

KEY INFORMATION

Ward Maryfield

Proposal

Erection of 43 No flatted development with underground residential parking

Address

Tay Spinners Ltd
Arbroath Road
Dundee

Applicant

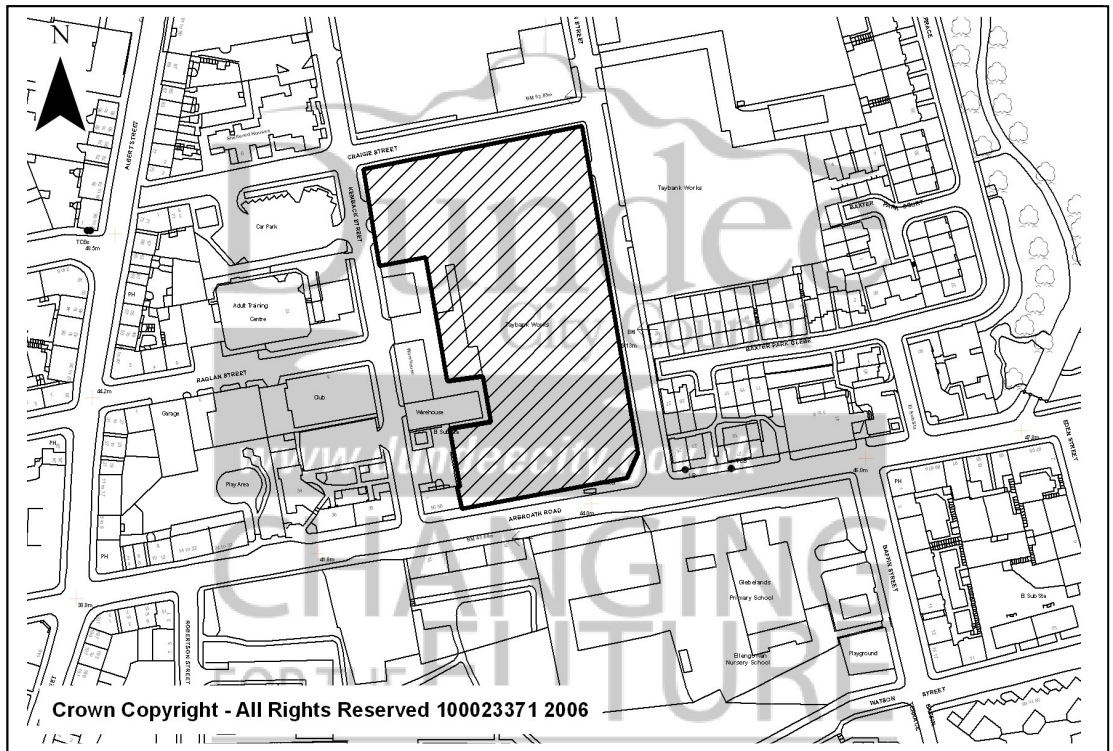
Discovery Homes Limited
Orchardbank Industrial
Estate
Forfar
DD8 1TD

Agent

Leadingham Jameson
Rogers and Hynd
18 South Tay Street
Dundee
DD1 1PD

Registered 26 June 2007

Case Officer S Johnson



Amended Housing Development Proposal in Arbroath Road

The erection of a flatted development with underground residential parking is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

This proposal will result in a positive contribution to the continued regeneration of the Stobswell area and provide a high quality, modern flatted development. The application is recommended for **APPROVAL** with conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of 43 flatted properties with underground residential parking at Tay Spinners Ltd, Arbroath Road, Dundee.
- A previous application (Planning reference: 04/00686/FUL) was approved for this site for the erection of 43 townhouses and 45 apartments. This new application is to provide for a redesign of the layout and appearance of the approved application.
- The statutory neighbour notification procedure was undertaken and there have been no objections to the proposals.
- It is considered that the proposals comply with the relevant policies of the development plan and will contribute to the regeneration of the Stobswell area. There are no material considerations that would justify the refusal of the application contrary to these development plan policies.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of 43 flatted properties with underground residential parking at Tay Spinners Ltd, Arbroath Road, Dundee.

It is proposed to provide accommodation over four levels. The lower floor will provide underground residential parking for 49 vehicles, bicycle storage and 4 apartments. The majority of these apartments will provide two bedrooms.

The apartments on the ground floor level, first floor levels and second floor levels will provide a mixture of two bedroom apartments with some three bedroom apartments. These apartments will have patio/balcony areas along the south and east elevations which incorporate the listed building facade.

The listed building facade along Arbroath Road will remain fully intact and will be supported via a series of steel frames. These steel frames will also define the individual balcony areas. The new building will be apparent through the existing windows in the listed facade. The top floor of the new build will be approximately 3.4metres higher than the existing listed facade. The north elevation overlooking the internal courtyard area will have Parisian balconies for a number of the apartments.

Amenity space will be provided to the rear of the apartments with additional visitor and disabled parking spaces and bin storage areas. Vehicular and pedestrian access will be taken from Morgan Street.

The proposed finishing materials will be orange/red brick, buff "Powerwall" smooth cement render, light brown/silver cedar linings. The roof will be light grey metallic "Kalzip" or similar approved standing seam roof system. The glazing will be white timber double glazed units.

SITE DESCRIPTION

The application site is located to the north of Arbroath Road, to the west of Morgan Street, to the south of Craigie Street and to the east of Kemback Street. The B-listed buildings of the former Tay Spinners works have been demolished apart from a retained

façade of the original listed building fronting onto Arbroath Road and Morgan Street. Some of the residential units have been built already and work has been undertaken on Craigie Street. To the east and west are residential and commercial properties, to the south are residential properties and a school and to the north is a commercial property.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Lilybank Works, Arbroath Road, Dundee



Blk A 06

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 3: Housing Investment Focus Areas - the City Council will encourage investment in housing and related social and physical infrastructure in the Housing Investment Focus Areas identified on the Proposals Map, working in partnership with Communities Scotland and the private sector. More detailed development frameworks, masterplans and action plans for each of the focus areas will be brought forward as appropriate by the Council

and will form supplementary guidance to this Local Plan.

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.

Policy 59: Alternative Uses For Listed Buildings - suitable alternative uses will be considered for listed buildings where this is necessary to secure their future. Any adaptation of the fabric must be undertaken carefully and sensitively and have minimum impact on the architectural and historic interest, character and setting of the building. Reference should be made to other policies in the Plan.

Policy 60: Alterations To Listed Buildings - the alteration of a listed building will only be acceptable where the proposals have regard to the preservation or enhancement of its architectural or historic character. Alterations will not be permitted where the works would diminish the architectural integrity of the building or its historic interest.

The City Council will provide specific supplementary guidance on the following: window and door alterations, advertisements, shopfronts, roller shutters, treatments to masonry and painting and use of materials.

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

Two previous planning applications and one listed building consent were approved (Planning reference: 06/00762/FUL and 04/00686/FUL and 04/00685/LBC). The last planning application was an amendment to the approved planning application 04/00686/FUL to substitute 10 townhouses and 6 two storey for 17 townhouses at Craigie Street. The previous approved planning application was for the partial demolition of the former spinning works and the erection of 43 townhouses and 45 apartments.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the application was advertised as being contrary to the development plan. No objections were received to this proposal.

CONSULTATIONS

No adverse comments were received from statutory consultees or other bodies.

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 principle of a flatted development at this location has been established with the approval of the previous consent (Planning Reference 04/00686/FUL and the listed building partner 04/00685/LBC) for the erection of 43 townhouses and 45 apartments. This original scheme involved a mixture of flats with a complex of crossover scissor section maisonettes. However, it was deemed impossible to build the flatted element of this development and retain the listed building facade, hence the reason for this new application. This new application is for changes to the design and layout of the flats.

Policy 1 promotes vibrant communities and encourages the development of an appropriate range of services and facilities close to and within housing areas. New developments should, amongst other things, seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise and smell. The surrounding area accommodates a number of residential properties and consequently the existing amenities of the occupiers of these properties should be taken into account in the consideration of the proposals. In the first instance, it is considered that there are no issues arising from the proposals that relate to noise or smell. Similarly, there are not considered to

be any parking or traffic movement issues.

With regard to the layout and design of the building, these matters will be discussed in greater detail below. However, it is considered that the proposed development will not significantly impact on the amenities currently enjoyed by the occupiers of the surrounding properties. Indeed it is anticipated that the scheme will improve the amenity of the area by bring life back to this sector of the City through the successful redevelopment of the currently vacant site.

In terms of Policy 3 Housing Investment Focus Areas. The site is located within the Stobswell/Baxter Park Housing Investment Focus Area. The vision for this area is to build on the established character and attributes of this traditional Victorian neighbourhood, adjacent to the City Centre, that will be suited to the demands of the 21st Century. New housing development in this area will complement investment in the Albert Street District Centre, road improvements and traffic management, the restoration of Baxter Park and the rebuilding of Morgan Academy. It is considered that this development is in line with the aims of this policy.

Policy 4 and Appendix 1 sets the standards for the design for 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.

As mentioned previously, the principle of flats at this location have already been accepted with the approval of the previous application (Planning reference: 04/00686/FUL) for 45 apartments.

Appendix 1 requires flats should have a minimum gross floor space of 60m². This proposal fulfils this requirement as the smallest floor area will be approximately 60.8m². The original plans submitted proposed the creation of five flats on the lower ground floor level. However, after negotiations one of the flats has been removed which means that the proposal fulfils the requirements of Policy 4 of the Dundee Local Plan Review 2005. The principle of developing housing at this

location is appropriate as the site is allocated in the Dundee Local Plan Review 2005 as a brownfield housing site (H29 Tayspinners).

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 forty nine spaces with additional visitor and disabled parking 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 100m² or 10m² per flat whichever is greater should be provided. The plans show that there will be approximately 440m² of drying and amenity space. This provides the required 10m² per apartment. The apartments fronting onto Arbroath Road on levels 1 to 3 will have additional space with the provision of approximately 16.4m² of private terraces on level 1, and approximately 10.3m² for levels 2 and 3 with the creation of private balconies. The apartments fronting onto Morgan Street will also have additional space with approximately 17.4m² being provided on level 1 with the provision of private terraces and levels 2 and 3 will have approximately 10.7m² with the creation of private balconies. There will also be approximately 220m² provided with the creation of raised beds and landscaped areas within the courtyard area.

It is proposed to provide accommodation over four levels. The lower floor will provide underground residential parking for 49 vehicles, bicycle storage and 4 apartments. The apartments on the ground floor level, first floor levels and second floor levels will have balcony/patio areas along the south and east elevations.

The listed building facade along Arbroath Road will remain fully intact and will be supported via a series of steel frames. These steel frames will also define the individual balcony/patio areas.

The new building will be apparent through the existing windows in the listed facade. The top floor of the new

build will be approximately 3.4metres higher than the existing listed facade. The north elevation overlooking the internal courtyard area will have Parisian balconies for a number of the apartments.

Vehicular and pedestrian access will be taken from Morgan Street.

The proposed finishing materials will be orange/red brick, buff "Powerwall" smooth cement render, light brown/silver cedar linings to remain in keeping with the materials used for the residential development already taking place within the site. The roof will be light grey metallic "Kalzip" or similar approved standing seam roof system. The glazing will be white timber double glazed units.

In addition, the planters, fences and gates to the refuse areas will use materials, brick and metal, reminiscent of the site's industrial past.

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 this listed building or the area.

In terms of Policy 59, as there is only the facade remaining of this category "B" listed building, residential development is considered to be consistent with the terms and aspirations of this policy.

In terms of Policy 60, this policy requires that the alteration of a listed building will only be acceptable where the proposals have regard to the preservation or enhancement of its architectural or historic character. It is considered that the proposed design of this development has effectively incorporated the listed building facade into the design of the new accommodation. There will be no structural alterations to the existing listed facade. Historic Scotland have been involved in pre-application discussions and on the final amended drawings and are satisfied with this proposal. (The corresponding listed building application can be found elsewhere on this agenda.) It is considered that significant efforts have been undertaken by the agents to preserve the appearance and integrity of the existing listed building. This has resulted in a scheme that not only allows the appearance and character of

the building to remain but also enhances its setting in the local 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:

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications that affect 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 they possess. This matter has already been considered in the assessment of the proposed development under Policies 59 and 60 of the Dundee Local Plan Review 2005 above and it was concluded that the proposal would not detract from the appearance of the listed building. Consequently, it is considered that the statutory duty set out in this Section of the Act is discharged.

The Memorandum of Guidance on Listed Buildings and Conservation Areas is of relevance and supports alternative uses for listed buildings to ensure their protection. As noted above, Historic Scotland have been involved in pre-application discussions and have commented positively on the amended drawings.

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 contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

It is considered that this visually important site that fronts directly onto Arbroath Road will be developed with an appropriate building of a scale and appearance that is appropriate for this location and the listed building facade. The proposed finishing materials will be orange/red brick, buff "Powerwall" smooth cement render, light brown/silver cedar linings to remain in keeping with the materials used for the residential development already taking place within the site. The roof will be light grey metallic "Kalzip" or similar

approved standing seam roof system. The glazing will be white timber double glazed units. In addition, the planters, fences and gates to the refuse areas will use materials, brick and metal, reminiscent of the site's industrial past. 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 this listed building or the area.

CONCLUSION

As mentioned above, a previous planning application (04/00686/FUL) was approved for 45 apartments. This new application is to provide for a redesign of the layout and appearance to the approved scheme. The proposal represents an additional opportunity to further the regeneration of the Stobswell area. The new building does not dominant or detract from the integrity or appearance of the existing listed building facade. The application complies with the development plan. Therefore the application is recommended for APPROVAL.

RECOMMENDATION

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

- 1 The works must be begun not later than the expiration of 5 years beginning with the date of this consent.
- 2 Samples of the finishing materials proposed to be used and details of the screens between the balcony areas 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 details of a scheme of hard and soft landscaping works have been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - location of new trees
 - schedule of plants to comprise species, plant sizes and proposed number/density

- details and materials of all landscaping works
- programme for completion and subsequent maintenance

For the avoidance of doubt, any trees which, in the opinion of the planning authority, are dying, severely damaged or diseased within 5 years of planting shall be replaced by trees or shrubs of similar specification to those originally planted.

- 4 Details of the enhanced glazing as stated in section 5 of the Noise Impact Assessment dated 29 May 2006 (RMP Acoustic Consultants Report No.M/4021/06) shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples.
- 5 Details of a future maintenance plan for the listed building facade shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved details.

Reasons

- 1 To comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) (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 that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 4 In the interests of the amenities of the future occupants of the residential accommodation.
- 5 In order to safeguard the appearance of the statutorily listed building and to improve its architectural appearance.