

KEY INFORMATION

Ward Hilltown

Proposal

Erection of 13 No houses
and 12 No flats

Address

James Street Car Park
James Street
Dundee

Applicant

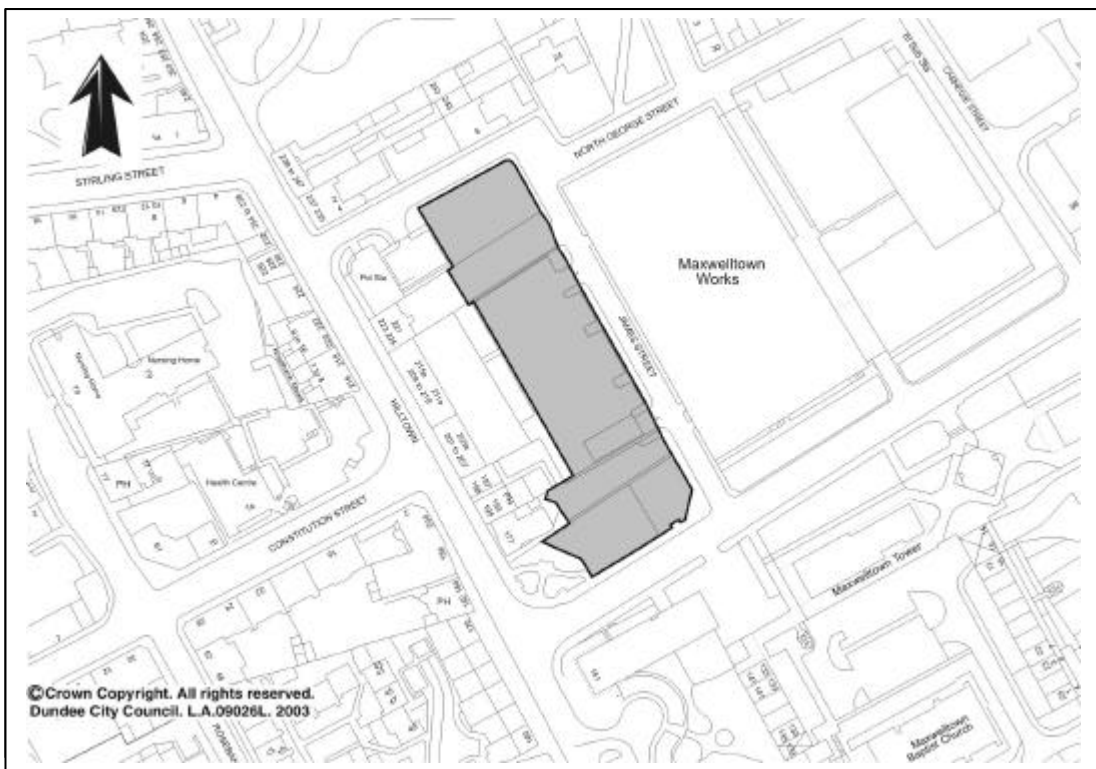
Hillcrest Housing Association
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Agent

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Registered 14 Feb 2006

Case Officer C Walker



Residential Development Proposed in James Street

The erection of thirteen houses and twelve flats is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposals will provide an attractive residential development which will enhance the environmental quality of the wider area and the provision of an apartment block on Alexander Street is justified in terms of Policy 4 of the Plan. Therefore, the application is recommended for **APPROVAL**.

SUMMARY OF REPORT

- Planning permission is sought for a residential development of 13 town houses and 12 flats on the site as well as a car park to serve existing and proposed housing at this location. The bulk of the site is occupied by the Council's car park at James Street and to the north is vacant derelict ground.
- The northern part of the application site is allocated for housing and the balance is indicated as part of an existing residential area in the adopted Local Plan. Policy 4 of the Plan contains a general presumption against flats but they can be permitted in certain circumstances.
- 4 letters had been received at the time of writing this report stating concerns about loss of parking and the location of a mini recycling centre as well as seeking assurances about the blocking off of an existing path and the provision of boundary enclosures.
- It is considered that in this case the scale of Alexander Street and the importance of the corner junctions with Hilltown and with James Street provide a justification for a 4 storey flatted building at this location. Planning conditions can cover the concerns of objectors and the provision of a satisfactory standard of residential amenity in terms of noise from nearby industrial premises.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a residential development of 13 houses and 12 flats on the site. It is proposed to erect a 4 storey block of 12 apartments facing south onto Alexander Street, a terrace of 11 townhouses facing east to James St and a pair of townhouses facing north to North George Street. A car park of 37 spaces is proposed to the north of the apartment block to serve the new flats and existing flats on Hilltown (each townhouse will have its own parking space within its curtilage).

The design of the proposed apartments focuses on the south elevation as the units are single aspect, producing extensive areas of glazing. Each apartment is generously sized with a lounge, kitchen/dining room and 2 bedrooms as well as a sunspace area to provide solar gain on the south elevation. The proposed town houses contain a mixture of 3 and 4 bed roomed units and each has a parking space in front of the dwelling.

Proposed finishing materials include coloured rendered walls, limited areas of coloured cladding and tiled roofs on the town houses. For the apartments similar materials are proposed but in addition brick will be used on sections of the walls and the roof will be standing seam rather than tiles.

It is proposed to landscape the site with street trees to all street boundaries and to retain most of the trees and all of the environmental works at the junction of Hilltown and Alexander Street and on the western edge of the car park. The flats will be provided with an amenity area and external drying area of some 120 sq metres and each house will have a private garden area ranging from 50 to 145 sq. metres with an average area of some 89 sq metres.

A mini recycling centre is proposed at the western end of the proposed new car park to the east of the existing flats at 177 Hilltown.

Reports on site contamination issues as well as on noise from the adjoining IBP Conex industrial premises have also been submitted.

This application was deferred from the March Development Quality Committee to investigate the provision of town houses as opposed to an apartment block on Alexander Street. However it would not be feasible to construct townhouses on Alexander Street in place of the proposed apartments. Firstly the maximum scale of development would be 3 storeys although the fact that direct vehicular access from Alexander Street would



not be acceptable on traffic grounds could mean that ground floor garages would not be included and that some of the units would revert to 2 storeys. A development of that scale would not be appropriate in townscape terms. In addition, with vehicular access being provided from the north side of the units, it would be difficult to achieve



the provision of meaningful private gardens.

Furthermore with the proposed demolition of the Alexander Street Multis, there will be a significant demand for rehousing in the Hilltown area. Whilst much of this demand may be for townhouses, there will also be a large demand for flats and it is considered that the proposed mix of houses and flats is the most appropriate to cater for this local need.

The applicants, Hillcrest Housing Association, have confirmed that the Council will have 100% nomination rights to first lets at the proposed development. They have also stated that they are prepared to reconsider the provision of flats on 2 nearby sites at Caldrum Street (current applications 06/00099/FUL and 06/00101/FUL refer) and develop these sites for town houses instead. It is considered that apart from urban design reasons, there are good housing reasons to provide some new build flats within this development.

SITE DESCRIPTION

The site comprises some 0.4 ha of ground enclosed by Alexander Street, James St, North George St and the rear of properties on Hilltown. The bulk of the site is occupied by the Councils car park at James Street which provides some 60 spaces. The car park is not well used during the day and at night time it is practically disused and its condition reflects its lack of use. A storage building has been constructed on the southern part of the car park. Further to the south is a private car park for a flatted development at 177 Hilltown (which is owned by the applicants) and an area of landscaped open space. To the north of the car park is vacant derelict ground.

The site slopes downhill from north to south and contains no features of interest. To the east, on the opposite side of James Street, are the IBP Conex industrial premises. To the south, on the opposite side of Alexander Street, are commercial premises. To the west are the rear elevations and back gardens of properties on Hilltown. Environmental improvements have been carried out along this boundary with areas of trees and shrubs enclosed by brick walls. Some of the premises on Hilltown have pedestrian access to the car park. To the north there are flatted dwellings on the opposite side of North George Street.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan Review 2005

The northern part of the application site is allocated for housing under Proposal H27 and the balance of the site is indicated as part of an existing residential area where Policy 1: Vibrant and Sustainable Communities seeks to safeguard the amenity of residential areas in terms of design as well as layout, parking and traffic movement, and noise and smell issues.

Policy 4 sets out standards for the design of new housing. The proposed development meets these standards other than the presumption against flats. However flats can be permitted in certain circumstances.

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.

LOCAL AGENDA 21

The proposed development is considered to be sustainable and in accordance with the Councils Agenda 21 policies as it involves the reuse of a brownfield site and provides housing close to existing services and facilities.

SITE HISTORY

There is no relevant planning history in this case.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposal was advertised as potentially contravening Policy 4 (presumption against flats) of the adopted Local Plan. 4 letters had been received at the time of writing

this report, 2 objecting to the proposal and 2 making representations.

The grounds of objection relate to traffic and parking concerns (loss of existing spaces) and the location of a mini recycling centre and the representations seek assurances about the blocking off of an existing pathway to flats on the Hilltown, the provision of car parking and the rebuilding or replacement of a crumbling boundary wall.

Copies of these letters are available for inspection in the Members Lounges and the points raised are considered in the Observations Section of this Report.

CONSULTATIONS

The Head of Environmental Health and Trading Standards has stated in relation to contamination that planning conditions will need to be imposed and that in connection with noise matters that a condition should be imposed seeking the achievement of minimum noise levels within the proposed dwellings.

The Council's Forestry Officer has no objections to the felling of the trees on the site subject to replanting of street trees of an appropriate size and species. This matter can be dealt with by a planning condition.

OBSERVATIONS

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

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations.

The Development Plan

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

The principle of developing housing at this location is appropriate in circumstances where the northern half of the site is allocated for this purpose and the southern part is identified as part of an existing housing area.

Policy 1: Vibrant and Sustainable Communities seeks to safeguard the amenity of residential areas in terms of design as well as layout, parking and traffic movement, and noise and smell issues. It is framed mainly in terms of introducing non residential uses into residential areas. In this case the proposed development introduces a use which is wholly appropriate in a residential area.

The design and layout of the development completes an urban block formed by Hilltown, Alexander Street, James Street and North George Street. The development removes the blight and dereliction caused by the vacant ground at the northern end of the site and the underused car park and functional storage building to the south. The development is outward looking and the use of modelling in the buildings, the range of finishing materials and the use of extensive glazing produces attractive street elevations. Adequate provision is made for parking for the development and for surrounding buildings (this matter will be discussed in more detail below) and there are no noise or smell issues associated with the development.

Policy 4 sets out standards for the design of new housing. The proposed development meets all these standards other than the presumption against flats. For this reason it was advertised as a potential departure from the Plan. However Appendix 1 to Policy 4 states that flats will be permitted where site specific circumstances demand a flatted solution.

It is considered that in this case the scale of Alexander Street and the importance of the corner junctions with Hilltown and with James Street provide a justification for a 4 storey flatted building at this location. It is also important to look at the site as a whole and in this case the majority of the dwellings proposed are town houses. As an entirety the proposed development is well designed and the mixture of apartments and town houses fits well on the site. The apartment block is well designed and the standard of accommodation proposed is in accordance with Local Plan standards. It is also the case that the proposed development will ensure that a site which has been partly derelict for many years will be redeveloped to the benefit of the local environment.

It would not be feasible to construct townhouses on Alexander Street in place of the proposed apartments. Firstly the maximum scale of development would be 3 storeys although the fact that direct vehicular access from Alexander Street would not be acceptable on traffic grounds could mean that ground floor garages would not be included and that some of the units would revert to 2 storeys. A development of that scale would not be appropriate in townscape terms. In addition, with vehicular access being provided from the north side of the units, it would be difficult to achieve the provision of meaningful private gardens.

It is concluded from the foregoing that the provision of apartments as well as town houses on this site is justifiable in terms of Appendix 1 of Policy 4 and that the proposal therefore complies with the adopted Local Plan.

Other Material Considerations

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

a The comments made by notified neighbours

The grounds of objection relate to traffic and parking concerns (loss of existing spaces) and the location of a mini recycling centre. The use of the James Street car park has been recorded by the Council and it is clear that it is not well used. It is to the rear of dwellings on Hilltown and suffers from a lack of security. It is for this reason that it is virtually disused at night time. It is used to a very limited extent during the day. A car park of 37 spaces is proposed as part of the development and this is more than adequate to cater for the parking needs of local residents.

It is proposed to locate the mini recycling centre to the east of existing flats owned by the applicants at 177 Hilltown. The Council encourages the provision of recycling facilities but also recognises that people do not want them close to their houses and in this case an objection has been received by a nearby occupier who is concerned that the centre will be some 5.5 metres from his flat. There are other possibilities for the

relocation of this facility but this may have an impact on other dwellings. It is considered that this matter would best be addressed through discussion to see if a more appropriate site could be achieved without detriment to residential amenity and should Members be minded to approve the development then it is suggested that a planning condition be imposed to cover this matter.

A letter of representation has been submitted on behalf of tenants of 211a Hilltown seeking the closure of the footpath link from the rear of their garden area to the car park. They are concerned about anti social behaviour and litter. This letter is unsigned so it is difficult to ascertain whether it represents the wishes of all the tenants in that block or indeed in adjoining blocks who can also use this link. The proposed development retains this link but there is no reason why it could not be closed off in the future or gated if a majority of residents wish this to happen. However in the meantime it is considered prudent to retain the link.

A second letter welcomes the proposed development but seeks the rebuilding or replacement of a crumbling boundary wall. It is considered that the formation of secure boundaries is important for the privacy and security of residents of the proposed development and should Members be minded to approve the development then it is suggested that a planning condition be imposed to cover this matter.

b Rehousing of Tenants from Alexander Street Multi Storey Flats and the Provision of New Flats in the Hilltown Area

With the proposed demolition of the Alexander Street Multis, there will be a significant demand for rehousing in the Hilltown area. Whilst much of this demand may be for townhouses, there will also be a significant demand for flats and it is considered that the proposed mix of houses and flats is the most appropriate to cater for this local need. The applicants,

Hillcrest Housing Association, have confirmed that the Council will have 100% nomination rights to first lets. They have also stated that they are prepared to reconsider the provision of flats on 2 nearby sites at Caldrum Street (current applications 06/00099/FUL and 06/00101/FUL refer) and develop these sites for town houses instead. It is considered that apart from urban design reasons, there are good housing reasons to provide some new build flats within this development.

c Noise

A consultant has been engaged to consider the issue of possible noise disturbance from the nearby IBP Conex industrial premises. On his advice the development has been designed to minimise noise disturbance. The layout ensures that parking is proposed directly opposite the loudest noise source and it is also proposed to carry out works within the factory premises and to provide noise insulation within the houses. On this basis the Head of Environmental Health and Trading Standards suggests a planning condition requiring the achievement of minimum noise levels within the proposed dwellings.

It is concluded from the foregoing that insufficient weight can be accorded to the concerns of the objectors such as to justify the refusal of planning permission. It is therefore recommended that planning permission be granted with conditions.

Design

In terms of its design the development seeks to create a residential block with frontage development to the surrounding streets. The apartment block facing Alexander Street provides an appropriate scale at this location. The townhouses satisfactorily address James Street and North George Street. The use of modelling in the buildings, the range of finishing materials and the use of extensive glazing produces attractive street elevations.

CONCLUSION

The proposals will provide an attractive residential development

which will enhance the environmental quality of the wider area and the provision of an apartment block on Alexander Street is justified in terms of Policy 4 of the Plan.

RECOMMENDATION

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

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.
- 2 Internal noise levels with windows closed shall not exceed The World Health Organisation guidelines of 35dB Laeq during daytime (0700 to 2300 hours) and 30dB Laeq during night-time (2300 to 0700 hours).
- 3 All dwellings shall be fitted with a whole house system of ventilation the details of which shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 4 Development shall not begin until a scheme to deal with contamination on 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 the nature, extent and type(s) of contamination on the site.
 - b Measures to treat/remove contamination to ensure the site is fit for the use proposed.
 - c Measures to deal with contamination during construction works.
 - d Condition of the site on completion of decontamination measures.

Before any dwelling is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

- 5 No development shall commence on site until proposals for the landscaping of the site have been submitted to and approved in writing by the Council. These proposals shall specify the species and size of planting, the timescales for implementation and the provisions for future maintenance. In particular substantial street trees shall be planted on the northern, eastern and southern site boundaries (including to the east of the proposed car park) and trees shall also be planted to the west of the proposed car park to screen it from properties to the west. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five 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.
- 6 Details of the protection (in accordance with BS5837) of existing trees on the site which are indicated on the plans as being retained shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 7 Samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples.
- 8 Details of the exact siting of the proposed recycling facilities in or adjacent to the proposed car park and as far as possible from existing and proposed dwellings shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 9 Details of the provision of boundary enclosures for the proposed development shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried

out only in full accordance with such approved details. In particular walls, gates and piers shall be provided along roadside boundaries and at the car park entrances and secure enclosures shall be provided to the western boundaries with existing properties on Hilltown.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In order to provide a satisfactory standard of residential amenity for the occupiers of the proposed houses.
- 3 In order to ensure that if windows are closed to prevent noise disturbance that adequate ventilation will be available within the proposed dwellings in the interests of residential amenity.
- 4 In order to ensure that the site is fit for the use proposed.
- 5 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 6 To protect those trees which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance of the development.
- 7 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 8 In order to provide for recycling in a location that does not impact on the amenities of nearby residents.
- 9 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.