

Housing Development

KEY INFORMATION

Ward Lochee

Address

Lochee Old Parish Church
5 Bright Street
Dundee

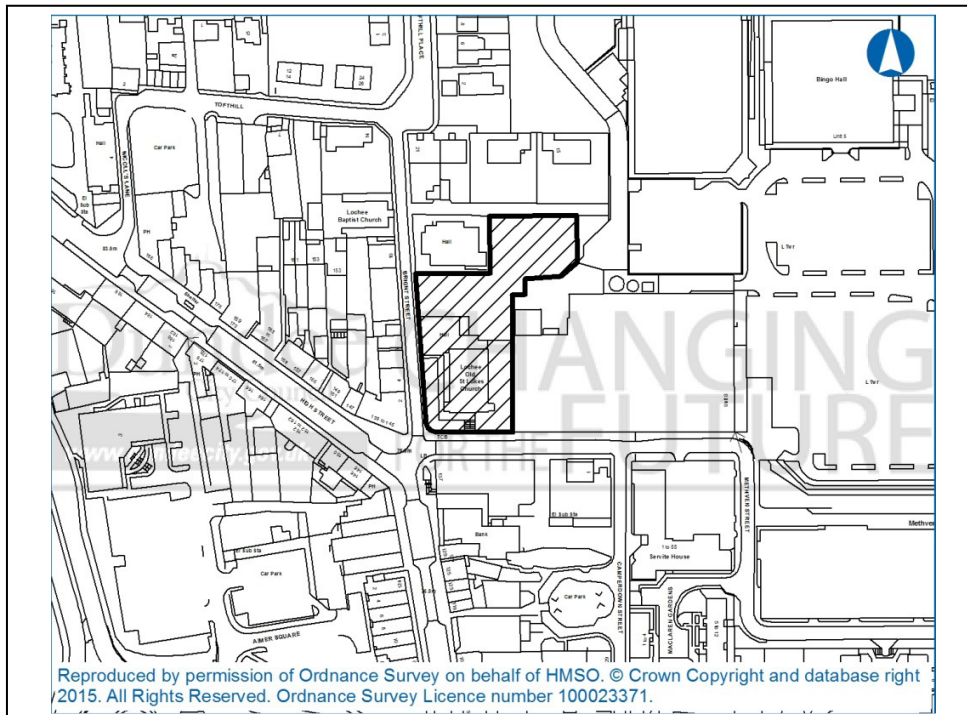
Applicant

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Agent

Registered 29 July 2015

Case Officer Paul Macari



SUMMARY OF REPORT

- Planning permission is sought for the conversion of the B Listed former Lochee Old Parish Church and Hall to form 11 residential units with internal and external alterations and the erection of 5 terraced houses on land to the north east with a new road access and parking.
- A total of 12 objections have been received which raise, amongst other things, issues in relation to the number of new build properties and concerns regarding privacy.
- The proposals comply with most aspects of the Development Plan in terms of parking levels, house type, privacy and garden ground but are unable to provide in curtilage parking spaces for all proposed houses and the conversion proposals include a one bedroom flat.
- There are material considerations of significant weight to support approval of the proposals, including the re-use of a vacant Listed Building in a prominent location within the Conservation Area.
- More details can be found at: <http://idoxwam.dundee.gov.uk/idoxpa-web/simpleSearchResults.do?action=firstPage>.

RECOMMENDATION

The application fails to comply with Policy 9 in the Dundee Local Development Plan 2014 as the proposals include a one-bedroomed flat and not all of the proposed dwellings provide in curtilage parking and Policy 11 by virtue of the failure to meet all requirements of Policy 9. However, there are material considerations of sufficient strength to justify approval of planning permission. Therefore, the application is recommended for **APPROVAL** subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission is sought for the conversion of the B Listed former Lochee Old Parish Church and Hall to form 11 residential units with internal and external alterations and the erection of 5 terraced houses on land to the north east with a new road access and parking.
- 1.2 The church will be converted into eight 2 bedroomed flats ranging in internal floor areas from 63m² to 75m² and one 1 bedroom flat of 54m². These units are to share a communal garden area that runs around the church building to a total area of 563m². One of the units (Unit 9) has an additional area of private garden accessed through new doors on the east elevation.
- 1.3 The hall shall be converted into two 3 bedroom townhouses and will provide floor areas of 120m² and 129m². These units each have a private garden space of 47m² and 87m².
- 1.4 These units will share a communal bin store, an enclosed bike store and a separate drying area.
- 1.5 A terrace of five 3 bedroom dwellings is proposed to be located in the north east of the site. They are to be positioned along the northern boundary of the site. The units will be served by private garden grounds to the north and south.
- 1.6 Each house has 3 bedrooms and an internal floor space of 98m². Each of the units varies slightly due to the shape and nature of the site. The private garden areas range from 87m² to 102m².
- 1.7 A new access will be formed to Bright Street where the existing stone walls will be set back. The new access will serve the 24 car parking spaces for the new dwellings. No vehicle access is proposed via Bright Street Lane.
- 1.8 Externally, the church and hall will not be significantly altered. Later extensions will be removed, new doors will be formed and

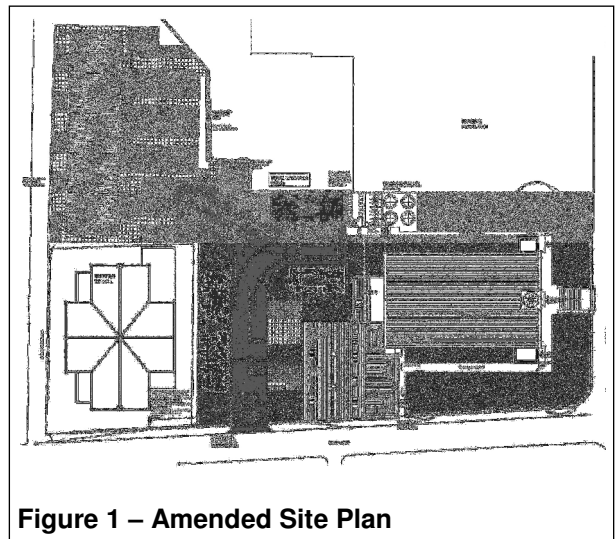


Figure 1 – Amended Site Plan

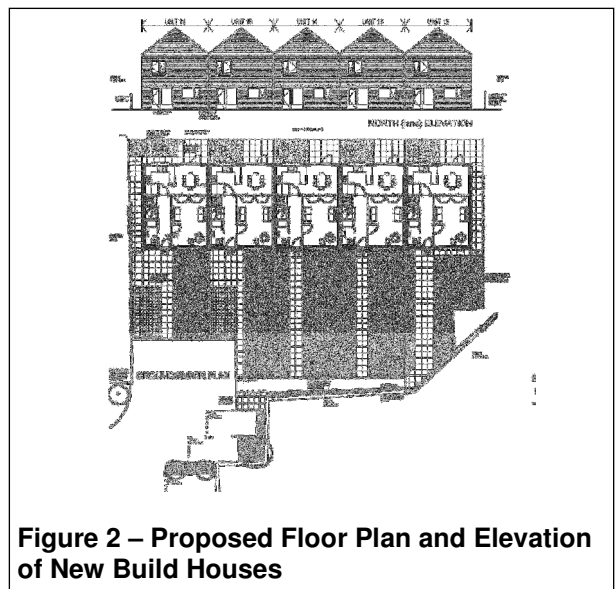


Figure 2 – Proposed Floor Plan and Elevation of New Build Houses

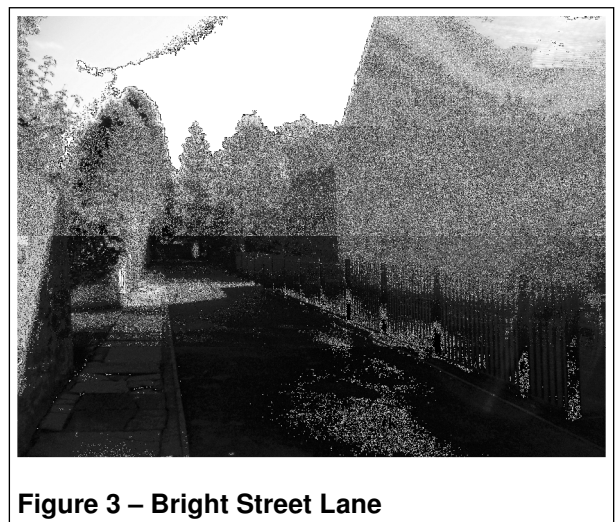


Figure 3 – Bright Street Lane

there will be “conservation” style roof lights in the roofs. Boundary walls, fences and railings will complement the existing features and the trees around the church will be retained.

- 1.9 In addition to the residential accommodation a self-contained office has been proposed within the western portion of the single storey annexe to the hall which the applicants have advised is to facilitate the on-site management operation of the completed development.
- 1.10 In accordance with the Council’s Scheme of Delegation this application was reported to the Development Management Committee on 16 November 2015 as 9 valid letters of objection had been received. Members decided to defer the application following clarification that there was no right of access from the application site on to Bright Street Lane and due to concerns relating to parking pressure in the surrounding area.
- 1.11 The applicant has submitted revised plans omitting the pedestrian access from the terrace of five houses on to Bright Street Lane, creating communal bin storage facilities for the terrace of houses, allocating 3 parking spaces to the 3 terraced houses that do not have curtilage parking and creating curtilage parking for the units created within the church hall. The applicant has also submitted a revised Design Statement, a Supporting Statement, a Conservation Statement, details in relation to the repairing and conserving of masonry and supporting contamination information.



Figure 4 – Site Photo

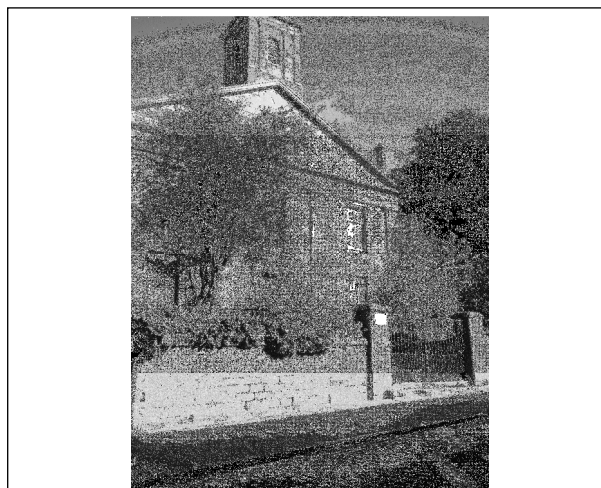


Figure 5 – View of Site From Methven Street

- 1.12 The revisions to the development proposed accord with Section 32A of the Town and Country Planning (Scotland) Act 1997 as amended 2006. This is because the revisions do not substantially change the description of development for which planning permission is sought.

2 SITE DESCRIPTION

- 2.1 The building sits in an elevated position facing southwards down High Street Lochee at the corner of Methven Street and Bright Street. It is a simple rectangular building with a spire on the south elevation. It dates from 1830 and the hall to the rear, facing on to Bright Street, was added by 1884. The Church has a relatively plain interior, its main feature being the organ which has now been removed, with the relevant permissions, and relocated.
- 2.2 The land to the north of the hall is vacant open ground which adjoins the Boy's Brigade Hall, formerly the Half Timers School to the Camperdown Works. Land to the east is currently roughly mounded and overgrown with self seeded vegetation. This hides the location of the

former air raid shelters to the Camperdown Works and is the site of the new build element of the housing proposals.

- 2.3 The site is bounded by Methven Street to the south, Bright Street to the west, Bright Street Lane to the north and the service yard and building occupied by a retail premises as part of the Stack Leisure Park to the east. There are flats and houses and Lochee Baptist Church on the opposite side of Bright Street and to the north of Bright Street Lane there are 4 traditional stone houses set behind high stone walls. To the south of the site are commercial buildings fronting onto the High Street.
- 2.4 Bright Street is a narrow, one way street, southwards which carries local traffic into the High Street. It is bounded on the east by the boundary walls of the Boys Brigade Hall, the Church Hall and the walls around the Church grounds.
- 2.5 The former church and hall are identified as being at risk on the Buildings at Risk Register for Scotland.

3 POLICY BACKGROUND

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

TAYPLAN STRATEGIC DEVELOPMENT PLAN 2012-2032

Policy 5: Housing

DUNDEE LOCAL DEVELOPMENT PLAN

Policy 7: High Quality Design

Policy 9: Design of New Housing

Policy 29: Low and Zero Carbon Technology in New Development

Policy 40: Waste Management Requirements for Development

Policy 55: Accessibility of New Developments

Policy 48: Listed Buildings

Policy 50: Development in Conservation Areas

SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS

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.

NON STATUTORY STATEMENTS OF COUNCIL POLICY

Lochee Physical Regeneration Framework

The Lochee Physical Regeneration Framework was approved in 2008 as the foundation to secure commitments and resources to enable the long-term regeneration of Lochee. The framework identified that the poor quality of the physical environment and negative perceptions of Lochee, particularly in the District Centre and adjacent areas was the result of poor quality housing stock, a high number of vacant retail units, a lack of modern retail opportunities, as well as issues of accessibility and transportation connections etc.

- 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 08/00401/LBC - Alterations to Vacant Church and Grounds to Form Residential Accommodation.
- 4.2 08/00400/FUL - Alterations to Vacant Church and Grounds to Form Residential Accommodation.
- 4.3 Both applications were approved by the Committee Members and approval granted on 15 September 2008. These proposals provided a similar level of accommodation with the Church and Hall buildings. There were also proposals for two large new build units in the north east corner of the site. These provided a similar arrangement in terms of rear access along the lane. The new build units had a number of windows at upper floor level on the north elevation.
- 4.4 Current application for Listed Building Consent - 15/00537/LBC – application for the alterations associated with the current planning application.

5 PUBLIC PARTICIPATION

- 5.1 The Council has carried out the statutory neighbour notification procedure detailed in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. This application was also advertised in the Dundee Evening Telegraph.
- 5.2 In response to the original neighbour notification, a total of 9 objections were received. The following material planning considerations were raised:
- increased noise and disturbance;
 - the number of new build properties is excessive in relation to the size of the plot;
 - increased activity in small lane, causing concerns of pedestrian safety;
 - children playing in the lane could be irritating, causing disturbance;
 - the rear boundary wall should be increased in height to maintain privacy;
 - the choice of brick is not suitable and not in keeping with the area;
 - concerns regarding the overshadowing impact;
 - invasion of privacy by upper north facing window;
 - adverse effect upon the listed building and conservation area;
 - the rear access will lead to cars parking in the lane;
 - loss of air raid shelters;

- the appearance of the proposed buildings will be out of character with the area;
- the area is important for biodiversity;
- concerns regarding the proposed residential density;
- lack of appropriate parking provision;
- the gravel finish to the parking areas will create a hazard to the bright street footpath;
- the access road does not provide a suitable radius for the safety of road users; and
- loss of self seeded trees.

5.3 The objectors were notified of the submission of revised plans and supporting information. As a result 3 further letters of objection have been received. The additional valid concerns relate to:

- the low wall forming the northern boundary of the new build terraced houses could encourage children to walk along it to the detriment of their safety;
- no information is provided about arrangements for clothes drying for the proposed new houses;
- no assurance has been given about whether or not asbestos is present in the air raid shelters;
- the revised parking arrangements will not prevent the development from impacting on parking problems in the surrounding area;
- access for emergency vehicles would be impeded by parking arrangements; and
- insufficient bin storage facilities.

5.4 The following invalid objections were also raised by the objectors:

- no details are provided about the construction phase or how long it will take;
- noise during construction;
- whether the site perimeter fence will block access to the existing residences during construction; and
- no information has been submitted regarding the location of the sewer connection.

5.5 Members will already have access to the letters of objection and the issues raised are considered in the Observations section below.

6 CONSULTATIONS

6.1 Environment Department

a Contamination

A preliminary risk assessment has been requested by the Environment Department. This information has been submitted to assess the site. Standard planning conditions shall be applied to ensure the site is developed in accordance with the details.

b Noise

Concerns were raised with regard to the potential for the residents of the proposed development - particularly the new build terraced houses - to be disturbed by noise from the delivery area and the ventilation systems of the adjacent commercial property.

A Noise Impact Assessment was carried out with a previous planning application on this site for a similar development and conditions attached to the permission. An updated Noise Impact Assessment will be required to be provided by the applicant prior to the commencement of any work on site.

As the site comprises an existing building to the side of the supermarket and 5 new houses to the rear, there are different proposals for each part of the development. This shall be the subject of an appropriate condition.

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.

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.

DUNDEE LOCAL DEVELOPMENT PLAN

- 7.2 **Policy 9: Design of New Housing** – 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.
- 7.3 The proposal has been assessed against Policy 9 and the Inner City Standards in Appendix 3. The size of the Church building does not lend itself to conversion for houses and change of use to flats is acceptable in principle to support the retention of the Listed Building. However, the Hall is much more domestic in scale and it is proposed to be converted into 2 houses.

- 7.4 **Conversion of church and hall buildings** - the church will be converted into eight 2 bedroomed flats ranging in internal floor areas from 63m² to 75m² and one 1-bedroom flat of 54m². The one bedroomed flat with less than 60m² does not meet the minimum space requirements and is therefore contrary to Policy 9.
- 7.5 These units are to share a communal garden area that runs around the church building to a total area of 563m². One of the units (Unit 9) has an additional area of private garden accessed through new doors on the east elevation. The garden ground provision is in excess of the requirements of Policy 9 which seeks a minimum of 10m² per unit.
- 7.6 The hall shall be converted into two 3-bedroom townhouses and will provide floor areas of 120m² and 123m². These units each have a private garden space of 50m² and 87m². These internal floor areas exceed the minimum requirements. The gardens are required to be a minimum of 50m² and therefore both of the units meet this part of the Policy.
- 7.7 These units will share a communal bin store, an enclosed bike store and a separate drying area. This is in accordance with the Policy requirements for such facilities.
- 7.8 The Local Development Plan requires that there should be a minimum of 18 metres between facing windows of habitable rooms. There are a number of neighbouring residential units opposite the west elevation of the church on Bright Street. They are located over 18m away and are therefore out with the minimum 18m distance required for privacy between habitable rooms.
- 7.9 **New Build Terrace** - each house has three bedrooms and 98m² in terms of internal floor space. Each of the units varies slightly due to the shape and nature of the site. The private garden areas range from 87m² to 102m². The internal and external spaces are all in accordance with the requirements of Policy 9.
- 7.10 The living room windows for the new build terrace have a southern outlook and are 45m away from the proposed dwellings to the south. The new dwellings to be created in the former church and hall have no north facing windows. There are no privacy issues with the new build terrace in relation to the requirements of Policy 9.
- 7.11 **Parking Standards** - 24 parking spaces have been dispersed throughout the site. Four have been assigned to Units 10, 11, 12 and 13 located on their plots, where the site layout allowed. Three spaces have been allocated to Units 14, 15 and 16 (the three terraced units without curtilage parking). The remaining 17 are unassigned parking spaces located around the edges of the roadway, separated by landscaped areas, and will be shared by the residents of the remaining 9 dwellings.
- 7.12 Appendix 3 seeks that houses should be provided with a minimum of one parking space within their own curtilage. The proposals fail to provide in curtilage spaces for 3 of the units and therefore the application is contrary to this requirement of Policy 9.
- 7.13 Appendix 3 also requires charging points for electric vehicles to be installed in communal parking areas. The applicant is agreeable to this being controlled by condition should planning permission be granted.
- 7.14 **The proposals are contrary to Policy 9 by virtue of the provision of a one bedroomed flat and the failure to provide curtilage parking for 3 of the new build houses.**
- 7.15 **Policy 11: Formation of Residential Accommodation** – this Policy is supportive of proposals for the change of use of properties for new residential accommodation where they

meet certain criteria. In this respect, the proposal has been assessed against these criteria. As concluded above, the proposal fails to meet the requirements of Policy 9.

- 7.16 With respect to environmental quality the environment offered to residents of the proposed development will be of sufficiently high quality. This is as a result of proposed floor spaces generally being in excess of the Local Plan requirements with large window openings and high ceilings. This will contribute towards an acceptable standard of environmental quality for the potential residents of the proposed flats.
- 7.17 The layout of the proposed units within the former church and hall buildings is therefore acceptable in this regard and satisfies Policy 11.
- 7.18 The proposed change of use will not result in any detrimental effect on the environmental quality of the area by virtue of loss of garden/amenity space as the change of use proposals will provide a generous garden area. In addition, there will be no significant loss of off/on street parking and increased traffic movements generated by the proposals as the existing site is in a vacant condition, closed to access.
- 7.19 **The proposals, by virtue of the contravention of Policy 9, fail to comply with Policy 11 of the Local Development Plan.**
- 7.20 **Policy 7: High Quality Design** - Policy 7 states that all development must contribute positively to the quality of the surrounding built and natural environment. The design and siting of development should respect the character and amenity of the place.
- 7.21 The applicant has provided a Design Statement which provides detailed information as to the design approach taken with the site. The main points raised can be summarised as follows:
- “The new build terrace is positioned towards the northern boundary and follows the building line set up by the neighbouring BB hall defining an edge along Bright Street Lane reflecting the local urban character of buildings close to the street edge.
 - Small private north facing gardens address the Lane and are accessed from the kitchen/dining area of the properties. Pushing the building group to the northern edge opens the south to a larger open social space provided by a shared mix of hard and soft landscaped gardens designed for families to use and children to play on and takes advantage of the site orientation to gain from sunlight provision throughout the day.
 - The internal arrangement of the houses allows direct access through to both gardens north and south. A communal bin storage facility is to be located in the north eastern corner of the car park to serve the terrace of houses.
 - The terrace form is inspired by, and not intended to mimic, the surrounding elevations of the neighbouring BB hall, adjacent churches, and other buildings on Bright Street that present their gables to the public realm.
 - Brick is chosen for the external material for its robustness, quality and appropriateness for residential use to reinforce a sense of solidity and permanence that can be found in the surrounding buildings.”
- 7.22 In addition to the above, it is noted that the proposed new build element includes aluminium clad timber windows and natural slate roofs. The proposed mix of material is considered to be well suited to the area with a local example of brick included in the Design Statement to demonstrate this.

- 7.23 The proposals for the Listed Building are well designed and are sympathetic to its fabric and character and will ensure its future in an acceptable beneficial use. The roof lights to be inserted are of Conservation specification and are acceptable in order to make best use of the space within the building. Those on the Church will be partly hidden by the height and slope of the roof. The amendments to the boundary walls to form the access from Bright Street are designed to minimise the visual impact whilst seeking to achieve the maximum visibility for drivers exiting the site.
- 7.24 It is concluded that the development is well planned and uses the site in an appropriate manner. The use of good quality materials and landscaping will further enhance the development.
- 7.25 **The proposals are in accordance with Policy 7.**
- 7.26 **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. Although no specific detailed information has been submitted in support of Policy 29, the design statement makes reference to high insulated, air tight timber frame construction that surpasses the current regulations in order to minimise energy use and be sustainable.
- 7.27 **An appropriate condition will ensure that a Statement is submitted in accordance with the terms of Policy 29.**
- 7.28 **Policy 40: Waste Management** – the terraced houses and flatted blocks are to be provided with communal refuse storage facilities. The design and details of these shall be agreed as part of a planning condition.
- 7.29 **The proposals are in accordance with Policy 40.**
- 7.30 **Policy 42: Sustainable Urban Drainage Systems** – as discussed above, the applicant has provided information in relation to the proposed drainage scheme for the site. Conditions shall be applied to ensure the submission of details regarding various matters including surface water drainage and maintenance.
- 7.31 **The proposal satisfies the requirements of Policy 42.**
- 7.32 **Policy 55: Accessibility of New Developments** - the site is situated in an inner city location in close proximity to a range of services. There are a number of bus routes within easy walking distance and cycle stores shall be provided as part of the development. The scale and nature of the development proposed is such that there are no concerns in relation to an adverse impact upon the surrounding road network.
- 7.33 **The proposal satisfies the requirements of Policy 55.**
- 7.34 **Policy 48: Listed Buildings**

A - ALTERNATIVE USES

- 7.35 This policy states that suitable alternative uses will be considered for listed buildings where this is necessary to secure their future. Any adaptation of the fabric must be undertaken carefully and sensitively and have minimum impact on the architectural and historic interest, character and setting of the building.

- 7.36 A detailed justification statement has been provided and the proposed use of the Listed Building is considered to be in keeping with its character and appearance. The subdivision of the property retains a number of important elements of the historic fabric. The property is identified on The Buildings at Risk Register for Scotland as a property at risk. The proposed use would safeguard the Listed Building.

B - ALTERATIONS TO LISTED BUILDINGS

- 7.37 This policy states that proposals must have regard to the preservation or enhancement of a listed building's architectural or historic character.
- 7.38 A detailed justification has been provided in support of the proposed alterations. The repair and restoration of a number of key elements of the historic fabric have been proposed. The proposal is in accordance with Policy 48 and retains the Listed Building's character and appearance.
- 7.39 **The proposal satisfies the requirements of Policy 48.**
- 7.40 **Policy 50: Development In Conservation Areas** - Policy 50 states that within conservation areas all development proposals will be expected to preserve or enhance the character of the surrounding area. The proposals are in keeping with the character and appearance of the Conservation Area. The new build element proposes high quality materials to reduce its impact on the Conservation Area.
- 7.41 **The proposal satisfies the requirements of Policy 50.**

STATUTORY DUTY

- 7.42 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 - Section 59 of the Act requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the planning authority shall have special regard to the desirability of preserving the building or its setting. Similarly, Section 64 of the above legislation 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.
- 7.43 The proposals are in keeping with the character and appearance of the Conservation Area and will bring a vacant Listed Building back into use in a sensitive manner. The new build element proposes high quality materials to reduce its impact on the Conservation Area.
- 7.44 **The approval of the application would discharge the above statutory duties.**

OTHER MATERIAL CONSIDERATIONS

A - PROVISION OF A ONE BEDROOM FLAT AND HOUSES WITHOUT CURTILAGE PARKING

- 7.45 The proposals are contrary to the requirements of the Local Development Plan due to the provision of a one bedroom flat with a floor area of 54m² and the failure to provide curtilage parking for three of the seven houses proposed.
- 7.46 The one bedroom unit is located within the listed church building. The layout of the church building is such that the creation of a generous one bedroom unit instead of a 2 bedroom unit will restrict the level of intrusion into the historic fabric of the building and allow for the retention of the historic staircase to the upper floor. Increasing the size of this unit to satisfy

the requirements of the Local Development Plan would not contribute to the amenity or environmental quality of the dwelling but instead would result in a negative impact on the character and appearance of the Listed Building. The proposed one bedroom flat has a generous floor area for this type of housing unit and large window and door openings that ensure that the property will be afforded a high level of environmental quality that is no different to larger two and three bedroom units proposed by this development. For these reasons the provision of a one bedroom unit as proposed is acceptable in this instance.

7.47 In curtilage parking spaces for 3 of the proposed dwellings (3 of the new build terrace) are not provided. This is acceptable in this instance for the following reasons:

- the physical constraints of the site, including the location of the existing buildings on the land, and the need for suitable landscaping to reduce the visual impact of the proposals, curtail the ability of the proposals to provide in curtilage parking for all units;
- secure bike storage has been provided and located adjacent to the bin store on the eastern boundary within the shared public space for the development accessed off the central roadway;
- the application site is well served by the local bus services. There are a number of nearby bus stops and these serve several different bus routes providing access throughout the city;
- the minimum parking levels are exceeded throughout the site and the parking spaces are conveniently accessed from each of the dwellings; and
- in this instance, a degree of flexibility is appropriate in order to help secure the future of the Listed Building.

B - LOCHEE REGENERATION FRAMEWORK

7.48 The Lochee Physical Regeneration Framework was approved in 2008 as the foundation to secure commitments and resources to enable the long-term regeneration of Lochee. The framework identified that the poor quality of the physical environment and negative perceptions of Lochee, particularly in the District Centre and adjacent areas was the result of poor quality housing stock, a high number of vacant retail units, a lack of modern retail opportunities, as well as issues of accessibility and transportation connections etc.

7.49 The Framework noted the development potential of the site and its suitability for residential conversion.

7.50 The redevelopment proposals put forward as part of the planning application are in accordance with the aims and aspirations of the above document.

C - VIEWS OF OBJECTORS

7.51 The following valid objections have been raised in relation to the proposed development:

- Increased noise and disturbance and children playing in the lane could be irritating, causing disturbance.
- Increased activity in small lane, causing concerns of pedestrian safety.

7.52 **Response:** the site is located within an Inner City area of the city where houses are generally grouped closer together than what might be expected in a suburban location. The

development of the site for residential purposes fits with the pattern of development for the surrounding area. Residential use is therefore appropriate for this location.

7.53 The proposed development has been revised to omit pedestrian access from the application site on to Bright Street Lane. This will prevent children living in the new development from accessing the lane from the application site.

- The number of new build properties is excessive in relation to the size of the plot.
- Concerns regarding the proposed residential density.

7.54 **Response:** the applicant has provided detailed supporting information to demonstrate the financial costs associated with the redevelopment of the Church building and to support the construction of the 5 new build units. This information supports the level of new build development proposed on the site in order to allow for the Church and Hall buildings to be converted to a long term use. In addition, the design of the layout of the proposed dwellings is of a high quality and offers a good level of accommodation both internally and externally in comparison to the surrounding area. In this regard, the dwellings will provide a choice of house type for the Lochee area.

- The rear boundary wall should be increased in height to maintain privacy.
- Invasion of privacy by upper north facing window.
- The low wall forming the northern boundary of the new build terraced houses could encourage children to walk along it to the detriment of their safety.

7.55 **Response:** as discussed in relation to Policy 9 and Appendix 3 of the Local Development Plan, the proposals do not impact upon privacy through living room windows and balconies overlooking private garden areas. The north facing window openings in the terrace of five houses have been limited at upper floor level to that of single bedroom. The existing high boundary walls to the properties to the north mean that the windows at ground floor level will not give rise to overlooking issues.

7.56 With regard to the low wall forming the northern boundary of the gardens serving the terrace of five houses, revised plans have been submitted increasing the height of the wall to 1.2m above ground level. If the wall height was increased further the shadow created would deeply impact on the natural light to the kitchen windows of these houses. Given the height of the boundary walls on the north side of Bright Street Lane the low wall serving the new houses on the southern side of Bright Street Lane will not impact on privacy of neighbouring properties. In addition the low wall allows the lane to be overlooked increasing security and preventing instances of anti-social behaviour from occurring.

7.57 The design and finish of the boundary wall will be controlled by condition to ensure that it is capped in coping stones so to allow water to run-off the structure and to discourage children from walking along it.

- The choice of brick is not suitable and not in keeping with the area.
- The appearance of the proposed buildings will be out of character with the area.
- Adverse effect upon the Listed Building and Conservation Area.

7.58 **Response:** the design of the proposed development and its impact upon the Listed Building and the Conservation Area have been discussed in relation to the Development Plan. It is

concluded that the use of brick is in keeping with the surrounding area and ensuring that a high quality brick is chosen will be crucial in the overall quality and finish of the design. A condition shall be attached to agree all external materials to ensure they are of a high quality. The restoration of the Listed Building is proposed to be carried out in a sympathetic manner and will ensure the long term future of the property which has now lain vacant for a considerable period of time.

- Concerns regarding the overshadowing impact.
- The applicant has provided information regarding the potential for shade.

7.59 **Response:** a shadow study was provided by the applicant and it was concluded that the current designs should not create any negative overshadowing on the neighbouring buildings. It is noted that there will be some shadow cover on Bright Street Lane and the front gardens of the current dwellings. However, it is also noted that a significant amount of shadow is already created by the overgrown trees and bushes currently occupying the site of the proposed new-build houses and the fact that there is an existing high wall running along the south boundary of the gardens which already cast shadow upon these garden areas.

- The rear access will lead to cars parking in the lane.
- Lack of appropriate parking provision.
- The gravel finish to the parking areas will create a hazard to the Bright Street footpath.
- The access road does not provide a suitable radius for the safety of road users
- The revised parking arrangements will not prevent the development from impacting on parking problems in the surrounding area.

7.60 **Response:** potential residents are unlikely to use this lane for vehicular access as there is limited space to turn and to park and there is no access from the lane into the development. In addition, there is a sufficient level of car parking to be provided within the site and the parking provision meets the requirements of the Dundee Local Development Plan as discussed above. The design and layout of the access road and parking bays are such that emergency vehicles and bin lorries can access, turn and exit the site safely and in a forward gear. The gravel is proposed to be confined to the parking spaces within the site and the roadway shall comprise of tarmac and pavements. There are no road safety issues with the proposals in this regard.

- Loss of self seeded trees/the area is important for biodiversity.

7.61 **Response:** the trees are self seeded on a site occupied by derelict air raid shelters. The redevelopment of brownfield sites is supported in the local plan and the neighbouring houses have large landscaped gardens which provide their amenity.

- Loss of air raid shelters.
- No assurance has been given about whether or not asbestos is present in the air raid shelters.

7.62 **Response:** the air raid shelters are not protected and whilst the comments are noted regarding the loss of these buildings, they are of minor importance. With regard to the air raid shelters containing asbestos this is a contaminated land matter and will be controlled by condition should planning permission be granted.

- No information is provided about arrangements for clothes drying for the proposed new houses.
- Insufficient bin storage facilities.

7.63 **Response:** in compliance with the Local Development Plan the proposed houses benefit from private useable garden grounds that are of a sufficient size to provide facilities for drying clothes and additional bin storage.

7.64 The concerns of the objectors that are not material planning considerations relate to the length of the construction phase of development, the location of site fencing during construction and the location of the sewer connection. These matters are controlled through the Buildings (Scotland) Act 2005.

7.65 **The concerns of the objectors are not supported.**

D - USE OF OFFICE SPACE

7.66 The applicant has indicated that a self-contained office will be situated within the western portion of the single storey annexe to the hall in order to facilitate the on-site management operation of the completed development.

7.67 This will be controlled by condition as it would not be suitable for the purposes of an independent office use.

7.68 **It is concluded from the foregoing that the material considerations do not justify the refusal of planning permission.**

8 CONCLUSION

8.1 The application fails to comply with two Policies in the Dundee Local Development Plan 2014; Policy 9 as the proposals include a one-bedroomed flat and not all of the proposed dwellings provide in curtilage parking and Policy 11 by virtue of the failure to comply with Policy 9. However, there are material considerations of sufficient strength to justify approval of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

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

- 1 Within 6 months of the first use of the building, trees and shrubs and any other landscaping shall be planted on the site in accordance with a scheme which has been submitted to and approved by the City Council in writing prior to the commencement of any works on site. 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.
- 2 Development shall not begin until the investigation and risk assessment proposed in the previously submitted "Preliminary Desk Study" are 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:

- 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 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
 - 4 Before the any of the residential units is first occupied the bike store, car parking and manoeuvring areas indicated on the approved drawings shall be provided and thereafter kept available for use at all times.
 - 5 Prior to the commencement of development on site, full details for the bike storage facility shall be submitted to the Council for approval in writing, The development shall thereafter be carried out in accordance with the agreed details.
 - 6 The new access to Bright Street shall be formed in accordance with details which have previously been approved by the City Council and the access shall be formed to adoptable standard prior to the commencement of works on the conversion of the existing buildings or the construction of the new houses.
 - 7 Before the any of the units within the Church or Hall building are first occupied the bin store shall be provided in accordance with details which have previously been submitted to and approved by the City Council and shall thereafter be kept available for such use at all times.
 - 8 The hard surface within the curtilage should be made of porous materials or provision should be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.
 - 9 The applicant must provide a disposal route for road surface water to the satisfaction of Dundee City Council which discharges to a system publicly maintained/maintainable by the relevant authority.
 - 10 Prior to the commencement of development on site full details of the finishing materials for the entire site shall be submitted to and approved in writing by the Council. The scheme shall thereafter be implemented in full accordance with the agreed details.
 - 11 The office use hereby approved as part of this permission shall remain ancillary to the main residential uses of the building and at no times shall operate as a separate Class 2 or 4 use.
 - 12 Prior to the commencement of development on site, full details of the surface water drainage proposals shall be submitted for approval by the Council in writing to include drawings, calculations (including volumetric calculations for the proposed surface water attenuation) and modelling/simulation results. The drainage discharge rate from the

development will need to be agreed with Scottish Water. All drainage design must be in compliance with the current edition of Sewers For Scotland, CIRIA C697 (The SUDS Manual), and the Water Environment (Controlled Activities) (Scotland) Regulations 2011 with cognisance taken of GBR 10. The works shall thereafter be carried out in accordance with the agreed details.

- 13 Prior to the commencement of development on site evidence of Scottish Water Technical Approval/Approval To Connect to the public sewer shall be submitted to the Council for approval in writing, along with confirmation of any drainage infrastructure that Scottish Water are to vest. Thereafter the works shall be carried out in accordance with the agreed details.
- 14 Prior to the commencement of development on site, a Completed/Signed "Sustainable Drainage Design Compliance" and "Sustainable Drainage Design - Independent Check" Certificates are to be submitted to the Council for approval in writing.
- 15 Prior to the commencement of development on site, a Maintenance Schedule for the surface water drainage system should be submitted to the Council for approval in writing, along with confirmation of the proposed maintenance responsibilities. A completed/signed "Confirmation of future maintenance of Sustainable Drainage Apparatus" certificate is to be submitted as part of this. The works shall thereafter be carried out in accordance with the agreed details.
- 16 Prior to the commencement of development on site, an updated Noise Impact Assessment shall be submitted to the Council for approval in writing to determine the Magnitude of Impact that the noise sources will have on the residents of the proposed development. The Noise Impact Assessment should also detail any mitigation measures that may have to be implemented. The works shall thereafter be implemented in full accordance with the agreed details.
- 17 A Sustainability Statement demonstrating the extent to which the new build elements of the development will meet the requirements of Policy 29 of the Dundee Local Development Plan 2014 and making provision within the development for an electric car charging point shall be submitted for the approval of the Council and the works shall be completed in accordance with the approved Statement.

REASONS

- 1 In the interests of the amenities of the future occupants of the residential accommodation.
- 2 To ensure the site is fit for the purpose proposed.
- 3 To ensure the site is fit for the purpose proposed.
- 4 In the interests of the amenities of the future occupants of the residential accommodation.
- 5 In the interests of the amenities of the future occupants of the residential accommodation.
- 6 To ensure that there is an acceptable access to the site for construction traffic prior to the commencement of works, in the interests of traffic and pedestrian safety.

- 7 In the interests of the amenities of the future occupants of the residential accommodation.
- 8 To ensure that surface water from within the curtilage of the site does not drain to the adjacent adopted road.
- 9 To ensure an appropriate and publicly maintainable system is provided.
- 10 In the interests of visual amenity.
- 11 A separate Class 2 or 4 use would not be appropriate in this location.
- 12 In order to ensure the drainage of the site is acceptable.
- 13 In order to ensure the drainage of the site is acceptable.
- 14 To ensure an independent design check has been carried out and certified in line with Dundee City Council Certification of SUDS guidance.
- 15 To ensure that future maintenance of the surface water drainage system/SUDS features is considered.
- 16 To protect the amenity of residential occupiers.
- 17 In order to demonstrate that the new development will meet the required carbon emissions reduction standards in the interests of the environment.