

**KEY INFORMATION****Ward** Coldside**Proposal**

Planning permission in principle for the erection of 12 flats and one shop on the site at 224-232 Hilltown, Dundee

**Address**

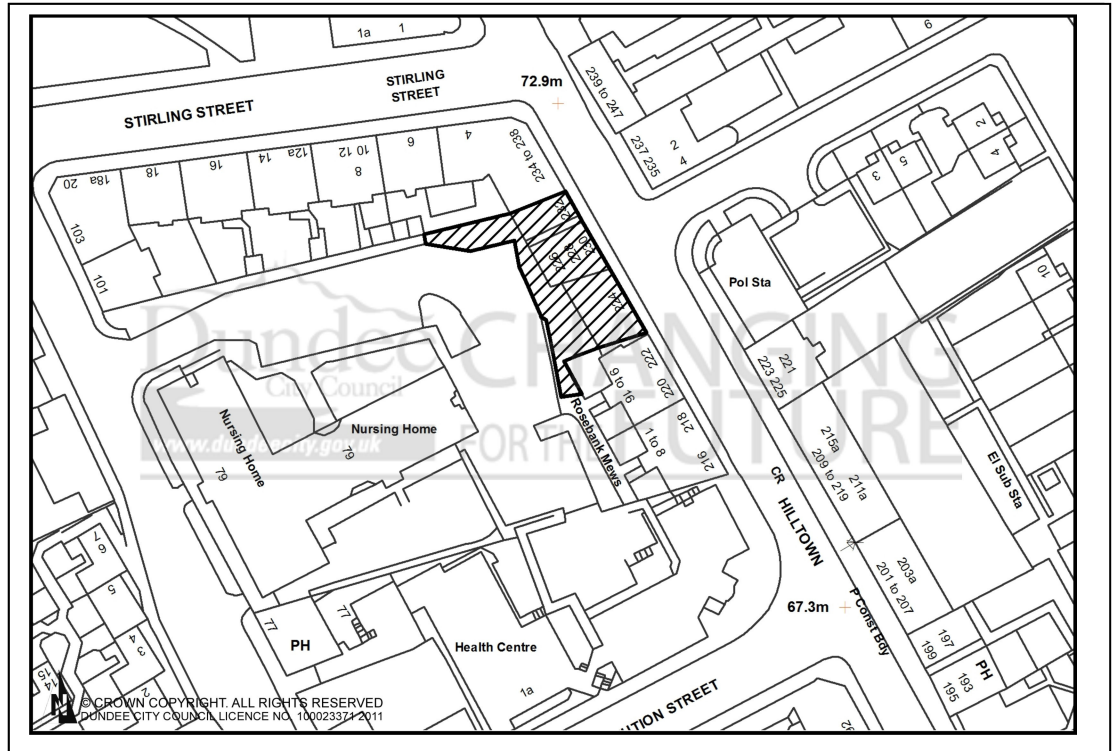
224 Hilltown  
Dundee  
DD3 7AU

**Applicant**

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**Agent**

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**Registered** 21 Jan 2011**Case Officer** B Knox

## Infill Commercial and Residential Development at Hilltown

Planning permission in principle for the erection of 12 flats and one shop on the site at 224-232 Hilltown, Dundee is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of City Development.

**RECOMMENDATION**

The application fails to comply with Policy 4 of the Dundee Local Plan Review 2005 and is in compliance with Policy 38 of the same document. There are material considerations of sufficient strength to justify granting planning permission contrary to the development plan. The application is therefore recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- The application seeks planning permission in principle for the erection of 12 flats and one shop.
- The neighbour notification procedure was followed and three letters of response were received from members of the public stating concerns about the lack of parking for the development.
- There are material considerations to support approval of the application despite the fact that the application fails to meet the requirements of Policy 4 of the Dundee Local Plan Review 2005.
- The application is being reported to Committee as the Council has a financial interest in the site.

## DESCRIPTION OF PROPOSAL

The application seeks planning permission in principle for the erection of 12 flats and one shop. The application site encompasses two parts, one of which is occupied by an existing building and one which was formally occupied by a building but is now vacant. The two sites together forms a large site for development. Matters relating to the siting, landscaping and design shall be the subject of a further application but the applicants agent has provided indicative floor plans and elevational montages to show what could be achieved on site. The indicative plans show a stepped building of modern appearance with a ground floor retail unit to the north of the site with four upper levels and a ground floor residential unit to the south part of the site with just three upper levels. The indicative design shows how the upper floors could be provided with balcony space and a small courtyard garden for the flat at ground floor level with further access to a small green communal garden area for the remaining units.

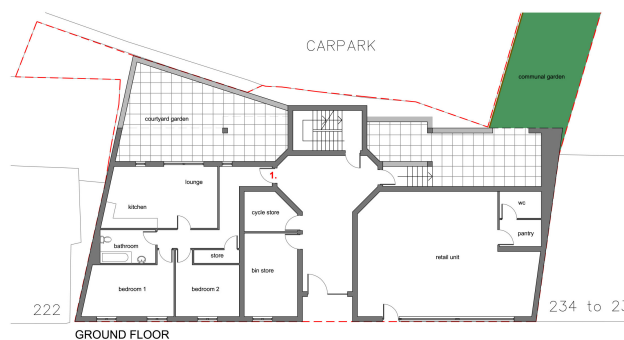
In accordance with the Council's Scheme of Delegation this application is being reported to the development Management Committee because the Council have a financial interest in the development.

## SITE DESCRIPTION

The application site is located on the west side of the Hilltown and is a large site occupying numbers 224 - 232. The southern most part of the site is presently occupied by a large building which has been partly demolished. Most recently, there was a hot food takeaway at ground floor level. The remaining area of the application site is a gap site which was once occupied by a building. It was demolished some years ago as a result of a fire and it now contains supports for the adjoining buildings.

There is a traditional tenement style building to the north which is a Category B Listed Building. Directly opposite the site is a small police station. There are further tenement style buildings in the area ranging from two to four storeys.

To the rear is a nursing home with a busy car parking area. The car parking area is also understood to serve residents of Rosebank Mews building which is adjacent to the application site.



## 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 - this policy sets out requirements for the design and layout of all new housing, which should be of a high quality. As a basis for achieving this, new development at this location will be required to conform to the Design Standards for central Broughty Ferry contained in Appendix 1 of the Plan.

Policy 38: District Centres - within the areas defined on the Proposals Map the City Council will encourage new retail and other shopping developments which would contribute to the vitality and viability of the District Centres.

## Scottish Planning Policies, Planning Advice Notes and Circulars

There are no policies of relevance.

## Non Statutory Statements of Council Policy

Dundee City Council Urban Design Guide.

## SUSTAINABILITY ISSUES

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

## SITE HISTORY

The neighbour notification procedure was followed and three letters of response were received from members of the public.

The valid concern raised by the letters raised concerns that there is to be no parking associated with the proposal. The objector states that it is hard to believe that purchasers of the units will not have cars. The car park to the rear is used by the nursing home, Hillbank Health Centre and residents of Rosebank Mews.

The other concerns raised by the objectors relate to the design and appearance of the building for which permission is not being sought as part of the current application and issues regarding the period of demolition and construction. In addition, other concerns were raised which do not relate to the determination of the current

application and cannot be taken into consideration. The objectors have been advised of this in each instance.

It is intended to comment on the valid objection in the Observations section of the report.

## PUBLIC PARTICIPATION

The application was advertised in the press as a departure to the Development Plan. In addition, the neighbour notification procedure was followed and 3 letters of response were received from members of the public.

The valid concern raised by the letters regarded the fact that there is to be no parking associated with the proposal.

The objectors stated that it is hard to believe that purchasers of the units will not have cars. The car park to the rear is used by the nursing home, Hillbank Health Centre and residents of Rosebank Mews.

The other concerns raised by the objectors relate to the design and appearance of the building for which permission is not being sought as part of the current application and issues regarding the period of demolition and construction. In addition, other concerns were raised which do not relate to the determination of the current application and cannot be taken into consideration. The objectors have been advised of this in each instance.

It is intended to comment on the valid objection in the Observations section of the report.

## CONSULTATIONS

Scottish Water have responded to advise that they have no objections to the development. They also provided detailed advice for the developer which was passed on for information purposes.

The Head of Environmental Health and Trading Standards advised that there is the potential for residents to be disturbed by road traffic noise and it is likely that a Noise Impact Assessment would be required prior to the determination of any subsequent application made to approve conditions. Therefore a condition on the grant of planning permission in principle is appropriate.

The Head of Environmental Health and Trading Standards also advised that the site is over a former dye works which is a potentially contaminative historical land use. A preliminary risk assessment is recommended prior to determination. However, it is considered to be acceptable to attach this as a condition to the grant of planning permission in principle and it will therefore be required as part of the further application for Approval of Matters Specified in Conditions which will be required.

## OBSERVATIONS

### Statutory Requirements

Section 25 of the Act provides that an application for planning permission (other than for a national development)

shall be determined in accordance the development plan unless other material considerations indicate otherwise.

Policy 4 sets out the standards for the design of new housing at this inner city location. Appendix 1 to Policy 4 states that flats will be permitted where the site has been identified in a site planning brief or where site specific circumstances demand a flatted solution. Due to the townscape nature of the area where most of the buildings fronting Hilltown are of tenement style of two storeys or more, a flatted development is considered to be the most appropriate for this site and would allow any development to be in keeping with the urban grain.

Appendix 1 requires flats should have a minimum gross floor space of 60m<sup>2</sup>. Whilst this is not a matter for which permission is sought at this time the indicative floor plans indicate that site could be developed with 12 flats that would be capable of meeting this requirement. The principle of developing housing at this location is therefore appropriate.

As this is an inner city location, the parking standards as stated in Appendix 1 of the Dundee Local Plan Review should be 130%. This may be reduced depending on the provision of on-street parking. There is no opportunity for on street parking directly in front of the development and although the plans are indicative in nature there is unlikely to be any opportunity for parking within the curtilage of the development.

The Dundee Local Plan Review 2005 states that there should be an area of 120m<sup>2</sup> of communal garden for a development of this size. In addition, it states that private communal garden provision may be reduced if balconies that are useable and attractive in terms of size and outlook are provided. The indicative plans provided indicate that it will be possible to provide each of the upper floor flats with an outdoor balcony space. In addition, the indicative plans show that the proposed ground floor flat would be provided with its own courtyard area measuring approximately 45m<sup>2</sup>. Therefore, the actual requirements for the communal space would be 110m<sup>2</sup>. There would be a green communal space measuring approximately 33m<sup>2</sup>. However, it is considered that these proposals would not be sufficient to

meet the requirements of the Policy in this instance.

The application therefore fails to fully comply with Policy 4 of the Dundee Local Plan Review 2005.

Policy 38 is relevant to the determination of the application since it relates to the formation of new uses within the District Centres. The site is located within the Hilltown District Centre but outwith the core area. Therefore it is Policy 38 that is applicable here. This states that the City Council will encourage new retail and other shopping developments which would contribute to the vitality and viability of the District Centres. The proposal is to locate one retail unit in the ground floor of the redeveloped site which will improve the vitality of the proposal and provide opportunity for retailing in this prominent location. It is therefore in accordance with the aims of this Policy.

### Other Material Considerations

#### 1 Dundee Local Plan Review 2005 Departures

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

The site is located in a busy area where there is a relatively high volume of traffic both vehicular and pedestrian which passes each day. The buildings are located hard onto the street and it is anticipated that the siting of any new building would be the same which leaves no option to allow any incorporation of parking within the curtilage of the site. In addition, in terms of the urban form it is desirable that any new development on this site respects the existing hard urban edge

street form. This is the preferred form of development in terms of appearance and this further impacts upon the ability of the site to realistically provide in curtilage car parking.

In addition, the site is easily accessible from the city centre by foot or bus and so represents a location where the reliance on the motor vehicle could be limited.

In terms of garden ground requirements, the proposals fall short of the 120m<sup>2</sup> normally required in this type of situation. The policy also states that private communal garden provision may be reduced if balconies that are useable and attractive in terms of size and outlook are provided.

The balconies proposed for the upper floors are considered to offer the opportunity for outdoor space and a small outdoor area would provide outdoor drying space. The ground floor unit would be provided with its own private courtyard garden. In this urban location, it is not possible to provide outdoor garden areas in accordance with the requirements of the policy. However, it is considered that the balconies, courtyard and communal area are of sufficient quality in this type of location to be sufficient. In addition, it is recognised that due to the restraints of this site it is not possible to meet all the requirements of policy.

## 2 Hilltown Regeneration Framework

The above document seeks to "create a climate of confidence for future investment in the Hilltown area of Dundee". As part of this aim, objectives were identified which include the following:

- to create a "climate of confidence" for future investment in the Hilltown area of Dundee City;
- to review unpopular housing;
- to ensure that new development increases housing choice across a range of sectors and tenures;

- to create a masterplan of physical regeneration and renewal to guide change for the future of the Hilltown; and
- to enhance the area as an attractive place to live.

It is considered that the proposed redevelopment of the site would contribute towards the achievement of these objectives. The indicative plans have shown that it would be possible to create an attractive block of flats that would provide an alternative type of accommodation to that readily available in the area at this time. In light of the above it is concluded that the proposed redevelopment of the site would contribute towards the achievement of some of these objectives.

In the context of the framework the following is also a relevant material consideration:

Renewal - it is recognised that the Hilltown has clusters of relatively small empty commercial premises along the length of the Hilltown spine, in common with some other district centres in the city, as commercial needs and demands have changed. The framework states at page 21 that a proactive approach is required to bring premises back into use and as the building is in poor structural condition the only solution is demolition and new build. The premises, as well as the adjacent vacant sites have blighted this section of the Hilltown spine for some years now.

Buildings at Risk - it is recognised that there are a number of buildings in a poor state of repair in the Hilltown and the building at 224 is beyond repair. Its demolition will provide a viable redevelopment opportunity including a ground floor commercial premises with dwellings above.

## 3 Applicants Design Statement

A design statement was received in support of the application. The document looks at the issues of car parking and residential amenity.

In relation to car parking it states that it cannot be achieved for the following reasons:

- a the site is too small to accommodate off-street parking with cars entering and leaving in forward gear and the Hilltown is a one way street at this point;
- b to provide secure car parking at street level would miss the opportunity to enliven the streetscape;
- c to provide car parking at street level would set this building apart from the traditional street pattern of buildings;
- d pedestrians living in this accommodation have the opportunity of walking downhill to the City Centre with its employment and retail facilities; and
- e the site is convenient for bus routes serving the City. A pragmatic solution is not to provide on-site parking in this situation.

In relation to the amenity that could be offered by a proposed development of this nature the Design statement states that the floor area of each of the units would be approximately 75m<sup>2</sup> and that one unit would have the use of a large private patio and ten other units would have the opportunity to be provided by balconies.

## 4 Views of the Objectors

The valid concern raised by the letters raised concerns that there is to be no parking associated with the proposal. One objector states that it is hard to believe that purchasers of the units will not have cars. The car park to the rear is used by the nursing home, Hillbank Health Centre and residents of Rosebank Mews.

The issue of lack of parking has been assessed in the report above. Whilst the concerns are noted it is of importance to redevelop this prominent gap site. In addition it is considered that the location of the proposal in an accessible part of the city should help to limit car ownership and the small number

of units being proposed should help to limit any adverse impact.

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

- 5 The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

Although the Council has a financial interest in the development of this site, there is no significant departure from the Development Plan. Therefore there is no requirement to refer the application to the Scottish Ministers.

## Design

As this is an application for planning permission in principle there are no details of design at this time. The indicative proposals demonstrate that an attractive design could be achieved on site.

## CONCLUSION

The application fails to comply with Policy 4 of the Dundee Local Plan Review 2005 and is in compliance with Policy 38 of the same document. There are material considerations of sufficient strength to justify granting planning permission contrary to the development plan.

## RECOMMENDATION

It is recommended that consent be GRANTED subject to the following conditions:

- 1 Before development commences written approval from the planning authority must be obtained for the details of the siting, design and external appearance of any building (s) and the landscaping of the site.
- 2 Prior to the commencement of development on site a Noise Impact Assessment (NIA) shall be submitted to and approved in writing by the Council. The development shall thereafter be implemented in accordance with the details of the approved NIA.

- 3 Development shall not begin until a Preliminary Risk Assessment is completed and, if required, an Intrusive Investigation and a scheme to deal with contamination at the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of proposals to deal with contamination to include:
  - i assessment of the risks associated with contaminant sources, pathways and receptors specific to the proposed use of the site, and if necessary;
  - ii a remediation Implementation Plan detailing measures to treat/remove contamination and mitigate risks to ensure the site is fit for the proposed use;
  - iii measures to deal with contamination during construction works; and
  - iv verification of the condition of the site on completion of decontamination measures.
- 4 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.

## Reasons

- 1 To reserve those matters for future consideration by the Council.
- 2 In order to ensure a satisfactory standard of amenity for occupiers of the units.
- 3 In order to ensure the site is suitable for the use proposed.
- 4 In order to ensure the site is suitable for the use proposed.