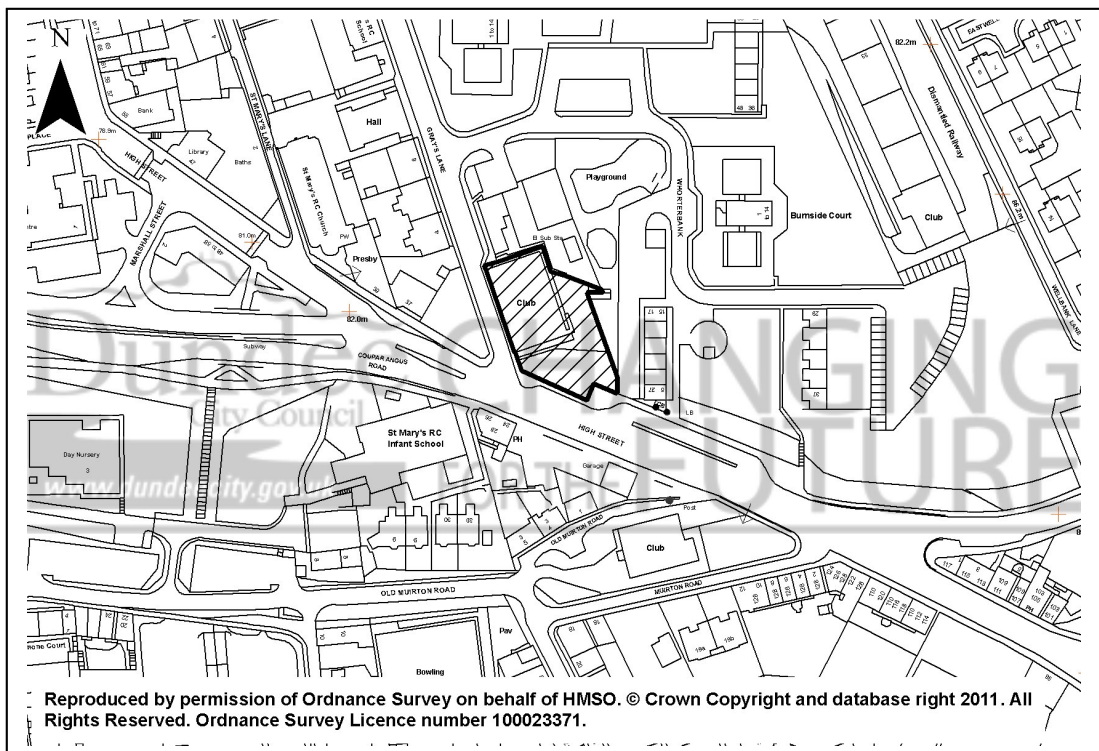


KEY INFORMATION

Ward Lochee

Proposal

Erection of 12 flats with 16 car parking spaces

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Dundee DD1 1PD**Registered** 28 Oct 2010**Case Officer** B Knox

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Flatted Development at Grays Lane

The erection of 12 flats with 16 car parking spaces is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of City Development.

RECOMMENDATION

The application is in compliance with the relevant Policies of the Development Plan and there are no material considerations to justify a decision contrary to this. The application is therefore recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- The application seeks permission for the erection of 12 flats with 16 car parking spaces.
- Policies 4, 55 and 61 of the Dundee Local Plan Review 2005 are relevant to the determination of the application. It is considered that the application is in accordance with the requirements of these policies.
- It is considered that the proposals discharge the statutory duty set out in Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- No objections have been received.
- The application is being referred to Committee as part of the site relates to Council owned land.

DESCRIPTION OF PROPOSAL

The application seeks permission for the erection of 12 flats with 16 car parking spaces. The flats would be located on the corner of Grays Lane and Lochee High Street. The flats would each have a minimum of two bedrooms. The building would be three storeys high finished in a mixture of materials including a white render system to the corner section and black render at each end of the building. The rear terrace would be finished in external cladding with a slate grey appearance. There would be a flat roof behind a parapet and sections of the base course of the building would be finished in a smooth faced dressed stone block to match adjacent buildings in appearance.

A communal garden area would be to the rear of the building measuring approximately 186m², with a separate drying area measuring approximately 70m² providing four rotary drying lines. There would be 16 car parking spaces associated with the development, taking access from Grays Lane.

There would be four flats on each floor with nine units having two bedrooms and in total three units that would have three bedrooms. The two central units on each floor will be provided with a balcony area overlooking the corner of Grays Lane and High Street Lochee.

SITE DESCRIPTION

The application site is located at the south end of Grays Lane, in the Lochee area of Dundee. There is currently a building on site which is the former Rialto cinema building which would require to be demolished in order for the proposed new build to proceed. The existing building is in a poor state of repair and was significantly damaged internally due to a fire.

The building was given Listed status in 1993 but as a result of the damage sustained in the fire the fine interior features were lost. As a result the building has been formally de-listed by Historic Scotland. However, the building occupies an important site on the edge of the Lochee conservation area which was designated in October 2008.

There is a mixture of different house types in the immediate surrounding area. To the west of the application site there are flatted properties which are three storeys high. There is a three storey building to the east of the application site which has retail uses to the ground floor with residential on the upper two floors. Also to the east is a high rise building and associated playground area. Immediately to the east of the site, there is an electricity sub-station.



The south of the site is bounded by Coupar Angus Road, which is a busy arterial route through this part of the city.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 2005

The following policies are of relevance:

Policy 4: Design of New Housing - the design and layout of all new housing in Dundee should be of a high quality. As a basis for achieving this, new development will be required to conform to the Design Standards contained in Appendix 1 of this Local Plan unless:

- a the City Council, through either site allocation in the Local Plan or site planning briefs, considers it appropriate to vary the standards to reflect the constraints or opportunities offered by the development of a particular site; or
- b the proposal is within an established low density residential area, in which case the density of the new development should reflect this and more generous external space standards will be required.

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

In addition, new housing development should meet "Secured by Design" standards. New residential streets should be designed to promote low vehicle speeds of 20mph or less. New housing should have regard to opportunities to maximise energy efficiency and promote sustainable waste management.

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 55: Urban Design - for all new developments the emphasis will be on design quality and the City Council will seek the creation of new public places and points of interest which incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. All development should respect the setting of listed buildings.

The City Council require the use of Design Statements for planning applications or listed building applications for new buildings or extensions to existing buildings on significant sites.

All development will, in its design and layout, be expected to contribute to an environment which is safe and accessible to all.

Policy 61: Development In Conservation Areas - within Conservation Areas all development proposals will be expected to preserve or enhance the character of the surrounding area. This will require the retention of all features which contribute to the character and appearance including unlisted buildings of townscape interest, trees and landscape features and the historic pattern of streets and spaces, as identified in the Conservation Area management plans to be advanced in the near future.

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no policies of relevance.

Non Statutory Statements of Council Policy

Urban Design Guide

SUSTAINABILITY ISSUES

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

SITE HISTORY

(06/00935/FUL) - Erection of 12 flats with 18 parking spaces. This application was withdrawn prior to a decision being made.

(07/00246/FUL) - Erection of 12 flats with 15 car parking spaces. This application was withdrawn prior to a decision being made.

07/00230/LBC - Demolition of Category B Listed Building (Former Bingo Hall). This application was made whilst the building still had Listed status but was withdrawn prior to decision.

The applicants have also submitted an application for Conservation Area Consent for the demolition of the existing building on the site. This has been referred to Historic Scotland for clearance and they have now advised that they do not have any comments to make. At the time of writing this report no decision had been issued but the Council is now free to approve the application under Delegated Powers (10/00684/CON).

PUBLIC PARTICIPATION

The Statutory Neighbour Notification procedure was carried out. In addition, the application was required to be advertised for Neighbour Notification purposes, as a Bad Neighbour and as a Development Plan Departure. The application was therefore advertised in the Local Press.

No objections were received.

CONSULTATIONS

Environmental Health and Trading Standards have advised that the submitted Noise Impact Assessment requires to be updated to take account



of the fact that the scheme being put forward for consideration at this time provides small balconies to the front which the document has not specifically considered. They have therefore advised that a revised Noise Impact Assessment is required to confirm the acceptability of the scheme as put forward.

Given the site history and likely acceptability of the scheme it is considered that it will be acceptable in this instance to attach a condition to any grant of permission to ensure that a revised NIA is submitted to and approved in writing by the Council prior to any development commencing on site.

Environmental Health and Trading Standards have advised that in terms of the potential for contaminated land this is a possibility and therefore it is considered that in order to ensure the site is suitable for the purpose

proposed, a condition requiring a Preliminary Risk Assessment to be completed and agreed prior to the commencement of any development shall require to be attached to any grant of planning permission.

OBSERVATIONS

STATUTORY REQUIREMENTS

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance the development plan unless other material considerations indicate otherwise.

The Development Plan

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.

A design statement was submitted in support of the application to demonstrate that the site is most suited to the development of flatted style of building. Further to this, it is considered that due to the nature of the site, flatted development is the most appropriate form of development for the site. The development in this location is therefore acceptable.

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 74m². The largest of the units provide a floor area of approximately 113m² as well as small balcony areas to the front of the property. 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 16 spaces for 12 flats which meets the 130% standard. Vehicle access and egress will be taken from Grays Lane. The site is within an inner city area with close proximity to the Lochee

District Centre where public transport is readily available. The parking provided is therefore considered to be acceptable.

In terms of provision for bicycles, it is proposed that secure bicycle storage shall be provided in the two stairwells providing storage for a limited number of the properties. It is considered to be acceptable in this instance.

In relation to the provision of useable amenity/garden space, development of flatted properties should provide private communal areas either 100m² or 10m² per flat whichever is greater. In this instance there should be an area of no less than 120m². Drying areas should be provided in addition to this provision. In terms of amenity space, it is proposed that there will be an amenity area measuring approximately 189m² provided to the rear of the building, and a separate drying area measuring approximately 70m² has been shown which will provide 4 drying lines. A bin store will also be provided.

Taking the above into consideration, it is considered that the application is in accordance with the Policy 4 requirements of the Dundee Local Plan Review 2005.

Policy 55 relates to urban design and this states that the emphasis will be on design quality. The design of the flats is of modern appearance. The building would be three storeys high finished in a mixture of materials including a white render to the corner section and black render at each end of the building. There would be a flat roof behind a parapet and sections of the base course of the building would be finished in a smooth faced dressed stone block to match adjacent buildings in appearance. It is considered that the curved nature of the flats is attractive and would provide a striking image to the main route through this part of the city. The materials proposed are crisp and will give a clean, modern appearance to the building. The Dundee City Council Urban Design Guide states that the ability of a design to 'turn a corner' to a development and not present a blank gable, has an important contribution to make in planning the urban form. It is considered that the design achieves

this, along with presenting the hard urban edge to the street which makes for a positive contribution to the character of the surrounding townscape. The proposals are considered to be in compliance with the aims of this Policy of the Dundee Local Plan Review 2005.

As the site is within the Lochee conservation area it is necessary to consider whether the proposals are appropriate to the character and appearance of the area under the terms of Policy 61 of the Dundee Local Plan Review 2005. Within Conservation Areas all development proposals will be expected to preserve or enhance the character of the surrounding area. The details of the design have been discussed above in relation to Policy 55 of the Dundee Local Plan Review 2005 where it was concluded that the modern appearance of the design will result in an attractive feature building. Furthermore, the design approach is considered to present an attractive corner feature to enhance the edge of



the Conservation Area. The curve feature of the design helps the building to turn the corner effectively and results in an attractive townscape feature. It is considered that it would contribute to the enhancement of the conservation area in line with the requirements of Policy 61 of the Dundee Local Plan Review 2005.

It is concluded from the foregoing that the proposal is in compliance with the provisions of the development plan.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that the Council have special regard to any buildings or other land in a conservation area and special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the area.

The design of the development has been discussed in relation to the Development Plan. It is considered that the modern materials and style shall enhance the appearance of the conservation area. The site occupies an important position within the Conservation Area and the current building is in a poor state of repair, to the detriment and appearance of the conservation area. It is considered that the appearance of the property is of a high standard and will enhance the appearance of the surrounding area. As a result it is considered that the statutory duties discussed above are discharged.

Other Material Considerations

There are no material considerations in this instance.

Design

The modern appearance of the design will result in an attractive feature building. Furthermore, the design approach is considered to present an attractive corner feature to enhance the edge of the Conservation Area. The curve feature of the design helps the building to turn the corner effectively and results in an attractive townscape feature. It is considered that it would contribute to the enhancement of the conservation area.

CONCLUSION

It is concluded that the proposal is in accordance with the relevant Policies of the Dundee Local Plan Review 2005 and there are no material considerations to justify a decision contrary to this. The application is therefore recommended for approval.

RECOMMENDATION

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

- 1 Prior to the commencement of development on site, a revised Noise Impact Assessment (NIA) shall be submitted to the Council for approval in writing. For the avoidance of doubt this NIA shall indicate the existing levels of traffic noise, the Noise Exposure Category (NEC) into which the proposed development falls, proposed mitigation measures and final predicted levels within all habitable rooms. The development shall thereafter be implemented in full accordance with this document including the recommendations of the NIA which the Council considers to be appropriate.
- 2 Development shall not begin until a Preliminary Risk Assessment is completed and, if required, an Intrusive Investigation and a scheme to deal with contamination at 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 assessment of the risks associated with contaminant sources, pathways and receptors specific to the proposed use of the site, and if necessary.
 - b a remediation Implementation Plan detailing measures to treat/remove contamination and mitigate risks to ensure the site is fit for the proposed use,
 - c measures to deal with contamination during construction works, and
 - d verification of the condition of the site on completion of decontamination measures.
- 3 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 by the planning authority".

Reasons

- 1 In order to ensure the level of amenity for potential occupiers of the development.
- 2 In order to ensure the site is suitable for the use proposed.
- 3 In order to ensure the site is suitable for the use proposed.