

**KEY INFORMATION**

**Ward** East Port

**Proposal**

Approval of Reserved Matters for the erection of a residential development of 28 flats

**Address**

Land To Southeast Of Multi Storey Car Park  
Gellatly Street  
Dundee DD1 3DY

**Applicant**

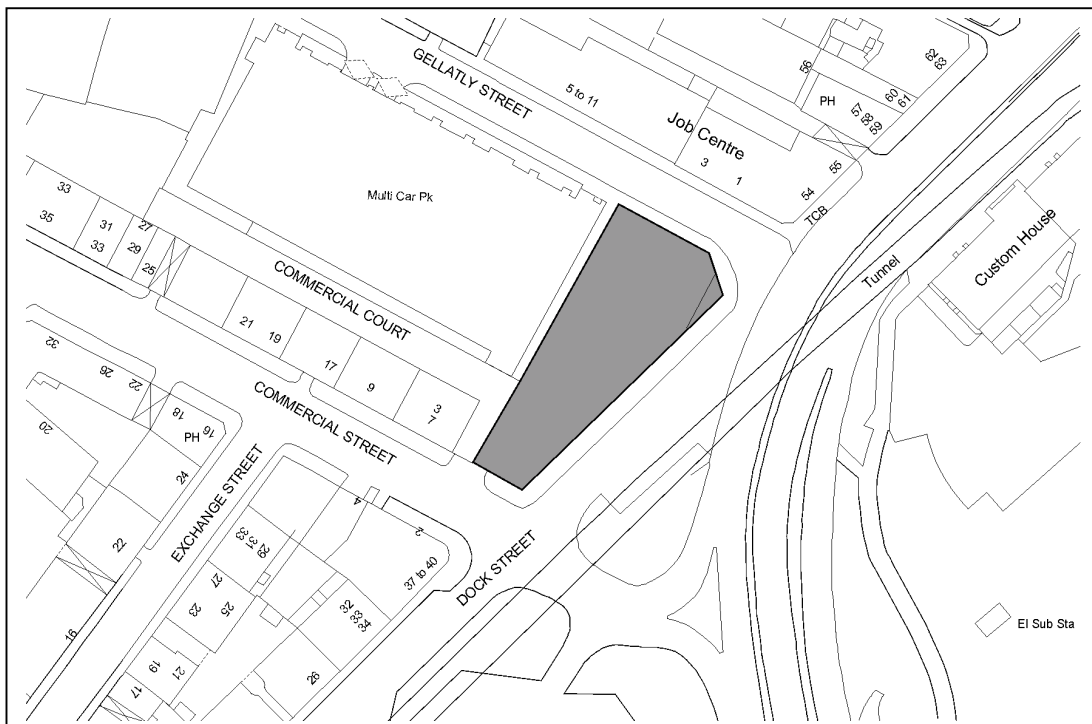
Bett Properties Limited  
125 West Regent Street  
Glasgow  
G2 2SG

**Agent**

KDM Architects  
15 Camperdown Street  
Broughty Ferry  
Dundee

**Registered** 30 May 2002

**Case Officer** Charlie Walker



## Residential Flats proposed adjacent to Gellatly Street Car Park

Approval of Reserved Matters for the erection of a residential development of 28 flats is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development fails to ensure the privacy and security of the ground floor flats and provides them with unusable amenity space and is of a design that fails to satisfy the requirements for bold and imaginative architecture in Policy H10 and the requirements to preserve and enhance the conservation area. The development is therefore recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- This is an application for the approval of reserved matters for a housing development on this site. Outline planning permission has been granted for a housing development on this site and a previous application for the approval of reserved matters was refused in December 2001.
- The details submitted indicate a development of 28 flats in a 5 storey building. 14 basement parking spaces are proposed and each flat has a balcony in lieu of open space.
- In the Local Plan the site is allocated as falling within the city centre housing area and Policy H7 states that the provision of housing in this area will be promoted. Policy H10 sets out guidelines for new housing developments. The site also lies within the City Centre Conservation Area.
- The Royal Fine Art Commission for Scotland have criticised the development. Their principal concern is the form of the proposed building which they consider fails to respond to the adjacent cityscape. They consider that it has a language more appropriate to a peripheral location rather than a city centre setting, lacks that urban order and would appear incongruous in its setting.

## DESCRIPTION OF PROPOSAL

This is an application for the approval of reserved matters in relation to an outline consent for a housing development on this site. The details submitted indicate a development of 28 flats in a 5 storey building occupying the entire site frontages to Gellatly Street, Dock Street and Commercial Street. To the rear of the buildings a small area of open space is provided adjacent to the multi storey car park and above the ramp leading down to the underground car park. 14 car parking spaces as well as cycle storage are proposed underneath the building accessed from Commercial Street. The flats are accessed from the rear of the building by means of 2 projecting stair towers with lifts and a third stair and lift within the building.

The flats at ground, first and second floor are broadly similar with 7 units on each level. At third floor level there are 3 flats and also on this level and extending into the fourth floor level there are 4 maisonettes. The maisonettes have more generous space standards. Of the total of 28 flats, 12 have 2 bedrooms, 15 have 3 bedrooms and 1 has 4 bedrooms. All the flats have balconies ranging in size from 4.2 to 16.5 sq. metres with an average size of 8.5 sq. metres. The ground floor flats have windows and balconies ranging from 1 to 1.4 metres above street level and these flats have a finished floor level of some 0.4 metres above street level.

The design of the proposed buildings could be described as a modern urban style. They are of sufficient mass and scale to mask the multi storey car park. Elevational variation is provided by recessing balconies, providing larger windows for lounges and expressing elements of the building through the use of different finishing materials. The proposed finishing materials are polished reconstituted stone at basecourse level, a mixture of smooth reconstituted stone and render on the walls with window bays and feature panels in timber cladding and a grey coloured standing seam roof.

The Dock Street elevation facing south to the ring road is the principal elevation of the building. There is extensive use of reconstituted stone at the central section of this elevation. At

either end penthouses are provided with an extensive amount of glazing which form corner features. The side elevations to Commercial Street and Gellatly Street continue a similar design theme. The rear elevation has an entirely different feel to it. As the flats are substantially single aspect facing south, east and west, the north elevation has a blank austere appearance accentuated by the presence of the windowless stair towers.

## SITE DESCRIPTION

The site comprises some 0.12 ha of ground enclosed by Gellatly Street, Dock Street and Commercial Street with the Gellatly Street multi storey car park to the north west. It occupies a very prominent location adjacent to the



ring road. It is used as a parking area and is enclosed on the Dock Street side by advertisement hoardings. The site lies in the City Centre Conservation Area and nearby buildings including those on both sides of Commercial Street, the north side of Dock Street, the Job Centre on Gellatly Street and the Custom House on the opposite side of the ring road are all listed.

## POLICY BACKGROUND

In the adopted Dundee Local Plan 1998 the site is allocated as falling within the city centre housing area and Policy H7 states that the provision of housing in this area will be promoted. Policy H10 sets out guidelines for new housing developments. In the city centre relevant guidelines include the provision of as much amenity space "as physically possible" and as much car parking "as is physically practical (but not at the expense of amenity space)". Bold and imaginative architecture, which respects the neighbouring buildings, is expected.

In August 2001 the Committee revised Policy H10 in connection with the size of city centre flats but the proposed

development complies with this requirement.

The site lies in the City Centre Conservation Area (which has been designated as "outstanding" by Historic Scotland) and Policy BE11 requires all development proposals to complement and enhance the character of the surrounding area. The site is also in an area of archaeological potential and Policy BE29 requires development to take this into account.

In February 2000 the Council approved the Final Draft Masterplan for the Dundee Central Waterfront and in September 2001 the Council approved the Masterplan. In October 2001 the Development Quality Committee resolved to treat the approved Masterplan as a material consideration in the determination of planning applications in this area. This Masterplan indicates that the site of the current application is required for a major new roundabout linking the Tay Road Bridge to Dock Street.

In December 2001 the Council approved the Dundee Urban Design Guide as a material consideration in the determination of future planning applications.

## LOCAL AGENDA 21

The Council's Agenda 21 policies do not have a particular bearing on the proposed development.

## SITE HISTORY

In August 1998 outline planning permission was granted for a housing development on this site - application ref. no D23478 refers. That consent confirmed that the principle of housing was acceptable on this site at that time. The application comprised only a red edged plan and no consent for any specific size or type of housing development was sought. The conditions of that consent reserved for future consideration all the details of the development including the number of dwelling units, the height of the building and the level of off street car parking.

In December 2001 outline planning permission for housing on the southern part of the current application site was refused - application ref. no D25241 refers. That proposal was refused

because it was considered that the development would prejudice the Council's proposals for the Central Waterfront as set out in the adopted Central Waterfront Masterplan 2001-2031.

Also in December 2001 an application for the approval of reserved matters for 28 flats on this site was refused - application ref. no 01/30176/REM refers. That proposal had certain similarities with the current proposals although the design was different and no off street parking was included. The reasons for refusal were that the development contravened Policy H10 of the Local Plan due to the lack of parking and amenity space; that the privacy of the ground floor flats would be compromised; and that the design of the proposed development was unacceptable for this prominent site within the City Centre Conservation Area.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the development was advertised as affecting the conservation area. No public comment was received.

## CONSULTATIONS

The Royal Fine Art Commission for Scotland has commented on the development. Its principal concern is the form of the proposed building which, in its opinion, fails to respond to the adjacent cityscape. It considers that it has a language more appropriate to a peripheral location rather than a city centre setting, lacks that urban order and would appear incongruous in its setting.

In terms of other details of the development it is critical of the treatment of the rear courtyard area. It feels that security and privacy will be compromised by the intrusion of the stairwells and bin stores and that the proposed landscaping does not look credible within the confined space available. Finally it is concerned about the privacy of ground floor flats and suggests that retail units be provided at ground floor level to overcome this difficulty.

The Director of Environmental and Consumer Protection has pointed out that existing noise levels are an issue at this location and requests that a

detailed assessment of the development is carried out to determine what mitigating measures might be required to prevent excessive noise in the proposed flats. The applicants state that they have engaged consultants to undertake this assessment although it had not been submitted at the time of writing this Report.

## OBSERVATIONS

The determining issues for the Committee in this instance are:

- 1 Do the details of the proposed development comply with the requirements for open space and car parking set out in Policy H10 of the Local Plan and the terms of the outline planning permission that was granted and if not are there any material considerations for approving the proposed development contrary to the Plan?
- 2 Will the proposed development provide an adequate standard of residential amenity for the occupiers of the proposed flats with particular reference to noise and privacy issues?
- 3 Is the design of the proposed development satisfactory having regard to the prominence of the site and the requirements of Policies H10 and BE11 of the Local Plan and the statutory duty to preserve and enhance the conservation area?

Although it is accepted that it is difficult to be prescriptive about standards of amenity space and car parking for city centre housing developments, there is no doubt that these factors have an important bearing on the quality of accommodation to be provided. In this case it is considered that adequate provision of amenity space in the form of balconies has been made. However there are issues about the usability of the open space for the 7 ground floor flats which is considered in subsequent paragraphs of this Report. The flats and the multi storey car park would heavily overshadow the small area of amenity space to the rear of the buildings. This area is only large enough to accommodate bin stores for the development.

14 parking spaces have been provided for the development. The outline

planning permission for the site specifically reserved the amount of off street car parking for future consideration. Whilst the provision of 1 space per flat is desirable, the provision of 50% parking is acceptable in this city centre location.

There are concerns that the residents of the proposed flats may suffer from poor standards of residential amenity due to noise from the multi storey car park and adjoining roads and a lack of privacy. It is considered inevitable that city centre development such as this will suffer from high noise levels. The applicants have commissioned a study on this matter and although it was not available at the time of writing this report, it is considered that modern technology can ensure that unacceptable noise levels can be mitigated to an acceptable level.

In terms of privacy, the 7 ground floor flats sit directly on the heel line of the footway. The floor levels are only 0.4 metres above the footway and all balconies and windows are clearly visible to passing pedestrians. It is considered that the level of privacy and security enjoyed by the occupants of these flats would be seriously compromised. It is considered that for these reasons the balconies would be unusable. The Council's Urban Design Guide stresses the importance of defining the public realm of the street and separating it from the private realm of the dwelling. The Royal Fine Art Commission also refers to this problem and considers that the provision of commercial units at ground floor would overcome the difficulty.

This issue was the subject of pre application discussion. Initially the applicants had proposed significant underbuilding to remove the privacy problem but this created an unacceptable design where the underbuilding and vents to the parking area dominated the ground floor elevation. However the current proposals result in an unacceptable standard of residential amenity for the flats. The best solution would be that suggested by the Royal Fine Art Commission.

It is considered that the design of the proposed development would need to be improved in order to satisfy the requirements of Policies H10 and BE11 of the Local Plan and the

statutory duty to preserve and enhance the conservation area. The building has some pleasing aspects and the design has been improved following suggestions made in the course of pre application discussions. However due to time constraints (the applicants had a deadline for the submission of this application) they were unable to fully refine the design of the development. The resulting scheme fails to provide the quality of design required for this exceptionally prominent site in the City Centre Conservation Area.

Some of the detailing on the building is awkward and heavy such as the panels of roughcast above the penthouse on the Commercial Street elevation. The lack of entrances on the street elevations does not help. However it is the design of the rear elevation that gives most cause for concern. The single aspect flats and the large windowless stair towers produce an environment that can only be described as austere. Although this is a rear elevation it will be visible from Commercial Street. More importantly it is the elevation which provides access to all of the flats.

The Council's Urban Design Guide states that new buildings should be well designed and seeks an agenda of imaginative and innovative contemporary architecture. It is considered that the proposed development does not meet these requirements.

The Royal Fine Art Commission has criticised the design of the development. It considers that it fails to respond to the adjacent cityscape. It states that it has a language more appropriate to a peripheral location rather than a city centre setting, lacks that urban order and would appear incongruous in its setting. The particular visual prominence of the site dictates that only a design of exceptional quality should be accepted at this location. In addition the site is within the City Centre Conservation Area which has been designated as "outstanding" by Historic Scotland. It is considered that the design of the development does not satisfy these requirements and that the views of the Royal Fine Art Commission are correct.

Finally although the approval of this development would prejudice the implementation of the Masterplan for

the Central Waterfront, this matter cannot be taken into account in the determination of this application since the principle of developing the site for housing has already been established by a grant of outline planning permission in 1998.

## Design

The particular visual prominence of the site dictates that only a design of exceptional quality should be accepted at this location. In addition the site is within the City Centre Conservation Area which has been designated as "outstanding" by Historic Scotland.

The design of the proposed buildings could be described as a modern urban style. They are of sufficient mass and scale to mask the multi storey car park. Elevational variation is provided by recessing balconies, providing larger windows for lounges and expressing elements of the building through the use of different finishing materials. The proposed finishing materials are polished reconstituted stone at basecourse level, a mixture of smooth reconstituted stone and render on the walls with window bays and feature panels in timber cladding and a grey coloured standing seam roof.

The design of the proposed buildings has been criticised by the Royal Fine Art Commission for Scotland. The street elevations are of a reasonable but not exceptional standard and the rear elevation is both bland and austere.

It is considered that the design of the proposed development would need to be amended in order to satisfy the requirements of Policies H10 and BE11 of the Local Plan and the statutory duty to preserve and enhance the conservation area.

## CONCLUSION

The proposed development fails to ensure the privacy and security of the ground floor flats and provides them with unusable amenity space and is of a design that fails to satisfy the requirements for bold and imaginative architecture in Policy H10 and the requirements of preserve and enhance the conservation area.

## RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reasons:-

### Reasons

- 1 The design of the proposed building, and in particular the detailing at the penthouse flat at the Commercial Street/Dock Street junction and the blandness of the rear elevation, is not of a sufficiently high standard for this prominent site within the outstanding City Centre Conservation Area and the development therefore fails to comply with Policy BE11 of the adopted Dundee Local Plan 1998.
- 2 The privacy and security of the ground floor flats and the usability of the balconies would be substantially compromised by reason of the proximity of balconies and living room windows to public pavements.