

**KEY INFORMATION**

**Ward** Maryfield

**Proposal**

Demolition of Bus Garage Workshops and Erection of New Residential Flatted Development including all associated Infrastructure, Landscaping, Open Spaces and Parking

**Address**

Bus Station Workshop  
Seagate  
Dundee

**Applicant**

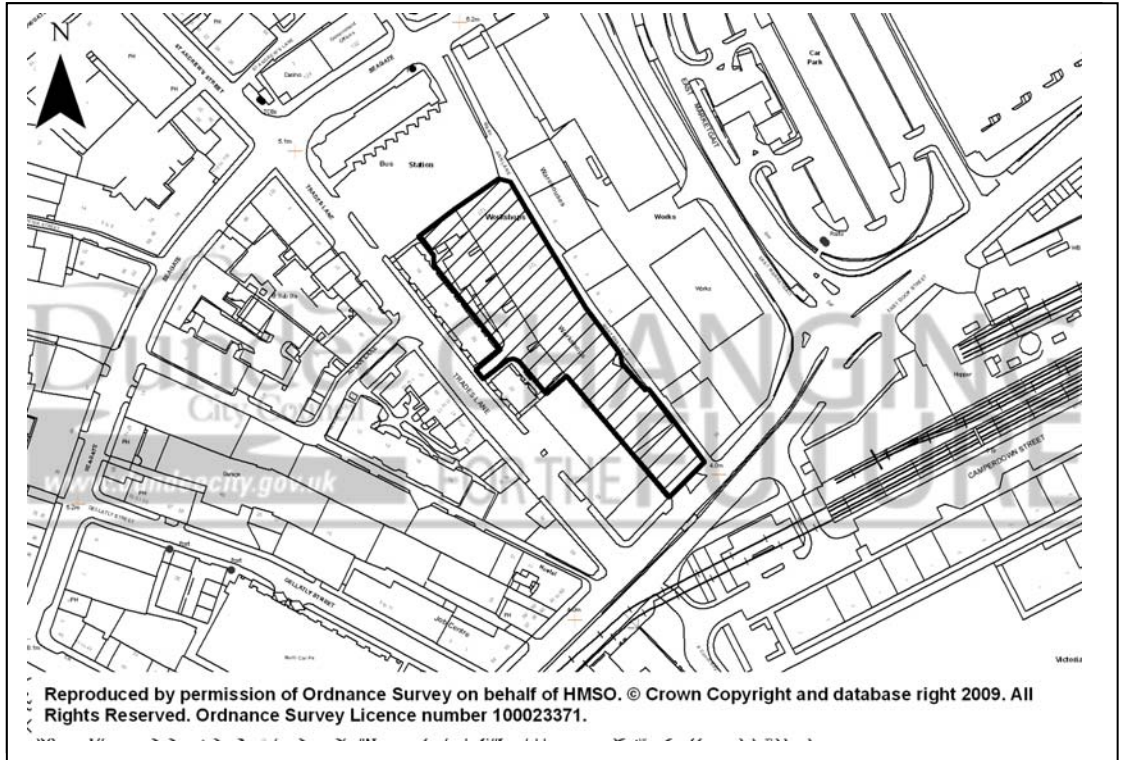
HBS McKechnie Ltd &  
Strathgairn Scottish  
Omnibuses Ltd  
The Henry Boot Building  
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**Agent**

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**Registered** 4 July 2008

**Case Officer** P Macari



## Proposal for New Flats on Seagate Bus Garage Site

The Demolition of Bus Garage Workshops and Erection of New Residential Flatted Development are **RECOMMENDED FOR REFUSAL**. Report by Director of City Development.

**RECOMMENDATION**

The proposed erection of 73 flats and associated car parking spaces is contrary to the requirements of Policy 1, Policy 4 and Policy 55 of the Dundee Local Plan Review 2005. There are no other material considerations that would justify laying aside the provisions of the Development Plan to grant planning permission.

**SUMMARY OF REPORT**

- This application seeks planning permission for the demolition of the existing bus station workshop and the erection of 73 flatted dwellings.
- Policy 1 (Vibrant and Sustainable Communities), Policy 3 (Housing Investment Focus Areas), Policy 4 (Design of New Housing), Policy 55 (Urban Design) and Policy 61 (Development in Conservation Areas) of the Dundee Local Plan Review 2005 are relevant to the outcome of this planning application.
- Three letters of representation have been received from neighbouring property owners and Dundee Civic Trust concerned about; flooding and drainage issues, inadequate car parking facilities, noise disturbance, air pollution, traffic congestion, lack of children's play area, impact upon neighbouring properties and impact upon potential redevelopment of the surrounding area.
- The proposals are contrary to the provisions of the Development plan.
- The concerns of the objectors are supported.

## DESCRIPTION OF PROPOSAL

This application seeks planning permission for the demolition of the existing bus station workshop and the erection of 73 flatted dwellings.

The proposal is for the development of 73 flats. These will be provided in five blocks (Blocks A-E) housed within three separate buildings along the north boundary of the site on Mary Ann Lane. Block A will have 10 units, Block B will have 15 units, Block C will have 10 units, Block D will have 13 units and Block E will have 25 units. All units will have two bedrooms.

Blocks A- D will be of a contemporary design with steeply pitched mansard roofs finished in flat grey concrete roof tiles. The roofs of the building will be punctured by small flat roof dormers and roof lights. The elevations of the building will be finished in red facing brick with brindle coloured brickwork to first floor level. The elevations will be punctuated by combined glazing and dark grey cladding panels. A four and a half storey circular tower will provide an interesting design feature in the south western corner of Block B and north western corner of Block C. The circular tower will be glazed with dark grey cladding panels. Blocks A-D will have matching ridge heights and eave lines.

Block E will have white render elevations with large areas of red facing brick on the upper floors of the eastern and western elevations. The ground floor of the building will be finished in brindle facing brick. The areas of white render and red facing brick will be punctuated by vertical panels of combined glazing and dark grey cladding. The northern and southern elevations of the building will project out from the main building lines defined by the areas of red facing brick. These elevations will be populated by large areas of glazing with the flats benefiting from generous balconies.

Of the 73 flats proposed there are 26 different types of flat. The flats differ in terms of layout, the provision of en suite bathrooms and balconies. Some of the flats benefit from separate kitchen and living areas where as most

of the flats have combined kitchen and living areas. However, common to all flats is the provision of two bedrooms, a bathroom and kitchen and living areas.



Vehicular access to the flatted development will be taken from Trades Lane through the existing access which serves a newly built flatted development fronting on to Trades



Lane. The proposed access road will be complemented by 78 car parking spaces which will serve the 73 flats proposed and 32 flats bounding the application site to the west.

## SITE DESCRIPTION

The application site is located on the northern side of East Dock Street. The site is currently occupied by large industrial buildings and is the site of the former Bus Station workshops. The site is bound to the south by East Dock Street, to the north by the existing bus station, to the east by Mary Ann Lane and to the west by a new development of 32 flats and existing class 1 retail units.

The buildings occupying the application site are brick built with white painted wet dash rendered walls and slate hipped roofs. The front elevation of the building has three blue painted aluminium roller doors to accommodate double-decker buses. There is a courtyard to the south of the building which is used as an employee car park.

On the eastern side of Mary Ann Lane there are large warehouses approximately two storeys in height. The commercial units bounding the application site to the east are also approximately two storeys in height with the newly built flats rising to four storeys in height.

The newly built flats bounding the site to the east are finished in red facing brick while the single storey commercial unit to the west of the site has red painted aluminium cladding on the first floor and a slate pitched roof.

There is red facing brick walls on the ground floor. The warehouses on the eastern side of Mary Ann Lane are stone built. Where the stone wall heads have been capped there is plastic coated aluminium cladding filling the gap between the roof structure and the stone wall heads. The roofs of the buildings are finished in grey plastic covered aluminium cladding with clear perspex roof lights.

On the eastern side of Mary Ann Lane fronting on to East Dock Street is the existing four storey B listed DP & L building. This building is stone built with a slate pitched roof. The building has red painted timber framed sliding sash and case windows with 15 west facing windows overlooking the application site. To the west of the application site on the corner of East Dock Street and Trades Lane there is a warehouse type building. This building is brick built with white painted wet dash rendered walls and a slate hipped roof.

Vehicle access to the application site is to be taken from the existing access serving the recently completed development of 32 flats to the east of the application site off Trades Lane.

The application site is located within the Central Conservation Area.



## 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 Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New developments 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 and smell.

Policy 3: Housing Investment Focus Areas - the 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.

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 require to conform to the Design Standards contained within the Plan.

Policy 55: Urban Design - for all new developments, the emphasis will be on design quality and the Council will require the use of Design Statements for planning applications for new buildings on significant sites. All development will, in its design and layout, be expected to contribute to an environment that is safe and accessible to all.

### Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

Scottish Planning Policy 3 - Planning for Homes 2008. This policy seeks to

promote residential developments in suitable locations. It also seeks to ensure that housing land requirements are met in full and promotes good quality design in residential developments.

### Non Statutory Statements of



### Council Policy

The following policy statements are of relevance:

Dundee - The Urban Design Guide.



## SUSTAINABILITY ISSUES

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

## SITE HISTORY

Although there is no formal planning history for the redevelopment of this site, extensive pre-application discussions were held between the applicant and representatives of the City Development Department. The applicants were advised at pre-application stage and during the assessment of the current application that the proposed development did not comply with the Development Plan in terms of car parking, cycle storage

provision as well as development density and design.

## PUBLIC PARTICIPATION

The applicant has carried out the statutory neighbour notification procedure as stipulated by the Town and Country Planning (General Development Procedure) (Scotland) Order 1992. This application was also advertised in the Dundee Evening Telegraph as a bad neighbour development due to its height and as development affecting the setting of a conservation area.

Three letters of objection have been received from neighbouring property owners and Dundee Civic Trust concerned about:

- flooding and drainage issues;
- inadequate car parking facilities;
- noise disturbance;
- air pollution;
- traffic congestion;
- lack of children's play area;
- impact upon neighbouring properties;
- impact upon potential redevelopment of the surrounding area.

Members will already have had access to the objection letters and the points raised are considered in the Observations Section of this Report.

## CONSULTATIONS

The Council's Environmental Health and Trading Standards Department is concerned that the proposed development will be afforded low levels of amenity due to noise disturbance generated by the bus station bounding the application site to the north and from traffic on East Dock Street bounding the site to the south as well as industrial processes from the Langlands and McAinsh site to the east.

Environmental Health and Trading Standards has also raised concern that the application site may be contaminated through historic uses. Accordingly both a noise impact assessment and a pre-determination

contaminated land risk assessment were requested on 22 August 2008. Neither of these assessments has been submitted.

Transport Scotland has no objections to the proposed development.

## 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 of the Dundee Local Plan Review 2005 states that new development should 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 proposed flatted blocks will be a minimum of 15 metres from the nearest residential properties but only 5m from the DP & L building. There will be a distance of 15m between Blocks D and E. The potential infringement of privacy is unacceptable given that the proposed development does not involve the conversion of the existing buildings on site but rather the erection of new buildings. Should the proposed development gain planning permission the level of amenity afforded to the respective properties will be significantly low due to the impact upon privacy of the built form.

The buildings will be of a contemporary design but are an overdevelopment of the application site. This is because the height of Block E is significantly greater than any other building within the vicinity of the application site and does not fit with the fabric of East Dock Street. This is mainly due to there being a

uniform building line and ridge height of approximately four and a half storeys on East Dock Street with Block E rising to nine storeys in height. Further, the overdevelopment of the application site has also resulted in the



provision of inadequate car parking facilities as detailed in the paragraph below.

The 73 flats proposed are to be served by 78 car parking spaces. However, the car parking proposed incorporates



the 32 car parking spaces provided for the 32 flats which bound the application site to the west. Therefore 78 car parking spaces will serve 105 flats which is contrary to the car parking requirement stipulated by Appendix 1 of Policy 4. It can therefore be ascertained that due to the number of flats and the footprint of the buildings proposed it is not possible to provide adequate car parking as insufficient space remains within the application site.

The Council's Environmental Health and Trading Standards Department has assessed the likely impact of noise disturbance generated from the existing land uses surrounding the application site (bus station to the

north, traffic on East Dock Street to the south and industrial processes at steel fabricators to the east). It was concluded that a noise impact assessment would be required for this development. The applicant has not

provided the Council with a noise impact assessment as requested in a letter dated 22 August 2008. It has therefore not been possible to fully assess the proposals against the requirements of Policy 1.

The proposed development is contrary to the requirements of Policy 1 (Vibrant and Sustainable Communities) as the level of environmental quality afforded to residents of the proposed development and the surrounding built form will be significantly low due to the overdevelopment of the application site which gives rise to significant issues of loss of privacy and insufficient parking. The proposed development will also have a detrimental impact on the appearance of East Dock Street.

This site is located within the Central Dundee Housing Investment Focus Area where investment in housing is encouraged. Policy 3 is a supporting policy where encouragement is provided for investment in housing and related social and physical infrastructure. Whilst it is important to increase the opportunities to live in the City Centre as this adds to the vitality of the area, it should be acknowledged that there is potential for conflict between certain City Centre uses and residential accommodation.

Although this site is located within the Housing Investment Focus Area, it is adjacent to East Dock Street which is a busy thoroughfare and the bus station at Seagate. Consequently, there is concern regarding the residential amenity in terms of the volume of traffic and associated noise. Also, the close proximity of the warehouses on Mary Ann Lane would result in fairly dark conditions and a poor outlook for the lower floor residents of the blocks facing on to the lane. Although the applicant has submitted a supporting statement, the proposed development fails to meet the aspirations of Policy 3. This is because the proposals fail to demonstrate that the proposed flats would not be affected by noise



disturbance from surrounding land uses and traffic. Further, the proximity of Blocks A-D to the northern boundary of the application site in combination with the scale and massing of buildings on the eastern side of Mary Ann Lane limits the level of natural light available to the east facing windows of ground floor flats.

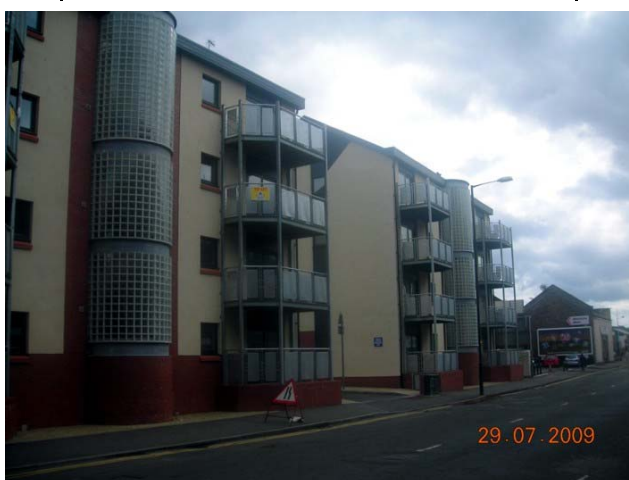
In terms of Policy 4 this site lies within the City Centre boundary. The development strategy of the Local Plan encourages the creation of houses rather than new build flats. However, as this is a City Centre site the creation of flats is acceptable. In terms of Appendix 1 all flats in the City Centre are required to provide a minimum of two bedrooms. All of the proposed flats will have two bedrooms which comply with policy requirements.

Vehicular access to the site is limited and is to be taken from Trades Lane. In relation to parking provision, Appendix 1 requires that 100% provision is provided for new build properties where possible. Secure indoor storage for bikes is also to be provided. The proposals indicate that there will be 78 car parking spaces and storage for 50 bicycles for 105 flats. However, no details of the proposed secure bicycle storage facilities have been submitted and are only detailed in the Design Statement. Although there is flexibility within Policy 4 to allow for reduced car parking facilities within the city centre where there are accessible public transport facilities, the provision of 78 car parking spaces is considered inadequate to serve 105 flats.

The guidelines in Appendix 1 require that amenity/garden space is provided where site specific circumstances allow. Where garden space cannot be provided, balconies that are useable and attractive in terms of size and outlook should be considered. It is shown that the ground floor flats are to be allocated an area of private garden space. Many of the upper floor flats of Block E will benefit from north or south facing balconies that are useable with a pleasant outlook south towards the Tay or north over the proposed courtyard. However, the north facing balconies of Block E will be within 15m of Block D which will give rise to significant issues of privacy. It is therefore debatable how useable the

north facing balconies of Block E will be.

A minimum of 18 metres between the facing windows of habitable rooms or between balconies and the facing windows of habitable rooms is also required to be achieved by new residential development. The proposed site layout plan shows a distance no greater than 15m between the western elevation of Block B and the eastern elevation of the newly built flats on Trades Lane. There is also a distance of no greater than 5m between the eastern elevation of Block E and the DP & L building. Although west facing windows of the DP & L building serve office accommodation,



the east facing windows of Block E serve habitable rooms (lounge, kitchen and bedrooms). It is therefore considered that the close proximity of the proposed flatted blocks to the existing built form would give rise to a significant loss of privacy to the detriment of residential amenity.

In terms of design Blocks A-D are of a scale, massing, design and finish that are complementary to the surrounding built form while also displaying elements of landmark architecture which would enhance the quality and appearance of the housing stock available within Dundee City Centre. Block E is of a very contemporary design and finish that would not appear out of place elsewhere in Dundee City Centre. However, given the limitations of the application site Block E is considered to be out of character to the locality in which the application site is located. This is because the building would be significantly higher than any other building fronting on to East Dock Street and would give rise to significant issues of privacy.

The proposals do not comply with the requirements of Policy 4.

Policy 55 emphasises design quality for new developments. New development should create successful, meaningful and memorable buildings and spaces and contribute to the image of Dundee. All development will be expected to contribute to an environment which is safe and accessible to all.

The applicant has submitted statements regarding the layout and design of the proposed development. As detailed in the assessment of the proposals against the criteria of Policy 1 and Policy 4, the buildings are of a contemporary design that is well suited to Dundee

City Centre. However, the scale and massing of the buildings coupled with their orientation is not in keeping with the fabric of the locality or the requirements of the Dundee Urban Design Guide. This is demonstrated by the failure of the proposals to comply with the requirements of Policy 1 (Vibrant and Sustainable Communities) and Policy 4 (Design of New Housing).

The proposals therefore do not accord with the requirements of Policy 55 or the Dundee urban Design Guide.

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:

### a Views of the Objectors

Three letters of objection have been received from neighbouring property owners and Dundee Civic Trust. The concerns raised include:

- flooding and drainage issues

No adverse comments have been received from the Council's drainage engineers with regard to the susceptibility of the application site for flooding. Given that the level of hard standing within the application site will be reduced through the formation of green open space the ability of the site to drain naturally will be greatly enhanced. Therefore these concerns are not supported.

- inadequate car parking facilities

The proposals are considered contrary to the requirements of the Development Plan in terms of inadequate car parking. The proposals involve the creation of 78 car parking spaces to serve 105 flats. While there is flexibility in Policy 4 with regard to car parking provision within the City Centre, 75% provision is considered to be inadequate given the scale of development proposed and the accessibility of the site in relation to the surrounding road network. These concerns are supported.

- noise disturbance

Noise levels during construction are not considered to be material to the outcome of this planning application. This is because noise generated from the construction process is temporary and will only occur during the working day.

- air pollution

While the application site is located in an area where air pollution is assumed to be high, recent air quality assessments for developments adjacent to the application site have demonstrated that air pollution is below the recognised national thresholds. The Council's Environmental Health and Trading Standards Department has not raised concern that air quality at the application site is poor.

- traffic congestion

Although the proposed development does not provide adequate car parking facilities, the streets surrounding the application site have pay and display parking bays as well as double yellow lines. This will prevent the streets surrounding the application site being congested by excessive on street parking.

Given the scale of the proposed development in relation to the surrounding city centre, it is unlikely that the proposed development by virtue of 27 car parking spaces would have a significant impact upon the existing levels of traffic congestion within the city centre.

- lack of children's play area

The Dundee Local Plan Review 2005 does not require residential developments within the City Centre to provide open space or children's play areas.

- impact upon neighbouring properties

The impact of the proposed development on neighbouring properties and the surrounding built form is detailed in the Observations section above. It has been concluded that the proposals will have an adverse impact upon the East Dock Street streetscape and the level of amenity afforded to the newly built flats to the west of the site. These concerns are supported.

- impact upon potential redevelopment of the surrounding area

The proposals will not have a significant impact upon the redevelopment of the surrounding area. This is because the area to the east of the application site will not be significantly overlooked by Blocks A-E given the orientation of the window openings and balconies. The area of the City Centre to the west of the application site has already been successfully redeveloped. Therefore these concerns are not supported.

#### b Views of Consultees

The Council's Environmental Health and Trading Standards Department have raised concern over potential noise disturbance from the existing land uses surrounding the application site as well as the potential for contamination of the application site through historic uses. The applicant has been requested to provide the Council the submission of a pre-determination noise impact assessment and a pre-determination contaminated land risk assessment. Neither of these reports has been submitted to the Council for consideration.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations such as to justify the refusal of planning permission. It is therefore recommended that planning permission be refused.

### Design

The design and finish of Blocks A-E is very contemporary and well suited to Dundee City Centre. However, the scale and massing of Blocks A-E represents an overdevelopment of the application site. This is because the blocks give rise to significant issues of overlooking, overshadowing and

inadequate car parking. Block E by virtue of its height will have an adverse impact upon the appearance of East Dock Street. This is because East Dock Street is characterised by its uniform building height and building lines with Block E being four storeys higher than any other building within the vicinity of the application site.

## CONCLUSION

The proposed erection of 73 flats and associated car parking spaces is contrary to the requirements of Policy 1, Policy 4 and Policy 55 of the Dundee Local Plan Review 2005. The views of the objectors are partially supported. There are no other material considerations that would justify laying aside the provisions of the Development Plan to grant planning permission.

## RECOMMENDATION

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

- 1 By virtue of scale and massing Block E will be significantly higher than any other building fronting on to Dock Street. This will have an adverse impact upon the appearance and disrupt the urban fabric of Dock Street which is characterised by buildings with uniform ridge heights and building lines. The proposals are therefore contrary to the requirements of Policy 4 (Design of New Housing) and Policy 55 (Urban Design) of the Dundee Local Plan Review 2005. There are no other material considerations that would justify laying aside the provisions of the Development Plan to grant planning permission.
- 2 The proximity of Blocks A-E to each other as well as neighbouring properties will give rise to significant issues of overlooking. This will have a significant impact upon the level of environmental quality afforded to neighbouring properties as well as future residents of the proposed development. The proposals are therefore contrary to the requirements of Policy 1 (Vibrant and Sustainable Communities) and Policy 4

(Design of New Housing) of the Dundee Local Plan Review 2005. There are no other material considerations that would justify laying aside the provisions of the Development Plan to withhold planning permission.

- 3 The proposed development in combination with the recently completed flatted development to the west of the application site will be afforded 78 car parking spaces which will serve a total of 105 flats. The level of car parking proposed is inadequate to serve the proposed development. The proposals are therefore contrary to the requirements of Appendix 1 of Policy 4 (Design of New Housing) of the Dundee Local Plan Review 2005. There are no other material considerations that would justify laying aside the requirements of the Development Plan to grant planning permission.