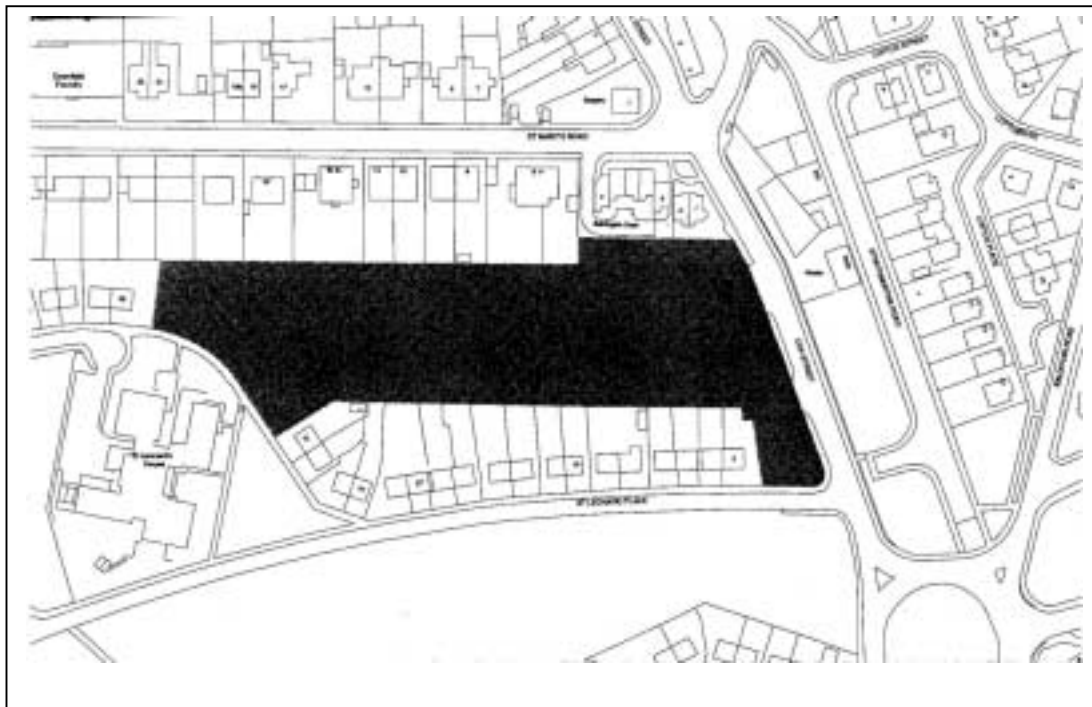


KEY INFORMATION**Ward** Balgowan**Proposal**

Erection of 31 No dwellings and associated parking

Address9 Cox Street
Dundee
DD3 9HA**Applicant**Bett Partnerships Ltd
Argyll Court
The Castle Business Park
Stirling FK9 4TT**Agent****Registered** 22 Jan 2003**Case Officer** Eve Jones

New Housing Development for Downfield

The Erection of 31 No dwellings and associated parking is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The development complies with the relevant policies in the Dundee Local Plan 1998 and with the majority of the policies in the Finalised Local Plan Review. The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of 31 houses on a site to the west of Cox Street which is currently occupied by the former headquarters building and builders yard of Bett Brothers.
- The housing comprises 7 detached and 24 semi-detached houses, all with garages or garage space and private garden grounds. The layout on this long narrow site has the majority of the houses on the south side of the access road with south facing gardens to make best use of the aspect.
- The proposal complies with the policies in the Dundee Local Plan 1998 and with the majority of the policies in the Finalised Local Plan Review.
- The development has been the subject of extensive discussion with the developer for 6 months during which time the layout has been substantially improved and reduced by 2 houses, the access arrangements have been changed in the interests of safety and boundary treatments to adjacent houses have been amended.
- The application is for the redevelopment of a brownfield site which is currently semi-derelict which will provide family houses, the majority with sunny rear gardens, in a small self contained development.

DESCRIPTION OF PROPOSAL

The application is for the erection of 31 houses comprising 7 detached and 24 semi-detached properties. The proposed housing mix is: 5 x 4 bedroom detached houses, 4 x 3 bedrooms detached houses, 16 x 3 bedroom semi-detached houses, 6 x 2 bedroom semi-detached houses. The detached houses all have garages, the semi-detached houses have integral garages or space for a garage. The layout is directed by the elongated shape of the site and the majority of the houses are on the south side of the cul-de-sac with south facing rear gardens. There will be a landscape buffer between the road and the houses to the north. One house will face on to St Leonard Place.

SITE DESCRIPTION

The site lies on the west side of Cox Street and is currently occupied by the former headquarters of Bett Homes whilst the land to the rear was formerly in use as a builders yard. The offices are currently partly occupied but the majority of the site is semi-derelict and quite overgrown with concrete hardstandings, an abandoned bungalow, several storage buildings and numerous containers. There are trees around the perimeter of the site, some planted but others self seeded. The site is generally level for the first half of its length from Cox Street but is lower than properties to the north and above the garden level of properties to the south. The site rises up in level to the west to its maximum point at the north west corner. The surrounding uses are all residential with private houses to the north and south and a residential home to the west. Land to the east of Cox Street is occupied by a number of small vehicle related commercial units but these are screened by a belt of conifers.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

Housing Policy 2: Dundee and South Angus Housing Market supports

brownfield development in the north west of the City.

Dundee Local Plan 1998

The following policies are of relevance:

Policy H1 - Existing Residential Areas. Developments should not adversely affect the amenities enjoyed by local residents and be in accordance with other policies in the plan.

Policy H10 - sets out the Guidelines for new development which include minimum garden area, proportion of houses having 3 or more bedrooms, parking, privacy, layout and design.

Policy BE30 - Contaminated Land. Where contamination is suspected on development sites, developers are required to submit site investigation reports with details of any remediation which may be required.



Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 3 - Housing Investment Focus Areas. The policy supports investment in housing in the identified focus areas which include the Caird Suburb/North West of the City.

Policy 4 - Design of New Housing. The policy refers to Appendix 1 which sets out the criteria for new housing which includes conformity with specific Design Standards and the

principles of the City Council's Urban Design Guide. Appendix 2 identifies this site as a brownfield development proposal.

Policy 79 - Contaminated Land. Development proposals for sites where contamination is suspected will require to include site investigation reports and remediation works where necessary prior to the development of the site.

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy directly 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 complies with a number of key themes including efficient use of resources as this is a brownfield site, good access to facilities as the site is within an established residential area and provision of new housing in a small safe development.

SITE HISTORY

02/00590/FUL Planning application for 33 houses was submitted on 7 August 2002. Concerns were expressed about the layout of the development which did not make best use of the south facing aspect of the site. Following discussion, the application was withdrawn on 1 November 2002.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and two letters of representation were received from adjoining residents. Neither objected to the development but had specific concerns regarding the site levels and boundary treatments adjoining their properties. These will be considered in the Observations below.

CONSULTATIONS

There were no adverse comments from statutory consultees. Other Council departments commented as follows:

The Director of Contract Services sought accurate tree information and detailed replanting proposals.

The Director of Environmental and Consumer Protection was satisfied with the submitted information regarding proposed noise attenuation measures. A Site Investigation report and any required remediation measures can be the subject of specific conditions.

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

Dundee and Angus Structure Plan 2001-2016

Housing Policy 2: Dundee and South Angus Housing Market supports brownfield development in the north west of the City. The application complies with this policy.

Dundee Local Plan 1998

Policy H1 - Existing Residential Areas. Developments should not adversely affect the amenities enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell and be in accordance with other policies in the plan.

Design and layout. The layout of the development has been changed since the submission of the earlier application. The road has been moved to the northern edge of the site so that the majority of the houses now have

south and west facing private rear gardens.

Privacy between facing habitable rooms has been protected by siting the majority of the new houses between 30 and 40 metres from the existing houses with the nearest being 22 metres away. The site has an access to Cox Street with only one house facing St Leonard Place. There is a landscape buffer to be planted between the access road and the adjacent houses to the north. This semi-derelict site lying to the rear of the adjoining residential properties has been the source of trouble and disturbance to the residents over many years and its redevelopment for houses will improve the amenities of the area.

Policy H10 - sets out the Guidelines for new development which include minimum garden area, proportion of houses having 3 or more bedrooms, parking, privacy, layout and design. The site lies within the suburban area where more than half of the houses should have 3 or more bedrooms, private gardens of at least 120 square metres, 18 metres between facing windows of habitable rooms and half of houses with garages or space for garage. Of the 31 houses, 25 have 3 or more bedrooms. All have gardens of at least 120 square metres.

Policy BE30 - Contaminated Land. Where contamination is suspected on development sites, developers are required to submit a Site Investigation Report with details of any remediation which may be required. A report has been submitted for assessment. The approval and implementation of the report can be the subject of appropriate conditions.

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

Other Material Considerations

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

Finalised Dundee Local Plan Review

Policy 3 - Housing Investment Focus Areas. The site lies within one of the identified focus areas where housing investment is supported.

Policy 4 - Design of New Housing. Appendix 1 of the policy sets out the criteria for new housing which

includes conformity with specific Design Standards and the principles of the City Council's Urban Design Guide.

75% of houses should have 3 or more bedrooms - the proposal complies. Parking and garage provision is in accordance with the standards. A minimum of 120 square metres of garden is required with 40% of houses having more than 160 square metres. In the submitted layout all gardens are at least 120 square metres and 2 are above 160 square metres, the majority of the gardens are between 120 and 140 square metres. However, as noted in the site history, the proposed development was the subject of a previous application which was withdrawn for redesigning following discussion with planning officers. The site has been the subject of pre application discussions since November 2002 and was submitted prior to the approval of the Finalised Dundee Local Plan Review as a material consideration in the determination of applications. Further compliance with the most recent policies will require a further complete redesign of the development. The current application shows a substantial change from the previous application with the majority of house now having south facing rear gardens and the number of houses has been reduced by 2. In accordance with Policy 4, the road will incorporate speed control measures to achieve low vehicle speeds.

It is concluded from the foregoing that, on balance, given the lengthy discussions with the applicant, the significant improvements to the layout of the site and the reduction by 2 houses, the fact that the development does not fully comply with all parts of Policy 4 of the Finalised Dundee Local Plan is not sufficient to justify the refusal of planning permission in this particular instance.

Representations

With regard to the representations from neighbours. The gardens of the new houses have been regraded and enhanced boundary fences with retaining walls will ensure the integrity of the existing adjoining gardens.

Design

The development has been redesigned to take better advantage of the east west orientation of the site. The majority now have sunny south facing gardens which is a significant benefit for family houses and will aid energy efficiency. Traffic calming measures are indicated at intervals along the cul-de-sac. There will be a landscaped area to the north of the road which will allow replacement planting for the poor quality trees which will be removed from the site

CONCLUSION

The proposed development is in accordance with the provisions of the development plan. It is therefore recommended that planning permission granted with conditions.

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 The existing vehicle accesses to the site shall be closed and made good and the footway ex adverso the site shall be reinstated in accordance with details to be submitted to and approved by the City Council prior to the commencement of development. The works to the footway shall be implemented prior to the completion of the development hereby approved.
- 3 The stone boundary wall at the north east corner of the site shall be reduced in height to ground level as detailed on Site Layout Plan CS/SL/01/C prior to the first occupation of any of the houses hereby approved.
- 4 The site visibility splays shall be hard landscaped in accordance with details to be submitted to and approved by the City Council prior to the first occupation of any of the houses hereby approved and if approved shall be completed in accordance with the approved details prior to the occupation of the last house hereby approved.

- 5 Prior to the commencement of development, a landscaping scheme including tree and shrub planting shall be submitted to the City Council for approval and if approved the works shall be carried out only in accordance with such approved details.
- 6 The landscaping approved in accordance with condition 05 shall be completed prior to the occupation of the last house hereby approved and any planting within private garden grounds shall be carried out before the occupation of the houses in question. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years from the completion of the scheme shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
- 7 Boundary enclosures shall be completed in accordance with the approved details prior to the occupation the last of the houses hereby approved.
- 8 No development shall commence on site until a comprehensive Site Investigation Report has been approved in writing by the City Council.
- 9 Any remediation measures identified in the Site Investigation Report to be approved in accordance with condition 08 shall be fully implemented as detailed in the approved report prior to the occupation of the first house within the development which is hereby approved.
- 10 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
- 11 Full details of the design and materials for the brick screen walls and feature railings shall be submitted for approval prior to the occupation of the first house and if approved, the works shall be completed in accordance with the approved details prior to the occupation of the last house.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 in the interests of highway safety and the amenities of the occupiers of nearby properties
- 3 in the interests of highway safety
- 4 in the interests of highway safety
- 5 to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area
- 6 to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area
- 7 to protect the amenities of the occupants/owners of nearby adjacent properties in the locality
- 8 to ensure a satisfactory standard of development
- 9 to ensure a satisfactory standard of development
- 10 to ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 11 to ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.