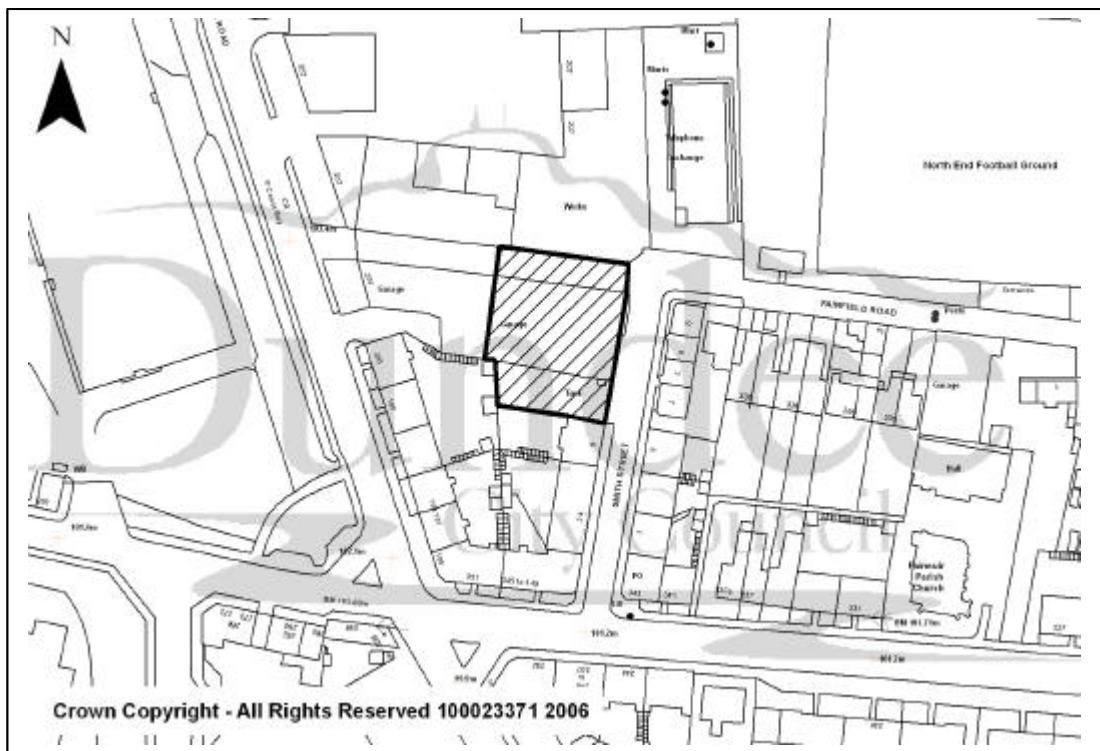


KEY INFORMATION**Ward** Fairmuir**Proposal**

Erection of 21 flats

AddressLand to the West of Smith
Street
Dundee**Applicant**BBK Associates
64-70 North William Street
Dundee
DD3 7DB**Agent**Mackie Ramsay Taylor
47 Victoria Street
Aberdeen
AB10 1QA**Registered** 6 Dec 2006**Case Officer** Julie Young

Housing Proposed for Vacant Industrial Site

The erection of 21 flats is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal does not comply with Policies 2 and 4 of the Dundee Local Plan Review 2005 as the proposal is for a flatted development. The applicant has failed to provide sufficient justification for the proposal where it is contrary to the Development Plan. Accordingly, the application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought for the erection of 21 flats on land on the west side of Smith Street, Dundee.
- The site is located within an inner city area and immediately adjacent to a General Economic Development Area (Policy 26). Policies 2 and 4 are of relevance to the determination of the proposal. It was advertised as contrary to Policy 4 as the proposal is for a flatted development.
- Two letters of objection were received on the grounds of traffic, parking and access problems and the adverse visual impact of the proposed materials for the development.
- There are potential contamination issues with the proposed development at this location.
- The proposal is contrary to Policies 2 and 4 and the applicant has failed to fully justify that flats are the only acceptable solution for the site.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of 21 flats on land on the west side of Smith Street, Dundee. The site area is 0.152 hectares. Vehicular access is from Smith Street and to the north end of the site. The flats are predominantly 4 storeys in height with a 5 storey element at the north end. The flats all have 2 bedrooms. There is a private amenity space at the south end of the site and 28 parking spaces to the west and north.

The proposed finishing materials are smooth white and blue render walls, grey cladding panels, terracotta rainscreen cladding, standing seam metal roof, grey clad eaves and soffits and timber/aluminium windows.

SITE DESCRIPTION

The application site is located on the west side of Smith Street. The site is currently occupied by a vacant industrial building with white render walls and corrugated metal roof. There is an access road to the north of the building, which may provide access to Strathmartine Road to the west. There are 4 storey stone-built tenement flats to the south and fairly modern 3 storey flats to the east, on the opposite side of Smith Street. Smith Street is a narrow street and cars park on both sides. The street turns at 90 degrees at the north and is narrower along this section and leads into Fairfield Street.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 2005

The following policies are of relevance:

Policy 4 - Design Of New Housing

The design and layout of all new housing in Dundee should be of a high quality. As a basis for achieving this, new development will be required to conform to the Design Standards

contained in Appendix 1 of this Local Plan unless:

- a the City Council, through either site allocation in the Local Plan or site planning briefs, considers it appropriate to vary the standards to reflect the constraints or opportunities offered by the development of a particular site; or



- b the proposal is within an established low density residential area, in which case the density of the new development should reflect this and more generous external space standards will be required.

New housing development should also have regard to the principles of the City Council's Urban Design Guide.



In addition, new housing development should meet "Secured by Design" standards. New residential streets should be designed to promote low vehicle speeds of 20mph. or less. New housing should have regard to

opportunities to maximise energy efficiency and promote sustainable waste management.

Policy 2 - Housing Land Release

Proposals for housing land release additional to the Finalised Local Plan allocations will be acceptable where:

- a housing development is in accordance with all other policies in the Local Plan; and
- b it will make a positive contribution to quality and choice of housing available in the local area; and
- c it satisfies all of the housing standards contained in Appendix 1 of the Local Plan or those in any site planning brief approved by the City Council; and
- d it will improve tenure mix in areas where there is limited choice and contribute to wider community regeneration objectives.

Outwith the Housing Investment Focus Areas identified in the Local Plan, a condition may be imposed requiring that development commences within two years.

Proposals for additional greenfield land release will only be supported where allocated greenfield sites are agreed not to be effective and where the scale and location of development is in accordance with the strategy of the Structure Plan.

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.

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

There is no site history of direct relevance to the application site.

PUBLIC PARTICIPATION

The application was advertised as a departure to Policy 4 of the Dundee Local Plan Review 2005 on 18th December 2006. The proposal is assessed against this Policy in the "Observations" section below.

Statutory neighbour notification was carried out and two letters of objection were received on the grounds that the proposed materials for the development are not in keeping with surrounding properties and traffic, parking and access problems.

The issues raised are discussed in detail in the "Observations" section below. Copies of the letters of objection are available for viewing in the various Members' Lounges.

CONSULTATIONS

The Head of Environmental Health and Trading Standards requested a full noise impact assessment (NIA) as per section 14 of PAN 56 due to the close proximity of neighbouring industrial businesses. The required NIA should identify all significant noise sources and the noise levels of these sources that the proposed development will be exposed to and details of mitigation measures to be implemented to protect the amenity of the potential residents of the flats. A NIA was subsequently submitted and the Head of EHTS finds the assessment acceptable. The consultant advises that no noise mitigation measures are necessary for the required internal levels to be met. Noise from the surrounding industries occur only during normal working hours so noise will not be present at night. These details are satisfactory and it is concluded that there will not be a noise issue for future occupants.

The Head of Environmental Health and Trading Standards has indicated that the site is at risk from potential contamination and a phase 1 site

investigation is recommended prior to the application being determined. The applicant submitted a phase 1 environmental risk assessment, which is considered acceptable. It recommends that limited actions are required to further assess the suitability of the site for the proposed development as limited potential for impacts has been identified from any environmental risks associated with the site. A condition requiring the site to be fully investigated and remediation carried out as necessary is recommended, should Members be minded to approve the application.

Scottish Water have confirmed that they have no objection to the proposed development and advise that a separate application should be made for connection to their infrastructure, should planning permission be granted.

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.

The proposal is for 21 flats on land on the west side of Smith Street. The flats are predominantly 4 storeys in height with a 5 storey element at the north end.

In terms of Policy 4, flats are only permitted in the Inner City where the site is identified in a site planning brief, site specific circumstances demand a flatted solution or conversion of an existing building is proposed. The applicant has provided a justification for the departure from Policy 4 as follows:

- 1 The development comprises flats as are all other residential units which surround the site. The proposal is predominantly 4 storeys in height, which matches the existing tenements on the

same side of Smith Street and tenements to the west;

- 2 The 5 storey corner creates a visual stop to the streetscape where Smith Street turns through a right angle and adds to the variety of the townscape;
- 3 Discussions have taken place regarding roads requirements and the pavement has been re-aligned to take their comments on board. The end-on parking bays have been increased in size as requested and the turning bay enlarged.

The justification is based on the design of the proposal and the height of surrounding buildings, which is supported.

It is considered that the justification provided by the applicant does not fully justify the acceptability of flats at this location in terms of site specific circumstances. The reasons provided by the applicant that there are flats in the surrounding area and the height ties in with surrounding buildings is not sufficient to depart from Policy. If more flats are provided at this location, it would indeed lead to less housing mix and tenure availability and does not comply with the aims of Policies 2 and 4 of the Local Plan. The site is not located on a main public elevation or on a corner site where the height would be a critical consideration in the determination of the design of the development. Therefore the applicant's argument for the height and particularly the 5 storey section are not considered to hold sufficient weight to merit approval of the application contrary to the Development Plan. There is no site planning brief for the site and the proposal does not involve a conversion of an existing building. The applicant has not provided plans to demonstrate and support the reasons against a housing development for the site.

Appendix 1 to Policy 4 states that flats should have a minimum gross internal floor area of 60m². All flats exceed this figure.

28 car parking spaces are provided, which complies with the parking requirement of 130%. There is a private amenity space of over 260m², which complies with the garden space requirement. No separate drying area has been shown, but it is considered

that there is sufficient amenity space for this to be provided.

The design and materials are contemporary and the colours proposed will enhance the streetscape along Smith Street. The height complements the heights of surrounding buildings along Smith Street.

In terms of Policy 2, the proposal fails to comply with other Policies in the Local Plan and it is not considered that it provides a choice of housing in the local area.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan and there are no material considerations in these circumstances to justify approval of the application.

Other Material Considerations

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

Objections

Two letters of objection were received from neighbouring residents and the grounds of objection are discussed below:

- 1 Proposed materials for the development are not in keeping with surrounding properties

As discussed above, the materials are contemporary and the colours will enhance the streetscape, which are considered acceptable for this location. However the principle of flats has not been accepted for the site.

- 2 Traffic, parking and access problems.

The proposed development complies with the parking requirements as specified in Policy 4. No access problems were raised as an issue from consultees. Whilst it is appreciated that the width on Smith Street is reduced due to on-street parking, it is not considered that the level of traffic introduced by the new development will adversely affect the existing road network. Any proposed new roads or changes to existing roads or footways will have to comply with Dundee City Council specifications and road construction consent will be

required, should planning permission be granted for the proposal.

Justification from Applicant

The justification from the applicant has been discussed above and it is considered that their design reasons do not fully justify the development of flats at this location. The applicant argues that the proposed development complements the building heights along the street and the use of a contemporary design and materials will enhance the visual appearance of the streetscape.

It is concluded from the foregoing that the objections are not supported and the justification from the applicant is not considered sufficient to justify departing from the development plan in these circumstances.

Design

It is considered that the design and use of contemporary materials will enhance the streetscape at this inner city location. The height is not justified as the site is not at a prominent location and there are lower buildings in the surroundings.

CONCLUSION

The proposal does not comply with Policies 2 and 4 of the Dundee Local Plan Review 2005 and there are no material considerations that justify approval of the application.

RECOMMENDATION

It is recommended that consent be REFUSED for the following reasons:

Reasons

- 1 The proposal fails to comply with Policy 4 of the Dundee Local Plan Review 2005 as the proposal is for a flatted development, which is not supported by Appendix 1 of that Policy. The applicant has failed to fully justify the principle of flats at this location. There are no material considerations that would justify approval of the application contrary to the provisions of the Development Plan.
- 2 The proposal is contrary to Policy 2: Housing Land Release of the Dundee Local Plan Review 2005 as it does not comply with

the housing standards contained in Appendix 1 of the Local Plan. It is not considered that the proposal makes a positive contribution to the choice of housing available in the local area. There are no material considerations that would justify approval of the application contrary to the provisions of the Development Plan.