

KEY INFORMATION

Ward The Ferry

Proposal

Erection of 2 offices and 2 flats

Address

110-118 Brown Street
Broughty Ferry
Dundee

Applicant

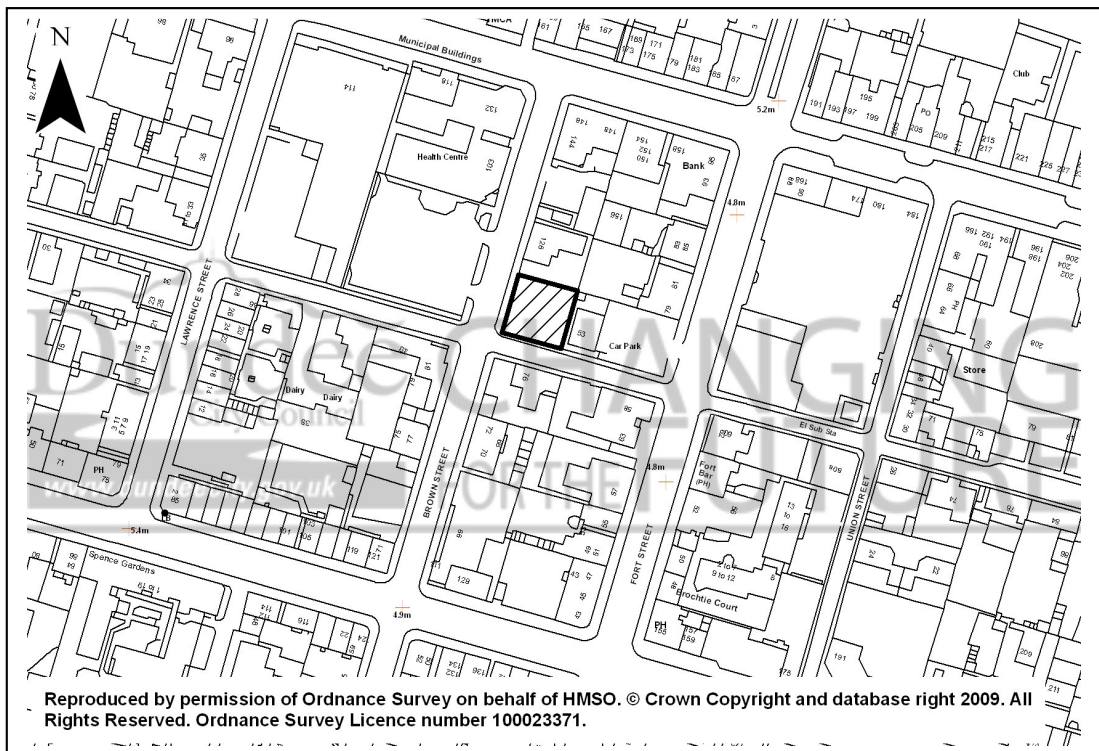
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Registered 24 Aug 2009

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Infill Development in Central Broughty Ferry

The erection of 2 offices and 2 flats is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of City Development.

RECOMMENDATION

The proposed development of 2 Class 4 office units and 2 flats is contrary to the provisions of Appendix 1 and Policy 4 of the Dundee Local Plan Review 2005. However, there are material considerations that justify support of the proposals contrary to the Development Plan. The concerns of the objectors are not supported. Therefore, the application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- This application seeks planning permission for the erection of a 2 storey building comprising of 2 ground floor Class 4 office units and 2 first floor flats at 110-118 Brown Street, Broughty Ferry.
- Policy 1 (Vibrant and Sustainable Communities) and Policy 4 (Design of New Housing) of the Dundee Local Plan Review 2005 are relevant to the proposed development.
- The proposed development was advertised in the Dundee Evening Telegraph as the proposals are contrary to the requirements of Policy 4 (Design of New Housing) of the Dundee Local Plan Review 2005.
- 6 letters of representation were received from neighbouring property owners. The concerns raised include; overshadowing, overlooking, over-provision of office units, loss of property value, road safety, noise disturbance, insufficient car parking facilities and opposition to bars, restaurants and betting offices on Brown Street.
- The concerns of the Objectors are not supported.

DESCRIPTION OF PROPOSAL

This application seeks planning permission for the erection of a 2 storey building comprising of 2 ground floor Class 4 office units and 2 first floor flats at 110-118 Brown Street, Broughty Ferry.

The proposed 2 storey building is of a traditional shape with a pitched roof finished in grey concrete roof tiles. The ground floor commercial units will have contemporary glazed frontages on to Brown Street and Long Lane. The remainder of the ground floor will be finished in facing block. The first floor of the building will be finished in off-white roughcast with facing block banding around the window openings. On the front elevation there will be a feature dormer which will accommodate first floor French doors and a Parisian balcony. The southern gable of the building will have 3 first floor window openings that in conjunction with the modern ground floor glazed frontage will create both a commercial and residential frontage on to Long Lane. There will be 2 banks of 4 roof lights on the front elevation of the proposed building serving each of the flats.

The proposed ground floor office units will have areas of 67.9m² and 66.3m². Both office units will benefit from a WC and kitchen. The first floor flats extend into the roof space of the proposed building and will be spread over 2 levels. The proposed flats will benefit from an open plan kitchen, dining and living area with a bathroom and bedroom on the first floor. The attic level of both flats will provide a master bedroom with en-suite and storage facilities.

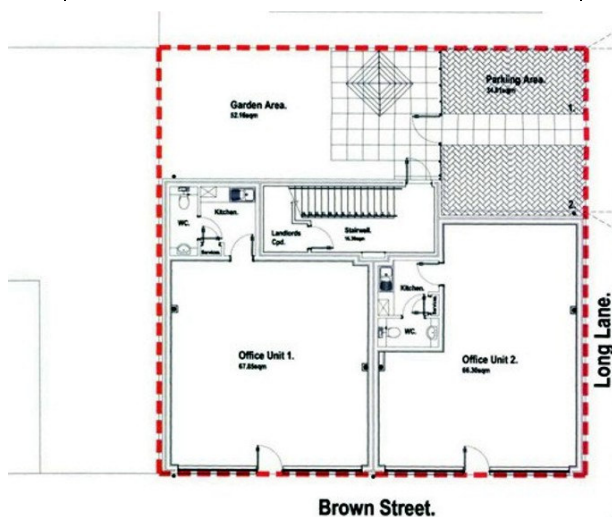
Access to the proposed flats will be taken from an internal communal stair located at the rear of the building. The proposed flats will benefit from 1 off street car parking space each, a communal drying area and 52m² of communal garden ground.

SITE DESCRIPTION

The application site is located on the north eastern side of Brown Street on

the northern corner of the junction between Brown Street and Long Lane.

The site comprises a former vehicle storage facility and is surfaced in tarmac. The application site is enclosed by 2m high steel post and wire mesh fencing. The northern and eastern boundaries are reinforced by 1.5m high white painted brick built walls.



Site Layout Plan scale 1:100.

The application site is bound to the north by a one and a half storey cottage which is currently used for commercial purposes. To the east the application site is bound by a one and a half storey cottage. On the southern side of Long Lane opposing the application site is a stone/roughcast finished house with



high level north facing windows. On the western side of Brown Street opposite the application site there is a car park which serves a modern 2 storey brick built health centre. On the south western corner of the junction between Brown Street and Long Lane there is a modern three and a half

storey flatted development with ground floor commercial units.

The properties surrounding the application site are finished in a variety of materials including facing block, buff roughcast, white painted roughcast, natural slate, brown concrete roof tiles and timber cladding.

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 policy is supportive of development which will enhance the level of facilities and services available to the local communities. Such proposals should also 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 and Appendix 1 set out quantitative and qualitative standards for new housing development. In Inner City Areas and Central Broughty Ferry there are minimum requirements for house size, garden ground and parking provision.

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

Planning application ref: 09/00145/FUL sought planning permission for a residential and office development at 110- 118 Brown Street. This application was withdrawn due to concerns that the proposed building was too high and would impact upon neighbouring properties. The proposals that are the subject of this report are a revision of the original proposals forming planning application ref: 09/00145/FUL.

PUBLIC PARTICIPATION

The Council has followed the statutory neighbour notification procedure as detailed in the Town and Country Planning (Scotland) Act 1997 as amended and the Town and Country Planning (General Development Procedure) (Scotland) Order 1992. The proposed development has also been advertised in the Dundee Evening Telegraph as a departure to Policy 4 of the Dundee Local Plan Review 2005. 6 letters of objection have been received from neighbouring property owners. The concerns raised include:

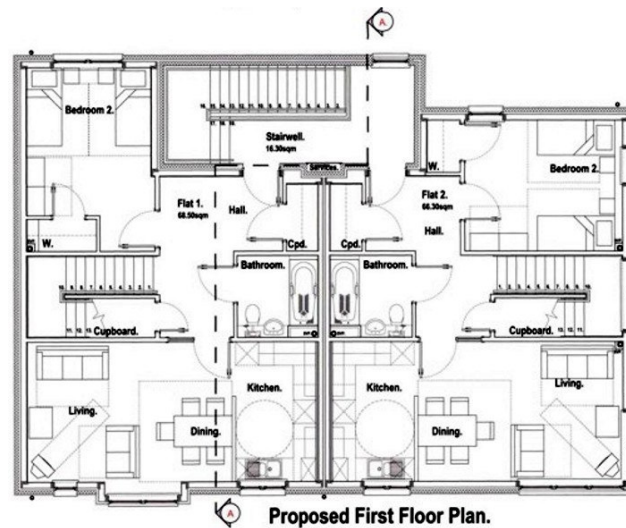
- overshadowing;
- overlooking;
- over-provision of office development;
- noise disturbance;
- loss of property value;
- road safety;
- oppose bars, restaurants and betting offices; and
- insufficient car parking.

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

CONSULTATIONS

Scottish Water has no objections to the proposed development.

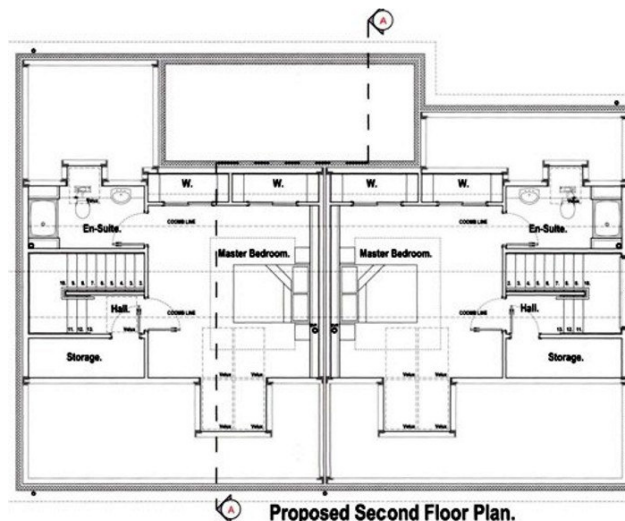
The Head of Environmental Health and Trading Standards originally raised concern that the application site may be contaminated by historic uses. However, having received a pre-determination contaminated land risk



assessment the Head of Environmental Health and Trading Standards is satisfied that issues of contamination can be addressed by a planning condition.

OBSERVATIONS

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



- whether the proposals are consistent with the provisions of the development plan; and if not
- 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.

It is the aim of Policy 1 (Vibrant and Sustainable Communities) to support development which aims to enhance the range of services and facilities close to and within housing areas. While the provision of such facilities can be considered positive development only proposals that seek to minimise any effect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell will be supported.

The proposed development seeks to redevelop the application site to form a mixed use development comprising of 2 ground floor office units and 2 upper floor flats. The supporting statement accompanying the proposed development states that the proposed office units will be restricted to Class 4 use only. This means that the proposed offices will not be open to visiting members of the public but rather restricted to uses such as an architect's office or business headquarters. Given the location of the application site in relation to Broughty Ferry town centre and the types of non-residential uses surrounding the application site, the proposed office units will not impact upon the level of amenity afforded to neighbouring residential properties by virtue of noise disturbance or smell.

There is an abundance of available on-street car parking as well as Council owned public car parks in close proximity to the application site. The use of the proposed offices for Class 4 purposes means that the premises will not be visited by members of the public. Therefore, the proposed office units will not significantly increase the level of vehicle movements or parking pressures on Long Lane or Brown Street.

By virtue of shape the proposed building will blend with the traditional and existing built form bounding the application site to the north, east and south. However, through the incorporation of modern elevational treatments and finishing materials the proposed development will compliment the modern developments located on the western side of Brown Street and to the north of the application site on the eastern corner of the junction between Brown Street and Brook Street.

The proposals therefore meet the criteria of Policy 1 of the Dundee Local Plan Review 2005.

In terms of Appendix 1 of Policy 4, flats are only permitted in Central Broughty Ferry 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 application site does not lend itself well to a housing development due to its size and location within Central Broughty Ferry. Principally this is because the erection of a house on the application site would not fit with the scale, massing and density of the surrounding built form which is made up largely of flats. A flatted solution is therefore considered the most appropriate form of development on the application site.

In terms of floor area the proposed flats comply with the requirements of Appendix 1 as each flat will be afforded no less than 95m² of floor area.

In terms of car parking facilities the proposed flats will be afforded 100% off street car parking facilities. However, Appendix 1 of Policy 4 requires flats within Central Broughty Ferry to be afforded 130% off street car parking. Similarly, Appendix 1 requires flats to be afforded 100m² of communal garden ground or 10m² per flat whichever is greater cumulatively. The proposed flats will be afforded 52m² of communal garden ground and a communal drying area.

There will be a distance of 18m between facing windows of habitable rooms of the proposed building and neighbouring properties with the exception of the south facing first floor living room and bedroom windows of Flat 2. However, the application site is

located on the northern side of Long Lane with neighbouring properties south of the application site located on the southern side of Long Lane. The proposed development by virtue of design will therefore replicate the existing street pattern of Long Lane



while also respecting neighbouring properties through minimising any potential infringements of privacy.

The proposed flats fail to meet the criteria of Appendix 1 in terms of off street parking facilities and the amount of communal garden ground. Consequently the proposals are contrary to the provisions of Policy 4 (Design of New Housing) of the Dundee Local Plan Review 2005.

It is concluded from the foregoing that



the proposal does not comply with the provisions of the development plan. However, there are material considerations that justify support of the proposals contrary to the requirements of Policy 4 and Appendix 1 of the adopted Local Plan.

Other Material Considerations

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

a Considerations that justify support of the proposals contrary to the Development Plan.

The proposed development falls short of the required 130% off street car parking facilities stipulated by Appendix 1 of Policy 4. In accordance with Appendix 1 the proposals are required to provide 3 off street car parking spaces. There is an abundance of public car parks and on-street car parking facilities in close proximity to the application site which provide parking for the existing properties located on Long Lane, Brown Street, Fort Street and the surrounding area that do not benefit from any in-curtilage car parking. Given the location of the application site within Central Broughty

Ferry it is uncommon for flats and houses to benefit from any in-curtilage parking. However, the site is in a very sustainable location in close proximity to Broughty Ferry Train Station and a host of bus routes providing public transport throughout the City of Dundee. Therefore, given the available public transport facilities in combination with the abundance of on street car parking surrounding the application site a departure from the required off street car parking facilities outlined in Appendix 1 is justified in this instance.

In a similar vein, the proposals fall short of the garden ground requirements of Appendix 1 of Policy 4. Appendix 1 requires flatted developments to benefit from 100m² of communal garden ground. The proposed flats will benefit from 52m² of communal garden ground. Given the location of the application site within Central Broughty Ferry it is uncommon for houses and flats to benefit from usable garden ground. This is demonstrated by neighbouring properties where flats have an average of 23m² of communal garden ground. The proposed flats will benefit from 26m² of communal garden ground each. The cumulative area of garden ground proposed will have a southern aspect and will be screened from neighbouring properties. Given that the flats will also benefit from 100% off street car parking and a separate drying area, a departure to the

requirements of Appendix 1 in terms of garden ground provision is considered acceptable.

b Views of objectors

6 letters of objection have been received from neighbouring property owners. The concerns raised include:

Overshadowing - the Objectors have raised concern that the proposed 2 storey building will overshadow neighbouring properties to the east of the application site. Three tests have been applied to the proposed building and its location in relation to neighbouring properties. The conclusions drawn from these tests demonstrate that the proposed building will not significantly overshadow neighbouring properties to the east of the application site. This concern is not supported.

Overlooking - the proposed 2 storey building will have first floor east facing windows that overlook the garden grounds of properties on Long Lane. However, given the perimeter block street pattern the rear gardens of properties on Brown Street and Long Lane are overlooked by neighbouring and adjoining properties. This concern is not supported.

Over-provision of office development - the Objectors have raised concern that there is an over-provision of office accommodation within Brown Street. The vacant commercial unit in the ground floor of the three and a half storey building to the south west of the application site is cited as an example of over-provision as it is currently vacant.

Given the location of the application site in relation to Broughty Ferry District Centre, the provision of 2 Class 4 office units outwith the central core of the District Centre is considered to safeguard commercial properties on Brook Street and Grey Street for use within Class 1 Retail, Class 2 Professional Services and Class 3 Food and Drink. This is consistent with other policies in the adopted Local Plan. This concern is not supported.

Noise disturbance - the Head of Environmental Health and Trading Standards has not raised any concerns that the proposals may generate noise disturbance to the detriment of the surrounding residential environment. Given the nature of the proposed

development this concern is not supported.

Loss of property value - loss of property value is not considered material to the outcome of this planning application and has not been taken into account in the assessment of the proposals.

Road safety and Insufficient car parking - these concerns have been discussed in the Observations section of this report. The proposals are not considered to have a significant impact upon the level or availability of on-street car parking facilities within Brown Street or Long Lane. This is because the proposed office units will operate under Class 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and will not be visited by members of the public. Therefore, the level of traffic generated by the proposed office units will be minimal. Similarly the proposed flats will be afforded 100% off-street car parking facilities. Although Appendix 1 of Policy 4 requires flatted developments to benefit from 130% off street parking, the application site is located in close proximity to Broughty Ferry Train Station as well as the main bus routes throughout the city. The application site is therefore considered to be in a very sustainable location where residents are not required to rely on the car as the only mode of transport. The proposals are therefore considered to provide sufficient off street car parking facilities to serve the office and flatted development without impacting upon the level of environmental quality afforded to Brown Street and Long Lane.

Oppose bars, restaurants and betting offices - the Objectors also raised concern about the proposed use of the ground floor commercial units. The Objectors are concerned that should the Class 4 office units fail to be occupied they may be altered to form a public house, restaurant or betting office. Each of the above uses requires planning permission in their own right. The adopted Local Plan contains policies which restrict the location of public houses and restaurants. While the concerns of the Objector are not supported in this instance, a condition will be applied to the grant of planning permission restricting the use of the office units to purposes which fall within Class 4 of the Town and

Country Planning (Use Classes) (Scotland) Order 1997 only.

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 proposed 2 storey building has a traditional shape with contemporary elevational treatments. The proposed ground floor office units will create a commercial frontage on both Brown Street and Long Lane while the first floor flats will maintain a residential presence on both streets.

CONCLUSION

The proposed development of 2 Class 4 office units and 2 flats is contrary to the provisions of Appendix 1 and Policy 4 of the Dundee Local Plan Review 2005. However, there are material considerations that justify support of the proposals contrary to the Development Plan. The concerns of the objectors are not supported.

RECOMMENDATION

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

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
- 2 Prior to the commencement of work on site, details of the proposed and alternative finishing materials will be submitted to this Planning Authority for written approval. Thereafter, the proposed two storey building will be finished only in the materials approved by this condition.
- 3 Prior to the commencement of work on site, details of the proposed boundary treatments to be erected along the northern, eastern and southern boundaries of the application site will be submitted to this Planning Authority for written approval. Thereafter, the boundary treatments approved by this condition will be erected before

the occupation of the flats hereby approved.

- 4 Any existing accesses that are no longer required as part of the proposed development must be made good as footway to Dundee City Council specifications. Details of these alterations must be agreed in writing by the Council prior to any works on site.
- 5 Any damage caused to the existing adopted footway ex adverso the site as a result of the proposed development must be made good by the applicant to Dundee City Council standards and specifications. Where damage is extensive full reconstruction of the footway will be necessary.
- 6 Development shall not begin until the investigation and risk assessment proposed in the submitted Stage I Desk Study are completed and a remediation strategy to deal with contamination at the site has been submitted to and approved in writing by the planning authority. The strategy shall contain 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 and does not contain any significant pollution linkages.
 - iii measures to deal with contamination during construction works.
 - iv verification of the condition of the site on completion of decontamination measures.
- 7 Before any unit is occupied the remediation strategy shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved in writing by the Council.
- 8 The ground floor office units hereby approved will be restricted for uses which fall within the meaning of Class 4 of

the Town and Country Planning (Use Classes) (Scotland) Order 1997 only.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.
- 2 In the interests of visual amenity and to ensure that the northern gable of the proposed building can be finished should access to 126 Brown Street not be available.
- 3 In the interests of maintaining a high quality residential environment.
- 4 In the interests of road safety.
- 5 In the interests of road safety.
- 6 In the interests of decontaminating the application site so that it is suitable for commercial and residential development.
- 7 In the interests of decontaminating the application site so that it is suitable for commercial and residential development.
- 8 In the interests of safeguarding the high quality residential environment of Long Lane and Brown Street.