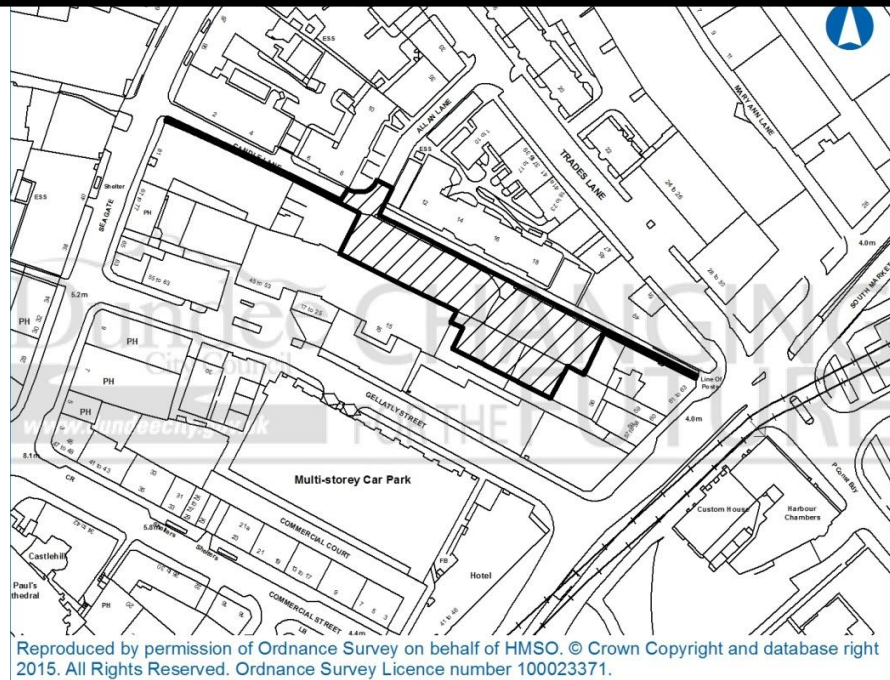


City Centre Flatted Development

KEY INFORMATION

Ward Maryfield
Address
 Car Park
 3-7 and 9-11 Candle Lane
 Dundee
Applicant
 John Frullani Architect
 Unit 5
 District 10
 25 Greenmarket
 Dundee
 DD1 4QB
Registered 30 Oct 2015
Case Officer Paul Macari



SUMMARY OF REPORT

- Planning permission is sought for erection of a new 6 storey building containing 30 flats.
- Development Plan policies relating to residential development, contaminated land and flooding are relevant to the proposed development.
- 6 letters of objection have been received from neighbouring residents.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=NWTWICGC06600>.

RECOMMENDATION

The proposal satisfies the requirements of the Development Plan. There are no material considerations that would justify refusal of planning permission. Therefore, the application is recommended for APPROVAL subject to conditions.

1 DESCRIPTION OF PROPOSAL

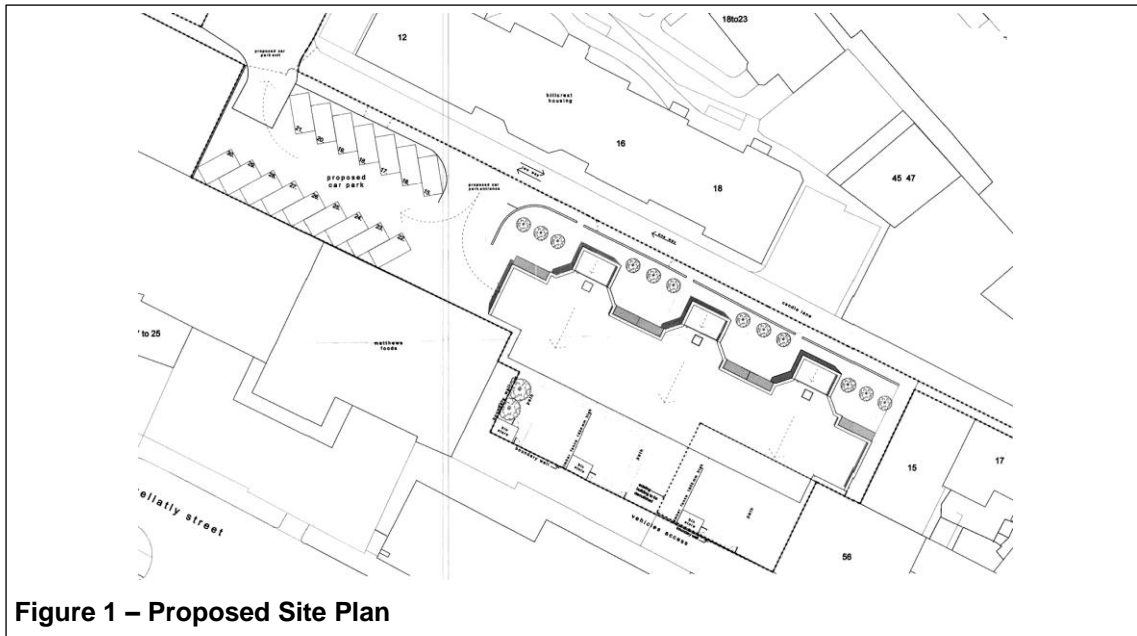


Figure 1 – Proposed Site Plan

- 1.1 Planning permission is sought for the erection of a new 6 storey building containing 30 flats.
- 1.2 The proposed flatted development on Candle Lane is 6 storeys in height and provides 30 flats, each with 2 bedrooms. All the upper floor flats are provided with small balconies (approximately 5m² in extent) and a communal garden area of some 350m² is proposed to the rear of the building. The ground floor of the building will provide 15 parking spaces with provision made for 2 accessible bays and a charging point for electric vehicles. Proposed finishing materials are brick for the walls and grey sarnafil for the flat roof. A car parking area providing 16 spaces is proposed to the north west of the building and will be shared with the existing flatted development within the Seaman's Mission.
- 1.3 A total of 30 new build and 12 existing flats within the Seaman's Mission will be served by 30 curtilage car parking spaces created by the proposed development.
- 1.4 A design statement, contaminated land risk assessment, drainage impact assessment, flood impact assessment, shadow analysis and transport statement have been submitted in support of the proposal.
- 1.5 In accordance with the Council's Scheme of Delegation this application is being reported to the Development Management Committee at the request of an Elected Member and because 6 letters of objection have been received.



Figure 2 – View South from Seagate

2 SITE DESCRIPTION

- 2.1 The site comprises a strip of ground to the west of the Category B listed former Sailors Home and Chapel, currently used as car parking. The site is located within the Central Conservation Area.
- 2.2 The former Sailors Home is an impressive 5 storey stone building dating from 1881 and occupies a prominent position on the inner ring road at Dock Street. The ground floor of the building is commercial use and the upper floors of the building are flats. The former Chapel on Candle Lane is now derelict.
- 2.3 Immediately to the south west of the former Sailors Home are 4 storey listed buildings on Dock Street with ground floor commercial uses and upper floor flats which terminate with the former Job Centre building at the junction of Dock Street and Gellatly Street.

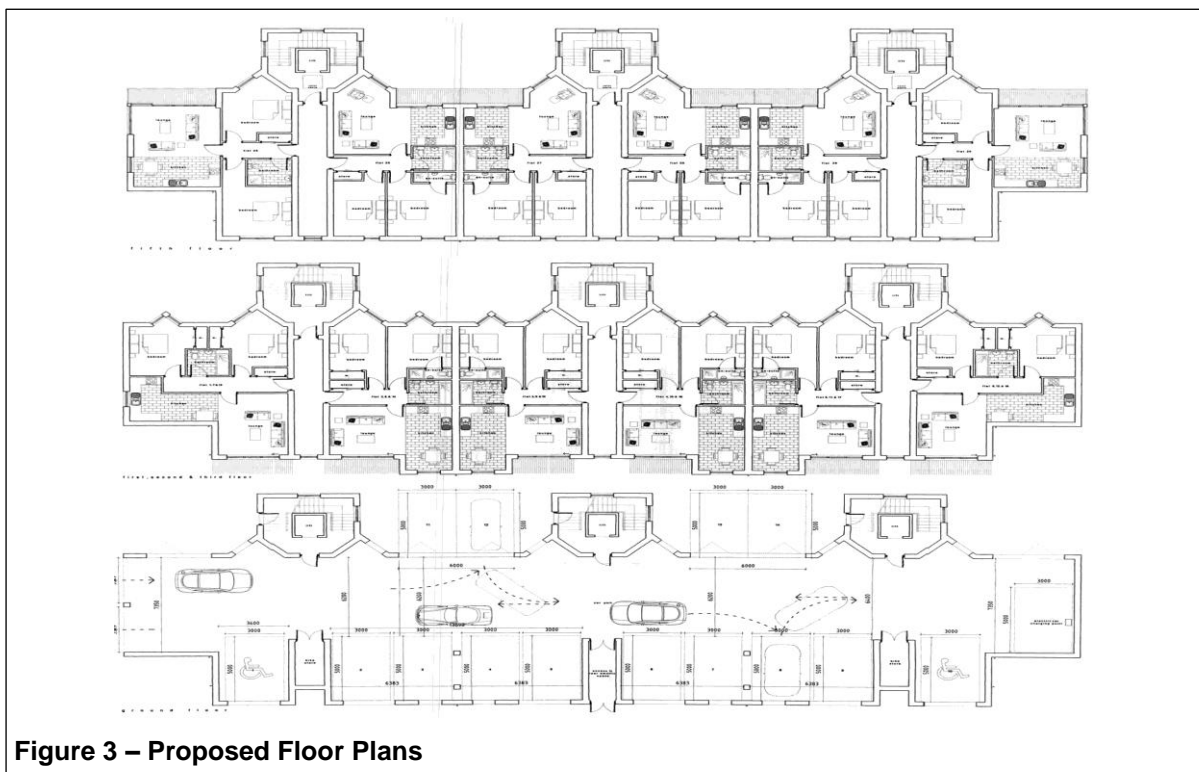


Figure 3 – Proposed Floor Plans

- 2.4 Candle Lane to the north east of the site is very narrow, with a pinch point of some 3.5m at its narrowest point close to Dock Street. On the opposite side of Candle Lane are 2 storey buildings at 65 Trades Lane occupied by a ground floor plant hire business and upper floor flats and further along Candle Lane a modern 4 storey flatted building at 12-18 Candle Lane.
- 2.5 To the south west (rear) of the site are the Job Centre and the recently redeveloped Matthews Foods premises at Gellatly Street.

3 POLICY BACKGROUND

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

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 41: Flood Risk Management
- Policy 42: Sustainable Drainage Systems
- Policy 45: Land Contamination
- Policy 50: Development in Conservation Areas
- Policy 51: Scheduled Ancient Monuments and Archaeological Sites

- 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 05/00285/FUL - this application sought permission for the erection of 30 new flats and conversion of the upper floors of Seaman's Mission to 8 flats. This application was approved by the Development Management Committee subject to a Section 75 Planning Obligation that required the applicant to make the Seaman's Church windproof and watertight before passing on title to Tayside Buildings Preservation Trust.
- 4.2 07/00645/FUL - this application sought permission for a residential development of The Seaman's Mission into 12 flats. This application was approved by the Development Management Committee subject to a Section 75 Planning Obligation that required the applicant to make the Seaman's Chapel windproof and watertight before passing on title to Tayside Buildings Preservation Trust.
- 4.3 The Section 75 Planning Obligations for these planning permissions were linked so that depending on which development was implemented the applicant would still be required to make the Seaman's Chapel windproof and watertight before passing on title to Tayside Buildings Preservation Trust. The 2007 planning permission was fully implemented but the 2005 permission was not and has consequently expired. However, the Section 75 Planning

Obligation still obligates the applicant to make the Seaman's Chapel windproof and watertight before passing title on to Tayside Buildings Preservation Trust.

- 4.4 15/00436/FULL - this application sought permission for the erection of 30 flats on the application site. Due to concerns relating to flooding the applicant withdrew the application to revise the design of the proposed development.
- 4.5 At the time of writing this report an agreement had been reached between the applicant, this Department and Tayside Buildings Preservation Trust regarding the scope of the works required before the Trust takes ownership of the Seaman's Chapel.

5 PUBLIC PARTICIPATION

- 5.1 The Council has followed the statutory neighbour notification procedure. 6 letters of objection were received from the occupiers of nearby dwellings on Candle Lane and Allan Lane.
- 5.2 The objectors are concerned about the overdevelopment of the application site, overlooking and overshadowing, traffic and parking, noise, relationship to the listed buildings, the condition of the Seaman's Chapel, the development being contrary to the development plan and drainage matters.
- 5.3 Concern has also been raised in relation to the redevelopment of the Seaman's Mission and outstanding conditions attached to planning application ref: 07/00645/FUL.
- 5.4 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** – the Head of Environmental Protection has recommended that bicycle storage facilities and electric charging points within the car parking area serving the new flats will mitigate against any contribution that the proposal will make to poor air quality on Seagate. This matter will be addressed by conditions should planning permission be granted. With regard to site contamination, it is recommended that a further risk assessment is carried out to identify a remediation strategy and verification of the remediation works are controlled by condition should planning permission be approved.
- 6.2 **Scottish Water** – has not objected to this planning application but has made recommendations to the applicant in terms of surface water attenuation prior to discharge to the drainage network.

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.

DUNDEE LOCAL DEVELOPMENT PLAN**7.2 Policy name and final policy conclusion in bold –**

7.3 Policy 7: High Quality Design - is supportive of development that contributes 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 and should create and improve links within the site and into the surrounding area beyond the site.

7.4 The scale, massing and design of the proposed building are such that the proposal will enhance the Candle Lane streetscape mirroring the scale of buildings adjoining the application site. The scale, massing and location of the proposed building is such that it will not adversely impact on the appearance or setting of the B listed former Seaman's Mission to the south of the site. The building will not be visible above the ridge line of the former Seaman's Mission and therefore will not impact on the Dock Street streetscape.

7.5 An overshadowing study has been submitted in support of the proposal and assesses the impact of the new flatted block on the existing flats at Candle Lane. The analysis indicates that the scale, massing and location of the building will not adversely impact on upper floor flats of the buildings adjacent to the application site. However, the lower floor flats will experience overshadowing from mid afternoon onwards until the height of summer when again the impact will be minimal. This additional level of shadowing will be no more significant than that of previously approved developments on this site.

7.6 Subject to the use of appropriate finishing materials and landscaping, an appropriate design solution has been achieved for the redevelopment of this site that will enhance the setting of the adjoining listed buildings and the Central Area Conservation Area.

7.7 Incorporated into the proposal are significant improvements to the Candle Lane public footpaths and junction between Candle Lane and Dock Street. These improvements will enhance the connectivity of Candle Lane with both Dock Street and Seagate making the area safer for pedestrians and vehicles. The form that these improvements shall take shall be controlled by condition should permission be granted.

7.8 The proposal satisfies Policy 7.

7.9 Policy 9: Design of New Housing - requires the design and layout of new housing developments in Dundee to 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. The assessment under Policy 7 has concluded that these requirements are met.

7.10 All new housing developments require to conform to the guidance on the Design of New Housing set out in Appendix 3 of the Dundee Local Development Plan.

7.11 Appendix 3 highlights that within City Centre locations all flats should have 2 bedrooms or a minimum gross internal floor area of 60m², secure indoor storage for bikes, the provision of vehicle charging points and in general a distance of no less than 18m between facing windows of habitable rooms or between balconies and windows serving habitable rooms. In addition to the above there is flexibility in the provision of car parking and garden ground within the City Centre where provision is impractical.

7.12 The proposals satisfy the requirements of Appendix 3 in terms of flat sizes, garden ground and secure storage for bikes. In terms of car parking provision the application site is situated in close proximity to three multi-storey public car parks, a bus station and train station. In

such circumstances flexibility in the provision of car parking is appropriate to encourage sustainable transport and minimise traffic congestion on Candle Lane and surrounding streets. Provision has been made within the ground floor of the proposed building for electric vehicle charging facilities.

- 7.13 The windows and balconies on the eastern elevation of the proposed building will be positioned less than 18m from facing windows serving habitable rooms. However, in city centre locations there is flexibility within Appendix 3 to account for sites where it is not possible to achieve this distance. In this particular instance the proposed balconies and windows will be located on the front elevation of the building, positioned 15m from the adjacent windows and will be separated by Candle Lane. In these circumstances the form and location of the proposed windows and balconies will not adversely impact on the privacy of neighbouring properties.
- 7.14 **The proposal satisfies the requirements of Appendix 3.**
- 7.15 **The proposal satisfies Policy 9.**
- 7.16 **Policy 29: Low and Zero Carbon Technology in New Development** - requires that, for specified developments, carbon emissions will be reduced by defined percentages through the installation and operation of zero-carbon generating technologies. The requirements of Policy 29 can be addressed by condition.
- 7.17 **The proposal complies with Policy 29 subject to condition.**
- 7.18 **Policy 40: Waste Management Requirements for Development** - requires that development proposals should demonstrate that they adequately address the Council's waste strategy to reduce, collect, sort, recycle and reuse waste.
- 7.19 Within the gardens serving the proposed flats two dedicated bin storage facilities will be erected. The design and finish of these facilities will be controlled by condition should planning permission be granted.
- 7.20 **The proposal complies with Policy 40.**
- 7.21 **Policy 41: Flood Risk Management** - requires a flood risk assessment to be submitted in support of proposals located in low to medium risk flood areas. The flood risk assessment submitted in support of the proposal indicates that the proposed surface water drainage strategy forming part of the proposed development will provide sufficient attenuation to prevent the application site from flooding during a 1 in 200 year rainfall event. SEPA has no objection to the proposal.
- 7.22 **The proposal satisfies Policy 41.**
- 7.23 **Policy 42: Sustainable Drainage Systems** - requires all new development proposals except for single houses or where discharge is to coastal waters to treat surface water by a Sustainable Urban Drainage System (SUDS).
- 7.24 The applicant has submitted a drainage impact assessment detailing how surface water will be treated as part of the new development. Scottish Water has approved connection of the proposed drainage system to their drainage network. Therefore, a suitable surface water drainage strategy has been incorporated into the proposed development satisfying the requirements of Policy 42.
- 7.25 **The proposal satisfies Policy 42.**

7.26 **Policy 45: Land Contamination 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.

7.27 Following the submission of a preliminary site investigation report, the Council's Head of Environmental Protection has requested that in the event that members are minded to grant approval that conditions be imposed to ensure that any potentially contaminated land is remediated to the satisfaction of the Council. With the imposition of the conditions, it is considered that the terms of the policy have been met and that any potential contaminated land can be suitably addressed prior to the occupation of the flats.

7.28 **The proposal satisfies Policy 45.**

7.29 **Policy 50: Development in Conservation Areas** - requires development proposals to preserve or enhance the character of conservation areas. The application site is situated within the Central Area Conservation Area.

7.30 The proposed development is of a high quality design complementary to the existing built form on Candle Lane. The redevelopment of this vacant site shall enhance the appearance of the street scape while the building itself has been sensitively designed and positioned so as not to be visible above the adjacent listed buildings fronting on to Dock Street. Therefore the proposal will enhance the character of the Central Conservation Area.

7.31 **The proposal satisfies Policy 50.**

7.32 **Policy 51: Scheduled Ancient Monuments and Archaeological Sites** - states that where any proposal could affect a site of known archaeological importance or potential, the applicant will be required to provide an assessment of the archaeological value of the site and the likely impact of the proposal on the archaeological resource. Such an assessment will require a field evaluation to be carried out to the reasonable satisfaction of the Council, to determine:

- 1 the character and extent of the archaeological remains;
- 2 the likely impact of the proposal on the features of archaeological interest; and
- 3 the ways in which the development proposal can be amended or designed in order to mitigate its impact on the archaeological remains.

7.33 Where the development is considered to be acceptable and it is not possible to preserve the archaeological resource in situ, the developer will be required to make arrangements for an archaeological investigation. Planning conditions will be used and agreements sought to secure these arrangements.

7.34 The application site is in a location that is significant to the evolution of the modern city. Therefore, should members be minded to grant planning permission archaeological works to preserve and record the history of the application site, prior to the commencement of development on site will be controlled by condition.

7.35 **The proposal satisfies Policy 51.**

- 7.36 **It is concluded from the foregoing that the proposal complies with the provisions of the development plan.**

STATUTORY DUTIES

- 7.37 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special regard is given to the desirability of preserving listed buildings or their setting or any features of special architectural interest which they possess when determining applications for planning permission. Section 64 of the Act requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 7.38 The requirements of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 outlined above have been addressed in the assessment of the proposal against the requirements of the Development Plan. It has been concluded that the proposal will not adversely impact on the setting of the former Seaman's Mission by virtue of scale, design, massing and location. Similarly the redevelopment of the application site with a building that is of a high quality design and that will not adversely impact on the amenity of neighbouring properties will enhance the character of the Central Area Conservation Area. Therefore by approving planning permission the statutory duties outlined above will be discharged.

OTHER MATERIAL CONSIDERATIONS

A - VIEWS OF OBJECTORS

- 7.39 Six letters of objection were received from neighbouring residents. The concerns raised relate to the overdevelopment of the application site, overlooking and overshadowing, traffic and parking, noise, relationship to the listed buildings, the condition of the Seaman's Chapel, the development being contrary to the development plan and drainage matters.
- 7.40 The concerns of the objectors have been addressed in the assessment of the proposal against the requirements of the Development Plan. As the proposal satisfies the requirements of the Development Plan the concerns of the objectors are supported in this instance.
- 7.41 Concern has also been raised in relation to the redevelopment of the Seaman's Mission and outstanding conditions attached to planning application ref: 07/00645/FUL. These concerns are not material to the outcome of this planning application. However, the matters raised have been investigated by this Department, the developer was instructed to carry out additional works and no further enforcement action was taken.
- 7.42 **The concerns of the objectors are not supported.**
- 7.43 **There are no other material considerations that justify the refusal of planning permission.**

8 CONCLUSION

- 8.1 The proposal satisfies the requirements of the Development Plan. There are no material considerations that would justify refusal of planning permission. Therefore, it is therefore 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 Prior to the commencement of works, details of all finishing materials shall be submitted to the planning authority for written approval and shall only be completed in accordance with the approved details. For the avoidance of doubt the finishing materials to be approved by this condition relate to the roof, elevations, rainwater goods, doors, windows, hard surfacing, bin stores, cycle stores and boundary treatments of the development hereby approved.
 - 2 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 shall be submitted for the approval of the planning authority and the works shall be completed in accordance with the approved Statement.
 - 3 Prior to the commencement of work on site, details of vehicle charging facilities to be installed in the ground floor car park serving the flats hereby approved shall be submitted to the Council for written approval. Thereafter, the vehicle charging facilities approved by this condition shall be installed prior to the first occupation of the flats.
 - 4 Prior to the commencement of works, a detailed landscaping plan, including soft and hard landscaping, shall be submitted to the planning authority for written approval and shall only be completed in accordance with the approved details.
 - 5 Development shall not begin until the investigation and risk assessment proposed in the submitted Phase 1 Geo Environmental Investigation Review 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.
 - 6 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;
 - iii contain any significant pollution linkages;
 - iv measures to deal with contamination during construction works;
 - v verification of the condition of the site on completion of decontamination measures.
 - 7 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
 - 8 Details of the proposed vehicle accesses must be agreed prior to any works on site and the access must be formed and constructed to Dundee City Council standards and specifications.

- 9 A footway must be provided on Candle Lane linking to Seagate to Dundee City Council specifications ex adverso the site. Details of the footway must be agreed prior to any works on site.
- 10 Any existing accesses that are no longer required as part of the proposed development must be made good as footway to Dundee City Council specifications. Details of these alterations must be agreed prior to any works on site.
- 11 Details of proposed alterations to existing road markings must be agreed prior to any works on site.
- 12 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.
- 13 A Street Lighting system must be provided by the applicant to Dundee City Council standards and specifications.
- 14 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.
- 15 Prior to the commencement of work on site, the applicant will contact the Council's Public Art Officer to approve in writing a scheme of public art to be provided within the development hereby approved. Thereafter, the approved scheme of public art shall be installed prior to the completion of the development hereby approved.
- 16 Prior to the commencement of work on site, evidence that Scottish Water has granted technical approval for connection to their drainage network shall be submitted to the Council for written approval.
- 17 Prior to the commencement of the development hereby approved, a detailed surface water drainage/SUDs design including drawings, calculations, full modelling and simulation results, design risk assessment and completed Dundee City Council Sustainable Drainage Design "Compliance" and "Independent Check" certificated shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to the first occupation of any of the housing units hereby approved.
- 18 No development shall take place within the development area until the applicant has secured the implementation of a staged programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant, agreed by the local Archaeology Service and approved by the Planning Authority.

REASONS

- 1 In the interests of visual amenity.
- 2 In order to demonstrate that the new development will meet the required carbon emissions reduction standards in the interests of the environment.
- 3 In the interests of promoting sustainable transport.

- 4 In order to ensure that the external landscaping of the development hereby approved is completed to an acceptable standard.
- 5 In the interests of ensuring that any contamination of the application site is identified and suitably treated.
- 6 In the interests of ensuring that the remediation of site contamination has been successful.
- 7 In the interests of vehicle and pedestrian safety.
- 8 In the interests of pedestrian safety.
- 9 In the interests of vehicle and pedestrian safety.
- 10 In the interests of vehicle and pedestrian safety.
- 11 To ensure that surface water from within the curtilage of the site does not drain to the adjacent adopted road.
- 12 In the interests of vehicle and pedestrian safety.
- 13 To ensure an appropriate and publicly maintainable system is provided.
- 14 In the interests of enhancing the amenity and environmental quality of the development.
- 15 In the interests of enhancing the amenity and environmental quality of the development.
- 16 In the interests of preventing flooding.
- 17 In the interests of preventing instances of flooding from occurring.
- 18 In the interests of accurately recording the history of Dundee.