

KEY INFORMATION

Ward Coldside

Proposal

Demolition of industrial unit and erection 16 residential units

Address

Land to the West of Smith Street, Dundee

Applicant

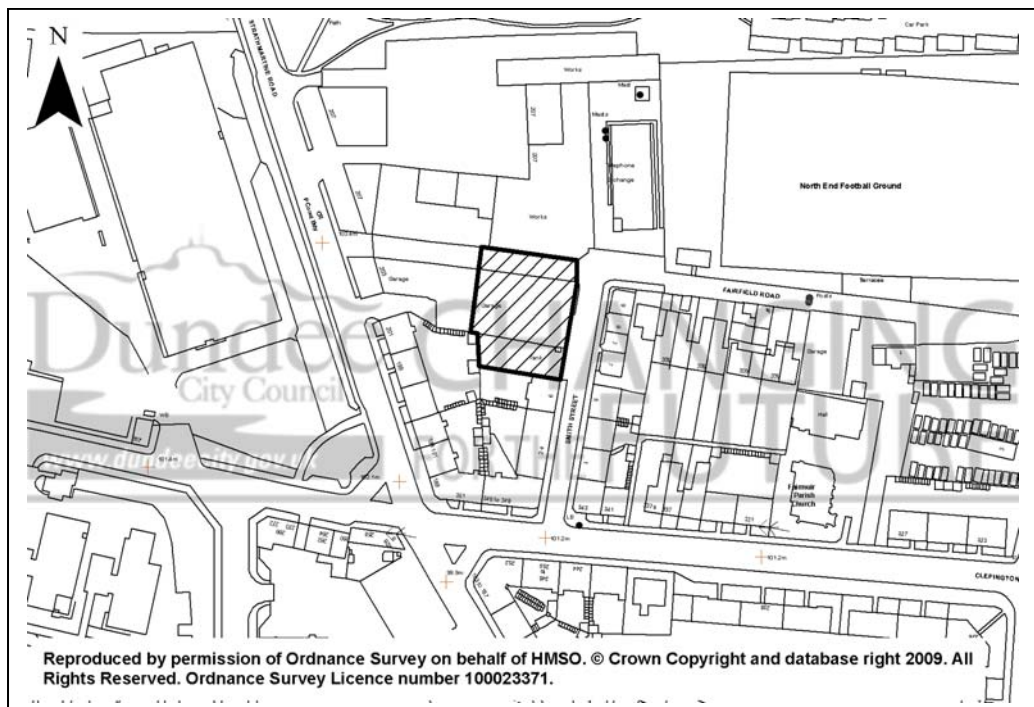
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Case Officer Paul Macari



Housing Development Proposed in Smith Street

The demolition of industrial unit and erection of 16 residential units is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of City Development.

RECOMMENDATION

The proposals do not comply with Policy 2 (Housing Land Release), Policy 4 (Design of New Housing) and Policy 26 (General Economic Development Areas) of the Dundee Local Plan. There are material considerations that justify approval of this application contrary to the provisions of the Development Plan. Therefore, the application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- This application seeks full planning permission for the erection of 16 flats on land to the west of Smith Street Dundee. The proposals will involve the demolition of an existing industrial unit, the erection of a 4 storey building finished in contemporary materials along with the formation of an access road, parking area and communal amenity space.
- Policy 2 (Housing Land Release), Policy 4 (Design of New Houses) and Policy 26 (General Economic Development Areas) of the Dundee Local Plan Review 2005 are relevant to the outcome of this planning application.
- This application has been advertised in the Dundee Evening Telegraph as contravening the criteria of Policy 4 of the Dundee Local Plan Review 2005.
- 6 letters of objection have been received from neighbouring residents. The concerns of the objectors relate to the impact of the proposed development on the surrounding residential environment in terms of parking and access, potential residents, lack of amenity space for children, design, scale and massing of the buildings, the likely impacts upon privacy and overshadowing and loss of property value.
- The concerns of the Objectors are not supported.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of 16 flats on land on the west side of Smith Street, Dundee. The site extends to 0.152 hectares in size.

The flats will be accommodated in a 4 storey linear building that will front Smith Street. A vehicle access and car parking area will be located to the north and west of the proposed building with an extensive communal garden area located to the rear of the building. Within the car parking area there will be a bin store and a cycle store. The bin store has been sized to accommodate 16 wheelie bins while the bike store will provide 10 secure cycle lockers.

Vehicular access to the site will be taken from Smith Street from a new access road located along the northern boundary of the site. 21 parking bays will be located around the periphery of the access road. Recycling facilities will be located along the northern boundary of the site between an area of landscaping and parking spaces 1 and 2.

The flats are 4 storeys in height and of a modern design and finish. The proposed flats will have a floor area in excess of 67m² and will benefit from 2 bedrooms. The communal amenity space located behind the proposed building amounts to 251m² in area. Midway along the southern boundary of the application site it is proposed to form a communal drying facility.

The elevations of the building will be finished in smooth ivory and red facing brick. The roof will be finished in grey coloured single ply roofing membrane with grey clad eaves and soffits. The windows will be double glazed units with grey UPVC frames. The Parisian balconies will be formed from galvanised steel. It is proposed to surface the vehicle access and parking area in brindle coloured paving blocks.

This application requires to be reported to the Council's Development Quality Committee because 6 letters of objection from neighbouring residents have been received.

SITE DESCRIPTION

The application site is located on the west side of Smith Street. The site is currently occupied by an industrial building with white render walls and corrugated metal roof. The building is currently used as an MOT Station. There is an access road to the north of



the building. There are 4 storey stone-built tenement flats to the south and fairly modern 3 storey flats to the east, on the opposite side of Smith Street. Smith Street is a narrow street and cars park on both sides. The street turns through 90° at the north and is



narrower along this section and leads into Fairfield 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 2 stipulates criteria that development proposals must adhere to, to enable the release of land for housing in addition to sites already allocated for housing in the Finalised Dundee Local Plan.

Policy 4 and Appendix 1 set out standards for new housing development. In an Inner City area such as this there are minimum requirements for garden ground and parking provision.

Policy 26 stipulates that development proposals within general economic development areas will be restricted to uses falling within Class 4 (Business), Class 5 (General industrial) and Class 6 (Storage and Distribution) of the Town and Country Planning (use Classes) (Scotland) Order 1997.

Scottish Planning Policies, Planning Advice Notes and Circulars

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

Non Statutory Statements of Council Policy

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

SUSTAINABILITY ISSUES

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

SITE HISTORY

Planning application ref: 06/01121/FUL sought full planning permission for the erection of 21 flats. The Development Quality Committee refused planning permission on the basis that the proposals were contrary to Policy 2: Housing Land Release and Policy 4: Design of New Houses of the Dundee Local Plan Review 2005. This was mainly because the proposed development did not comply with the housing standards contained in Appendix 1 of the Local Plan. Further, the Committee were not satisfied that the proposal would make a positive contribution to the choice of housing available in the local area.

Planning application ref: 08/00329/FUL sought planning permission for the erection of 21 flats. This application was no different to planning application ref: 06/01121/FUL. As such this application was reported to the Development Quality Committee with a negative recommendation. During the Committee meeting after discussions with the Chair and members of the Committee the applicant withdrew the application.

Planning application ref: 09/00413/FUL sought planning permission for the erection of 19 flats. This application was refused planning permission by the Council's Development Quality Committee on 22 September 2009. The reasons for refusal were that the proposed flats would be afforded a low level of amenity given their outlook over the adjoining industrial estate. In addition the proposed flats by virtue of scale, massing and design would overlook and overshadow neighbouring properties.

Planning application ref: 09/00714/FULL sought planning permission to formalise the use of the existing industrial building on site as a commercial car repair garage. This application was granted planning permission by the Council's Development Quality Committee in December 2009.

PUBLIC PARTICIPATION

The Council has followed the statutory neighbour notification procedure. 7 letters of objection have been received from neighbouring residents.

This application was advertised in the Dundee Evening Telegraph as a departure to Policy 4 and Policy 26 of the Dundee Local Plan Review 2005.

6 letters of objection have been received from neighbouring residents and businesses. The concerns raised include:

- design, scale and massing of the buildings;
- traffic, parking and access problems;
- overshadowing and overlooking of adjacent properties;
- loss of property value;
- potential residents; and
- lack of amenity space for children living in the proposed flats.

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

CONSULTATIONS

The Head of Environmental Health and Trading Standards has raised a concern that the application site may be contaminated due to historic uses. Concern has also been raised that the surrounding land uses may give rise to significant levels of noise disturbance.

A contaminated land risk assessment has been submitted to the satisfaction of the Head of Environmental Health and Trading Standards. Environmental Health and Trading Standards are satisfied that the issues of contamination can be addressed by condition should the Committee be mindful to grant planning permission.

With regard to noise, the Head of Environmental Health and Trading Standards has requested additional information from the appointed noise consultants to supplement the original Noise Impact Assessment carried out in 2006. The applicant has submitted a revised noise impact assessment to the satisfaction of the Head of Environmental Health and Trading Standards.

Scottish Water has confirmed that they have no objection to the proposed development and advise that a separate application should be made for connection to their infrastructure, should planning permission be granted.

OBSERVATIONS

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan

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

In terms of Appendix 1 of Policy 4, flats are only permitted in the Inner City where the site is identified in a site planning brief, site specific circumstances demand a flattened solution or conversion of an existing building is proposed.

Smith Street comprises of 4 storey tenement buildings and a recently built 3 storey block of flats. At the northern end of Smith Street there is a general economic development area which accommodates commercial development falling within Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. The application site is located on the western side of Smith Street and is currently occupied by a single storey industrial building that has previously been used as a carpet warehouse and is currently used as a commercial car repair garage. The application site is bound to the south and west by 4 storey tenement buildings and to the east by a 3 storey block of recently built flats. Smith Street has a uniform street frontage whereby the flattened tenement buildings abut the public footway which runs along either side of the street.

While the application site is not allocated in a site planning brief and the proposals do not involve the conversion of the existing buildings on site, the surrounding built form in combination with the uniform street frontage as well as the ever increasing on street car parking pressures dictate that the redevelopment of the application site with flats is acceptable. Principally this is because proposals involving the erection of houses on site would not maintain the street frontage, the provision of off street car parking would lead to additional on street car parking pressures through the removal of existing on-street spaces. Further, the scale and massing of the existing

buildings surrounding the application site would dwarf houses blocking significant amounts of daylight and sunlight from the east and west. Therefore, in this instance site specific circumstances demand a flatted solution.

Appendix 1 to Policy 4 states that flats should have a minimum gross internal floor area of 60m². All flats exceed this figure.

21 car parking spaces are provided, which complies with the parking requirement of 130%. There is a private amenity space of 251m², which complies with the garden space requirement. A separate drying area is located midway along the southern boundary. Secure cycle parking and bin stores are provided within the car parking area. In addition there are 18m between the facing windows of habitable rooms of the proposed and existing flats bounding the application site to the west.

The proposed building extends to 13m in height and has been set back from Smith Street road carriageway by approximately 5m. The distance between the proposed building and existing buildings on the eastern side of Smith Street will be no less than 16m and therefore no significant instances of overshadowing shall occur. Similarly the existing tenement buildings to the west of the application site will be no less than 39m from the proposed flats. The surrounding built form will not overshadow the proposed development or gives rise to significant issues of overlooking. However, as there is only a distance of 16m between the proposed flats and the existing flats on the eastern side of Smith Street the proposals are contrary to Appendix 1 of Policy 4 which stipulates that there must be a distance of no less than 18m between facing windows. Given the existing street pattern there are material considerations that merit support of the proposals contrary to the requirements of Appendix 1 of Policy 4.

In terms of Criteria (b) of Policy 4, the proposed flatted development is of a similar density to the surrounding tenement street pattern. However, unlike the existing tenement buildings the proposals will afford residents off street parking facilities as well as spacious communal garden ground in addition to a communal drying area

and secure bin and cycle storage facilities.

The design and finishing materials of the proposed building are contemporary and the colours proposed will enhance the appearance of Smith Street. The provision of French doors and Parisian balconies on the upper floor flats provides an interesting architectural feature while also maximising solar gain and the penetration of natural daylight into the proposed flats. The proposals are considered a positive addition to the Smith Street streetscape.

In terms of Criteria (a) of Policy 2, the proposals are contrary to the requirements of Policy 4 (Design of New Housing) and Policy 26 (General Economic Development Areas) of the adopted Local Plan. In terms of Criteria (b), (c) and (d) the proposals are considered to make a positive contribution to the quality and choice of housing available in the local area. Unlike previous proposals to develop this site, the current proposals by virtue of high quality design overcome issues of overlooking and overshadowing which were significant in the determination of planning applications ref: 09/00715/FULL and 09/00413/FULL.

Policy 26 (General Economic Development Areas) of the Adopted Local Plan dictates that areas designated for economic development within the city will be restricted to uses falling within Classes 4 (Business), 5 (General Industrial) and 6 (Storage and Distribution) of the Town and Country Planning (Use Classes) (Scotland) Order 1997. The northern section of the application site incorporating the yard area to the north of the existing building is zoned as a General Economic Development Area. Therefore, the use of this area of land for residential purposes albeit as a car parking area is contrary to the requirements of Policy 26. However, there are material considerations that may justify support of the proposals contrary to the requirements of Policy 26. The material considerations relevant to Policy 26 are detailed below.

It is concluded from the foregoing that the proposals do not comply with Policy 2, Policy 4 or Policy 26 of the Dundee Local Plan Review 2005. However, there are material considerations that are detailed below

which justify support of the proposals contrary to the requirements of the Development Plan.

Other Material Considerations

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

A - Justification for Support of the Proposals Contrary to the Requirements of the Development Plan

The proposals are contrary to the requirements of Criteria(a) of Policy 2 as they do not accord with the criteria of Policy 4 or Policy 26 of the adopted Local Plan. However, as demonstrated below there are material considerations that justify support of the proposals contrary to the requirements of Policy 4 and Policy 26. In this instance the requirements of Criteria (a) of Policy 2 are not considered relevant to the proposals.

Appendix 1 of Policy 4 stipulates that there must be a distance of no less than 18m between facing windows of habitable rooms. The existing street pattern comprises of 4 storey tenement buildings fronting either side of Smith Street whereby there is a distance of no more than 12m between facing windows of habitable rooms. The proposed development seeks to replicate the existing streetscape through positioning the proposed flats along the western side of Smith Street. There will be a distance of no less than 16m between the existing flats on the eastern side of Smith Street and the proposed flats on the western side. The existing flats on the western side of Smith Street are already overlooked by the flats at 7 Smith Street. Therefore, the existing flats will be afforded a greater degree of privacy by the proposed development than already exists due to the greater distance between facing windows. In this respect the proposals are not considered to exacerbate existing issues of overlooking of neighbouring properties.

In this instance the material considerations outlined above justify support of the proposals contrary to the requirement of Appendix 1 of Policy 4 of the adopted Local Plan.

The yard area to the north of the existing building on the application site is zoned by the Dundee Local Plan

Review 2005 as being in a General Economic Development Area whereby only uses within Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and Distribution) are permitted.

The purpose of Policy 26 is ensure that a sufficient amount of industrial area is maintained through out the city at all times to promote economic development which is at the heart of the Council's strategy to further develop and enhance the growth of the local economy as well as the role Dundee has in the national economy.

The yard area to north of the existing building was formerly part of Fairfield Road and provided access from Old Glamis Road to Strathmartine Road. This area of Fairfield Road also provided access to the former Airlie Preserve Works. Once the works had closed this stretch of Fairfield Road became redundant and was subsequently incorporated into the curtilage of the current application site as outdoor storage space for the existing industrial building. However, the zoning of this strip of land in the Development Plan is historic and relates to the former industrial use of the buildings to the north of the application site and the purpose of this stretch of Fairfield Road to provide access to the former works.

Access to this area of yard space is taken from a turning head at the northern end of Smith Street. Due to the proximity of buildings to the north and south, the site area is significantly restricted so much so that it would not be possible to erect a building within the yard area or gain access to this area in a commercial vehicle. In this respect the usability of this site for purposes falling within Classes 4, 5 or 6 is restricted.

The proposals seek to utilise the yard area to the north of the existing building on site which is zoned in the adopted Local Plan as a General Economic Development Area to provide vehicular access and parking facilities to serve the proposed flats. This creates a 12m wide buffer zone between the existing industrial uses to the north of the application site and the block of flats which will significantly reduce the potential for noise disturbance as is demonstrated by the Noise Impact Assessment submitted in support of the proposals. The use of the existing yard area to the north of

the building to provide access and car parking to serve the proposed flatted development achieves the requirements of Appendix 1 of Policy 4 while also maximising the level of environmental quality afforded to the proposed flats through the reduction in the potential for noise disturbance.

In this instance it has been demonstrated that there are material considerations that justify the use of part of the application site which is zoned for General Economic Development for residential development.

B - Objections

6 letters of objection were received from neighbouring residents and business owners. The grounds of objection are discussed below:

- 1 Design, scale and massing of the proposed building - the scale, massing, design and finish of the proposed building have been discussed in the Observations Section of this Report. These concerns are not supported.
- 2 Traffic, parking and access problems - the proposed development complies with the parking requirements as specified in Appendix 1 of Policy 4. Whilst it is appreciated that the width of Smith Street is reduced due to existing on-street parking, the proposed development will benefit from 130% off street parking facilities and therefore will not exacerbate existing on-street parking pressures or access issues. The level of traffic introduced by the new development will not adversely affect the flow of traffic on Smith Street or the surrounding road network. Therefore emergency access to Smith Street will not be affected by the proposed development. These concerns are not supported.
- 3 Overshadowing and overlooking of neighbouring properties - this issue has been discussed in the Observations and other Material Considerations sections of this report. These concerns are not supported.
- 4 Loss of property value - concerns of loss of property value are not considered material to the

outcome of this planning application.

- 5 Potential residents - concern has been expressed over the persons who may reside at the proposed flatted development. This is not a material planning consideration and has not been taken into account in the assessment of the proposals.
- 6 Lack of amenity space for children living in the proposed flats - concern has been expressed at the lack of outdoor space available for children who may reside in the proposed flats. The proposed flats will benefit from 251m² of communal garden ground which exceeds the minimum requirements stipulated by Appendix 1 of Policy 4 (Design of New Housing) of the Dundee Local Plan Review 2005. Accordingly it is considered that the proposals provide sufficient space for children to play.

It is concluded from the foregoing that the concerns of the Objectors are not supported.

C - Views of Consultees

The Head of environmental Health and Trading Standards has raised concern that that the proposed flatted development may be affected by instances of noise disturbance from industrial and commercial premises to the north of the application site. The applicant has submitted a noise impact assessment to the satisfaction of the Head of Environmental Health and Trading Standards that demonstrates that noise from adjacent commercial and industrial premises will not impact upon the level of environmental quality afforded to the proposed flats.

The Head of environmental Health and Trading Standards has also raised concern that the application site may be contaminated from historic uses. However, following the submission of a pre-determination risk assessment these concerns can be addressed by condition.

The material considerations detailed above are sufficient to justify a departure from the development plan and in particular Policy 2, Policy 4 and Policy 26 to support the erection of 16 flats on land to the west of Smith Street.

Design

It is considered that the modern design and use of contemporary materials will enhance the appearance of Smith Street.

CONCLUSION

The proposals do not comply with Policy 2 (Housing Land Release), Policy 4 (Design of New Housing) and Policy 26 (General Economic Development Areas) of the Dundee Local Plan. There are material considerations that justify approval of this application contrary to the provisions of the Development Plan.

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 Development shall not begin until a remediation strategy to deal with contamination at the site has been submitted to and approved in writing by the planning authority in keeping with the submitted Stage I Desk Study and Phase 2 Geo-environmental reports. The strategy shall contain proposals to deal with contamination to 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; and
 - iv verification of the condition of the site on completion of decontamination measures.
- 3 Prior to the occupation of the first flat hereby approved the remediation strategy detailed in Condition 2 of this planning permission 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 the Council for written approval.

- 4 Any existing accesses which are no longer required as part of the proposed development must be made good as footway to Dundee City Council standards and specifications.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.
- 2 In the interests of decontaminating the application site and promoting the regeneration of former industrial locations.
- 3 In the interests of decontaminating the application site and to ensure that it is suitable for residential development.
- 4 In the interests of road and pedestrian safety.