

KEY INFORMATION

Ward Maryfield

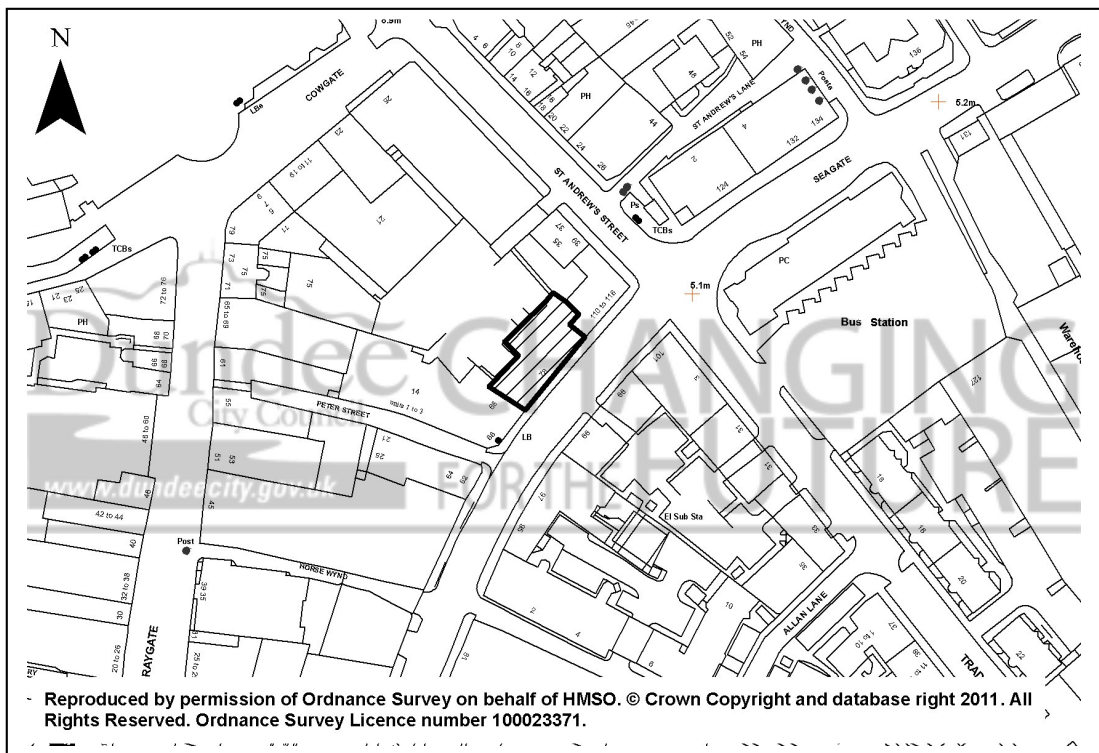
Proposal

Erection of 9 flats over existing shop unit

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Dundee
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Registered 2 Sept 2011

Case Officer P Macari



Proposed Flatted Development Above Seagate Shop Unit

The erection of nine flats over existing shop is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of City Development.

RECOMMENDATION

There are material considerations that justify the support of the proposed development contrary to the requirements of the Development Plan. The concerns of objectors are not supported. The application is therefore recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- This application seeks planning permission for the erection of a three storey upper floor extension to the existing single storey commercial unit at 108 Seagate, Dundee. The proposed extension will provide first floor storage facilities for the existing ground floor commercial unit as well as nine flats.
- Policy 3 (Housing Investment Focus Area), 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.
- Eight letters of objection have been received. The concerns raised relate to the design of the proposed three storey upper floor extension, the loss of the historic facade of the existing building, loss of privacy, noise disturbance, parking issues and impact upon the Central Area Conservation Area.
- The proposals satisfy the requirements of Policies 3, 55 and 61 of the adopted Local Plan but fail to satisfy the requirements of Policy 4 due to distance between facing windows of habitable rooms of neighbouring flats. The proposals are therefore contrary to the Development Plan.
- The concerns of the objectors are not supported.

DESCRIPTION OF PROPOSAL

This application seeks planning permission for the erection of a 3 storey upper floor extension to the existing single storey commercial unit at 108 Seagate, Dundee. The proposed extension will provide 1st floor storage facilities for the existing ground floor commercial unit as well as 9 flats.

6 of the proposed flats will have 2 bedrooms and 3 will have 3 bedrooms. The proposed flats will each have a floor area in excess of 60m², 2/3 bedrooms, a kitchen, living and dining area as well as a bathroom. The 3 bedroom flats will benefit from ensuite bathroom facilities serving the master bedroom. Each flat also benefits from a balcony with an area of 10m². The 1st floor flats have balconies that are north west facing while the 2nd and 3rd floor flats have balconies that are south east facing. The balconies are of a recessed design and have folding glazed screens that allow for the creation of semi-outdoor space when the weather is inclement.

The proposed upper floor extension has a sloping roof and adjoins the neighbouring buildings to the east and west at eaves level. The upper floor extension has been set back from the front building line of the existing ground floor commercial unit to retain the ornate clock and stone stringcourse. The upper floor extension will be finished in white render while the ground floor extension to the northern elevation of the building will be finished in reconstituted stone. The south elevation of the extension fronting on to Seagate will be finished in a combination of re-constituted stone and Fyffe stone facing brick. The windows will have UPVC frames coloured grey (RAL 7016) with the balustrades finished in galvanised steel.

Due to the location of the application site within an identified Air Quality Hot Spot, each of the proposed flats will benefit from whole house ventilation. Externally this means that 9 ventilation ducts will project from the roof of the building.

In accordance with the Council's Scheme of Delegation, this application is being reported to the Development

Management Committee due to the number of objections received.

SITE DESCRIPTION

The application site is located on the north western side of Seagate and is situated within the Central Area Conservation Area.

The existing building is a single storey stone built commercial unit. The building has a pitched roof finished in natural slate with an ornate carved stone stringcourse and clock projecting upwards from the eaves line on the south eastern elevation of the building. The south eastern elevation of the building has a low tiled stall riser and



large floor to ceiling glazed panels with leaded glass fan lights. The entrance to the commercial building is located centrally within the commercial frontage. There are stone columns between the glazed panels and main entrance.

The building is bound to the north and south by 4 storeys with attic stone built tenement buildings. These buildings have pitched roofs with straight gables finished in natural slate. On the opposing side of Seagate there is a 4 storey A listed building that has been converted into flats. To the north west the application site is bound by a private car park.

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 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 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.

Policy 4 also requires proposals involving residential development to take cognisance of the advice contained within the Dundee Urban Design Guide.

Policy 55 (Urban Design) - this policy is supportive of proposals that seek to create new public places and points of interest which incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas.

Policy 61 (Development in Conservation Areas) - this policy is supportive of proposals that will enhance or preserve the character and setting of conservation areas.

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 11/00345/FULL sought permission for the erection of 9 flats over the ground floor commercial unit at 108 Seagate, Dundee. This application was withdrawn by the applicant to allow for changes to be made to the front elevation of the proposed upper floor extension. The revised proposals were then submitted in the form of the current application that is the subject of this report.

PUBLIC PARTICIPATION

The Council has undertaken the statutory neighbour notification process outlined by the Town and Country Planning (Development Management Procedure) (Scotland) Order 2008. This application was also advertised in the Dundee Evening Telegraph and Edinburgh Gazette.

Eight letters of objection were received raising concerns of:

- design of the proposed 3 storey upper floor extension and its impact upon the Central Area Conservation Area
- the loss of the historic facade of the existing building
- loss of privacy
- noise disturbance
- parking issues

Members will already have access to these letters and it is intended to comment on the concerns of the objectors in the Observations section of the report.

CONSULTATIONS

The Council's Head of Environmental Protection has raised concern about air quality and noise disturbance given the

location of the application site in an identified Air Quality Hotspot and on the Seagate. The applicant has submitted a noise impact assessment and incorporated whole house ventilation into the design of the proposed flats so that each flat will benefit from fresh air taken from above roof level. The applicant has also incorporated folding glazed screens into the design of the proposed balconies to minimise the impact of noise disturbance from passing traffic and to create usable semi-outdoor space when the weather is inclement.

The Head of Environmental Protection is satisfied that the whole house ventilation system will overcome issues of air quality but has requested that this is controlled by condition



should the Committee be minded to approve planning permission. With regard to noise, the Head of Environmental Protection has confirmed that these concerns can be overcome by a condition requiring the installation of acoustic glass approved by the Council and the implementation of the attenuation measures detailed in the submitted noise impact assessment.

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.

In accordance with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the Council is required to have special regard to the desirability of preserving and enhancing the character or appearance of the conservation area.

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 3 (Housing Investment Focus Areas) - 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.

The application site is aptly positioned on Seagate so that it is not in close proximity to existing pubs, nightclubs or hot food takeaways. However, it should be noted that the application site is situated in close proximity to Dundee Bus Station as well as the University and College campuses and is therefore well positioned to provide modern housing for young professionals and students alike. The proposals will provide modern housing within the City Centre.

The proposals therefore comply with the requirements of Policy 3.

Policy 4 (Design of New Housing)

It is the aim of Policy 4 to ensure that new houses benefit from a high level of amenity while the level of environmental quality afforded to surrounding properties is maintained or enhanced by residential development.

Policy 4 requires proposals for the erection of new houses to comply with the requirements of Appendix 1 of the adopted Local Plan unless the application site is located within an established low density area or a site planning brief varies the quantitative standards that new housing developments must comply with. Given the location of the application site within the City Centre, the proposed development is expected to satisfy the requirements of Appendix 1.

Appendix 1 of Policy 4 stipulates that new flats in City Centre locations should benefit from a minimum of 2 bedrooms and 18m between fencing windows or balconies and facing windows of neighbouring properties. The provision of parking facilities and amenity space should only be provided where practicable.

The proposed flats will benefit from 2 bedrooms and balconies that have an area of 10m². The proposed flats will be positioned 15.5m from the flatted development on the south eastern side of Seagate. The proposed flats will not benefit from parking facilities as it is not practicable for such provision in this location. However, the application site is located in close proximity to Gellatly Street multi-storey car park where parking permits can be obtained.

The proposals fail to satisfy the requirements of Appendix 1 of Policy 4 because the proposed flats will have balconies and windows that located no more than 15.5m from the facing windows of flats on the opposite side of Seagate.

In terms of design the proposed upper floor extension to the existing commercial unit is considered to be a contemporary adaptation of the traditional tenement buildings that characterise the Seagate corridor. The introduction of modern features such as recessed balconies and the sloping roof contribute to the contemporary appearance of the extension and the blend of modern and traditional architecture between the original ground floor commercial unit and the upper floor flats. The recessed balconies with folding glazed screens will give the upper floor extension the appearance of a regular tenement building. However, occupants will have the option to open the screens to create outdoor amenity space while the altered appearance of the upper floor extension will contribute to its modern character. The form of the folding glazed screens will be controlled by condition should the Committee be minded to grant planning permission.

The proposed development is clearly an original design that incorporates the constraints of the application site into the modern appearance of the building. The requirement to respect the historic conservation area in which the

application site is located is subtly achieved through the retention of the ornate stringcourse and clock and the setting back of the upper floor extension from the south eastern building line of the ground floor commercial unit and adjoining tenement buildings. The retention of these features will be controlled by condition should the Committee be minded to grant planning permission. The proposals will be finished in modern finishing materials. The use of sarnafil roofing membrane is



considered acceptable given the form of the roof of the proposed extension. Of concern is the use of reconstituted stone and Fyffe stone facing brick. While the colours of the facing brick and reconstituted stone have been chosen to blend with the stone facade of the original ground floor commercial unit and adjoining tenement buildings the quality of the finish is considered to be of significant importance in forming a cohesive bond between the upper floor extension, the ground floor commercial unit and the adjoining tenement buildings. In this instance the finish of the proposed development will be controlled by condition should the committee be minded to grant planning permission.

The proposals are considered to be of a high quality design. However, in terms of window/balcony to window distance the proposals fail to satisfy the requirements of Appendix 1 and are consequently contrary to Policy 4 of the Dundee Local Plan Review 2005.

Policy 55 (Urban Design) - this policy is supportive of proposals that seek to create new public places and points of interest which incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas.

The proposals are of a contemporary design which incorporates historic and modern architecture through the retention of the historic shop front, ornate stone stringcourse and clock. The proposals reinforce the existing street layout by respecting the original south eastern building line of the existing commercial unit and adjoining tenement buildings. The proposals involve the retention of the ground floor commercial unit to maintain the vibrancy and vitality of the City Centre location of the application site and to maintain the appearance of the historic Seagate corridor.

The south east facing balconies and window openings take advantage of views of the waterfront over the bus station and will be afforded a sunny aspect throughout the morning, early afternoon and evening hours.

The proposals satisfy the requirements of Policy 55 (Urban Design).

Policy 61 (Development in Conservation Areas) - this policy is supportive of proposals that will enhance or preserve the character and setting of conservation areas.

The proposals respect the historic streetscape by maintaining the existing building lines of the original ground floor commercial unit and the adjoining the tenement buildings and retaining the historic shop front, ornate stone stringcourse and clock.

The finish of the proposed extension to the existing building is of significant importance. Therefore should the Committee be minded to approve planning permission the finish of the extended building will be controlled by condition.

The proposals will have a neutral impact on the character of the conservation area. The proposals therefore comply with the requirements of Policy 61 (Development in Conservation Areas).

The proposals comply with Policies 3, 55 and 61 of the adopted Local Plan but fail to satisfy the requirements of Policy 4 due to proximity of the south east facing windows to windows serving habitable rooms of neighbouring properties. The proposals are therefore contrary to the requirements of the Development Plan.

Statutory Duty

In accordance with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the Council is required to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

It has been concluded above that the proposed development at 108 Seagate will not detract from the appearance of the existing building through the retention of the main features of historic and architectural merit. The proposals will maintain the appearance of the commercial streetscape through the retention of the ground floor commercial unit and original shop front. In addition the proposed upper floor extension will be set back from the south eastern building line of the original building at 108 Seagate and the adjoining tenement buildings to respect the historic form of the Seagate streetscape. The finish of the proposed extension will be controlled by condition to ensure that it does not depart from the traditional appearance of the historic Seagate corridor.

The statutory duty outlined in Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is therefore discharged

Other Material Considerations

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

a Overlooking Issues/Loss of Privacy

Appendix 1 of Policy 4 stipulates that there must be a distance of no less than 18m between facing windows of habitable rooms. The existing street pattern comprises of 4 storey tenement buildings fronting either side of Seagate whereby there is a distance of no more than 15m between facing windows of habitable rooms. The proposed development seeks to replicate the existing streetscape through positioning the proposed flats along the south eastern side of Seagate. There will be a distance of no less than 15.5m between the existing flats on the south eastern side of Seagate and the proposed flats on the north western side. The existing flats on the north

western side of Seagate are already overlooked by the flats on the south eastern side of Seagate and vice versa. In this respect the proposals are not considered to exacerbate existing issues of overlooking of neighbouring properties to such an extent as to justify the refusal of planning permission.

Setting the proposed upper floor extension back from the building line of the ground floor commercial unit and adjoining tenement buildings by 2.5m to achieve the required 18m distance between facing windows would look visually incongruous and would adversely affect the character of the historic Seagate streetscape.



In this instance the material considerations outlined above are supportive of a departure to the requirements of Appendix 1 of Policy 4 of the adopted Local Plan.

b Design Statement

The applicant has submitted a design statement in support of the proposed development. The Design Statement demonstrates that the proposed development will not adversely affect the character or appearance of the historic Seagate streetscape.

c Views of Objectors

Eight letters of objection have been received. The concerns raised include:

- Design of the proposed 3 storey upper floor extension and impact upon the Central Area Conservation Area

The objectors have raised concern that the proposed extension will detract from the historic appearance of the existing building at 108 Seagate and the surrounding streetscape. The objectors were also concerned that the

design of the building would detract from the character of the Central Area Conservation Area.

These concerns have been addressed in the assessment of the proposals against the requirements of the Development Plan and the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in the Observations section of this report. It has been concluded that the combination of modern and traditional architecture blend well together and that the retention of the main features of historic and architectural merit and their incorporation into the redevelopment of the premises at 108 Seagate will maintain the appearance of the commercial streetscape contributing to the vibrancy and vitality of the Central Area Conservation Area.

- The loss of the historic facade of the existing building

The objectors have raised concern that the proposals will involve the removal of the historic facade of the existing building.

The proposals will involve the retention of the existing ornate shop front, carved stone stringcourse and clock features.

In this instance the incorporation of these features into the proposed redevelopment of the property at 108 Seagate will preserve the appearance of the existing building. The original form of the existing building on site will be visible through the set back between the south eastern building line of the ground floor commercial unit and the proposed upper floor extension.

In this instance the main features of historic and architectural importance will be retained.

- Loss of privacy

The objectors are concerned that the erection of flats above the existing premises at 108 Seagate will generate instances of overlooking of facing windows.

Given that there are existing flats on the 3 upper floors of the tenement buildings adjoining the application site, the flats on the south eastern side of Seagate are already significantly overlooked. Therefore the erection of an additional 9 flats above the existing

commercial unit at 108 Seagate is not considered to exacerbate existing levels of overlooking to such an extent as to justify the refusal of planning permission. The concerns of the objectors are not supported in this instance.

- Noise disturbance

The objectors are concerned that the use of the proposed balconies will generate instances of noise disturbance that will affect the level of amenity of residential premises on the south eastern side of Seagate.

During day time hours, it is unlikely that the use of the proposed balconies will generate significant levels of noise that can be heard above the traffic movements in the street below. During the evening and night time hours the use of the proposed balconies is again unlikely to generate significant instances of noise disturbance. Principally this is because of the separation distance between the application site and residential properties on the south eastern side of Seagate. The occupants of the proposed flats will also be able to enclose the balconies through the use of the folding glazed screens to alleviate any instances of noise disturbance should they occur. The concerns of the objectors are not supported in this instance.

- Parking issues

The objectors are concerned that the proposed flats will generate additional parking pressures on the Seagate as they do not benefit from any in-curtilage parking and this will encourage on-street parking. This matter has been addressed in the assessment of the proposals against the requirements of Policy 4 of the adopted Local Plan. It has been concluded that there is no requirement for proposals involving the erection of new flats within the City Centre to benefit from parking facilities. Given that there is an abundance of public parking facilities through out the City Centre including Gellatly Street multi-storey car park, the proposed flats will not adversely affect the level of parking pressures within the City Centre.

In this instance the concerns of the objectors are not supported.

It is concluded from the foregoing that sufficient weight can be accorded to

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

Design

The proposed upper floor extension to the existing commercial unit at 108 Seagate is sympathetic to the appearance of the existing building and adjoining tenement buildings. The main features of architectural merit will be incorporated into the design of the upper floor extension to the building.

CONCLUSION

There are material considerations that justify the support of the proposed development contrary to the requirements of the Development Plan. The concerns of objectors are not supported. It is therefore recommended that planning permission is granted subject to conditions.

RECOMMENDATION

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

- 1 Prior to the commencement of work on site, details of satisfactory finishing materials shall be submitted to the Council for written approval. Thereafter, the development hereby approved will only be finished in the materials approved by this condition. For the avoidance of doubt the suggested finishing materials on the submitted plans are not hereby permitted.
- 2 Prior to the commencement of work on site, details of the proposed folding glazed screens to be installed behind the balcony balustrades shall be submitted to the Council for written approval. Thereafter, the folding glazed screens shall be installed in accordance with the details approved by this condition.
- 3 Prior to the commencement of work on site, details of the proposed whole house ventilation system shall be submitted to the Council for written approval. Thereafter, the whole house

ventilation system shall be installed in accordance with the details approved by this condition.

- 4 Prior to the commencement of work on site, details of the level of insulation and the attenuated permanent ventilation of the proposed glazing shall be submitted to the Council for written approval. Thereafter, the windows and areas of glazing in the proposed development shall be installed in accordance with details approved by this condition.
- 5 Prior to the commencement of work on site, details of the methods used to remove the existing ornate carved stone stringcourse and clock, repair and re-instate them shall be submitted to the Council for written approval. Thereafter, the proposed development and works to the clock and ornate carved stone stringcourse shall be carried out in strict accordance with the details approved by this condition.
- 6 Prior to the commencement of work on site, details of the methods used to protect the original commercial shop front on the ground floor of the premises at 108 Seagate during construction of the proposed upper floor extension shall be submitted to the Council for written approval. Thereafter, the existing shop front shall be protected in accordance with the details approved by this condition during construction of the upper floor extension.

Reasons

- 1 In the interests of safeguarding the visual amenity of the Seagate corridor.
- 2 In the interests of preserving the high quality design of the proposed development.
- 3 In the interests of providing the proposed flats with a high level of environmental quality
- 4 In the interests of providing the proposed flats with a high level of environmental quality

- 5 In the interests of safeguarding the historic character of the Central Area Conservation Area.
- 6 In the interests of preserving the historic character of the commercial streetscape of the Seagate.