

KEY INFORMATION

Ward Riverside

Proposal

Outline permission for five new houses and associated boundaries, formation of private road and removal of outbuildings

Address

Blackness Nursery
Perth Road
Dundee DD2 1PX

Applicant

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Agent

Aim
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Registered 21 May 2002

Case Officer Eve Jones



Proposed Housing Development on Former Plant Nursery in Perth Road

Outline permission for 5 new houses is **RECOMMENDED FOR APPROVAL** subject to conditions.
Report by Director of Planning and Transportation.

RECOMMENDATION

The application is for outline planning permission for the development of the former Lawries Nursery for the erection of five houses in accordance with the approved Site Planning Brief. The plot layout respects the site characteristics and the protected trees. The proposal is therefore recommended for **APPROVAL** with conditions.

SUMMARY OF REPORT

- Outline planning permission is sought for the development of 5 No 4/5 bedroom houses served by a private road using the existing road access at the site of the former Lawries Nursery in Perth Road.
- A site Planning Brief was prepared for this site and approved by Committee in October 2000.
- The Brief for this prominent site in a desirable location within the City set out the guidelines for development which included:
 - the capacity of the site for 5 units.
 - the site is suited to low density, large houses of at least 4 bedrooms.
 - the need to protect the existing trees on the site and provide a minimum of usable private garden space.
 - the use of shared surface/private drives to access the houses using the existing road access.
- The proposed development complies with the relevant policies in the Dundee Local Plan and with the approved Planning Brief.
- One letter was received from an adjoining neighbour objecting to the construction of any house over one storey on the grounds of potential loss of privacy. The position and design of the individual houses will be considered as part of a further planning application for approval of reserved matters but it is not considered reasonable to restrict this planning approval and the objection is not supported.

DESCRIPTION OF PROPOSAL

The application is for outline planning permission for the erection of 5 No. 4/5 bedrooms houses with private road. The application plan indicates the division of the site into 5 plots served by a proposed private road with access to Perth Road at the existing access point. There are no details of the proposed houses in this application.

SITE DESCRIPTION

Rectangular site on the south side of Perth Road, south of its junction with Invergowrie Drive. The site extends to 1.01 hectares and contains a large number of trees especially along the northern part of the site, which reflect its previous use as a plant nursery and garden centre. The ground slopes down to the south from Perth Road. There is a stream and pond in the wooded, north west corner of the site. There is a high conifer hedge along the southern boundary. Surrounding uses are all detached and semi-detached houses.

and should ensure their retention throughout the construction period.

Planning Brief - a planning brief was prepared for the redevelopment of this site and was approved by the Planning and Transportation Committee on 4 December 2000 for issue to potential developers. The approval also included a remit to promote a Tree Preservation Order for the site. The Planning Brief was reported to the Development Quality Meeting on 22 January 2001 as a material consideration in the determination of any planning applications. The Brief identified that the anticipated capacity of the site is 5 houses.



POLICY BACKGROUND

There are no National or Structure Plan policies of relevance to this application.

Dundee Local Plan 1998

Policy H1 - Existing Residential Areas. The site lies within a residential area where developments are permitted provided they do not adversely affect the amenities enjoyed by neighbours by reason of design, layout, parking and traffic movements, noise or smell and they comply with other policies in the Local Plan.

Policy H10 - Design of New Housing. The policy identifies the guidelines for new development in respect of house type, design and layout, garden ground, parking and privacy. This policy was the subject of a non-statutory review which was approved as a material consideration by the Development Quality Committee on 24 September 2001.

Policy ENV12 - Existing Trees on Development Sites. The policy requires that development proposals must have regard to existing healthy mature trees in the layout of buildings

Tree Preservation Order (No 2) 2001 came into effect on 20 June 2001 for the whole of the site which is the subject of this application.

LOCAL AGENDA 21

Key theme 13 requires that places, spaces and objects combine meaning and beauty with utility and Key theme 15 states that diversity and local distinctiveness are valued and protected.

SITE HISTORY

There is no planning history of direct relevance to this application.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and one objection was received from a neighbour who objected to the building of houses if they were higher than single level which would result in overlooking of the garden and loss of privacy. A copy of the objection is available for Members and will be considered in the Observations below.

CONSULTATIONS

The Council's Forestry Officer notes that further information is required with regard to loss of trees. However no trees are to be removed as part of this outline planning application which is for the delineation of the plots and the access road.

Scottish Water have been involved in initial discussions with regard to the drainage of the site. Full details of a SUDs system for the treatment of surface and roof water will require to be submitted as part of applications for approval of Reserved Matters.

OBSERVATIONS

The determining issues for Committee in this instance are:

- 1 Whether the proposal complies with the policies in the Development Plan.
- 2 Whether the objection is of sufficient strength to support refusal of the application or the imposition of restrictive conditions.
- 3 Whether there are any other material considerations of relevance to the application.

Dundee Local Plan 1998

Policy H1 - Existing Residential Areas. A - Developments are supported where they do not adversely affect the amenities enjoyed by local residents by reason of the following factors.

Design - no details of the proposed houses are included in the outline application but they are described as 4/5 bedroom houses and the plot size ranges from 1,486 square metres to 3,048 square metres.

Layout - the 5 plots have been designated in such a way as to create development sites of a reasonable size whilst retaining as many of the existing trees as possible, to allow use of the existing access and service road and to make best use of the south facing slope of the site.

Parking and Traffic Movement issues - the existing access served the site when it was a commercial garden centre and nursery open to the public. Therefore the proposed 5 houses will represent a reduction in the volume

and scale of the traffic using the site. Each house will have garaging and parking spaces within the plots to accommodate residents and visitors parking.

Noise or Smell - as indicated above, the change from a commercial use to a residential use will reduce the potential impact of noise and/or smell on surrounding properties.

It is considered that the proposed development complies with Policy H1 (A).

Policy H1(B) requires that the development complies with other policies in the Local Plan.

Policy H10 - Design of New Housing. The site lies within the suburban area of the city and the Guidelines are as follows:

House type/Mix - mostly house, more than half of which should have 3 or more bedrooms.

Amenity space/Garden ground - at least 120 square metres of usable garden ground.

Privacy - 18 metres between facing windows of habitable rooms.

Parking/garaging - units with 3 or more bedrooms to have 2 spaces and 50% visitor parking in shared surface layout.

Layout/Urban design - interesting spaces with interesting architecture, landscaping must be an integral part of any development and trees should contribute to the street scene.

The proposal more than complies with all of these Guidelines.

Policy ENV12 - Existing Trees on Development Sites. A tree survey was carried out and Tree Preservation Order (2/ 2001) came into effect in June 2001. The plots have been designated in such a way as to ensure that all of the trees on the site are retained at this stage but each plot has a potential development area of reasonable size to accommodate the scale of houses which are envisaged for the site. There are also existing hedges which will be retained where possible to enhance the privacy of the individual plots. Any application for the approval of Reserved Matters which will include the location, size and servicing of the individual houses will require to be accompanied by a

detailed tree survey, justification for the removal of any trees and proposals to protect the remaining trees during the construction period. A landscaping scheme to enhance the proposed layout will also be required at that stage.

It is considered that the current outline application complies with Policy ENV12 and if approved, should be the subject of specific tree protection conditions and the provision by the applicant of a tree bond to the value of £15,000 to ensure the protection and maintenance of the trees during the construction period.

Objection

A valid objection has been received from an adjoining neighbour to the south east. The letter states that the writer would object to the building of houses higher than one storey on the grounds that anything higher than a single level would allow overlooking of the objector's garden and would therefore affect privacy. The objectors property lies to the south of Plot 5 which is 30 metres wide and 62 metres long north to south. There is a footpath between the two gardens and a high conifer hedge. It is likely that the house to be erected on Plot 5 will be more than one storey in order to accommodate 4/5 bedrooms and to take advantage of the slope and the southern aspect of the site. However, no details of the house to be erected on Plot 5 has been submitted as part of this application. The details of window positions will be considered when a further application is submitted for the approval of reserved matters. Furthermore, the approved site Planning Brief is for the erection of large houses and it is not considered to be reasonable to restrict the development of the site to houses of one storey.

Material Considerations

The approved Planning Brief sets the context for the development of the site as follows:

- the anticipated capacity of the site is 5 units.
- the site is suited to low density, large houses of at least 4 bedrooms.
- plots should be varied in size to improve choice.

- informality should be retained by the use of shared drives.
- each house must have at least 150 square metres of usable private space after consideration of the existing trees.
- access will be taken from the existing access.
- the mature landscape must be protected and used to define plots.

With regard to privacy, the brief identifies that there must be 18 metres between facing windows in habitable rooms or balconies and private garden areas in adjacent plots or of dwellings in neighbouring sites must not be overlooked by windows of habitable rooms or balconies. These are matters for consideration when a further planning application for Reserved Matters is submitted.

The submitted application is in accordance with the approved Planning Brief.

Design

The submitted layout of plots will ensure a varied housing layout which will respect the site characteristics and the existing well established tree cover. Details of the individual houses will be submitted as a further application for approval of Reserved Matters.

CONCLUSION

The proposed use of the site for the erection of 5 NO. 4/5 bedroom houses with the formation of a private road from the existing road access complies with the relevant policies in the Local Plan. The importance of the existing trees on the site has been recognised in the delineation of the plots and will be protected by appropriate conditions. The objection cannot be supported as the approved site planning brief is for the erection of low density, large houses of at least 4 bedrooms. The question of overlooking and loss of privacy will be addressed in the detailed design of the individual houses and their location within the plots which will be the subject of a further application.

RECOMMENDATION

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

- 1 The approval of the City Council shall be obtained to the following reserved matters before any development is commenced viz: the siting of the building(s) the design of the building(s) the external appearance of the building(s) the means of access to the building(s) the landscaping of the site.
- 2 Application for approval of the matters referred to in condition (1) above must be made within 3 years of the date of this permission.
- 3 The development to which this permission relates shall begin within 5 years of the date of permission or 2 years of the final approval of the reserved matters, whichever is the later.
- 4 This consent shall relate to the plot boundaries and the access road as detailed in the submitted site layout plan reference 01017/drwg15/rev.A.
- 5 The design and siting of the houses shall comply with the guidelines in the approved site Planning Brief as approved by Planning and Transportation Committee on 4 December 2000.
- 6 Drainage of surface and roof water shall be dealt with by means of a SUDS system which shall include treatment of surface water. Full details of the proposed SUDS system shall be submitted as part of an application for approval of reserved matters.
- 7 Full details of the phasing of the construction of the houses and the management of the site during construction shall be submitted as part of the submission of reserved matters in accordance with the guidelines in the approved site Planning Brief as approved by Planning and Transportation Committee on 4 December 2000.
- 8 Plot 1 shall be retained as a materials store and construction compound for the whole site until

construction of the dwellings on Plots 2 to 5 is completed.

- 9 No development or other operations shall be commenced on this site until adequate steps, which shall have been previously approved by the City Council, have been taken to safeguard, against damage or injury during construction works, all trees on the site, or whose root structure may extend within the site, which are the subject of the Tree Preservation Order (No 2) 2001. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the trees by affecting their root structure.
- 10 Prior to the commencement of development, protective fencing in accordance with BS 5837: 1991 shall be erected along the drip line of all trees to be protected to the satisfaction of the Council and such fencing shall be retained in place throughout the construction period.
- 11 The Council shall be advised at least three clear working days in advance, of the erection of the proposed tree fencing as detailed in condition 08 in order that the fencing can be inspected and approved by the Council prior to the commencement of any works on site.
- 12 Full details of any proposed boundary treatments shall be submitted as part of any application for Reserved Matters.
- 13 Prior to the commencement of any works on site, a bond, to the value of £15,000, shall be arranged in agreement with the City Council for the protection and maintenance the trees on site, which are the subject of Tree Preservation Order 2/2001, during the period of construction and ending with the occupancy of the last of the 5 dwellings which are hereby approved in principle. The applicant shall bear the reasonable legal costs incurred by the Council in this regard.

Reasons

- 1 To reserve these matters for future consideration by the Council.
- 2 To comply with Section 59 of the Town & Country Planning (Scotland) Act 1997.
- 3 To comply with Section 59 of the Town & Country Planning (Scotland) Act 1997.
- 4 For the avoidance of doubt and to ensure that the plot boundaries follow existing landscape features in order to ensure protection of the trees and the provision of screening to the individual house plots.
- 5 In the interests of visual and residential amenity and to ensure that the development complies with the approved Planning Brief.
- 6 To ensure that the application site can be developed in a satisfactory manner.
- 7 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.
- 8 In order to ensure that the location of the materials stores and construction compound can be controlled and monitored in order to protect the trees which are the subject of Tree Preservation Order 2/2001.
- 9 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.
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- 12 To ensure a satisfactory standard of appearance of the development

in the interests of the visual amenities of the area.

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