

**KEY INFORMATION****Ward** Tay Bridges**Proposal**

Conversion of student residences to form 4 townhouses, construction of 5 new townhouses, 12 new apartments and formation of new road access

**Address**

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**Applicant**

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**Registered** 3 Dec 2003**Case Officer** Eve Jones

## Proposed Housing Development at Pinegrove, Perth Road

The conversion of student resident to form 4 townhouses, construction of 5 new townhouses, 12 new apartments and formation of new road access is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development does not comply with the relevant policies in the Dundee Local Plan and the Finalised Local Plan Review. There are no material considerations of sufficient strength to support the granting of planning permission contrary to those policies. The application is therefore recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- Planning permission is sought for the redevelopment of former student accommodation. Conversion of the original house with new building of houses and apartments comprises a total of 9 houses and 13 apartments with associated parking and landscaping. A previous application to convert the existing buildings was refused by Committee and the resulting appeal is the subject of a public inquiry to be held in March.
- The houses range from 3 to 6 bedroom, all with two parking spaces and garden ground. The apartments are either 2 or 3 bedroom, with two parking spaces each, gardens to ground floor units and a narrow area of communal garden space.
- The proposal involves the removal of unsympathetic modern extensions to the original building. However, the construction of the new apartment block, across the site, involves the removal of the single specimen tree which dominates the central garden on the original site. A large number of replacement trees are proposed but they are in restricted locations.
- 21 objections and 2 letters of support have been received from neighbours. The West End Community Council has objected on the grounds of flats to houses mix, design and materials and traffic issues.
- The proposal does not comply with policies in the Dundee Local Plan or the Finalised Dundee Local Plan.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the redevelopment of a former student residence comprising the following elements:

- 1 Demolition of the two modern extensions and conversion of the existing building to form 3 townhouses.
- 2 Conversion of the existing cottage on Perth Road to form 1 townhouse.
- 3 The erection of three new townhouses adjoining the original house.
- 4 The erection of one pair of semi-detached townhouses.
- 5 The erection of one three storey block of 12 new apartments.
- 6 Formation of a new access road to Shepherds Loan, car parking spaces, bin store and landscaping.

The total development is for 9 houses and 12 apartments.

The converted townhouses range between 178 and 270 square metres of floorspace with 3 to 6 bedrooms. All have private garden ground. The new build houses are 112, 133 and 142 square metres and all have 3 bedrooms and private gardens. The 12 apartments comprise 6 each of 77 square metres with 2 bedrooms and 102 square metres with 3 bedrooms. The four ground floor apartments have garden ground and all have south facing glazed doors to the living apartments. All units have 2 parking spaces.

The existing access to Perth Road will be retained and will provide access to 7 of the houses. A new access road will be formed from Shepherds Loan to provide access and parking for the remaining units. A bin store will be provided and bike storage will be provided within the buildings.

A tree survey has been carried out. The specimen purple beech which dominates the centre of the site and five other trees, in poor condition with varying degrees of rot, are to be removed. The planting of 26 trees of

varying species are proposed as part of the redevelopment.

## SITE DESCRIPTION

The site lies on the south side of Perth Road close to the Sinderins junction. It is L shaped and slopes from north to south. The high stone wall on the north boundary partly conceals the fine facade of the original house. The service cottage on the north west corner has a single storey to the road but is fully two storey to the rear. The original house which dates from before 1881 was extended to the west by 1952 with a large and unsympathetic three and four storey flat roofed addition. A single storey addition was later added to the east elevation. The



extensive original grounds to the rear have been partly developed by the modern housing development in Osborne Place. However, large terraced gardens and the specimen beech tree remain. The short eastern part of the L shaped site is currently vacant and has a road frontage to Shepherds Loan. It was formerly the site of Gray's Cinema. The site adjoins a flatted stone property to the east, the McCheyne Church to the north east and housing of varying ages and character to the east, south and west. To the north lies the Blackness Library with flanking stone tenements. Perth Road at the Sinderins is a very busy junction on a main distributor road into the city. The busy Perth Road District Centre lies to the east of the junction and provides a wide range of shops, pubs and restaurants. Shepherds Loan

is a narrow steep road which is one way northwards towards the traffic lights where it adjoins the site.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

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

### Dundee Local Plan 1998

The following policies are of relevance:

Policy H1 - Existing Residential Areas. Within areas where residential uses predominate, developments will be permitted where A) they do not adversely affect the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movements issues, noise or smell and B) they are in accordance with other policies in the plan.

Policy H10 - Design of New Housing. The criteria also apply to conversions and set out the guidelines for size and type of unit, garden ground, parking, privacy, layout and design.

Policy BE1 - Townscape Quality. The highest standards of composition and design are required for new development.

Policy BE11 - Development in Conservation Areas. Within Conservation Areas all development proposals will be expected to complement and enhance the character of the surrounding area.

Policy H2/Policy BE4 - Development in Garden Ground. The policies identify the criteria for development in garden ground with regard to minimum sizes of unit, garden ground, parking and the impact of the development on the character of the site

### 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 4 - Design of New Housing. Appendix 1 to the policy identifies Design Standards with regard to size and type of unit, parking, amenity/garden space and privacy. New housing is also required to have regard to the principles of the City Council's Urban Design Guide.

Policy 15 - Development in Garden Ground. The policy identifies criteria for such developments including the scale and density of development, respect for the character of existing buildings, protection of trees and boundary walls and new landscaping.

Policy 55 - Urban Design. For all new developments the emphasis will be on design quality.

Policy 61 Development in Conservation Areas. All development proposals will be expected to preserve or enhance the character of the surrounding area.

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

Planning Advice Note (PAN) 33 - Development of Contaminated Land. Part of the site fronting Shepherds Loan was formerly a Cinema and the applicant has submitted an acceptable Stage 1 Desk Study in accordance with the requirements of the PAN.

## Non Statutory Statements of Council Policy

The Council's Urban Design Guide is of relevance to this application.

## LOCAL AGENDA 21

The proposal complies with Key Theme 1: Resources are used efficiently and waste is minimised.

## SITE HISTORY

03/00533/FUL An application for the redevelopment of the existing, extended building to form townhouses and apartments and the erection of two pairs of semi-detached houses was submitted in June 2003. The

application was refused by the Development Quality Committee, contrary to the recommendation of the Director of Planning and Transportation. The applicant lodged an appeal and this will be considered at a Public Inquiry to be held in March 2004.

## PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised in the local press as potentially Contrary to the Development Plan and affecting the setting of a Listed Building. 21 letters of objection and 2 letters of support were received from neighbours and surrounding residents. The issues raised including overdevelopment, loss of privacy, design, materials, loss of trees and impact on the Conservation Area will be considered in the Observations below.

## CONSULTATIONS

The West End Community Council notes that the developer has taken on board some of the specific concerns expressed with regard to the previous application but has objected on grounds of failure to comply with the Local Plan in respect of the flattened nature of the development, inappropriate materials, parking and traffic issues and impact on adjoining Listed Building.

The Head of Environmental Health and Trading Standards states that the Stage 1 Site Contamination Report is acceptable and that noise conditions for windows will be sufficient to reduce traffic noise impact.

The Forestry Officer does not agree with the submitted tree report in respect of the copper beech. He advised it is the most important tree in the area in visual amenity terms. The design of the proposed new development does not allow for replacement planting with long lived trees. There is only space for small fastigate type trees or larger, medium sized trees that will require regular and ugly pruning. The Forestry Officer strongly objects to the application due to the loss of treescape in the area.

## OBSERVATIONS

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

- whether the proposals are consistent with the provisions of the development plan; and if not
- 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.

Policy H1 - Existing Residential Areas. The policy supports developments within such areas where they do not adversely affect the amenities enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell and they are in accordance with other policies in the Plan.

The principle of the use of the site for residential purposes is in accordance with this policy, particularly as the main part of the site has been in institutional residential use for many years as a nursing home and latterly as student accommodation.

The demolition of the large western extension removes the significant overlooking of adjoining private gardens to the west. The removal of the eastern extension and its replacement by new build, two storey houses will have limited impact upon the adjacent property to the east by reason of some loss of evening sunlight. The use of a flat roof limits this impact to some degree.

Access to this site was originally from Perth Road with a service access on the south boundary to Osborne Place being for maintenance only. The existing access to the Sinderins is being retained and is considered to be acceptable for the number of vehicles which can be accommodated in that part of the site.

The use of the previously vacant site on Shepherds Loan to access the larger site creates the opportunity to provide additional off street parking for the site. The introduction of vehicles into the southern part of the site will impact

upon the environment previously enjoyed by neighbours in Osborne Place.

The access to the site has been designed in accordance with Council standards taking account of the particular traffic circumstances on Shepherds Loan

The development does not therefore fully comply with Policy H1(a).

Policy H10 - Design of New Housing. The guidelines apply to both conversion and new build housing.

Housing type/mix. Within the Inner City on sites with more than 20 units, 75% should be houses, 25% may be flats. Within this site, the original house and service cottage are proposed to be converted to houses. The resulting development comprises 9 houses and 12 flats which does not comply with the policy.

Amenity/garden space. The minimum amenity space of 50 square metres per house is achieved for all townhouses. Amenity space is required at 10 square metres per flat of useable, private space and sunny balconies may reduce this requirement. Of the 12 apartments, 4 have north facing gardens, 2 of 77 square metres and 2 of 102 square metres. A long narrow area of garden 38 metres by 3.8 metres (145 square metres) is shown as communal garden ground. This ground lies to the north of the flats and also is shown to contain 8 trees. It is considered that the north facing gardens and the narrow, landscaped character of the proposed communal space renders it unusable as garden ground it is likely to be considered as incidental landscaping by residents. The principal rooms of the flats all face south and have opening patio doors protected by railings which provide the equivalent of sunny balconies.

Privacy. A minimum of 18 metres is required between facing windows of habitable rooms. The bay window in one of the converted townhouses is within 16.6 metres of the rear windows of the new flats however, other windows comply. The proposed new apartments are 21.2 metres away from the existing flats to the south.

Parking has been provided in excess of the requirements of the Guidelines in order to ensure that all units have two

spaces each however there are no garages.

Layout/Urban Design. The policy requires that important buildings and features of the site should be respected and the formation of interesting, intimate and safe spaces is the aim. The proposed erection of the new apartment block across the site removes the views of the main elevation of the original house within the attractive, terraced gardens. The loss of the mature beech tree which is currently the focus of the garden is a significant loss for the site and its immediate environs and for the Conservation Area as a whole. The resulting spaces formed by the development are unrelated to each other and are functional, providing parking or access. The public space created at Shepherds Loan, whilst attractive and of benefit to the wider community does not off-set the disadvantages of the proposed layout.

Overall the proposal does not comply with the guidelines of Policy H10.

Policy BE1 - Design Quality.

The highest standards of composition and design are required such that new development is carefully integrated 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. The revised proposal to demolish the unsympathetic extensions to the original building provides the opportunity to design the new build to complement the character of the retained building in order to form an integrated, unified development. However the design is unrelated to the existing house or the surrounding properties and is derived directly from the remodelling of the existing modern extension as proposed by the previous planning application. The addition of modern flat roofed extensions to either side of the original house are unsympathetic to its appearance and should be detached from it, particularly on the east side. The access to Shepherd's Loan is a positive element which provides a seldom available opportunity to create a small public space with landscaping and new tree planting.

Policy BE11 - Development in Conservation Areas. All developments are required to complement and

enhance the character of the area. This development has a number of different components which require to be considered. The original cottage fronting Perth Road will be retained and converted back to a single dwelling. The original house will be retained and converted into townhouses. Conversion to houses rather than flats allows the retention of most of the significant interior spaces. The removal of the unsympathetic later extensions are also of benefit to the site and the Conservation Area. However, as detailed above, the opportunity to design the new development to complement the original house and the surrounding area has not been taken. Modern design is encouraged and is appropriate, even in Conservation Areas, where the criteria requires development to complement and enhance rather than preserve and copy the existing.

Almost all of the trees, some of which are in poor condition, will be removed. This includes the beech tree, a significant tree for the site and the surrounding area. The loss of this tree is not justified other than to allow the proposed development to take place. There will be a large number of new replacement trees but these will be relatively small will take time to impact on the Conservation Area.

The two new townhouses to Shepherds Loan have been set back to ensure that they do not encroach upon views of the McCheyne Church as seen from the south. The garden walls to these houses will be in stone and will form a new public space at the entrance to the site with provision for public seating and landscaping. These elements comply with the policy.

It is considered that the proposed design, layout and materials do not complement or enhance the Conservation Area sufficiently to be supported.

Policy H2/BE4 - Development in Garden Ground. The assessment of the development against these policies does not include the additional site to the east leading to Shepherds Loan as it was previously in commercial use.

The policy is intended to protect established large houses from over intensive development in their garden ground. This building has not been a private house for many years. It was

in commercial use and had been significantly extended by 1952. In addition, part of the original garden grounds to the south of the application site was developed for houses approximately 20 years ago. Therefore the policy is not considered to be directly relevant to the current application.

However, the preamble to Policy BE4 - Development in Garden Ground identifies the criteria in that policy as good practice and the site lies within the identified Policy BE4 area. The relevant guidelines require:

- a High quality design using materials appropriate to the surroundings. High quality design is proposed using modern materials but the design is not related to the site once the modern extensions have been removed.
- b The total footprint of new buildings does not exceed the already extended buildings - the area of the new flats almost replicates the area occupied by the large western extension.
- c Development including hardstandings should not exceed 40% of the original 1947 house. Half of the original garden has already been developed for the housing to the south. The proposal has buildings and car parking on the majority of the curtilage which has existed since the 1980's and does not comply with this criteria.
- d Prominent frontages of architectural character should remain largely intact - the frontage remains intact but the modern extensions to west and east with the development of a three storey block less than 20 metres from the main southern elevation of the main house are detrimental to its appearance.
- e A full tree survey has been submitted.
- f Detailed landscaping is proposed. Other criteria relating to new extensions and breaches in walls do not apply.

It is considered that the proposals do not comply with the good practice outlined in Policy BE4.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

## Other Material Considerations

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

### Finalised Local Plan Review 2003

Policy 4 - Design of New Housing. Appendix 1 to the policy identifies Design Standards with regard to size and type of unit, parking, amenity/garden space and privacy. New housing is also required to have regard to the principles of the City Council's Urban Design Guide.

House Type. The proposal complies with the space standards for houses and flats. The policy states that flats will only be permitted a) if the site is allocated for flats in the Local Plan. The site is not allocated. b) if site specific circumstances demand a flatted solution. The site could be developed for a fewer number of houses but the main tree and the landscaped setting of the gardens would still be affected and dependant upon the layout, surrounding properties could be affected by eg loss of privacy or overshadowing.

Parking. The parking provision of 200% is in excess of the Council's requirements but this provides capacity for visitor parking in an area where on street parking is a problem. The standards seek parking within the curtilage of houses and 40% of houses should have a garage or space for one. Curtilage parking is only provided in 2 of the houses and there are no garages. The design and layout of the development cannot accommodate curtilage parking and the provision of garages rather than open parking areas would have a detrimental impact on adjoining neighbours to the south.

Amenity/Garden space. The houses achieve the required garden ground provision. Garden ground for flats should be usable and private and be provided at a rate of 10 square metres per flat as the proposals are in excess of 10 flats. The development includes gardens for the 4 ground floor flats of between 27 square metres and 78 square metres. The site which, is indicated as communal garden, is long and narrow and approximately 145 square metres. It is proposed to be planted with trees and is bounded by a

path to the adjacent house gardens; it is not considered to be usable garden ground. Most of the gardens in this inner city development are overlooked and there is limited privacy.

Privacy - the proposals comply with the privacy requirements.

The proposed development does not comply with the criteria in Appendix 1 as required by Policy 4.

Policy 15 - Development in Garden Ground. The issues with regard to this policy have been considered in respect of Policy H2/Policy BE4 as considered in the above Policy section of this report.

Policy 55 - Urban Design. Urban Design Guide. For all new developments the emphasis will be on design quality. As detailed in the consideration of Policy BE1 above, the proposal does not make best use of the site or result in a high quality layout with design appropriate to the existing buildings.

Policy 61 Development in Conservation Areas. All development proposals will be expected to preserve or enhance the character of the surrounding area. These issues have been considered in accordance with Policy BE11 of the development plan as detailed in the Policy section above. It is considered that the proposals do not represent a net benefit to the character of the Conservation Area.

It is considered that the proposal does not comply with the relevant policies in the Finalised Dundee Local Plan Review 2003.

## Objections

The West End Community Council notes that the developer has taken on board some of the specific concerns expressed with regard to the previous application but has objected on grounds of failure to comply with the Local Plan in respect of the flatted nature of the development, inappropriate materials, parking and traffic issues and impact on adjoining Listed Building. The objection is submitted with some regret as the developer has responded to points made by neighbours and they do wish the site to be redeveloped. However, they consider that the material considerations are insufficient to

justify setting aside the policies of the Local Plan.

21 letters of objection were received from neighbours and surrounding residents. The issues raised including overdevelopment with flats rather than houses as required by the policies of the Local Plan, loss of privacy, design, materials and impact on the Conservation Area. 2 letters of support considered the proposals solved overlooking and overshadowing and whilst different in design and materials, the proposals did enhance the area.

The impact of this development on the future of the McCheyne church was raised by many objectors. The Council is obliged to consider this planning application and any future proposals for the former church building on their own merits. However all parties are mindful of the concerns raised by the current vacant status of the church.

### Statement of Justification

The applicant has submitted supporting justification to the effect that the development will provide high quality accommodation of varying size and concept with excellent south facing aspect. The constraints of the site do not allow the development to achieve the required ratio of flats to houses. The loss of the trees will be compensated by new planting within the open spaces created on site. The design solution incorporates the demolition of the modern extension and integration of the new design with the existing in order to enhance the character of the Conservation Area. The materials chosen are high quality and appropriate to the area. The development seeks to protect the views of the adjacent McCheyne Church. The statement is available in Members lounges.

It is considered that the case for development of new build flats rather than houses has not been made; the loss of the feature tree and the central garden space will not be compensated by the new planting on the limited open spaces which are proposed and there is insufficient relationship between the design of the new development and the existing building.

### Design

The design issues have been addressed in the above report.

### CONCLUSION

The application site has been in institutional residential use for a long period of time. The original building has suffered the impact of unsympathetic extensions, which latterly provided 64 student bedrooms with associated facilities. It is a sloping south facing site with views of the Tay and is dominated by a single specimen tree in landscaped gardens. The proposed development removes the extensions and retains the original house, which will be converted into houses.

New houses have been attached to the original building and on the site adjacent to Shepherds Loan. The remainder of the development comprises a single 3 storey block of flats. The policy in the adopted Local Plan seeks to increase the provision of houses in the inner city and limits flats to 25% of units on larger sites. The applicant states that the ratio cannot be achieved because of site constraints. The Finalised Local Plan Review further restricts flatted developments to allocated sites or those where site specific circumstances demand a flatted solution. Flatted new development on this site is not in accordance with either policy.

The previous planning application retained and remodelled the modern extensions and the design of the new houses was derived from and complementary to that remodelling. The proposed demolition of the extensions removes that design link but the design of the new houses has been repeated in this application and the new apartment block is in the same style. As a result there is no apparent link between the design and materials of the old and new elements of the development. In addition, the relocation of the new apartment building across the site destroys the landscape character of the site particularly the mature copper beech tree which dominates the site. The addition of modern extensions to each side and the location of a 3 storey block to the south all combine to have a detrimental impact on the principal elevation of the original house. The

design, layout and materials do not comply with the relevant policies in relation to design standards or development in the Conservation Area.

The site has a very attractive landscaped centre dominated by a fine specimen tree. Whilst a large number of replacement trees are proposed in the development, they are in very restricted locations and are likely to require to be pruned regularly to avoid overshadowing windows or gardens. They are unlikely to replace the landscape character which exists at present.

The proposed development does not accord with the relevant policies in the Dundee Local Plan 1998 and the Finalised Dundee Local Plan Review 2003. The material considerations do not support the granting of planning permission contrary to those policies. The application is recommended for REFUSAL.

### RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reason(s):

#### Reason

- 1 The proposed development is contrary to Policy H10 "Design of New Housing" in the Dundee Local Plan 1998 as the proposals do not comply with the guidelines which identify that on inner city sites of more than 20 units, 75% of units should be houses. There are no material considerations of sufficient strength to justify the granting of planning permission contrary to that policy.
- 2 The proposed development is contrary to Policy BE11 "Development in Conservation Areas" in the Dundee Local Plan 1998 and does not complement and enhance the character of the Conservation Area by reason of 1. The loss of the specimen tree and central gardens 2. The lack of relationship between the original house and the design and materials of the new buildings 3. The impact of scale and position of the new development on the principal elevation of the original house. There are no material considerations of sufficient

strength to support the granting of planning permission contrary to that policy.

- 3 The proposed development is contrary to Policy 4 "Design of New Housing" in the Finalised Dundee Local Plan Review 2003 as it fails to conform with the Design Standards contained in Appendix 1 to that policy in respect of the justification for the new flatted development, the lack of garage provision to the houses and the provision of usable private garden ground to the proposed flats.
- 4 The proposed development is contrary to Policy 61 "Development in Conservation Areas" in the Finalised Dundee Local Plan Review 2003 as it does not preserve or enhance the character of the Conservation Area by reason of 1. The loss of the specimen tree and central gardens 2. The lack of relationship between the original house and the design and materials of the new buildings 3. The impact of scale and position of the new development on the principal elevation of the original house.