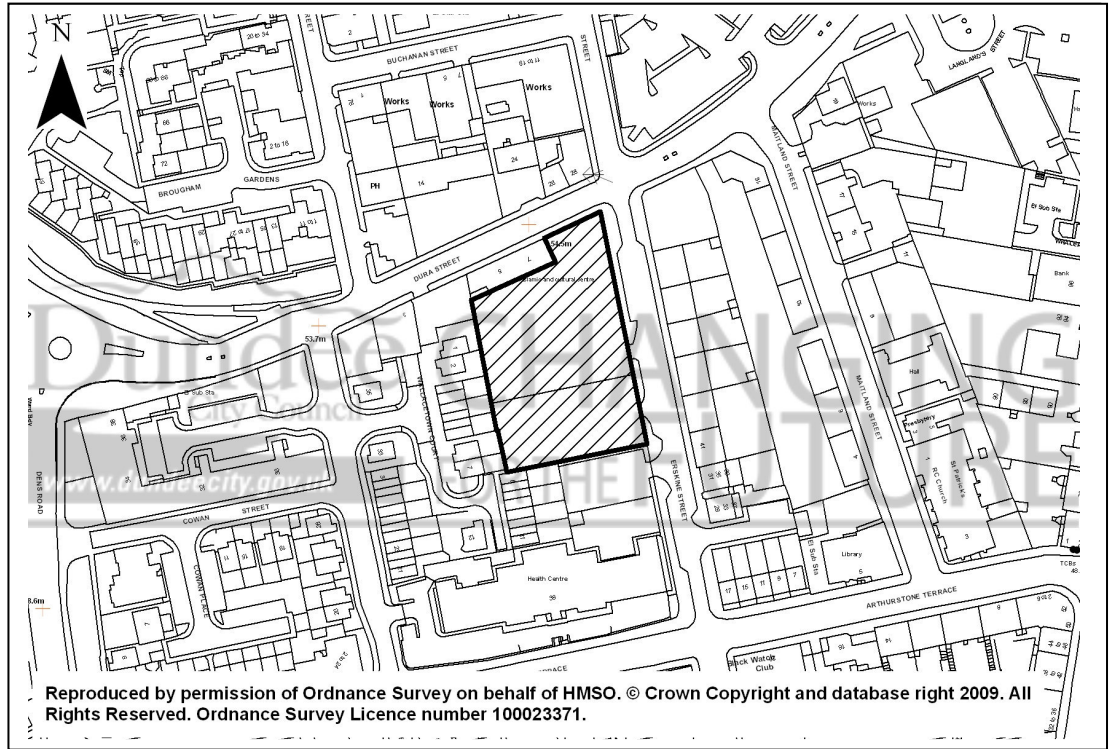
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**Registered** 2 Oct 2009**Case Officer** J Young

# Infill Housing Development for Stobswell

The erection of housing development consisting of one 4-storey block of 8 flats, one block of five 3-storey townhouses and one block of three 3-storey townhouses is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of City Development.

**RECOMMENDATION**

Although the proposal was advertised as departing from Policy 4 of the Dundee Local Plan Review 2005, it is considered that there are material considerations that support the application. The proposal complies with Policies 3 and 55 of the Plan. One letter of objection was received but it does not carry sufficient weight to merit refusal of the application. Accordingly the application is recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- Planning permission is sought for the erection of a housing development consisting of eight flats and eight townhouses on a corner site at Erskine Street and Dura Street.
- Policies 3, 4 and 55 of the Dundee Local Plan Review 2005 are of relevance to the determination of the application. It was advertised as a departure to Policy 4 due to a slight shortfall in amenity space provided with the flats.
- The north end of the site is allocated as a brownfield housing site (Proposal H31) and a site planning brief was approved by Committee in September 2008 for residential development of the site.
- One letter of objection was received regarding parking problems. The parking complies with the requirements of Policy 4.
- The proposed residential development will greatly enhance this semi-derelict site located within the Stobswell Regeneration Area and it will provide a greater choice of housing for residents. The minor departure from Policy 4 is justified both in townscape terms and because each flat is provided with a small private balcony area.

## DESCRIPTION OF PROPOSAL

The proposal is for the erection of a housing development consisting of one 4-storey block of 8 flats, one block of five 3-storey townhouses and one block of three 3-storey townhouses.

The four storey block of flats will form a corner feature onto Dura Street and Erskine Street and will marry in with the approved flatted development on the opposite corner of Erskine Street. The flats can be accessed from Dura Street, where there is an entrance next to the stairwell and also from the rear at Erskine Street. The flats have two and three bedrooms. Bin stores and secure cycle parking is proposed to the south of the block of flats. An amenity/drying area for the flats of some 85m<sup>2</sup> is proposed to the south west of the building

The townhouses are set back a considerable distance from Erskine Street with an open amenity area at the front, which is enclosed by railings and is accessed by gates. Each townhouse has four bedrooms and is provided with a private rear garden area including a parking space.

A further 19 spaces are located behind the development adjacent to the west boundary of the site serving both flats and townhouses. One vehicular access point is proposed from Erskine Street and it is to the south of the row of five townhouses and to the north of the row of three townhouses.

The proposed finishing materials are buff coloured facing brick and coloured render walls; slate coloured standing seam roof; slate roof sections; stained timber windows and doors; glass block detailing; and timber fences and galvanised railings along boundaries.

## SITE DESCRIPTION

The application site is located on the corner of, and on the south side of Dura Street and west side of Erskine Street. It is a brownfield site within the regeneration area of Stobswell and is owned by Dundee City Council. The total site area is approximately 0.331 hectares. There is a two-storey mosque building immediately to the north of the site. A modern housing

development is located to the west and is accessed from Brown Constable Street. There is a vacant site at the north east corner of Erskine Street, which recently had a four-storey Victorian tenement building demolished to make way for a proposed 11 flat development. There are four-storey tenement flats to the south of the cleared site. A two-storey medical centre is located to the south of the site. A garden landscape business is located at the southmost end of the site. This business will be relocating to another site within the City in due course.



The site is within close proximity to the Albert Street District Centre which has excellent cross city transportation connections as well as being near to a large range of commercial and recreational amenities in the City Centre.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

### Dundee Local Plan Review 2005

The following policies are of relevance:

The site is identified for a "Brownfield Housing Development" under Proposal H31 of the Local Plan.

Policy 3: Housing Investment Focus Areas - the City Council will encourage investment in housing and related social and physical infrastructure in the Housing Investment Focus Areas identified on the Proposals Map, working in partnership with Communities Scotland and the private sector. More detailed development frameworks, masterplans and action plans for each of the focus areas will be brought forward as appropriate by the Council and will form supplementary guidance to this Local Plan.

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.

Policy 55: Urban Design - for all new developments the emphasis will be on design quality and the City Council will seek the creation of new public places and points of interest which incorporate architectural and landscape features and reflect and enhance historic street layouts, significant



views and vistas. All development should respect the setting of listed buildings.

The City Council require the use of Design Statements for planning applications or listed building applications for new buildings or extensions to existing buildings on significant sites.

All development will, in its design and layout, be expected to contribute to an environment which is safe and accessible to all.

## Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of this application.

## Non Statutory Statements of Council Policy

There is a Site Planning Brief for the northern portion of this site which was approved by the Council in September 2008. It states that a four-storey block of eight flats would be acceptable at the corner of Dura Street and Erskine Street in townscape terms and the balance of the site could be developed with townhouses.

## SUSTAINABILITY ISSUES

The proposal involves the redevelopment of a brownfield site within a housing investment focus area, which will benefit the visual amenity and overall economy of the area.

## SITE HISTORY

The Council is currently considering an application for eight flats on a site to the north west, which is presently a car sales business (ref: 0900477/FULL).

Planning permission was granted on 23 January 2006 for the demolition of a four-storey tenement flatted building and the erection of 11 flats on a corner site on the opposite side of Erskine Street (ref 05/00890/FUL).

In 2005/6 environmental improvements took place along Dura Street and included upgrading the footways and lighting along Erskine

Street as well as planting permanent trees.

Since 2003 all of the brownfield and gap sites along Arthurstone Terrace and to the south of Erskine Street have been developed for both private and social rented housing.

Since 2002 the Stobswell Partnership, and alliance between Dundee City



Council, Scottish Enterprise Tayside, NHS Tayside and Tayside Police have directed significant funding and resources for the regeneration of the



Stobswell area in order to recreate an attractive place where "people choose to live and work". The Erskine Street Yard provides the opportunity to create an attractive and high-quality development in a prominent location.

## PUBLIC PARTICIPATION

The application was advertised as contrary to Policy 4 of the Dundee Local Plan Review 2005 on 16 October 2009 due to the lack of amenity space provided for the flatted element of the development.

Statutory neighbour notification was carried out and one letter of objection

was received on the grounds of parking problems.

Members will already have had access to this letter and the points raised are considered in the Observations Section of this Report.

## CONSULTATIONS

The Head of Environmental Health and Trading Standards requested a pre-determination preliminary risk assessment for the site due to the historic industrial uses and a Noise Impact Assessment due to the possibility of noise disturbance from traffic and surrounding land uses.

Scottish Water do not object to the planning application but indicate that approval is required from them for connection and the appropriate application and technical details should be submitted to them

## 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.

Policy 3 of the Local Plan allocates the site within a "Housing Investment Focus Area", where investment in housing is encouraged. The vision for Stobswell is to build on the established character and attributes of this traditional Victorian neighbourhood, adjacent to the City Centre, that will be suited to the demands of the 21st century. It will be an area that can sustain the needs of its present community and can attract new residents and investors into Stobswell

and prosper. New housing development in this area will complement investment in the Albert Street District Centre, road improvements and traffic management. The proposal complies with this Policy.

Policy 4 states that flats will only be permitted in Inner City areas if identified in a site planning brief, site specific circumstances demand a flatted solution or conversion of existing buildings is proposed. Flats should have a minimum gross internal floor area of 60m<sup>2</sup>, 100% parking provision, useable private communal garden ground of 100m<sup>2</sup> and 18m between facing windows of habitable rooms. A Site Planning Brief was approved by Committee in September 2008 and it included a four-storey block of flats at the corner of Dura Street and Erskine Street. A flatted development was considered the most appropriate solution to re-develop the corner part of the site and would contribute to the regeneration of the Stobswell area.

Each flat has either two or three bedrooms and a floor area between 74m<sup>2</sup> and 100m<sup>2</sup> and so this criterion is met. There is a grassed, landscaped amenity area of some 85m<sup>2</sup> to the south west of the flats. Due to the fact that this area falls slightly short of the minimum of 100m<sup>2</sup> sought by Policy 4 the application was advertised as being contrary to the Local Plan. Finally there is no direct overlooking into other residential properties.

Appendix 1 of Policy 4 requires that there is at least one car parking space within the curtilage of each house. The townhouses all have one space. There is ample parking at the west boundary of the site for visitor parking. In terms of useable garden ground, a minimum of 50m<sup>2</sup> is required and 30% should have more than 75m<sup>2</sup>. The proposal complies with this requirement.

Policy 55 seeks to ensure that any proposed development is of a high design quality. It should incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. All development will, in its design and layout, be expected to contribute to an environment which is safe and accessible to all. The applicant submitted a design statement.

The design, style and massing of the proposed residential development has regard to the height and style of surrounding buildings. The buildings integrate with and enhance the existing urban fabric. The proposed development uses simple forms which are expressed with a simple palette of materials. Safety and security have been taken into consideration as open space areas are overlooked and are secured by boundary enclosures and gates. A variety of planting and landscaping will provide a pleasant environment and contribute to a high quality living environment for residents. The design and detailed layout of the proposal illustrate that the development can comply with the overall design objectives of the Development Plan and result in the environmental regeneration of this part of Stobswell whilst improving the choice of housing type in the area.

Given the proposals and the objectives of the design statement submitted by the applicant, it is considered that the proposal complies with Policy 55.

It is concluded from the foregoing that the proposal does not comply with a small element of Policy 4 of the adopted Local Plan.

## Other Material Considerations

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

### Contravention of the Local Plan

The proposed development involves a minor contravention of one strand of Appendix 4 attached to Policy 4 of the Local Plan insofar as the amenity space for the flats falls 15m<sup>2</sup> short of the 100m<sup>2</sup> requirement and also incorporates the drying area. However each flat is provided with a balcony with inward opening doors. Appendix 1 states that private communal areas can be reduced if balconies that are useable and attractive are provided.

In addition to this, the adopted Site Planning Brief emphasises the importance of providing a substantial building at the corner of Dura Street and Erskine Street. However, the ground immediately behind this building is occupied by a mosque so an inevitable consequence of this is that the amenity space is squeezed to the south west of the building. It is considered that achieving an attractive townscape overrides the minor deficiency in the open space provision.

Furthermore the flats benefit from a level of parking well in excess of that required in the plan. It is considered that these factors provide a justification for a minor departure from Policy 4 of the Local Plan.

### Objections

A single objection was received relating to parking problems in the area. The applicant has provided 27 car parking spaces within the development site. In inner city areas, houses require one car parking space and flats should have 100% parking. The proposal more than complies with this requirement (168% parking is provided) and so it is considered that the proposed development will more than adequately cater for parking generated and will not impact on parking problems in the area.

### Consultations

The Head of Environmental Health and Trading Standards requested a pre-determination preliminary risk assessment and a Noise Impact Assessment for the development.

The applicant has submitted a preliminary risk assessment of potential contamination and it is considered to be acceptable, subject to conditions being attached should Members be minded to approve the application. In terms of potential noise disturbance, although traffic levels are high on Dura Street and there are nearby commercial uses (the medical centre to the south and mosque to the north) it is considered that as this is a new build development with ample scope for enhanced glazing, there will be a workable solution to allow the development to proceed. However, should Members be minded to approve the application it is recommended that a planning condition be attached requiring the submission of a Noise Impact Assessment prior to the commencement of development and its findings to be implemented to ensure that the development is not adversely affected by noise disturbance.

## Design

The proposed design of the flatted building which is contemporary complements the scale and mass of the Victorian tenement buildings along Erskine Street. The corner flatted building will provide a landmark building on this main route into the City from the north. The use of

balconies, generous glazing and large rooms will provide a high quality living space for future occupants. The scale and design of the townhouses blends in with the area and is considered suitable for this inner city site.

## CONCLUSION

Although there is a slight shortfall in the amenity space provided for the flats, it is considered there are material considerations to justify approval of the application. The proposal will greatly enhance this semi-derelict site at the junction of Dura Street and Erskine Street, which is located within the Stobswell Regeneration Area of the City. Therefore the application is recommended for APPROVAL 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 three years from the date of this permission.
- 2 Full details of the proposed finishing materials and boundary treatments shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 3 Full details of a proposed landscaping scheme for the site, including size and type of new planting, all in accordance with BS5837: 2005, shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five 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.
- 4 Development shall not begin until the investigation and risk

assessment proposed in the submitted Stage 1 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 and shall include:

- i the nature, extent and type(s) of contamination on the site;
  - ii measures to treat/remove contamination to ensure the site is fit for the use proposed and does not contain any significant pollution linkages;
  - iii measures to deal with contamination during construction works;
  - iv verification of the condition of the site on completion of decontamination measures.
- 5 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 planning authority.
  - 6 Full details of drainage proposals for the development shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details. Evidence that the details have approval from Scottish Water shall also be submitted
  - 7 Full details of a maintenance plan for the landscaped and open space areas shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
  - 8 Prior to the commencement of development a Noise Impact Assessment, which shall take account of traffic noise and noise from nearby commercial uses and shall include details of noise

readings and proposed mitigation measures where potential noise problems are identified, shall be submitted to the Council for approval. The approved measures shall be fully implemented prior to the occupation of any of the dwellings hereby approved.

- 9 Details of the design and internal layout of the proposed cycle store and bin store building, which shall make provision for at least six cycles shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 10 Any existing accesses that are no longer required as part of the proposed development must be made good as footway to the Council's specifications and at the applicants expense. Details of these alterations shall be submitted for the written agreement of the Council prior to the commencement of development.

## Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.
- 2 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
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- 4 To ensure the site is fit for the proposed residential use
- 5 To ensure the site is fit for residential purposes.
- 6 To ensure that adequate drainage facilities are incorporated into the development site.
- 7 To ensure the open space and landscaped areas are maintained in both the short and long term in the interest of the visual amenity of the site.

- 8 To protect the amenity of future occupants from potential noise disturbance
- 9 To ensure that adequate provision is made for cycle parking in an appropriately designed building.
- 10 In the interests of the safety and free flow of pedestrians.