

**KEY INFORMATION**

**Ward** Riverside

**Proposal**

Demolition of petrol filling station and the erection of 8 No townhouses

**Address**

394 Perth Road  
Dundee  
DD2 1JQ

**Applicant**

Demryan Property Co Ltd  
Belsize House  
Belsize Road  
Broughty Ferry  
Dundee DD5 1NF

**Agent**

Petr Inglis Architect  
30 South Tay Street  
Dundee  
DD1 1PD

**Registered** 25 March  
2003

**Case Officer** D Gordon



The Demolition of petrol filling station and the erection of 8 no townhouses is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development is considered to be in accordance with the policies of the development plan and the draft policies of the Finalised Dundee Local Plan Review. The application is recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- Planning permission is sought to erect 8 no. town houses on the site of a vacant petrol filling station located on the south side of Perth Road within the West End Lanes Conservation Area.
- The proposal raises issues for consideration in terms of the Housing and Conservation Area policies of the Dundee Local Plan 1998 and the draft policies of the Finalised Dundee Local Plan Review.
- Four objections to the proposal were submitted. The main issues raised relate to the inappropriate size, scale and design of the development and the adverse impact the proposal will have on the surrounding conservation area and residential properties. The objectors also raise issues relating to road traffic and pedestrian safety.
- It is considered that the proposed development is innovative in design and in accordance with the relevant housing and conservation policies of the development plan and the draft policies of the Finalised Dundee Local Plan Review. It is considered that the concerns raised by the objectors are not of sufficient weight to justify refusal of the application.

## DESCRIPTION OF PROPOSAL

The planning application seeks permission to erect 8no. flat roof town houses on the site of a vacant petrol filling station located on the south side of Perth Road.

A 5.6 metre high retaining wall crosses through the middle of the site requiring the new houses to be split level in design. The accommodation proposed for each new dwelling is as follows:-

Lower ground floor - Kitchen and dining room with steps leading down to storage and a timber decked garden on the south side of the building.

Ground floor - Living room, toilet, store and integral garage.

First floor - Two bedrooms (one en suite), and bathroom

Second floor - En suite bedroom with a south facing balcony.

A roof terrace is proposed for the top of the building.

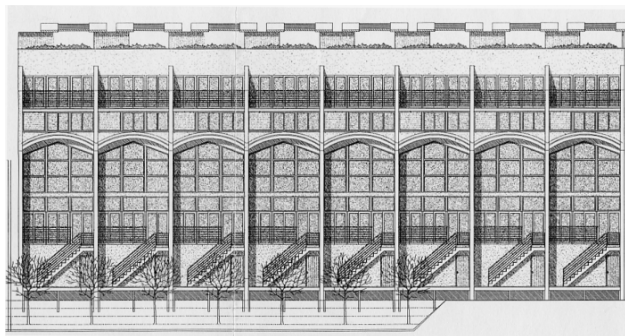
On the north elevation ie facing onto Perth Road, the new building will be approximately 11 metres in height. This will be slightly higher than the frontage of the flat roofed office building located to the west (Clark Thomson building) and will sit below the facia height of the adjacent tenemental building located to the east. On the south elevation, the building cascades down the steep slope of the site in a series of roof terraces, balconies, double ceiling height frontages and wood decking gardens to take advantage of the extensive south facing views from the site.

The building will accommodate a number of finishing materials including timber, glazed tiles and render.

Access into the site is to be achieved from Perth Road. The houses will have integral garages and external parking spaces in front of the building (one / dwelling). No vehicle turning facilities within the site are to be provided. Pavement widening works on the Perth Road are proposed in order to provide a safe means of access to and egress from the site.

## SITE DESCRIPTION

The site is located on the south side of Perth Road approximately 100 metres to the west of its junction with Windsor Street. The site is contained within the West End Lanes Conservation Area. The surrounding area contains a variety of building ages and styles, ranging from the highly ornate Victorian villas set in large mature gardens that face the site across the road, to the modern infill housing that is built at a much lower level to the south. To the east of the site there are Victorian tenement buildings and to the west is a modern, flat roofed, stone faced office block that is 2 storeys high at the front and at least 3 at the back, by virtue of the significant drop in ground levels. Uses also vary throughout the vicinity, with offices such as those located adjacent and other commercial uses interspersed by



flats and houses. Away from the Perth Road residential uses predominate.

The application site is a vacant petrol filling station. Access into the site is taken from Perth Road.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

The following policy is of relevance:

Environmental Resources Policy 5A: Historic Environment.

### Dundee Local Plan 1998

The following policies are of relevance:

Policy H1 - Safeguarding the environmental quality enjoyed by local residents.

Policy H4 - Protection of residential amenity.

Policy H10 - Design of New Housing

## Application No 03/00234/FUL

Policy BE1 - Design quality of new buildings within the city

Policy BE11 - Development within Conservation Areas.

Policy BE30 - Contaminated Land.

### 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 1: Vibrant and Sustainable Communities

Policy 4: Design of New Housing

Policy 61: Development in Conservation Areas.

Policy 79: Contaminated Land.

### Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

National Planning Policy Guideline 18 - Planning and the

Historic Environment. This document sets out the Government's planning policy in relation to the historic environment with a view to its protection, conservation and enhancement.

Memorandum of Guidance on Listed Buildings and Conservation Areas 1998. This document offers best practice advice in considering developments that relate to, amongst other things, listed buildings and conservation areas.

### Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application

## LOCAL AGENDA 21

Local Agenda Key Theme 15 is of relevance to the consideration of the application and seeks to ensure that diversity and local distinctiveness are

valued and protected. It is considered that given the location and appearance of the proposed development within the conservation area the aims of the Key Theme are achieved.

## SITE HISTORY

The site has been the subject of 12 recent applications for planning permission and advertisement consent. It is considered that none of the approved applications are of relevance to the current proposal. However, the Members are advised that the site has been the subject of 2 recent planning applications for residential development. Both of these applications have been withdrawn by the applicants prior to formal determination by the Council (02/00236/FUL and 02/00672/FUL refer).

## PUBLIC PARTICIPATION

The statutory neighbour notification procedure has been undertaken by the applicants. In addition, the application was advertised as Development Affecting the Setting of a Conservation Area in the local press on 01/04/2003.

The proposal has attracted 4 individual letters of objection. The main issues raised relate to:-

- 1 the proposed development is inappropriate in size, scale and design and will detract from the appearance of the surrounding properties.
- 2 The proposed development will detract from the setting of the West End Lanes Conservation Area.
- 3 The development will adversely impact on the residential properties of the area by virtue of overlooking and reduction in privacy
- 4 The development will result in the loss of local services.
- 5 The development will have an adverse impact on the road traffic and pedestrian safety of the area.

Copies of the objections are available for inspection in the Members Lounges. The various issues that have been raised by the objectors are discussed in full in the 'Observations' section below.

## CONSULTATIONS

The relevant Council Departments and outside bodies have been consulted with regard to the proposals.

The Director of Environmental and Consumer Protection has, due to the location of the proposed development adjacent to a main road, requested a Noise Impact Assessment. This will require, amongst other things, to indicate the final predicted internal noise levels and the proposed mitigation measures. The submitted plans shows that the only habitable rooms on the north elevation of the new building ie facing onto Perth Road, are first floor bedrooms. It is intended to attach a condition to any permission granted requiring appropriate noise mitigation measures be put in place prior to the first occupation of any of the proposed residential units.

The West End Community Council has been advised of the proposals and has not submitted any objections to the development.

No other adverse comments have been received that relate to this application.

## 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 proposal involves the erection of 8 town houses on the site of a vacant petrol filling station located on the south side of Perth Road. The site is located within the West End Conservation Area. The conservation area contains a variety of buildings ages and styles, ranging from grand Victorian villas set in large gardens to tenemental and modern infill flats, plus small areas of unexceptional, modern infill developments. Along the main Perth Road uses also vary and include offices and other commercial uses including the petrol filling station of the application site, all interspersed with flats. Away from the main road, residential use predominates.

Consequently, in terms of the character there is no obvious overall uniformity across the whole conservation area.

The application site sits on the Perth Road frontage that is possibly within the most varied part of the conservation area. On the north side ie opposite the application site, there are good examples of Victorian villas, to the east there are tenemental flats, to the west a two storey, flat roofed office building. The rear (south) the ground drops steeply to small scale modern housing.

The new development will sit approximately 5 metres back from the heel line of the pavement on the Perth Road frontage. This will be behind the building line of the adjacent tenement building to the east and in front of the office building to the west. The new houses will extend back into the site and will accommodate an internal drop in level at the location of the retaining wall that currently traverses through the middle of the site in an east to west direction. The garden areas to the rear will extend to the southern boundary of the site. The south elevation is dominated by cascading roof terraces, balconies and double height public rooms with glass frontages and by the spectacular views achieved from the site.

The building will be approximately 11 metres in height on the north elevation. This will be slightly higher than the frontage of the flat roof office building located to the west and below the fascia level of the tenemental flats located to the east. The new development will be prominent on both the north and south sides of the site.

The design of the new housing is very different from the neighbouring properties. The houses have been designed to compliment the surrounding residential area and also to cope with the 5.60 metre high retaining wall that crosses the site. The houses have also been designed to capitalise on the spectacular views south over the River Tay. It is considered that the design, appearance and layout of the new houses will not detract from the appearance of the conservation area indeed, the removal of the current petrol filling station from the Perth Road frontage will be a positive enhancement of the area.

Each new dwelling will accommodate an integral garage with an additional

parking space located on the north side of the house ie a provision of 200% per dwelling. In order to provide a safer means of access and egress to the site, the applicants will carry out pavement widening on the Perth Road. These alterations are considered acceptable. The use of the site for residential purposes will also reduce the previous level of use generated by the petrol filling station.

The land to the south of the site is residential in character. The prominent elevated characteristics of the site will result in a certain degree of overlooking of the private gardens of the properties to the south. This is inevitable with any residential development proposed for this site. The architect has recognised this issue and has set the public rooms behind the garden terrace and the upper floor bedrooms and roof terrace will be screened from the surrounding properties by the barrel vaulted roof of the public rooms. However, it should be noted that the properties to the south of the site are currently overlooked by a significant amount of windows from the tenemental flats located to the east of the site. The introduction of 8 new houses on this site should not significantly increase the amount of overlooking that presently exists.

Each new dwelling will have approximately 153 sq.m. of living accommodation (excluding the garage) and will have over 50 sq.m of south facing external amenity space.

It is concluded from the above that the design and layout of the buildings are acceptable. The proposal will not detract from the setting of the conservation area and the environmental quality of the surrounding occupiers will not be significantly affected by the development. The private amenity space of the future occupants of the houses and the traffic movements and parking provision proposals are acceptable.

### **The Development Plan**

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

Structure Plan Environmental Policy 5A: Historic Environment relates generally to environmental

improvement and the protection and enhancement of conservation areas and listed buildings. The undernoted summarised policies from the Dundee Local Plan 1998 are also of direct relevance to the proposals.

Policy H1 - in predominantly residential areas developments will be permitted where they do not adversely affect local environmental quality, including in terms of design, layout and parking and traffic movements, and where they are in accordance with the other policies and proposals of the local plan. The residential character of local area confirms that this policy is of relevance in this instance. It was concluded above that the proposed development would not adversely impact on the character of the surrounding conservation area by virtue of inappropriate design or layout and would not significantly impact on the road traffic and pedestrian safety of the area. The proposal is considered to be in accordance with Policy H1 of the Plan.

Policy H4 - Infill development will normally be approved providing the appearance of the surrounding area is not adversely affected. Approval is, however, unlikely to be granted where the siting and scale of the development affects the degree of sunlight, daylight and/or privacy enjoyed by the occupants of adjoining property and where the materials, style and form are alien to the surroundings. It was concluded above that the form, design and appearance of the proposed development was appropriate for this particular site and that the adjoining occupiers would not be further prejudiced to a significant degree by virtue of increased overlooking and reduction of privacy. Consequently, the application is considered to be in accordance with Policy H4.

Policy H10 - The design and layout of new housing will generally conform to the guidelines set out within the Plan. Architecture and scale of buildings must respect the surroundings and new development should address surrounding streets and most buildings should front onto streets. It is concluded above that the design and layout of the new development are appropriate and consequently, the proposal is considered to be in accordance with Policy H10.

Policy BE1 - The Council will expect the highest standards of composition and design in all new development and its careful integration with its surroundings as regards scale, form, siting, alignment, materials and landscaping. Infill development should relate closely to the established character of the surrounding area respecting established building spacing, alignment, orientation and roof lines. It was concluded above that the development was appropriate in this location and consequently, the application is considered to be in accordance with Policy BE1 of the Plan.

Policy BE11 - Within conservation areas, all developments will be expected to compliment and enhance the character of the surrounding area. The site is located within the West End Conservation Area. In this respect, the conclusions reached above that the innovative design of the scheme does not detract from the character of the conservation area apply. Consequently, the application is considered to be in accordance with Policy BE11 of the Plan.

Policy BE30 - In light of the previous use of the site, the applicants have been made aware of the requirement to carry out investigations on possible land contamination. This is currently being undertaken. It is intended to attach a condition to any permission granted requiring appropriate decontamination measures to be carried out prior to the first occupation of any of the new houses.

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

The applicants have submitted a document in support of their application, a copy of which can be viewed in the Members Lounge.

### **Other Material Considerations**

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

### **Finalised Draft Local Plan Review**

Policy 1: Vibrant and Sustainable Communities. The terms of this policy are reflected in Policy H1 of the Dundee Local Plan as discussed above. It is concluded that the proposal is in accordance with this draft policy.

Policy 4: Design of New Housing. The terms of this policy are generally reflected in Policy H4 of the Dundee Local Plan as discussed above. It is concluded that the proposal is in accordance with this draft policy.

Policy 61: Development in Conservation Areas. The terms of this policy are reflected in Policy BE11 of the Dundee Local Plan. It is concluded that the proposal also complies with this draft policy.

With regard to the objections submitted to the proposal by local residents, it is considered that the issues that have been raised have been discussed and fully discharged above.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

## Design

The site is highly visible within a conservation area, particularly when viewed from the south. The houses display quality design on the south facing elevations with a mixture of cascading terraces, balconies and double height rooms with glass frontages. The garden terrace is screened from a neighbouring property by a landscape belt of planting. The public rooms are set behind this terrace and the bedrooms and the roof terrace will be screened from the surrounding properties by the barrel vaulted roof of the public rooms. The scheme is innovative and compliments the neighbourhood.

## CONCLUSION

The application to erect 8 town houses on the site of a vacant petrol filling station meets the requirements set by the relevant development plan policies by virtue of appropriate design, layout scale, appearance and the minimal impact on surrounding conservation area and environmental qualities of the local residents. The scheme is innovative and makes good use of a steeply sloping site that commands significant views over the river to the south. The development will improve and enhance the setting of the conservation area by the removal of an

unattractive commercial use in a prominent location on the Perth Road frontage.

## 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 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
- 3 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:
  - i the nature, extent and type(s) of contamination on the site
  - ii measures to treat/remove contamination to ensure the site is fit for the use proposed
  - iii measures to deal with contamination during construction works
  - iv condition of the site on completion of decontamination measures

Before any residential unit is occupied the measures to decontaminate the site shall be fully implemented to the satisfaction of the planning authority.

- 4 Internal noise levels within individual living apartments shall not exceed LAeq 45dB, 16 hour, during the day and 35dB, 8 hour, during the night. For the avoidance of doubt, day time shall be 0700 - 2300hrs and night time shall be 2300 - 0700hrs.
- 5 Development shall not begin until details of a scheme of hard and soft landscaping works have been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i location and design, including materials, of walls, fences and gates
- ii soft and hard landscaping works
- iii location of new trees, shrubs, hedges and grassed areas
- iv schedule of plants to comprise species, plant sizes and proposed numbers / density
- v programme for completion and subsequent maintenance.

## Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 To ensure that the site is fit for the use proposed
- 4 To protect local residents from traffic noise
- 5 to ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.