

Erection of Flatted Development

KEY INFORMATION

Ward West End

Address

19 Roseangle, Dundee

Applicant

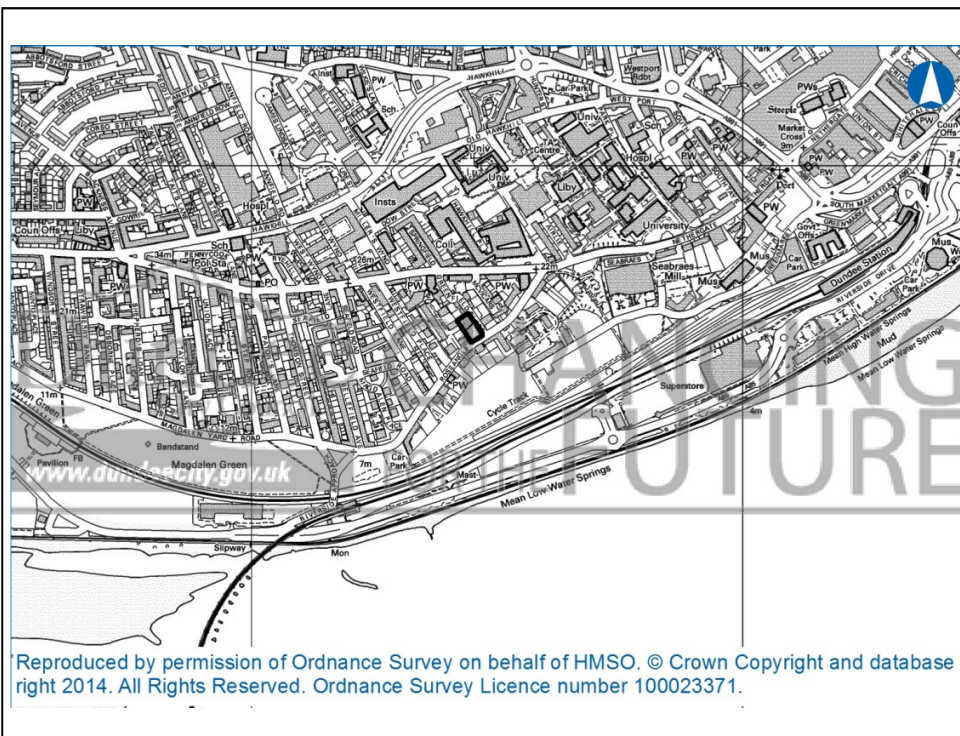
Mr Grant White
Discovery Homes Scotland
Ltd, The Farmhouse, Cambo
Kinross KY13 0NX

Agent

Jonathan Reeve
Voight Partnership Ltd
Erskine Business and Design
Centre, Commerce Street
Arbroath DD11 1WB

Registered 15 Aug 2014

Case Officer Beverley Knox



SUMMARY OF REPORT

- The application proposes the erection of 12 flats on the site of former warehouse buildings.
- The units will be a mixture of 77 and 78m² in internal floor area, excluding the area of the balconies and they are considered to offer high quality living accommodation.
- One letter of objection was received in relation to the boundary wall to the west of the site.
- The West End Community Council has objected to the proposal on the basis that it considers that the application is contrary to the Local Development Plan as the development consists solely of flats.
- The application is in accordance with the requirements of the Development Plan except for the fact that there is no separate drying area proposed as part of the proposals. There are material considerations of sufficient strength, including the redevelopment of a vacant derelict site, to support approval of the proposals despite this small shortfall.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=NACPQVGCKMA00>.

RECOMMENDATION

The proposal does not fully comply with the requirements of Policy 9 of the Dundee Local Development Plan 2014 as there is no separate drying space provided. However, the proposal will provide new housing on a site allocated in the Local Development Plan for this purpose; secure the redevelopment of a vacant, derelict and unattractive site in the Conservation Area; and contribute towards improving the setting and appearance of the Conservation Area. The application is therefore recommended for APPROVAL subject to conditions.

1 DESCRIPTION OF PROPOSAL

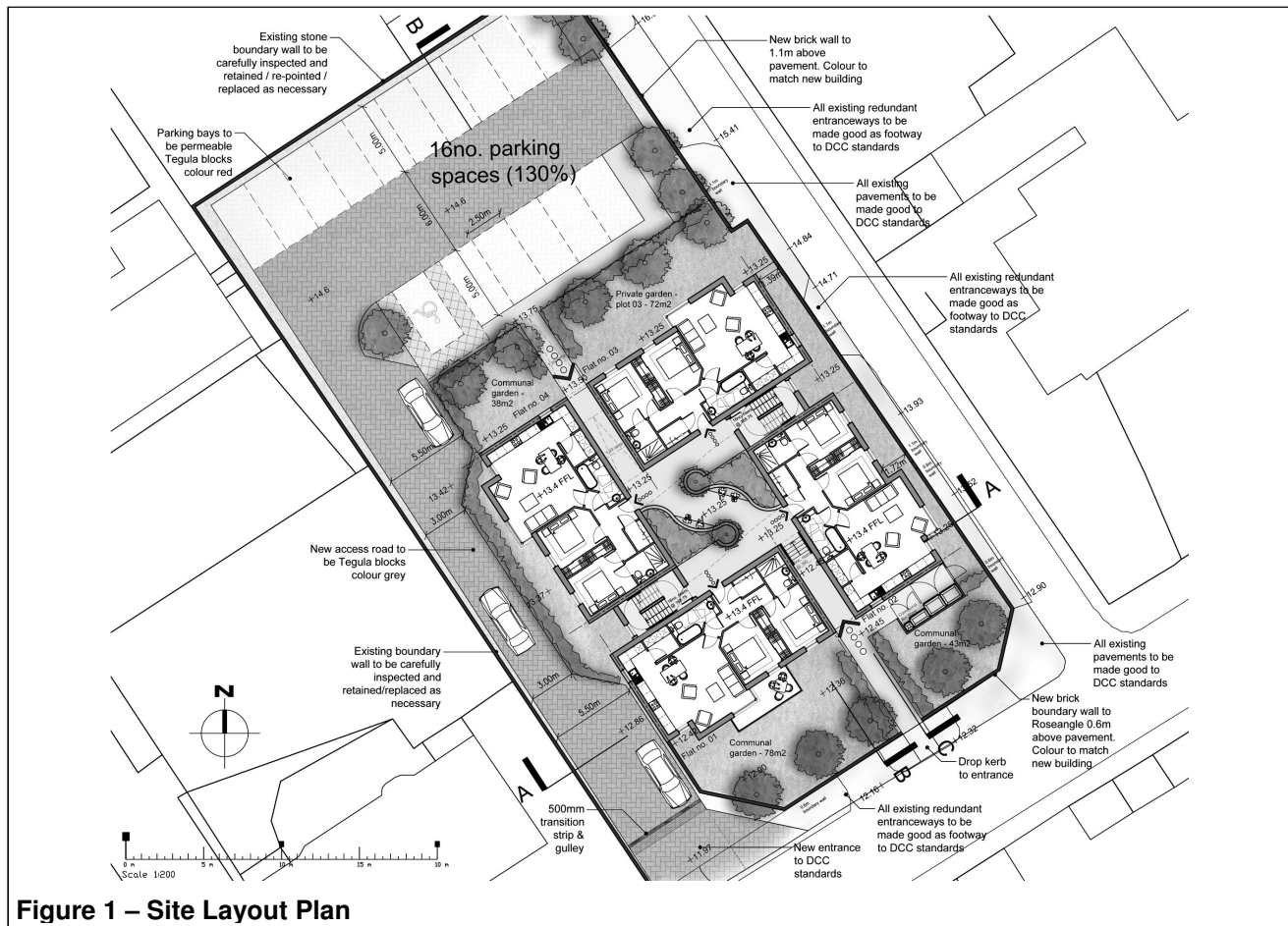
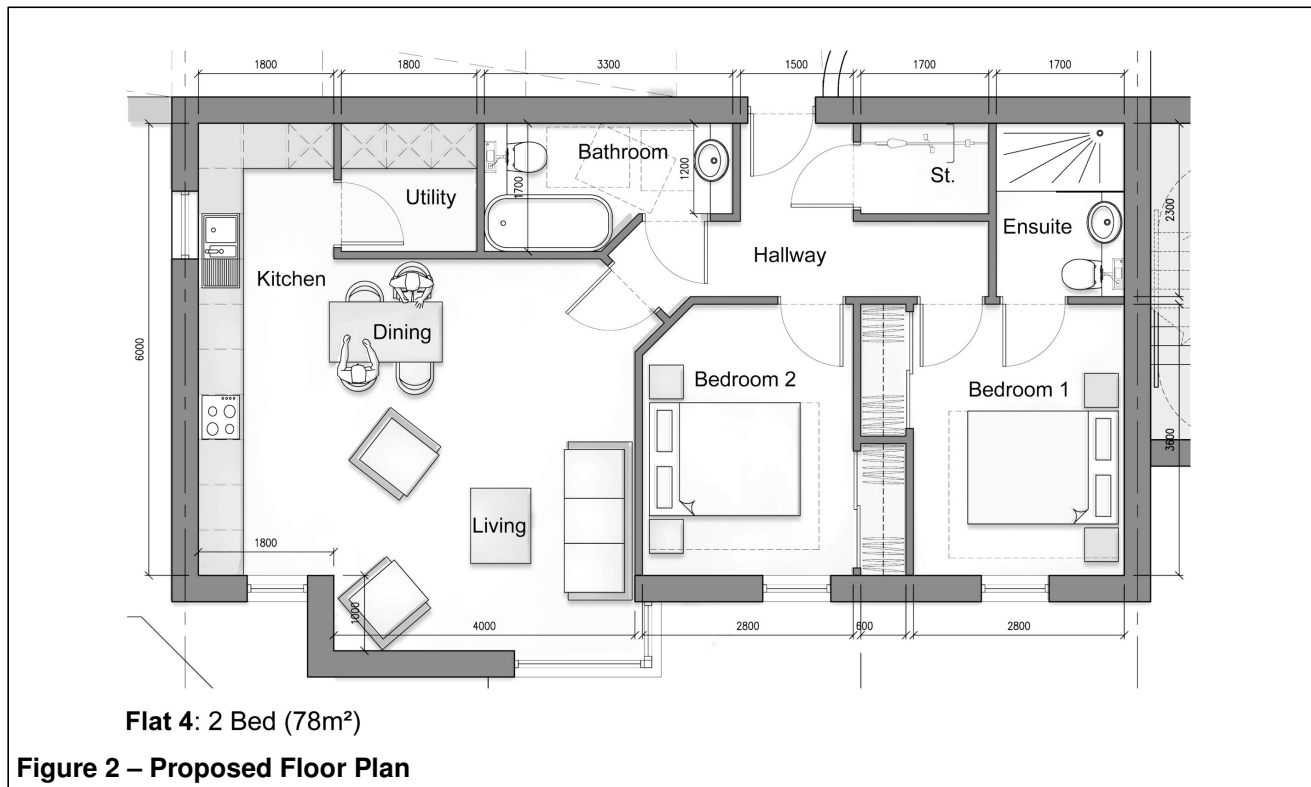


Figure 1 – Site Layout Plan

- 1.1 The application proposes the erection of 12 flats on the site of former warehouse buildings. The units comprise a large kitchen, dining and living area with separate utility area, two bedrooms (one with ensuite facilities), bathroom and a separate storage area. Each of the units would also be provided with an outdoor balcony space, apart from three of the ground floor units. Two of these units have access to small areas of outdoor space around the development, including the attractive landscaped central core area. The remaining property will be provided with a private garden ground area of approximately 72m² in size.
- 1.2 The units will be a mixture of 77 and 78m² in internal floor area, excluding the area of the balconies.
- 1.3 The building is to be positioned at the front of the site and is comprised of four distinctive blocks of three storeys, each linked with a largely glazed element with a roof sitting at a lower level. The building is to be finished in white smooth cement render with a dark grey cladding and buff coloured brick cladding system. The roof is to be finished in a dark grey cement slate style system and the windows are to be grey aluminium. As part of the landscaping, it is proposed that there would be a new boundary wall to the east and south of the site to be 0.6 metres in height and the colour and material to match the brickwork on the building. The position and layout of the buildings means provides an internal courtyard feature and this is to be provided with soft landscaping and a small seating area for enjoyment by all of the residents.

- 1.4 There is to be vehicle access to the west of the site taking the form of a driveway style opening which will be narrow with passing places. This is to be finished with grey colour blocks.

2 SITE DESCRIPTION



- 2.1 The application site is located on the north side of Roseangle. The site is a large rectangular shape with buildings running along part of the frontage onto Roseangle and turning the corner up Greenfield Place. They are of considerable scale and sit on the edge of the site, which creates a sense of enclosure and contributes towards the typical “lane” character found in this part of the city.
- 2.2 The existing buildings are vacant and of a dilapidated, derelict appearance. They are unsuitable for modern use and have been the subject of vandalism. To the west of the site is an open area of scrubland which was previously occupied by similar buildings.
- 2.3 The site was last in use for industrial purposes but the surrounding area is residential in character.
- 2.4 To the west of the site is a building in office use and the building to the east is partly occupied by an art gallery use with residential use in other parts of the building. There are mature trees in the grounds of the property to the east which contribute to the character of the Conservation Area and provide screening of the adjacent buildings. There is a residential property to the north of the site and there are mature trees running along the southern boundary of this property.

3 POLICY BACKGROUND

- 3.1 The following plans and policies are considered to be of direct relevance:

TAYPLAN STRATEGIC DEVELOPMENT PLAN 2012-2032

TAYplan: Policy 5: Housing

DUNDEE LOCAL DEVELOPMENT PLAN

Policy 7: High Quality Design

Policy 8: Housing Land Release

Policy 9: Design of New Housing

Policy 29: Low and Zero Carbon Tech in New Development

Policy 38: Trees and Urban Woodland

Policy 40: Waste Management Requirements for Developments

Policy 42: Sustainable Urban Drainage Systems

Policy 45: Land Contamination

Policy 50: Development in Conservation Areas

SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS

Scottish Planning Policy: The Policy states that the strategic development plan should identify the housing land requirements for city regions and local development plans should allocate land on a range of sites which is effective or capable of becoming effective up to year 10 from the predicted date of adoption. This report will demonstrate that these requirements have been met by the TAYplan and the Dundee Local Development Plan.

- 3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

4 SITE HISTORY

- 4.1 Previous planning application 14/00259/FULL – erection of 12 flats was withdrawn by the applicant following discussions regarding the design and position of buildings on site.
- 4.2 14/00257/CON – consent has been granted for the demolition of the derelict buildings on site subject to conditions that a suitable redevelopment scheme with planning permission is in place prior to any demolition works taking place.

5 PUBLIC PARTICIPATION

- 5.1 The Statutory Neighbour Notification was carried out and the application was advertised in the local press.
- 5.2 One letter of objection was received in relation to the proposals raising concerns that the plans indicate the boundary wall between the site and 23 Roseangle is to be inspected and removed/repared as necessary. The objector considers that the wall is a feature of 23 Roseangle and is in keeping with the building and the entire surrounding wall and that demolition or removal would be detrimental to the existing property at 23 Roseangle.
- 5.3 Members will have had access to the letter and the issues raised are considered in the Observations section below.

6 CONSULTATIONS

- 6.1 **West End Community Council** – The Community Council objects to the proposal on the basis that it considers that the application is contrary to the Local Development Plan as the development consists solely of flats. The concern in this regard arises from the over provision of flats relative to houses in the city. The Community Council supports stable communities and considers that being able to move house within an area rather than being forced to leave due to lack of suitable properties is important.
- 6.2 These points will be considered in the Observations section below.

7 DETERMINING ISSUES

- 7.1 **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.

TAYPLAN STRATEGIC DEVELOPMENT PLAN 2012-2032

- 7.2 **Policy 5: Housing** - requires Local Development Plans to identify appropriate land to be allocated for housing to ensure a generous supply of effective housing sites to provide for the delivery of the required level of housing as detailed in Proposal 2 and to provide flexibility and choice.
- 7.3 **The proposal satisfies the requirements of Policy 5.**

DUNDEE LOCAL DEVELOPMENT PLAN

- 7.4 **Policy 8: Housing Land Release** - the principle of development on this site for housing is established through its allocation in the Dundee Local Development Plan as sites H07 and H08.
- 7.5 Policy 8 Housing Land Release seeks to ensure that a 5 year supply of housing land is maintained over the Plan period. To achieve this, housing sites allocated in Appendix 2 are not to be developed for other uses. As the proposed development is for housing then it would raise no issues of concern in terms of the aims of this Policy. To ensure that sufficient land is allocated Appendix 2 provides capacities for each of the allocated sites. Whilst capacities for each site are provided, it is still incumbent on any proposed development to demonstrate that the design and layout is in accordance with Policy 9 (Appendix 3). As part of this process it is accepted that the number of units that can actually be accommodated may increase or decrease from that identified for each of the allocated sites.
- 7.6 The proposed development for 12 flats exceeds the indicative capacity of 10 units across both sites identified in the Local Development Plan. However, the proposed development has been assessed against the requirements for new housing set out in Policy 9 (Appendix 3) and it has been established that the proposal is largely in accordance with these standards. As the proposals are for an increase in the capacity of the site it would not

undermine the delivery of the housing strategy as set out in Policy 8. It is considered that the proposed development is in accordance with Policy 8.

7.7 **The proposal satisfies the requirements of Policy 8.**

7.8 **Policy 9 and Appendix 3: Design of New Housing** - due to the location of the site the inner city standards in Appendix 3 of the Dundee Local Development Plan 2014 are relevant.



7.9 The design and layout of new housing developments in Dundee should be of a high quality and contribute to creating places that build on and enhance the distinct character and identity of the different parts of the city.

7.10 With regard to the proposed flats, Appendix 3 states that flats will only be permitted under certain specific criteria. One of the criteria is that "site specific circumstances demand a flatted solution".

7.11 The applicant has provided a comprehensive Design Statement which looks at the ethos and approach to the design of the development. As part of this, it makes reference to the building heights in the vicinity, the impact upon the Conservation Area and the layout and composition of the flats themselves. The building has been designed with the flats located around a central landscaped courtyard, partially covered which will give the impression of one large block within the grounds. This approach is in keeping with the character of this part of the Conservation Area where there are large villas set within their own grounds. The

development of houses rather than flats would not result in this form of development on the site. In light of the above, the site specific circumstances support the flatted solution proposed.

- 7.12 The proposed development includes 16 car parking spaces and this satisfies the LDP requirements.
- 7.13 In terms of the amenity and garden space the LDP advises that private communal garden provision may be reduced if balconies that are useable and attractive in terms of size and outlook are provided. In this instance, it is proposed to provide all of the upper flats (8 no) and one ground floor flat with balconies. Of the remaining ground floor units, one will be provided with a private area of garden ground and the others will have access to the grounds on a communal basis, including the area within the central courtyard which will be accessible to occupiers of all properties. This is considered to be acceptable in terms of the Plan requirements for amenity space.
- 7.14 The siting of the balconies has been carefully considered to ensure there are no arising issues with overlooking affecting nearby properties. In this regard, the applicant has provided information on this topic within their submitted Design Statement and the following observations are made on this information:
- 7.15 Balconies facing due south to Roseangle – these balconies face onto the public street and the property directly opposite has no private garden space at the front. In addition, the balconies are approx. 20m from the house opposite (no. 26 Roseangle).
- 7.16 Balconies facing due east to Greenfield place – the position of these balconies are such that the main views will be to a front garden/driveway area of the properties at 17 Roseangle and therefore there is unlikely to be any overlooking of private areas as a result. In addition, there are tall/mature trees along the Greenfield Place boundary which help to mitigate any effect or feeling of being overlooked.
- 7.17 Balconies facing due north to 7 Greenfield place – the balconies are over 21m from the boundary wall, which is also separated from the proposed site with high mature trees. The distance and presence of mature trees shall ensure that the balconies do not give rise to unacceptable loss of privacy to this property.
- 7.18 Balconies facing due west - are deemed acceptable as they do not overlook any private gardens as the area directly to the west of the mutual boundary wall is comprised of a car parking area.
- 7.19 It is therefore concluded that the proposed balconies are acceptable in providing a suitable outdoor space in this inner city location and do not give rise to privacy issues.
- 7.20 The proposal does not include a separate drying area, although the applicant has indicated that indoor drying facilities will be provided. However, this does not satisfy the requirements of the Plan.
- 7.21 The Local Plan indicates that there should be a minimum of 18 metres between facing windows of habitable rooms. The windows within the development comply with this as there is more than 18 metres from facing windows or in other case the windows at an acceptable distance/angle such as to avoid issues that directly facing windows might be likely to cause.
- 7.22 The plans indicate that secure indoor bike storage is to be provided with the provision of extra large storage spaces within each flat, capable of housing a single bike in addition to

the usual household requirements that such storage facilities would normally be utilised for. This is considered to be acceptable.

- 7.23 In relation to the general requirements of Appendix 3 of the Plan with regard to the design of new housing, the site layout sets aside a suitable area for the provision of waste and recycling. For this purpose, there is to be a small lean-to structure within the site which is considered to be suitable for this purpose.
- 7.24 Furthermore, the applicant has provided details regarding the provision of an electric car charging facility within the visitors car parking area. This is considered to be a positive contribution towards the development and will be to the benefit of future occupiers of these properties.
- 7.25 **It is considered that the application satisfies the requirements of Policy 9 with the exception of the provision of a separate drying area.**
- 7.26 **Policy 7: High Quality Design** - the policy states that “all development must contribute positively to the quality of the surrounding built and natural environment and should be planned and designed with reference to climate change, mitigation and adaptation. The design and siting of development should respect the character and amenity of the place and should create and improve links within the site and into the surrounding area beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.”
- 7.27 It is considered that the proposed development provides a well designed modern housing development which respects the existing area and will integrate well into the surroundings in terms of scale, positioning on site and materials.
- 7.28 **The proposal satisfies the requirements of Policy 7.**
- 7.29 **Policy 35: Protected Species** - the above Policy provides guidance on development proposals which may effect a European Protected Species. Due to the derelict condition of the buildings on site, the applicant was requested to provide a Bat Survey in order to determine the extent of any bats on site. The survey has concluded that:
- no roosting bats, roosts and few potential roosts were identified in the buildings;
 - there was no bat activity directly associated with the warehouses and no evidence they were of any significance for bats locally;
 - in view of the very low bat interest on the site, it is considered that, in this case, no further survey is needed;
 - in view of the above, no licences in respect of bats will be needed before the building is demolished. Work can be carried out at any time and mitigation for bats will not be needed;
 - foraging habitat in the area will not be affected by the proposed demolition and redevelopment of the site; and
 - since no bat roosts were identified in the buildings, there will be no impact on bat populations locally from loss of roost site.
- 7.30 It is therefore the case that the buildings have no presence of bats and there are therefore no further actions in this regard required.

- 7.31 **The proposal satisfies the requirements of Policy 35.**
- 7.32 **Policy 45: Land Contamination** - the policy requires that:
- 1 "a site investigation is submitted establishing the nature and extent of contamination; and
 - 2 the Council is satisfied that remediation measures proposed for the development, adequately address contamination risks to all receptors, such that the land demonstrably does not meet the statutory definition of contaminated land and is suitable for the planned use."
- 7.33 Reports have been submitted and it is concluded that the development can address the issue of land contamination and these matters can be the subject of appropriate conditions.
- 7.34 **Subject to those conditions, it is concluded that the proposal satisfies the requirements of Policy 45.**
- 7.35 **Policy 40: Waste Management** - the applicant has identified a suitable location within the site to provide communal bin storage facilities. It is considered that this will accommodate the required bin stores to meet the Council's waste strategy.
- 7.36 **The proposal satisfies the requirements of Policy 40.**
- 7.37 **Policy 42: Sustainable Drainage Systems** - the applicant has provided details in relation to the proposed drainage strategy on site and this information satisfies the requirements of the above Policy.
- 7.38 **Policy 29: Low and Zero Carbon Technology in New Development** - the policy requires that, for specified developments, carbon emissions will be reduced by defined percentages through the installation and operation of zero-carbon generating technologies. The submitted Design and Access Statement provides some information regarding the energy saving measures in the construction of the proposed flats. An appropriate condition will ensure that a Statement is submitted in accordance with the terms of Policy 29.
- 7.39 **Policy 50: Development in Conservation Areas** - the policy requires that developments preserve or enhance the character of the area and retain features which contribute to its character. The unique character of the Perth Road Lanes Conservation Area is described in its title. The street patterns and narrow lanes with the architectural character all combine to create the environment enjoyed by residents and visitors. The area is densely developed and characterised by tenements or terraced dwelling with large villas in generous grounds.
- 7.40 The design and layout of the proposed building attempts to create a modern interpretation of a large villa occupying generous grounds. This form of development relates well to this particular location within the Conservation Area where the development of a more conventional style of block of flats would be less successful. It is therefore considered that the form and massing of the proposed flats is acceptable and appropriate.
- 7.41 As mentioned in the site description, the site at present is semi-derelict in parts, the boundary walls are in varying states of repair, the site is overgrown and does not provide an attractive boundary to adjacent residential properties. For these reasons, the proposed development would improve the environmental quality of the Conservation Area.
- 7.42 In addition to the above, the development removes an area of dereliction which has been partly vacant for many years and of little benefit to the character of the Conservation Area.

- 7.43 **The proposal satisfies the requirements of Policy 50.**
- 7.44 **Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997** - Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the area.
- 7.45 These issues have been discussed and discharged in the section above in relation to the Dundee Local Development Plan 2014. The proposals are sympathetic to the character and appearance of the conservation area and will result in a positive change to the conservation area as exists. The application is therefore considered to discharge the statutory duties set out above.

OTHER MATERIAL CONSIDERATIONS

A - SUPPORTING STATEMENTS

- 7.46 The applicant has submitted a Design and Access Statement, as required by statutory legislation. Whilst some minor details within those reports have been superseded by more recent changes to the layout, the general principles behind these documents are acceptable as material considerations in support of the application.

B – OUTDOOR DRYING FACILITY

- 7.47 The nature of the design and layout of buildings on site means that although there is a sufficient level of amenity space associated with the development, there is no opportunity for the provision of a separate drying area in addition. Although there may have been the potential for the buildings to have been arranged differently on site such as to accommodate this requirement fully, it would have resulted in a development that was less successful in terms of townscape and design. It was considered important to balance the requirements of the Local Plan in relation to housing requirements and the impact upon the conservation area and surrounding street scene by the scale, massing and position of buildings on the site. In this instance, it is therefore considered that the overall quality of the proposals, even with this small shortfall is of a sufficiently high quality to forgo this requirement.

C – VIEWS OF COMMUNITY COUNCIL

- 7.48 The Community Council considers that the application is contrary to the Local Development Plan as the development consists solely of flats. The concern arises from Dundee's housing stock's over provision of flats relative to houses. The Community Council supports stable communities and consider that that being able to move house within an area rather than being forced to leave due to lack of suitable properties is important.
- 7.49 This issue has been discussed in relation to Policy 9 of the Plan where it was concluded that, with the aid of the submitted Design Statement, there are site specific circumstances that demand a flatted solution rather than the development of housing on site. Appendix 3 of the Plan advises that flats will be permitted where, amongst other things, this can be identified.
- 7.50 In relation to creating "stable communities" where people are able to "move house within an area" it is noted that the proposed flats are of a high standard with fairly generous living accommodation being proposed. As such, the flats will offer a housing choice to a range of individuals within the locale, including professionals and young couples such as to support the creation of stable communities.

7.51 Therefore, in this instance the views of the Community Council are not supported.

D – VIEWS OF OBJECTOR

7.52 One letter of objection was received in relation to the proposals raising concerns that the plans indicate the boundary wall between the site and 23 Roseangle is to be inspected and removed/repared as necessary. The objector considers that the wall is a feature of 23 Roseangle and is in keeping with the building and the entire surrounding wall and that demolition or removal would be detrimental to the existing property at 23 Roseangle.

7.53 It is agreed that the presence of the boundary wall in this location makes a contribution to the Conservation Area and it is considered that a boundary wall will be required in this location with the erection of the proposed flats to ensure privacy. The plans indicate that the existing wall to the west of the site is to be carefully inspected and retained/replaced as necessary.

7.54 This is considered to be acceptable provided that full details are provided as part of a condition to allow the Council to agree the nature of the works to take place and what replacement materials, if required, would be appropriate. It is considered that, with this measure in place, the concerns of the objector can be adequately alleviated.

7.55 **It is concluded from the foregoing that the material considerations which weigh against the proposal are not of sufficient weight to support refusal of the application which is largely in accordance with the requirements of the Development plan.**

8 CONCLUSION

8.1 The proposal fails to comply with the Development Plan as there is no separate drying space provided with the proposals. However, the material considerations of the benefits of the development including the redevelopment of a vacant, derelict and unattractive site in the Conservation Area shall contribute towards improving the setting and appearance of the Conservation Area and are therefore considered to be sufficiently strong material considerations to offset this small deficiency. It is therefore recommended that permission be granted subject to conditions.

9 RECOMMENDATION

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

- 1 Prior to the commencement of the construction of the development hereby approved, a comprehensive landscaping scheme for hard and soft landscaping shall be submitted for approval and the works shall be carried out only in accordance with such approved details.
- 2 That all planting comprised in the approved details of landscaping be carried out in the first planting season following the completion of the development or at earlier stages and any plants or trees which within a period of 5 years from the commencement of the use die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.
- 3 A Sustainability Statement demonstrating the extent to which the new build elements of the development will meet the requirements of Policy 29 of the proposed Dundee Local

Development Plan 2012 shall be submitted for the approval of the Council and the works shall be completed in accordance with the approved Statement.

- 4 Prior to the commencement of development full details for the finishing materials for the entire development proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples.
- 5 Development shall not begin until detailed plans for the investigation and risk assessment proposed in the submitted Stage 1 Desk Study are submitted and approved by the Council. The investigation and risk assessment must be completed and, if necessary, a remediation strategy to deal with any 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; and
 - d verification of the condition of the site on completion of decontamination measures.
- 6 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
- 7 Prior to the first occupation of any of the hereby approved properties, full details for a scheme to provide an electric vehicle charging point shall require to be submitted to and approved in writing by the Council. For the avoidance of doubt the details shall include a timetable for implementation and position within the site. The charging point shall thereafter be installed and operated in complete accordance with the agreed details.
- 8 Prior to the commencement of development on site, full details for any repair/alterations to the existing boundary walls shall be submitted to an approved in writing with the Council and thereafter implemented in full accordance with the agreed details.
- 9 Prior to the commencement of construction, details of the public art provision for the development, in accordance with Policy 7 of the Dundee Local Development Plan 2014, shall be submitted to the planning authority for written approval and subsequent approval of detailed designs. For the avoidance of doubt, the public art provision shall be completed in accordance with such approved details within a specified period of time that has been agreed in writing with the planning authority.

REASONS

- 1 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 2 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.

- 3 In order to demonstrate that the new development will meet the required carbon emissions reduction standards in the interests of the environment.
- 4 In order to ensure a high quality finish for the redevelopment of the site.
- 5 To ensure the site is fit for the purpose proposed
- 6 To ensure the site is fit for the purpose proposed.
- 7 In order to agree suitable methods of providing electric car charging on site.
- 8 In order to ensure that any works to these walls are in keeping with the character and appearance of the conservation area.
- 9 In order to provide for public art in the interests of visual amenity and the appearance of the site.