

# Erection of 36 Flats and 4 Semi-detached Houses

## KEY INFORMATION

**Ward** Maryfield

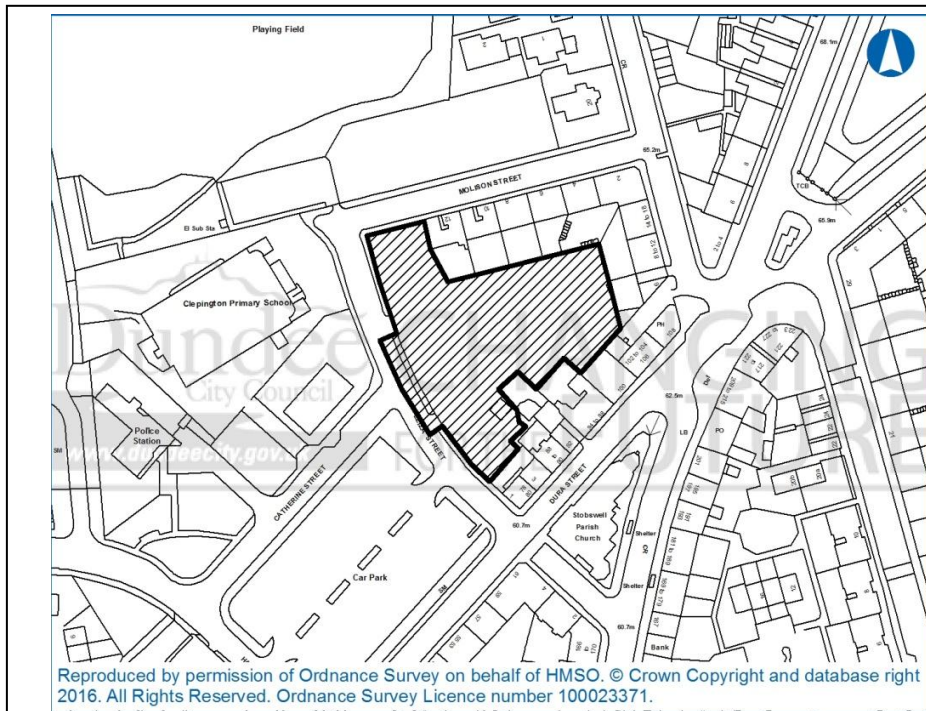
**Address**  
Land to East of Eliza Street,  
Dundee

**Applicant**  
Edenlaw West Ltd  
29 York Place  
Edinburgh EH1 3HP

**Agent**  
Calum Bruce  
2 Dundee Road  
Perth PH2 7DW

**Registered** 1 Sep 2016

**Case Officer** Paul Macari



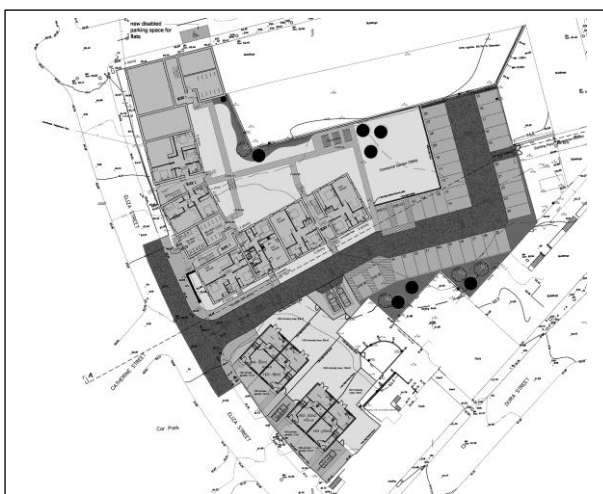
## SUMMARY OF REPORT

- This application seeks planning permission for the erection of 36 flats and 4 semi-detached houses, formation of access, parking, landscaping and bin/cycle storage at land to the east of Eliza Street, Dundee.
- The proposal engages policies relating to residential development within the Dundee Local Development Plan 2014.
- Stobswell Community Forum has objected to the proposed development.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=OCIH8EGCFR000>.

## RECOMMENDATION

The proposal fails to satisfy the requirements of the Development Plan. There are material considerations that demonstrate the development would address an identified need for affordable one and two bedroom properties in the city that justify approval of planning permission. Therefore, it is recommended that this application be APPROVED subject to conditions.

# 1 DESCRIPTION OF PROPOSAL



**Figure 1 – Proposed Site Layout Plan**



**Figure 2 – Photo Looking North On Eliza Street**

- 1.1 This application seeks planning permission for the erection of 36 flats and 4 semi-detached houses, formation of access, parking, landscaping and bin/cycle storage facilities at land to the east of Eliza Street.
- 1.2 The proposed flats and houses will be located around the periphery of the site fronting onto Eliza Street to the east and Molison Street to the north.
- 1.3 Given the sloping nature of the site and surrounding built form, the 2 storey semi-detached houses will be located in the south western corner of the site to the north of the 1½ storey buildings. The proposed flats will be located to the north of the houses and will progress from three to four storeys in height to compensate for the rising ground level. The proposed 4 storey block will be located in the north west corner of the site at the junction between Eliza Street and Molison Street and will adjoin the western elevation of the existing 4 storey tenement building on the southern side of Molison Street that bounds the application site.
- 1.4 Vehicular access to the site will be taken from Eliza Street through a new road located between the proposed two storey houses and flats. The access road will lead to a communal parking area serving the proposed flats and curtilage parking for 2 of the proposed houses. The remaining houses will have curtilage parking accessed from Eliza Street. The proposed flats will be served by communal garden ground and drying areas located to the rear of the buildings. Cycle storage and refuse storage facilities will be located on the ground floor of the flatted buildings.
- 1.5 The proposed development involves the construction of social housing. The proposed flats and houses will be managed by Hillcrest Housing Association.
- 1.6 A detailed Design and Access Statement and an accommodation schedule have been submitted in support of the proposed development.
- 1.7 In accordance with the Council's Scheme of Delegation the application requires to be determined by the Development Management Committee as Stobswell Forum has objected and the application is recommended for approval.

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## 2 SITE DESCRIPTION

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- 2.1 The application site is located on the south side of Mollison Street and the east side of Eliza Street. The site is currently overgrown and in an unkempt condition. To the south the site is bound by a mixture of single, 1½ and 2 storey properties and their respective garden grounds/yard space. These properties comprise of ground floor commercial units and upper floor flats. There is a public car park on the western side of Eliza Street opposite the application site. To the east and north the site is bound by 4 storey tenement buildings and their respective garden grounds. In the south eastern corner of the site there is a pedestrian access to the site from Mains Loan.



**Figure 3 – Photo Looking East on Mollison Street**

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## 3 POLICY BACKGROUND

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- 3.1 The following plans and policies are considered to be of direct relevance:

**DUNDEE LOCAL DEVELOPMENT PLAN 2014**

Policy 7: High Quality Design

Policy 9: Design of New Housing

Policy 29: Low and Zero Carbon Technology in New Development

Policy 40: Waste Management

Policy 42: Sustainable Drainage Systems

Policy 45: Contaminated Land

**SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS**

Scottish Planning Policy 2014

- 3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

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## 4 SITE HISTORY

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- 4.1 Planning application ref: 05/00462/FUL sought planning permission for the erection of 12 apartments, 10 townhouses, and a children's nursery; refurbishment to form 8 apartments, 5 shops and an office; and ancillary car parking, road and landscaping. This application was approved by the Development Management Committee.
- 4.2 Planning application ref: 05/00462/FUL has been implemented in the form of a refurbished tenement on Mains Loan to form 8 apartments and the formation of 5 shops and an office on Dura Street.
- 4.3 Planning application ref: 16/00367/FULL sought planning permission for the erection of 36 flats and 4 semi-detached houses, formation of access, parking and bin / cycle storage. This

application was withdrawn by the applicant to allow for revisions in relation to the design of the proposed buildings.

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## 5 PUBLIC PARTICIPATION

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- 5.1 The statutory neighbour notification procedure has been followed and this application has been advertised in the Dundee Evening Telegraph. No letters of objection or representation have been received.

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## 6 CONSULTATIONS

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- 6.1 **Stobswell Community Forum** – has objected to the proposed development on grounds of:
- overdevelopment of the application site;
  - the design of the proposed buildings;
  - the provision of flats and not houses;
  - the impact on the category A listed Clepington Primary School and Maryfield Conservation Area;
  - the open space provision is overlooked and too small;
  - road and pedestrian safety;
  - the bin storage is inappropriate; and
  - future opportunities to reinforce retail provision in Dura Street are prejudiced.
- 6.2 **Head of Community Safety and Protection** – has no objection to the proposed development providing matters of land contamination are addressed by condition should planning permission be granted.
- 6.3 **Neighbourhood Services** – have provided guidance on the level of refuse storage provision that will be required to support the proposed development. This information has been incorporated into the ground floor layout of the proposed flatted buildings.
- 6.4 **SEPA** – has no objection to the proposed development.

## 7 DETERMINING ISSUES

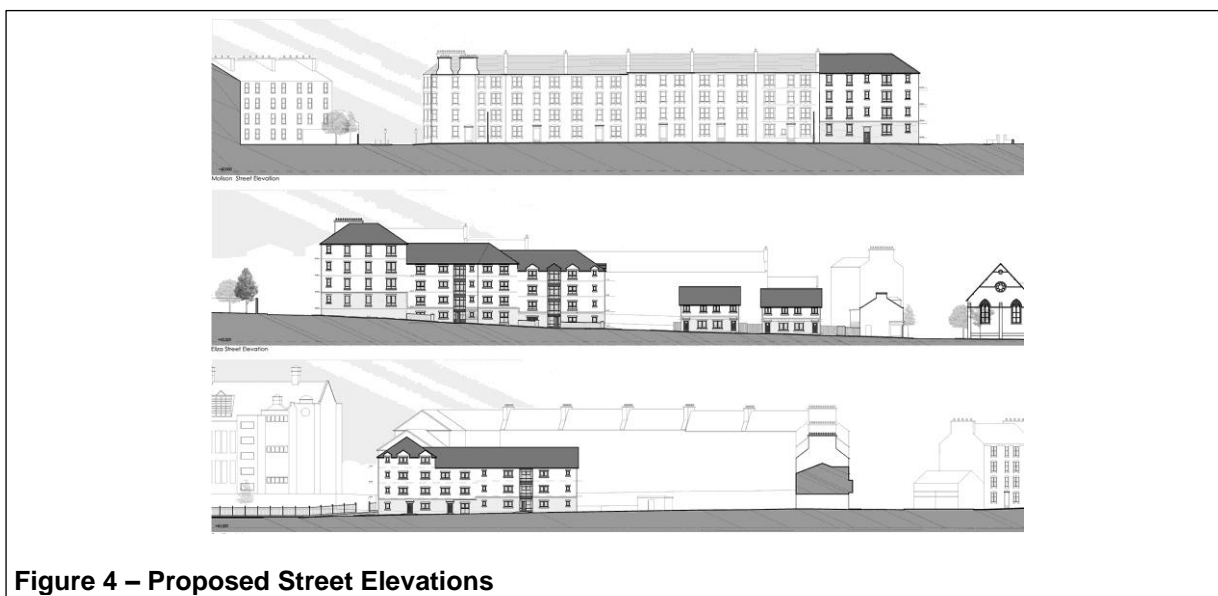
- 7.1 **Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.**

### THE DEVELOPMENT PLAN

The provisions of the development plan relevant to the determination of this application are specified in the Policy Background section above.

## DUNDEE LOCAL DEVELOPMENT PLAN

- 7.2 **Policy 7: High Quality Design** – requires proposals to contribute positively to the quality of the surrounding built and natural environment and should be planned and designed with reference to climate to change, mitigation and adaptation.
- 7.3 The Planning, Design and Access Statement submitted in support of the proposal highlights that the design has evolved from the existing geometries of the urban grain. The stepped nature of the development references adjacent buildings and the topography of the application site creating a series of elevations that reflect the different building types and styles in the surrounding area.
- 7.4 The design of the 4 storey building serves to form an attractive new focal point at the junction between Molison Street and Eliza Street and a landmark within the context that the application site is located. The location of the proposed buildings in combination with their shape and heights seeks to respect the outlook of neighbouring properties to the north east and east of the application site. The buildings have been positioned on the site to minimise any potential impact on neighbouring properties by virtue of overshadowing.



**Figure 4 – Proposed Street Elevations**

- 7.5 The scale, massing, fenestration and finish of the proposed buildings have been sensitively designed so that the redevelopment of the application site will preserve the setting of the category A listed Clepington Primary School to the north west of the site.
- 7.6 The proposed buildings are of a location, scale and design that are complementary to the Eliza Street and Molison Street streetscapes. Although some of the proposed finishing materials and boundary treatments have been specified on the proposed plans these matters will be controlled by condition to ensure that the quality of the proposed development is not diminished by the use of inappropriate materials.
- 7.7 In terms of accessibility the proposed housing units will be served by level access with the accessible car parking bays given priority in the layout of the communal car parking area. The existing pedestrian access between the application site and Mains Loan will be retained as part of the proposed development. The design of the junction between the proposed access road and Eliza Street and the form of the pedestrian footpath on the eastern side of Eliza Street will be upgraded to reflect the Council's transportation development standards.

These matters will be controlled by condition should the application be granted planning permission.

- 7.8 The site layout plan indicates that there will be areas of landscaping created as part of the redevelopment of the application site. Therefore, the protection of any retained trees on site during construction and replanting/landscaping of the site will be controlled by condition in order to minimise the impact of the proposal on the natural environment.
- 7.9 **The proposal satisfies Policy 7.**
- 7.10 **Policy 9: Design of New Housing** – requires housing developments to be of a high quality design that contributes to creating places that build on and enhance the distinct character and identity of the different parts of the city. All new housing developments are also required to conform to the requirements of Appendix 3.
- 7.11 In terms of design the requirements of Policy 9 have been satisfied through the assessment of the proposals against the criteria of Policy 7.
- 7.12 Appendix 3 stipulates that the provision of flats in inner city areas of Dundee will only be supported if identified in a site planning brief, site specific circumstances demand a flatted solution or the proposal involves the conversion of a building of merit where conversion to houses is not suitable or achievable. Where the principle of flats in inner city areas of the city can be established Appendix 3 requires such flats to benefit from 2 or more bedrooms or a minimum gross internal floor area of 60m<sup>2</sup>. In addition social rented flats in inner city areas should be afforded 100% off street parking, secure indoor bike storage, useable private communal garden areas of a minimum of 100m<sup>2</sup> or 10m<sup>2</sup> per flat whichever is greater, a separate drying area and a minimum of 18m between the facing windows of habitable rooms of neighbouring houses.
- 7.13 The application site is not the subject of a site planning brief and the proposals do not involve the conversion of a building of merit. However, the sloping topography of the site in combination with the scale, massing and proximity of neighbouring tenement buildings means that there is little opportunity to develop the site for housing. This is because the erection of houses in the northern sector of the site would appear incongruous when located next to a terrace of four storey tenement buildings. In addition any houses built within the central area of the application site would be afforded an unacceptable level of amenity by virtue of overlooking, overshadowing and the overbearing impact of the four storey buildings bounding the application site to the north and east. In this instance a flatted solution would facilitate the redevelopment of this vacant site, meet the housing need demonstrated by the supporting information submitted by the applicant and introduce variety in the type of flatted accommodation available in the surrounding area.
- 7.14 Of the 36 flats proposed 29 will have two bedrooms and a floor area exceeding 60m<sup>2</sup>. The remaining 7 flats will have one bedroom and a floor area between 50 and 51.5m<sup>2</sup>. Each flat will be afforded one parking space within the communal parking court to the east of the site and one secure bicycle storage space on the ground floor of the flats. The proposed flats will be served by a communal garden area of 728m<sup>2</sup> in addition to a separate drying area. The applicant has submitted shadow plans to demonstrate that throughout the year the garden grounds will not be overshadowed by the new buildings and those bounding the application site. In addition none of the proposed flats will have windows serving habitable rooms that are within 18m of neighbouring properties or which face the windows of neighbouring properties.

- 7.15 Appendix 3 of the Local Development Plan also makes reference to the provision of charging points for electric vehicles within communal parking areas. This matter will be controlled by condition.
- 7.16 With regard to the erection of houses in inner-city areas of Dundee, Appendix 3 states that the new houses should have a minimum of 2 bedrooms or a gross internal floor area of 100m<sup>2</sup>, at least one curtilage parking space, a minimum private usable garden ground of 50m<sup>2</sup> and a minimum of 18m between the facing windows of habitable rooms.
- 7.17 The proposed two storey semi-detached houses will each have 3 bedrooms, private gardens between 60m<sup>2</sup> and 100m<sup>2</sup> in area and 1 curtilage parking space each. In addition there will be in excess of 18m between the facing windows of the habitable rooms of the proposed houses and the existing windows of neighbouring properties.
- 7.18 Overall the proposed development fails to satisfy the requirements of Appendix 3 due to the provision of 1 bedroom flats.
- 7.19 **The proposal contravenes Policy 9.**
- 7.20 **Policy 29: Low and Zero Carbon Technology in New Development** - requires proposals involving the erection of new buildings to demonstrate that at least 10% of the carbon emissions reduction standards set by the Scottish Building Standards (2007) will be met through the installation of zero-carbon generating technologies. Although no information relating to the inclusion of zero-carbon technologies within the design of the new flats has been submitted as part of this application, this matter can be controlled by a planning condition.
- 7.21 **Through the use of a condition the proposal will satisfy Policy 29.**
- 7.22 **Policy 40: Waste Management** – requires development proposals to demonstrate that they adequately address the Council's waste strategy to reduce, collect, sort, recycle and reuse waste.
- 7.23 The proposed flats have been afforded a sufficient level of bin/refuse storage space to adequately address the Council's waste management strategy. This has been demonstrated by the comments received from the Neighbourhood Services Department in relation to refuse storage requirements and the inclusion of refuse storage facilities in the ground floor of the flatted building.
- 7.24 **The proposal satisfies Policy 40.**
- 7.25 **Policy 42: Sustainable Drainage Systems** – requires surface water generated by new development to be treated by Sustainable Urban Drainage systems. The proposed SUDs will treat surface water adequately and has capacity to attenuate flood waters during a 1 in 200 year event. SEPA has confirmed that they have no objection to the proposal in terms of flood risk. The design of the proposed drainage system and its connection to the Scottish Water network will be controlled by condition should planning permission be granted.
- 7.26 **The proposal satisfies Policy 42.**
- 7.27 **Policy 45: Land Contamination** – Policy 45 Land Contamination requires proposals for the development of potentially contaminated brownfield land to be accompanied by a site investigation establishing the nature and extent of contamination and where the Council

considers the remediation measures proposed to adequately address contamination risks to all receptors such that the land no longer meets the statutory definition of contaminated land.

- 7.28 The Head of Community Safety and Protection is satisfied that the content of the submitted Contaminated Land Risk Assessments will ensure that any contamination on site is remediated successfully. The remediation strategy and subsequent verification can therefore be addressed by condition.
- 7.29 **The proposal satisfies Policy 45.**
- 7.30 **It is concluded from the foregoing that the proposal does not comply with the provisions of the Development Plan.**

## **STATUTORY DUTIES**

### **Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997**

- 7.31 Section 59 of the Act requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the planning authority shall have special regard to the desirability of preserving the building or its setting.
- 7.32 The requirements of Section 59 have been addressed in the assessment of the proposed development against Policy 7 of the Dundee Local Development Plan above. Therefore the statutory duty outlined by Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 would be discharged by the approval of planning permission.

## **OTHER MATERIAL CONSIDERATIONS**

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

### **A - DESIGN AND ACCESS STATEMENT**

- 7.33 The Planning, Access and Design Statement submitted in support of the proposed development outlines the planning history and economic and design based justification for the provision of one bedroom flats within the proposed development.
- 7.34 The Statement also highlights that through the economic downturn in the last 10 years the level of unemployment in the city has increased while the availability and variety of social housing in the city has decreased. This has led to an identified need across the city for affordable one and two bedroom properties in close proximity to local services and facilities. The application site is conveniently located adjacent to Albert Street District Centre, main bus routes through the city, primary and secondary schools as well as local health and community centres. In this context the proposed development including the provision of 7 one bedroom flats presents an opportunity to address a specific need identified by both Hillcrest Housing Association and the Council's Housing Department to enhance the volume and variety of social housing in the city.
- 7.35 This is a material planning consideration with sufficient weight to justify a departure from the standards of Appendix 3 in this particular instance.

### **B - SCOTTISH PLANNING POLICY 2014**

- 7.36 The Scottish Planning Policy advocates the redevelopment of brownfield sites within and on the periphery of town centres for housing. This is because such developments benefit from access to local shops and services. Consequently this leads to an increase in footfall within



town centres that enhances their viability, vibrancy and vitality. The proposed development aligns with these objectives of the Scottish Planning Policy.

7.37 The application complies with the relevant provisions of Scottish Planning Policy 2014.

#### **C - VIEWS OF STOBSWELL COMMUNITY FORUM**

7.38 Stobswell Community Forum has objected to the proposed development on the following grounds:

- overdevelopment of the application site;
- design of the proposed buildings;
- the provision of flats and not houses;
- impact on the category A listed Clepington Primary School and Maryfield Conservation Area;
- open space provision;
- road and pedestrian safety;
- bin storage is inappropriate; and
- future opportunities to reinforce retail provision in Dura Street are prejudiced.

7.39 The concerns of the Community Forum have been addressed in the assessment of the proposed development against the Dundee Local Development Plan, the Scottish Planning Policy and the supporting information submitted by the applicant. It has been concluded that the proposed development by virtue of scale, design, massing, layout and housing unit size will not adversely impact on the amenity of surrounding commercial and residential properties while the new building housing units proposed will be afforded a high level of amenity and environmental quality.

7.40 The proposed development will not prejudice future opportunities to reinforce retail provision in Dura Street. This is because the application site located outwith the Albert Street District Centre. As detailed in the assessment of the proposal against the requirements of the Scottish Planning Policy the proposal will reinforce the vitality, vibrancy and viability of the District Centre as a local retail destination by increasing the number of people within the District Centre's catchment area.

7.41 **The concerns of Stobswell Community Forum are not supported.**

#### **D - PETITION AND LETTERS OF SUPPORT**

7.42 The applicant submitted a petition with 63 signatures indicating support for the application. The applicant also submitted 4 letters which appear to be from local businesses and state that they support the proposal because it would generate more business in the area.

7.43 The petition and letters are not valid letters of representation because they were submitted by the applicant and as such, they can only be given limited weight in the determination of the application.

7.44 The petition and letters submitted by the applicant have a neutral effect on the application.

7.45 It is concluded from the foregoing that the material considerations support the approval of planning permission.

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## 8 CONCLUSION

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8.1 The proposal fails to satisfy the requirements of the Development Plan. There are material considerations that demonstrate the development would address an identified need for affordable one and two bedroom properties in the city that justify approval of planning permission. Therefore, it is recommended that this application be approved subject to conditions.

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## 9 RECOMMENDATION

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

- 1 Prior to the commencement of work on site, details of the proposed vehicle access including proposed road markings shall be submitted to the Council for written approval. Thereafter the access shall be formed and constructed as a Type B junction to Dundee City Council standards and specifications.
- 2 Prior to the commencement of work on site details of a footway to be formed ex adverso the site on the eastern side of Eliza Street shall be submitted to the Council for written approval. Thereafter, the footpath approved by this condition shall be formed prior to the first occupation of the houses and flats hereby approved.
- 3 Any existing accesses that are no longer required as part of the proposed development shall be made good as footway to Dundee City Council specifications. Details of these alterations shall be submitted to the Council for written approval prior to works commencing on site
- 4 A Street Lighting system shall be provided by the applicant to Dundee City Council standards and specifications.
- 5 Prior to the commencement of work on site details of electric car charging points and their location within the communal car parking area shall be submitted for written approval by the Council. Thereafter the electric car charging points will be installed prior to the first occupation of the houses and flats hereby approved.
- 6 The hard surface within the curtilage shall be made of porous materials or provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.
- 7 Prior to the commencement of work on site, details of a disposal route for road surface water from the proposed development which discharges to a system publicly maintained/maintainable by the relevant authority shall be submitted to the Council for written approval. Thereafter, the approved roads drainage system shall be implemented in full prior to the first occupation of the houses and flats hereby approved.

- 8 Prior to the commencement of development, a scheme of landscaping shall be submitted to and approved by the Council, and it shall include indications of all existing trees and hedgerows on this land, and details of any to be retained, together with measures for their protection in the course of development in accordance with BS5837:2012. Full details of new planting and landscaping shall also be submitted to and approved by the planning authority prior to the commencement of development. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.
- 9 A Sustainability Statement demonstrating the extent to which the development will meet the requirements of Policy 29 of the Dundee Local Development Plan 2014 shall be submitted for the approval of the Council and the works shall be completed in accordance with the approved Statement
- 10 Prior to the commencement of work on site, details of the finishing materials of the proposed buildings, boundary enclosures and areas of hard surfacing shall be submitted to the Council for written approval. Thereafter, the proposed development shall be finished only in the materials approved by this condition.
- 11 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
- 12 Prior to the commencement of any works on site a detailed surface water drainage/SUDS design including drawings, calculations, full modelling, simulation results and a signed Dundee City Council Design and Check Certification shall be submitted to Dundee City Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to the occupation of the development.
- 13 Prior to the commencement of any works on site, evidence of Scottish Water approval for the proposed drainage system for the development hereby approved shall be submitted to the Council for written approval.

## **REASONS**

- 1 In the interests of vehicle and pedestrian safety.
- 2 In the interests of vehicle and pedestrian safety.
- 3 In the interests of vehicle and pedestrian safety.
- 4 In the interests of vehicle and pedestrian safety.
- 5 In the interests of sustainable travel measures.
- 6 To ensure that surface water from within the curtilage of the site does not drain to the adjacent adopted road.
- 7 To ensure an appropriate and publicly maintainable system is provided.
- 8 In the interests of residential and environmental amenity.
- 9 In the interests of promoting sustainability.

- 10 In the interests of visual amenity.
- 11 In the interest of ensuring that the application site is free from contamination
- 12 To ensure there is no increase to the discharge of surface water and potential pollutants to the public sewer or, where applicable, a nearby watercourse, to the detriment of existing and proposed properties, infrastructure, and the water quality of any watercourse.
- 13 To ensure that the site drainage system is designed and constructed to an appropriate/adequate standard as required by Scottish Water.