

**KEY INFORMATION**

Ward Maryfield

**Proposal**

Proposed block of 3 flats

**Address**

6-8 Lyon Street  
Dundee  
DD4 6RE

**Applicant**

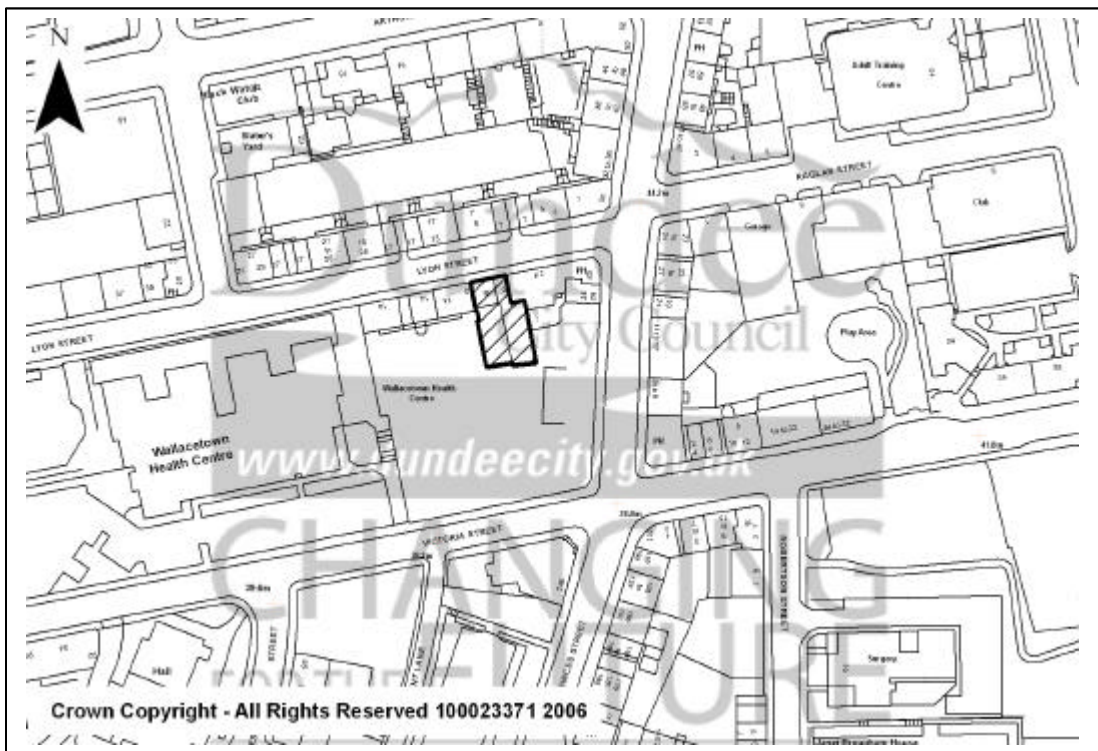
Anderson Properties  
8 Lyon Street  
Dundee

**Agent**

Ron Weir  
Balloch Bungalow  
South Balloch Farm  
Alyth  
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PH11 8JN

Registered 8 Feb 2007

Case Officer S Johnson



## Residential Development Proposal in Lyon Street

A proposed block of three flats is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development is contrary to Policy 4 of the Dundee Local Plan Review 2005. The proposed development will contribute to the regeneration of the Stobswell area and provide a high quality, modern flatted development. The application is recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- Planning permission is sought for the erection of three new flats at 6-8 Lyon Street, Dundee.
- Policies 1 and 4 of the Dundee Local Plan Review 2005 are relevant to the determination of the application. The proposal does not comply with Policy 4 as the standard amount of amenity space and separate drying area has not been provided. No objections were received from surrounding neighbours to this application.
- It is considered that there are material considerations to justify approval of the proposal in these circumstances. The development will contribute to the regeneration of the Stobswell area.

**DESCRIPTION OF PROPOSAL**

Planning permission is sought for the erection of three flats on the site at 6-8 Lyon Street, Dundee.

The site is currently used as a second hand furniture saleroom. The site area is approximately 315sq metres. It is proposed to provide a three and a half storey 3 flatted block. The ground floor will provide the bike storage and refuse store with additional provision for recycling bins. The first floor flat will have two bedrooms with the option of using the third room as an additional bedroom or a study. The second floor and attic area will accommodate two maisonette flats each with two bedrooms. Pedestrian and vehicle access is taken through a pend from Lyon Street where wrought iron gates on an electronic magnet pad release will control access to the site as indicated in the drawings received 16 July 2007. Parking is provided for four vehicles. A common garden area is provided to the south of the site and all the flats have balconies.

The finishing materials are eternit weatherboard lining, smooth render and the ground floor will reuse the down-takings from the former building. The roof will be pitched with Marley modern slate grey concrete tiles. The windows will be self-cleaning UPVC with brown frames.

**SITE DESCRIPTION**

The application site is located on the south side of Lyon Street. The building is one to one and a half storey which currently operates as a second hand furniture unit. To the east of the site is a public house and a four and a half storey tenement block on the corner. To the west is a three storey tenement block. To the north of the site are four storey tenement blocks. Lyon Street is a one way street with restrictive parking.

**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 1: VIBRANT AND SUSTAINABLE COMMUNITIES**

The City Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New development should be in accordance with other policies in the Plan and seek to minimise any affect on the environmental quality enjoyed by local



residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

**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 20 m.p.h. or less. New housing should have regard to opportunities to maximise energy efficiency and promote sustainable waste management.

Where conversion of a listed building or other building worthy of retention is proposed, there may be limited flexibility in applying parking and garden ground requirements where compliance is impractical. The development of flats through conversions of buildings of merit may also be acceptable where conversion to flats is the only appropriate action.

**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

A previous application (Planning Reference: 89/14392D) for the change of use from an office to a two bed house was refused as it was considered to be premature in relation to the road alignment and other development proposals for the area which were not finalised and may prejudice the future improvement of the public road.

## PUBLIC PARTICIPATION

The application was advertised as contrary to Policy 4 of the Dundee Local Plan Review 2005 on 26 February 2007 as the original application proposed the creation of a one bedroom unit with less than 60sqm floor space, inadequate parking and less than the required amount of amenity space within the development.

Statutory neighbour notification was carried out and no letters of objection were received.

## CONSULTATIONS

The Head of Environmental Health and Trading Standards has indicated as a result of the submission of a Geo-environmental Desk Study Report that a site investigation and risk assessment require to be carried out prior to development taking place. This can be covered by condition if Members are minded to grant consent.

## 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.

Policy 1 seeks to protect the amenity of neighbouring residents from unacceptable developments. The adjoining property to the east of the site is a single storey public house with a six storey tenement block on the corner and to the west is a three storey tenemental block. To the north of the site the tenemental blocks are four storey. The proposed new building is three and a half storey. It is considered due to the location of neighbouring windows that the new development will not lead to any unacceptable overshadowing or overlooking to the neighbouring properties. It is considered that the scale and proportions of the proposed development will complement the surrounding tenemental properties. It is considered that the proposal complies with Policy 1.

Policy 4 sets out the standards for the design of new housing at this inner city location. Appendix 1 to Policy 4 states that flats will be permitted where the site has been identified in a site planning brief and site specific circumstances demand a flatted solution. It is considered that due to the nature of the site, flatted development would be the most appropriate development for this site. Townhouses are not seen as being appropriate for this site due to the classification of the road and it is a busy arterial route which is relatively narrow in terms of vehicle access and is generally heavily used for parking. Consequently, it would not be acceptable to have townhouses with integral garages fronting onto Lyon Street where vehicles would be reversing onto Lyon Street.

Appendix 1 requires flats should have a minimum gross floor space of 60sqm. This proposal fulfils this requirement as the smallest floor area will be approximately 96.1sqm. The original plans submitted proposed the creation of four flats. This meant that the original ground floor flat was proposing a small one bedroom flat. However, after negotiations the one bedroom flat on the ground floor has been removed and the ground floor area will be used for a bike store and refuse area which fulfils the requirements of Policy 4 of the Dundee Local Plan Review 2005. Amended drawings showing these changes were received on 16 July 2007. The principle of developing housing at this

location is appropriate given the nature of the surrounding land uses.

As this is an inner city location the parking standards as stated in Appendix 1 of the Dundee Local Plan Review 2005 for private flats should be 130%. This may be reduced depending on the provision of on-street parking. This proposal will provide four spaces for three flats with adequate turning space for vehicles to manoeuvre within the site. In addition, the site is within an inner city area with close proximity to the Albert Street District Centre where public transport is readily available.

In relation to the provision of useable amenity/garden space, private communal areas either 100sqm or 10sqm per flat whichever is greater should be provided. Drying areas should be provided in addition to this provision. The plans indicate that an area of approximately 58.6sqm not including an area of planting will be provided. To compensate for this shortfall, balcony areas have been provided within all flats. The balconies are varying in size from 2.7sqm to 3.6sqm. This will result in an additional 9.3sqm approximately of private area. This additional space equates to a total of approximately 67.9sqm amenity space. It is considered that the use of hard-standing rather than grass for the amenity space will be more appropriate for this location with some soft landscaping.

It is proposed to erect a three and a half storey building with a pend providing both vehicular and pedestrian access from Lyon Street. Two Parisian style balconies will be evident on the north elevation with the three larger balconies being located on the south elevation. In addition, the south elevation will also have additional Parisian style balconies for the three flats. It is considered that the design of this proposed development is appropriate for this infill site. The building work will be finished in eternit weatherboard lining, smooth render and the ground floor will reuse the down-takings from the former building. The roof will be pitched with Marley modern slate grey concrete tiles. The windows will be self-cleaning UPVC with brown frames. It is therefore considered that the proposed development, by virtue of its size, scale, architectural form and finishing materials, would not be

detrimental to the character and appearance of the area.

The explanatory text to Policy 4 recognises that in certain circumstances compliance with Appendix 1 is not always practical and some flexibility will exist. It is considered physically impossible to add a new building onto this site that both responds to the townscape needs and to the requirements of Appendix 1 of the Dundee Local Plan Review 2005 in terms of garden ground and drying green provision. It is considered that at this location the provision of adequate parking is extremely important. Consequently, the applicant has provided the required amount in terms of Appendix 1.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

#### Other Material Considerations

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

The applicant has provided a justification for this proposal which states: "Due to the layout of the existing premises being deep in length from the access off Lyon Street, the travel distance within the premises means most uses require a mid distance exit and as the premises are land locked with no right of access across adjoining properties this is not possible." Residential development "would be the best development for the site, also the best neighbour for adjoining flats and the flats across the road rather than commercial premises."

In addition, it is considered that this proposal will assist the overall regeneration of the Stobswell area.

As the commercial future of this site is questionable it would appear that residential development is the only viable option. It is recognised that due to the restraints of this site it is not possible to meet all the requirements of policy. Consequently, due to the specific nature of the site, sufficient weight can be given to the material considerations to justify granting planning permission contrary to the development plan.

#### Design

The development is of modern design to complement rather than copy the surrounding tenemental properties. The reuse of the stone downtakings on

the ground floor as indicated in the drawings received on 16 July 2007 provides additional visual interest and detailing to the building. As discussed above it is considered that this design is appropriate for this infill site.

#### CONCLUSION

Although the proposed development does not comply with Policy 4 of the Dundee Local Plan Review 2005 due to the failure to provide sufficient amenity space, it is considered that there are site specific circumstances to justify the approval of the application. In terms of amenity space the use of balconies has added an additional 9.3sqm to compensate for this shortfall. Therefore the application is recommended for APPROVAL subject to conditions.

#### RECOMMENDATION

It is recommended that consent 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 and details of the wrought iron gates 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 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:

- a The nature, extent and type(s) of contamination on the site.
- b Measures to treat/remove contamination to ensure the site is fit for the use proposed.
- c Measures to deal with contamination during construction works.
- d 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.

#### 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 To ensure the site is suitable for the future occupants of the residential properties.