

Erection of 5 Flatted Dwellings

KEY INFORMATION

Ward The Ferry

Address

Land West of Library
Queen Street
Broughty Ferry

Applicant

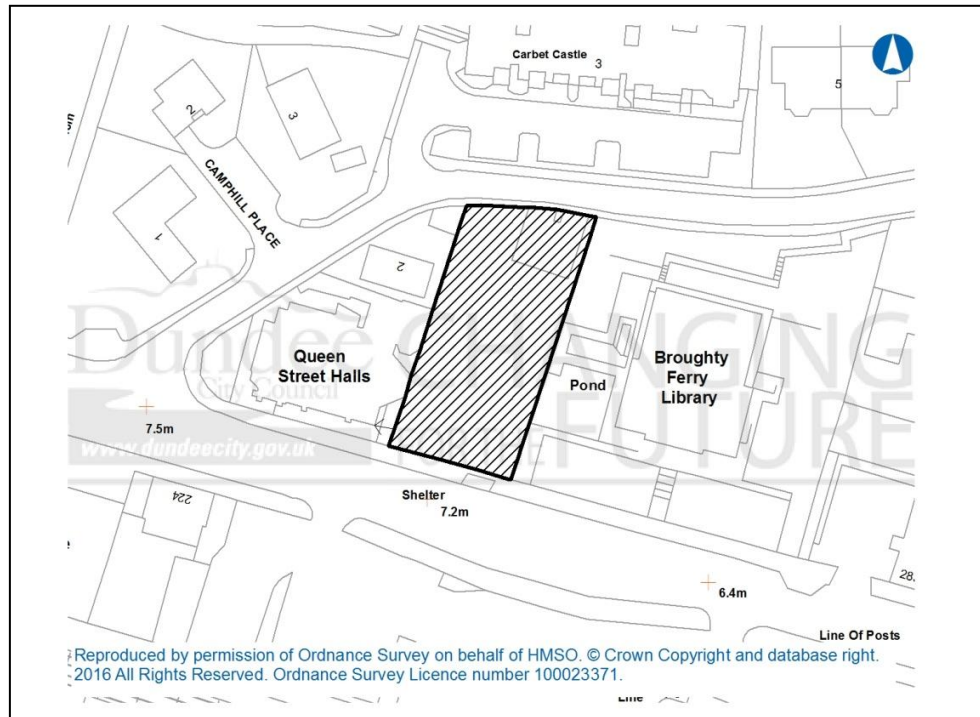
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Agent

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187 Strathmartine Road
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Registered 15 Sep 2016

Case Officer S Dorward



SUMMARY OF REPORT

- Planning permission is sought for the erection of five flatted dwellings.
- The statutory neighbour notification procedure was undertaken, 10 letters of representation have been received, including 7 letters of objection, along with a petition of support from the applicant.
- The application has been advertised as being contrary to the Adopted Dundee Local Development Plan 2014.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Development Management Committee because more than 6 valid written objections have been received, including one from Broughty Ferry Community Council.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=ODG8FAGCFYG00>.

RECOMMENDATION

The application complies with Policies 7, 29, 42, 50 and 55 of the Adopted Dundee Local Development Plan, 2014. The proposals are contrary to the terms of Policy 9 of the Dundee Local Development Plan. However, there are material considerations of sufficient weight to set aside the policy requirements. Therefore, the application is recommended for APPROVAL subject to conditions.

1 DESCRIPTION OF PROPOSAL

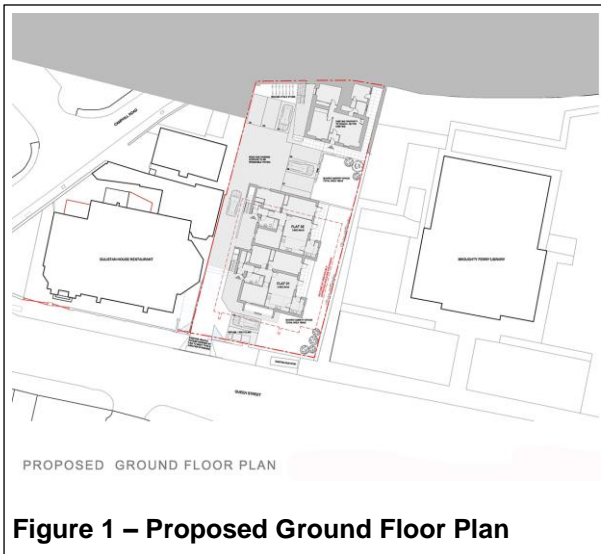


Figure 1 – Proposed Ground Floor Plan



Figure 2 – Proposed Street View

1.1 Planning permission is sought for the erection of 5 flatted dwellings. The proposal comprises two flats on the ground floor and three to the first floor extending into the second floor attic space. The proposed flats each have 3 bedrooms and a gross internal floor area of around 90m². The proposed flatted block has a footprint of 226m² and a maximum height of 10m with a pitched roof. External finishes are proposed as brick, white render and timber cladding, with a zinc roof, aluminium clad timber windows and dark grey aluminium rainwater goods. Shared amenity space within the site of 195m² is proposed. Each property would also have a useable private terrace or balcony area. A total of seven off street parking spaces are proposed within the curtilage of the site, as one space for each new build flat and two for the existing 2 flats. Secure cycle storage and waste facilities are also proposed.

2 SITE DESCRIPTION

2.1 The application site measures 954m² and is located within Forthill Conservation Area and outside the Central Broughty Ferry boundary as defined in the Adopted Dundee Local Development Plan (2014). The Category B listed Gulistan House (former Queen Street



Figure 3 – Elevations



Figure 4 – Site Photo

Church) is located to the immediate west of the site, and the category C listed public library is located to the immediate east of the application site. The site is currently grassed with an area of hard standing. Access is from Queen Street. An existing dwelling is located to the north of the site within the application site boundary, which constitutes two flatted units.

3 POLICY BACKGROUND

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

ADOPTED 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 42: Sustainable Drainage Systems

Policy 45: Land Contamination

Policy 50: Development in Conservation Areas

Policy 55: Accessibility of New Developments

SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS

Scottish Planning Policy (2014)

Historic Environment Scotland Policy Statement (2016)

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 The following applications are relevant:

- 10/00661/CON - refused in February 2011 for the complete demolition of a house in a conservation area;
- 10/00668/PPPL - refused in February 2011 for the erection of a hotel and incorporated health club;
- 12/00091/CON - refused in April 2012 for the demolition of a house;
- 12/00090/PPPL - refused in April 2012 for the erection of a hotel with leisure facilities;
- 12/00829/PPPL - for the erection of a health club, withdrawn in February 2013;
- 13/00166/PPPL - granted planning permission in May 2013 for the erection of a health club;
- 13/00167/FULL - granted planning permission in March 2013 for the erection of a 2 storey extension to the existing dwellinghouse;
- 15/00402/PPPL - proposed housing development, application returned invalid in June, 2015; and
- 16/00252/FULL - for the erection of 6 flatted dwellings and extension to dwellinghouse, withdrawn in March 2016.

5 PUBLIC PARTICIPATION

- 5.1 Seven letters of objection to the proposals have been received, including letters from Broughty Ferry Community Council and Dundee Civic Trust. Concerns have been raised in relation to design, scale and materials, and impact on conservation area and listed buildings. Potential issues were also put forward as inadequate floorspace proposed for properties, overshadowing, parking levels, access, and refuse collection. Objection letters have also stated that the application site is current garden ground for the cottages to the north of the site, and a query was also raised in terms of displacement of the current parking use on the site for the adjacent Rose Suite. Letters of support have been received from 3 neighbours of the application site, citing views that the proposed development for family accommodation is welcomed as a sympathetic and well designed solution to the gap site. A petition of support has also been submitted by the applicant, with over 100 signatures.

6 CONSULTATIONS

- 6.1 **The Head of Community Safety and Protection** – has recommended that conditions are appended to any planning permission granted to ensure that there is no contamination to existing soils or soils imported to the site, including verification. An informative is also recommended to ensure that basic radon measures are installed.

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 7: High Quality Design** - requires that all development 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 contribute to a sense of identity; design should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colour.
- 7.3 In this case, plans have been amended from the previous submission and the development would be an appropriate design and scale. The proposals would incorporate a palette of acceptable finishing materials; a planning condition is proposed to request samples of finishes for further approval. The new build flats have an overall height of 1.5 metres lower than the previous withdrawn application for flats, and with a more varied and interesting design which would create less mass to the building. The proposed design is considered to be appropriate for its setting and would be at an acceptable distance from the adjacent library, Gulistan House and cottages to the rear of the site. The design has been developed which aims to emulate the differing styles of the library building and church which sit either side of the site. The previous planning approval for the erection of a health club, application

reference 13/00166/PPP, presented a building of a greater scale and mass, the current proposal is regarded as an improvement.

7.4 **The proposal satisfies Policy 7.**

7.5 **Policy 9: Design of New Housing** - advises that the design and layout of new housing developments in Dundee should create places that enhance the identity of the different parts of the city. Within the terms of Policy 9, all new housing development is also required to conform to the guidance set out in Appendix 3 of the Adopted Local Development Plan. Appendix 3 states that flats may be acceptable where they would be for the conversion of a building of merit or where identified in a site planning brief. In terms of the suburban standards set by Appendix 3, it is required that flats should have generous internal space standards with 2 or more bedrooms or a minimum gross internal floor area of 100m². A minimum of 150% car parking should be provided with at least 1 space dedicated to each flat; this provision may be increased or decreased in light of site specific circumstances. Secure indoor bike storage should be provided; proposals should achieve a high quality living environment with attractive outdoor space for occupants. A minimum of 18m should be preserved between the facing windows of habitable rooms and living room windows/balconies should not overlook private gardens.

7.6 In this case, the proposed new build development is not a conversion of a building of merit and there is no site planning brief for this site. The proposals would otherwise meet the minimum standards required by Appendix 3 in that flats are proposed with 3 bedrooms, acceptable private and communal garden amenity spaces is proposed, along with cycle storage and bin storage, a minimum of 18m between opposing windows of any habitable rooms is also observed. Separate drying areas have not been provided. The proposals demonstrate 100% parking facilities with 1 space dedicated to each existing and new flat proposed. No provision has been made for an electric charging point, however, this could be secured by condition. Given that a public car park is located directly opposite the proposed flats and that the site is accessible by other means, the level of parking is considered to be sufficient. A justification has been presented to illustrate that site specific circumstances would merit a flatted solution, which is discussed in detail below.

7.7 The proposal contravenes Policy 9 in terms of the provision of flatted units.

7.8 **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.

7.9 An appropriate condition is proposed that would ensure that a Statement is submitted in accordance with the terms of Policy 29.

7.10 **With the addition of a planning condition, the proposal would satisfy Policy 29.**

7.11 **Policy 42: Sustainable Drainage Systems** - states that surface water from new development must be treated by a Sustainable Urban Drainage System (SUDS), which should be designed so that in a 1 in 200 year rainstorm event, flooding will not be higher than 300mm below floor level. Proposals are encouraged to adopt an ecological approach.

7.12 The site is not a known flood risk area and is not identified as at risk of flooding as per SEPA flood maps. Planning conditions are recommended with regard to water drainage and SUDS design. Clarification as to whether surface water drainage is to connect to Scottish Water's public sewer and if so, the applicant should submit evidence of approval to connect. An inspection and maintenance schedule for the drainage system should also be submitted,

along with appropriate certificates. Planning conditions are proposed in respect of these details.

- 7.13 **The proposal would satisfy the terms of Policy 42 with the addition of planning conditions.**
- 7.14 **Policy 45: Land Contamination** - requires that the development of potentially contaminated land will be considered where a site investigation has been submitted and establishes the nature and extent of the contamination, and where remediation is proposed that it would adequately address contamination risks and be suitable for the planned use.
- 7.15 The Head of Environmental Protection has recommended planning conditions to ensure that there would be no contamination at the site, to seek proposals for re-using soils and any mitigation required, with the addition of which the proposals would comply with the policy.
- 7.16 **The proposal satisfies Policy 45.**
- 7.17 **Policy 50: Development in Conservation Areas** - expects that all development proposals will preserve or enhance the character of the surrounding area, retaining all features that contribute to the character and appearance of the Conservation Area.
- 7.18 The application site is located within Forthill Conservation Area, and is currently an area of open space located between category B and C listed buildings. The site is partly grassed and part hard standing. The proposed development is of a scale and massing appropriate to the site within the Conservation Area, the design and materials are also considered appropriate and would complement the adjacent listed buildings. A condition is proposed to any planning permission granted to require the submission of samples of materials to ensure that finishes would be to the required standard.
- 7.19 **With the addition of a planning condition, the proposal satisfies Policy 50.**
- 7.20 **Policy 55: Accessibility of New Developments** - seeks that all development proposals which generate travel should be designed and well served by all modes of transport and development proposals are required to incorporate facilities for walking, cycling and public transport networks. Proposals should also comply with Dundee City Council's road standards. A minimum of 150% car parking should be provided, with at least 1 space dedicated to each flat; this provision may be increased or decreased in light of site specific circumstances.
- 7.21 In this case, the proposals would provide 100% parking facilities, with one dedicated space for each new build flat and one each for the two existing flats within the cottage on site. A public car park is located opposite the application site and it has been confirmed that a permit scheme is in operation with monthly parking permits available, or an annual pass at a cost of £55 per annum. The application site is located in close proximity to Broughty Ferry railway station, bus stops are also located adjacent to the site. The level of parking offered is therefore considered to be sufficient. The proposed access location meets current guidelines, however, the junction would not meet current visibility requirements. An existing fence/railings run through the required visibility splay, this is outside the application site but is within the control of the applicant, and is not part of any listing (the low coped wall with decorative railings to the west of Gulistan House forms part of the listing). A planning condition is proposed to ensure that the required visibility is allowed at the site access. Planning conditions are also recommended to ensure that the proposed gates open into the driveway, that an electric charging point is provided, and that provision is made for surface water run off, in the interests of road safety, sustainable travel measures and to ensure surface water does not drain to the adjacent adopted road.

- 7.22 **With the addition of conditions, the proposal would satisfy Policy 55.**
- 7.23 **It is concluded from the foregoing that the proposal does not comply with the provisions of the Development Plan.**

OTHER MATERIAL CONSIDERATIONS

A - STATUTORY DUTY

- 7.24 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 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 or enhancing the character or appearance of that area.
- 7.25 For the reasons set out above the proposed works comply with national planning guidance with regard to development affecting a Conservation Area or the setting of a listed building. The statutory duty set out in Sections 59 and 64 of the Act would be discharged through the approval of planning permission.

B - JUSTIFICATION FOR A DEPARTURE FROM POLICY 9 OF THE ADOPTED LOCAL DEVELOPMENT PLAN (2014)

- 7.26 The applicant has presented a justification in terms of site specific circumstances to support the development of a flatted unit on the site; due to the scale and nature of the adjacent buildings to the site, a smaller scale domestic dwellinghouse would appear as an inappropriate insertion within the streetscape. The overall number of units has been reduced from the previous submission, and the proposals reflect the standards presented within Appendix 3 for suburban areas. Discussions have taken place with the planning authority and all suggestions for improving the design and to increase compliance with Appendix 3 have been taken into account. It is also noted that the application site lies immediately adjacent to the boundary with Central Broughty Ferry, where inner city standards apply and flatted properties are accepted when demanded by site specific circumstances. The application site is located in close proximity to Broughty Ferry Railway Station. Bus stops and a public car park also lie adjacent to the site. It is proposed that the 2.5 storey flatted development would be the most appropriate for the location, and would provide 3 bedroom living accommodation immediately adjacent to Central Broughty Ferry.
- 7.27 The proposal would be a positive development for the area and provide good quality flatted family accommodation. Justification for the proposed flats as a housing type has been provided and while the proposal does not fully meet the Adopted Dundee Local Development Plan standards, it is considered to be acceptable. The site specific circumstances, in terms of the scale of neighbouring properties and proximity to Central Broughty Ferry, have sufficient weight to allow a departure from the standards of Appendix 3.

C - VIEWS OF OBJECTORS

- 7.28 Objection to the proposals are in relation to design, scale and materials, and adverse impact on the conservation area and adjacent listed buildings. Other concerns were raised in terms of the amount of floorspace proposed for the properties, together with potential issues from parking levels, access, and refuse collection and overshadowing. Objection letters have also stated that the application site is current garden ground for the dwelling located to the

north of the site, a query was also raised in terms of displacement of the current parking use on the site for the adjacent Rose Suite.

- 7.29 The majority of these concerns have been addressed earlier within this report. An overshadowing analysis has been submitted which illustrates that there would not be an issue to neighbouring properties. The proposal is also a lesser mass than buildings previously approved at the site. The land is currently vacant and does not constitute garden ground for the property to the north of the site; any parking within the site currently undertaken is unofficial.
- 7.30 The concerns of the objectors are not supported.
- 7.31 **It is concluded from the foregoing that the material considerations support the approval of planning permission.**

8 CONCLUSION

- 8.1 The proposal fails to satisfy the requirements of the Development Plan. There are material considerations that would 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 Prior to the commencement of any works on site, the developer shall establish a fixed datum point and shall submit a plan indicating the exact location and value of this datum point to the Planning Authority. The finished floor levels of the development relative to the fixed datum shall also be indicated on this plan. This agreed datum point shall be used for future reference as the development proceeds.
 - 2 Before the commencement of any works on site, samples of all finishing materials shall be submitted for the written approval of this Planning Authority.
 - 3 Prior to the commencement of any works on site, a Sustainability Statement demonstrating the extent to which the development will meet the requirements of Policy 29 of the Adopted Dundee Local Development Plan (2014) 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 any works on site, a detailed surface water drainage/SUDS design including drawings, calculations, full modelling, simulation results, design risk assessment and signed Dundee City Council Design and Check Certification shall be submitted to Dundee City Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to the first occupation of any unit hereby approved.
 - 5 Prior to the commencement of any works on site, evidence of Scottish Water approval for the proposed drainage system for the development hereby approved shall be submitted to the Council for written approval.

- 6 Prior to the commencement of any works on site, an inspection and maintenance schedule for the surface water drainage system, including any Sustainable Drainage Apparatus, shall be submitted for the approval of Dundee City Council as Planning Authority, along with confirmation of the proposed maintenance responsibilities and the completed and signed Confirmation of Future Maintenance of Sustainable Drainage Apparatus Certificate.
- 7 Prior to the commencement of any works on site, details of the proposed vehicle access, including proposed road markings shall be agreed prior to the commencement of any works on site and the access must be formed and constructed as a Type B junction to Dundee City Council standards and specifications.
- 8 The proposed gates shall open into the driveway and not over the adjacent public footway.
- 9 An electric car charging point shall be provided at a location to be approved by Dundee City Council as Planning Authority prior to opening of the development.
- 10 The hard surface within the curtilage shall be made of porous materials or provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.
- 11 Development shall not begin until landscaping proposals are submitted to, and approved in writing by the planning authority. This shall demonstrate that existing soils, and any soils imported onto site, will be suitable for the proposed use. The scheme shall contain details of proposals to deal with contamination to include the handling of any unexpected material discovered during construction.
- 12 Before any unit is occupied, the agreed landscaping strategy shall be fully implemented and a verification report with relevant documentation shall be submitted to and approved by the planning authority.

REASONS

- 1 To enable the Planning Authority to establish that the development is commencing from the correct level based on an agreed fixed datum point.
- 2 In the interests of visual amenity; to ensure that the external finishing materials are appropriate to the character 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 the interests of flood prevention.
- 5 In the interests of flood prevention.
- 6 In the interests of flood prevention and visual amenity.
- 7 In the interests of vehicle and pedestrian safety.
- 8 In the interests of vehicle and pedestrian safety.
- 9 In the interests of sustainable travel measures.
- 10 To ensure that surface water from within the curtilage of the site does not drain to the adjacent adopted road.
- 11 In the interests of providing a site suitable for residential development.
- 12 In the interests of providing a site suitable for residential development.