

KEY INFORMATION

Ward East Port

Proposal

Erection of 30 new flats and conversion of upper floor of former Sailors Home to 8 flats

Address

13-17 Candle Lane/62-63
Dock Street
Dundee

Applicant

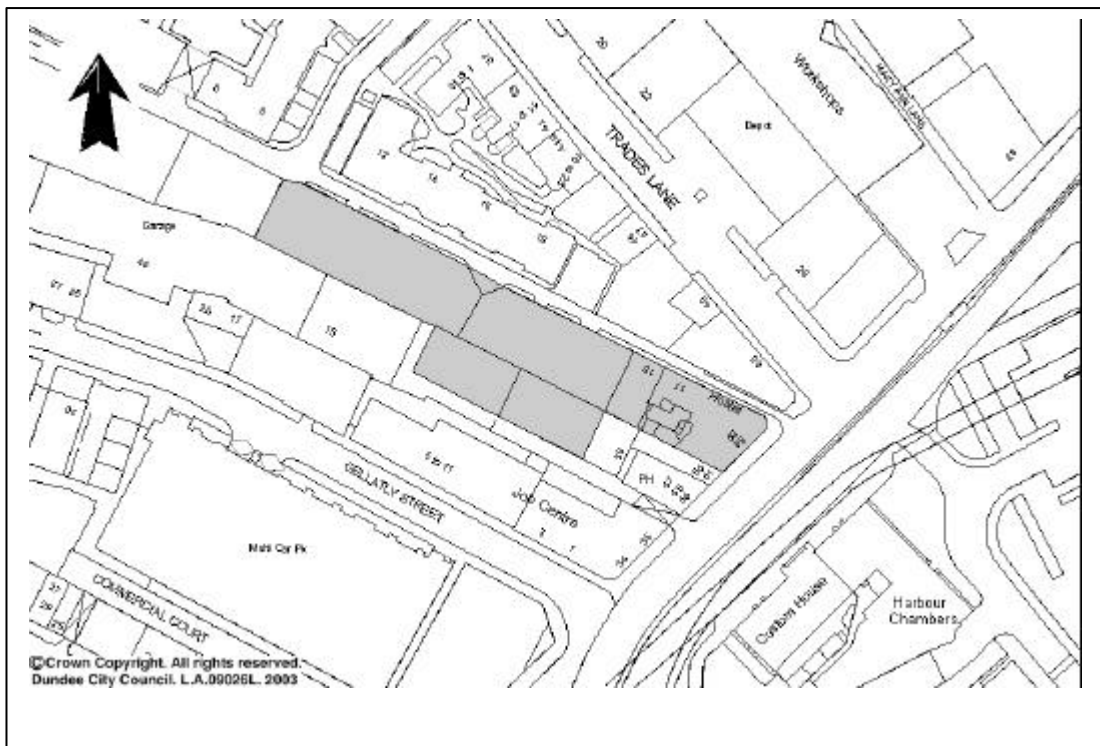
Peter Inglis
30 South Tay Street
Dundee
DD1 1PD

Agent

Peter Inglis
30 South Tay Street
Dundee
DD1 1PD

Registered 8 April 2005

Case Officer C Walker



Proposed Housing Development in Candle Lane

The Erection of 30 new flats and conversion of upper floors of former Sailors Home to 8 Flats is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development complies with the policies of the Development Plan, will enhance the character of the surrounding area and the impact on the existing flats at Candle Lane is not such as would justify a refusal of planning permission.

SUMMARY OF REPORT

- Planning permission is sought for a residential development on the site comprising the conversion of the Category B listed former Seamen's Mission into 8 flats and the erection of a new 5 storey building containing 30 flats.
- 8 letters of objection were received stating concerns about overlooking and overshadowing, traffic and parking, noise, relationship to the listed buildings and drainage matters.
- In principle, the provision of housing at this location is in accordance with the adopted Local Plan and the development complies with the standards for new housing under Policy 4 and the other provisions of the development plan.
- The impact on the existing flats at Candle Lane is not such as would justify a refusal of planning permission. A Section 75 Agreement should be concluded to ensure the restoration of the listed buildings and the upgrading of Candle Lane.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a residential development on the site comprising the conversion of the Category B listed former Seamen's Mission into flats and the erection of a new 5 storey building containing 30 flats. The vacant and semi derelict former Seamen's Church (also Category B listed) between the 2 proposed residential developments is to be retained and upgraded to facilitate a long term office use and the owner has indicated a willingness to gift the premises to the Tayside Building Preservation Trust.

The conversion of the former Seamen's Mission involves the retention of the ground floor offices and the provision of 8 flats on the upper levels, 4 of which will have 4 bedrooms and the other 4 having 2 bedrooms. The details of the proposed conversion indicate no significant alterations to the building either internally or externally. It is, however, proposed to replace the windows on the building with new sash and case windows.

The proposed new flatted development on Candle Lane is 5 storeys in height and provides 30 flats, each with 2 bedrooms. All the upper floor flats are provided with small balconies (approximately 5 sq metres in extent) and a communal garden area of some 350 sq meters is proposed to the rear of the building. Proposed finishing materials are brick for the walls and grey sarnafil for the flat roof. A car parking area providing 24 spaces is proposed to the north west of the building to serve the entire development.

A noise study has been carried out to assess the impact of traffic noise on Dock Street on the proposed flats and it indicates that using windows with trickle ventilators will provide satisfactory internal conditions.

An overshadowing study has been carried out to assess the impact of the new flatted block on the existing flats at Candle Lane. This indicates that there will be no significant impact on most of the flats in that development. However the lower floor flats at the south eastern end of that development

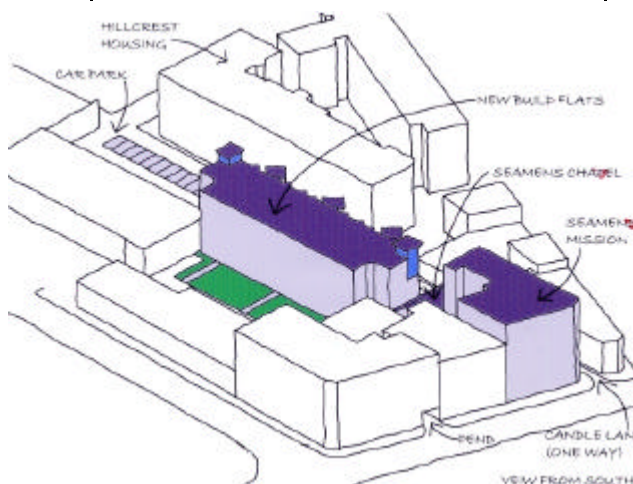
(nos 16 and 18) will experience additional overshadowing from mid afternoon onwards until the height of summer when again the impact will be minimal.



SITE DESCRIPTION

The site comprises the Category B listed former Sailors Home and Chapel, which are within the Central Area Conservation Area. The site also includes a strip of ground on Candle Lane which is mainly used for car parking.

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 was last used as offices and the upper floors as a hostel. The former Chapel on Candle Lane is now derelict. Both building together represent a significant part of Dundee's maritime history.

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 Job Centre at the junction of Dock Street and Gellatly Street. A pend under

these buildings leads to a large warehouse building, the northern half of which lies within the application site and which it is proposed to demolish to facilitate the proposed development.

Candle Lane to the north east of the site is very narrow, with a pinch point of some 3.5 metres 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.

To the south west (rear) of the site are the Job Centre and Matthews Foods premises at Gellatly Street.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 4 Design of New Housing sets out standards for new housing development.

Policy 55 Urban Design puts an emphasis on good design and on protecting the setting of listed buildings.

Policy 60 Alterations to Listed Buildings require proposals to have regard to the preservation or enhancement of its architectural or historic character.

Policy 61 Development in Conservation Areas requires development proposals to preserve or enhance the character of the surrounding area.

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of this application.

Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application.

LOCAL AGENDA 21

The proposed redevelopment of this site is a central and accessible location is considered to be sustainable.

SITE HISTORY

There is an accompanying application for listed building consent for the conversion of the Category B listed former Seamen's Mission into flats - application 05/00282/LBC refers.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposal was advertised as affecting the setting of the conservation area. 7 letters of objection were received from the occupiers of nearby dwellings on Candle Lane and Allan Lane. The objectors are concerned about overlooking and overshadowing, traffic and parking, noise, relationship to the listed buildings and drainage matters. A letter was also received from the Dundee Civic Trust supporting the proposed development. Copies of these letters are available for inspection in the Members Lounges and the points raised are fully considered in the Observations Section of this Report.

CONSULTATIONS

The Head of Environmental Health and Trading Standards has commented that there may be contamination on the site and that traffic noise on Dock Street will affect the development and that these issues should be covered by planning conditions.

The Scottish Executive, as trunk roads authority, have objected to the proposed development, as the original plans indicated the use of the pend

from Dock Street for servicing. The plans have since been altered to indicate that no use of this pend will be made as part of the proposed development.

The City Centre Community Council has objected to the proposed development on grounds of inadequate access, traffic and parking problems and overlooking and overshadowing of the flats at 16 and 18 Candle Lane.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations.

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

In principle, the provision of housing at this location is in accordance with the adopted Local Plan and although there are few prescriptive standards for new housing under Policy 4, the proposed development provides the maximum amount of parking possible (24 spaces) and a reasonable amount of garden ground and balcony space. The council has concerns about the width of Candle Lane (this issue is addressed later in this Report) which might require a small reduction in this number of parking spaces. No proposed dwelling unit has less than 2 bedrooms. The final strand of the policy states "generally a minimum of 18 metres between the facing windows of habitable rooms" should be observed. This requirement for city centre properties differs from the mandatory requirement for dwellings in other locations, reflecting the fact that maintaining the existing built environment may require relaxations to the 18 metre standard.

In this case, Candle Lane is less than 6 metres wide at the location of the proposed development and as the buildings on the north east side are not set back, development on the application site would need to be set

back 12 metres to comply with an 18 metre standard, making development of the site unfeasible. Instead the applicants have chosen to set the windows of the proposed new build development at 45 degree angles to the houses on the opposite side of the street and at a distance of some 11.5 metres, thus avoiding direct overlooking and providing a level of privacy equivalent to that provided by the 18 metres distance rule for directly facing windows. It is therefore considered that adequate provision has been made for the protection of privacy in accordance with the general rule set down in Policy 4.

Policy 55 emphasizes the importance of good design and the need to protect the setting of listed buildings, Policy 60 requires proposals to have regard to the enhancement of listed buildings and Policy 61 requires development proposals to preserve or enhance the character of conservation area.

These policies are broadly similar in their aims, seeking to promote good design and protect the setting of listed buildings and conservation areas. In this case, the proposals involve the conversion of a listed building which also lies in the Central Area Conservation Area. The conversion of the listed building involves little change to its character and appearance, and by securing a new use for the upper floors, is likely to enhance its future preservation. Proposals to refurbish the listed derelict Seamen's Chapel are also welcomed. Should Members be minded to approve this development it is recommended that a Section 75 Agreement be entered into to ensure the restoration of these listed buildings.

The new build flats will have an impact on the setting of the adjoining listed buildings and to a lesser extent on the nearby conservation area. The design of these flats has been the subject of discussion and amendment and it is now considered that subject to the use of appropriate finishing materials and landscaping, an appropriate solution has been achieved for the redevelopment of this site and that there will be a positive impact on the setting of the adjoining listed buildings and the Central Area Conservation Area.

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

Other Material Considerations

The other material considerations to be taken into account are as follows:

- a Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications that affect the setting of listed buildings, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

This matter has already been considered in the assessment of the proposed development under Policy 55 of the adopted Local Plan and it was considered that the proposal would enhance the setting of the adjoining listed buildings.

- b Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications in conservation areas to have special regard to the desirability of preserving or enhancing the character or appearance of that area.

This matter has already been considered in the assessment of the proposed development under Policy 61 of the adopted Local Plan and it was considered that the proposal would enhance the character and appearance of the adjoining conservation area.

- c The Concerns of the Objectors and Consultees

The objectors and the City Centre Community Council are concerned about overlooking and overshadowing, inadequate access, traffic and parking, noise, relationship to the listed buildings and drainage matters.

The issue of overlooking has been addressed in the assessment of the proposed development under Policy 4 of the adopted Local Plan and it was concluded that the splaying of windows at a 45 degree angle would adequately protect privacy.

Concerns about potential overshadowing of the flats at Candle Lane have led to the submission of an overshadowing study which indicates

that there will be no significant impact on most of the flats in that development but that lower floor flats at the south eastern end of that development (nos 16 and 18) will experience additional overshadowing from mid afternoon onwards until the height of summer when again the impact will be minimal.

Due to the narrowness of Candle Lane and the fact that the flats at 16 and 18 Candle Lane are situated directly on the heel line of the pavement, any development on the opposite side of the road will have an overshadowing impact. This situation is typical for any city centre development. However it is important to ensure that any such overshadowing is not unreasonable. In this case it is considered that on balance the extent of overshadowing is acceptable for a city centre location.

Concerns about inadequate access, traffic and parking relate to the narrowness of Candle Lane, which the objectors consider to be inadequate for existing traffic levels and they also consider that parking pressures in the area are considerable. However the proposed development makes a significant parking contribution of 24 spaces which is well in excess of that provided by existing developments at Trades Lane, Candle Lane and Seagate. The issue regarding the narrowness of Candle Lane needs to be addressed. The existing footways are narrow as is the carriageway, and opportunities for turning are not available. Should members be minded to approve the proposed development it is recommended that a Section 75 Agreement be entered into seeking the upgrading of Candle Lane. It is accepted that any such upgrading will impinge on the amount of parking spaces provided but it is considered that a reasonable compromise can be achieved between the upgrading of the carriageway and footways and the provision of parking.

Concerns about noise relate to traffic generated by the proposed development but it is not considered that the levels of traffic generated, taking into account existing traffic and noise levels in the vicinity of the site, would be such as to justify a refusal of planning permission.

The issue of the relationship to the listed buildings has already been considered in the assessment of the proposed development under Policy 55

of the adopted Local Plan and it was considered that the proposal would enhance the setting of the adjoining listed buildings.

Concerns about drainage matters relate to previous incidents of sewage overflow. There is nothing to suggest that the development of this site would increase any risk of drainage problems but in any event a guidance note can be attached to any consent, should Members be minded to approve the proposed development, requiring liaison with Scottish Water prior to the commencement of development.

The issues raised by the Head of Environmental Health and Trading Standards on contamination and traffic noise on Dock Street can be addressed by planning conditions should Members be minded to approve the application.

Finally the concerns of the Scottish Executive, as trunk roads authority, have been addressed by the alteration to the plans to indicate that no use of the pend will be made as part of the proposed development.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission. It is therefore recommended that planning permission be granted with conditions.

Design

The conversion of the listed building involves little change to its character and appearance, and the proposals to refurbish the listed derelict Seamen's Chapel are also welcomed. The design of the new flats has been the subject of discussion and amendment and it is now considered that subject to the use of appropriate finishing materials and landscaping, an appropriate solution has been achieved for the redevelopment of this site and that there will be a positive impact on the setting of the adjoining listed buildings and the Central Area Conservation Area.

CONCLUSION

The proposed development complies with the policies of the Development Plan, will enhance the character of the surrounding area and the impact on the existing flats at Candle Lane is not such as would justify a refusal of planning permission.

RECOMMENDATION

Recommendation 1

This planning permission shall not be issued unless and until an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 between the Council and parties with appropriate interests in the land has been recorded. The agreement will relate to:

(A) The phasing of the development and the restoration of the listed buildings which shall ensure that the listed Seamen's Mission shall be converted into flats and the listed former Seamen's Chapel is made wind and watertight and transferred at nil value to Tayside Building Preservation Trust prior to the commencement of development of the proposed 30 new build flats and

(B) The upgrading of the carriageway and footways at Candle Lane to a satisfactory standard.

Recommendation 2

It is recommended that planning permission be GRANTED subject to the following conditions:

- 1 The development hereby permitted shall be commenced within five years from the date of this permission
- 2 Samples of the finishing materials proposed to be used both on the buildings and the hard landscaping of the site, shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples.
- 3 Details of a scheme for the upgrading of the listed Seamen's Chapel to make it wind and watertight and its transfer to a restoring body at nil value shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 4 Details of hard and soft landscaping of the site shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried

out only in full accordance with such approved details. 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.

- 5 No development shall take place within the site until a scheme of archaeological investigation (including a timetable) has been submitted to and approved in writing by the Council.
 - 6 Details of the method to be employed to ensure that the car parking is provided exclusively for the use of residents of the proposed development shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
 - 7 No use shall be made of the pend off Dock Street to service the proposed development.
 - 8 Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of 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.
 - iii Measures to deal with contamination during construction works.
 - iv Condition of the site on completion of decontamination measures.
- Before any unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.
- 9 Details of a scheme of attenuation to ensure that noise from traffic does not adversely impact on the occupiers of the flats in the building at 62-63 Dock Street shall be submitted

to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 to ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 In order to secure the future of the statutorily listed building.
- 4 to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area
- 5 in order to examine, record, and salvage items related to archaeology and history
- 6 In order to provide adequate parking for the proposed development and to ensure that the parking area is not used for commuter parking.
- 7 In the interests of traffic safety.
- 8 In order to ensure that the site is fit for the use proposed.
- 9 To protect the residential amenities of the occupiers of the proposed flats.