

KEY INFORMATION

Ward East Port

Proposal

Demolition of existing industrial unit and erection of 22 No dwelling houses and ancillary car park

Address

27 Arbroath Road
Dundee
DD4 6ES

Applicant

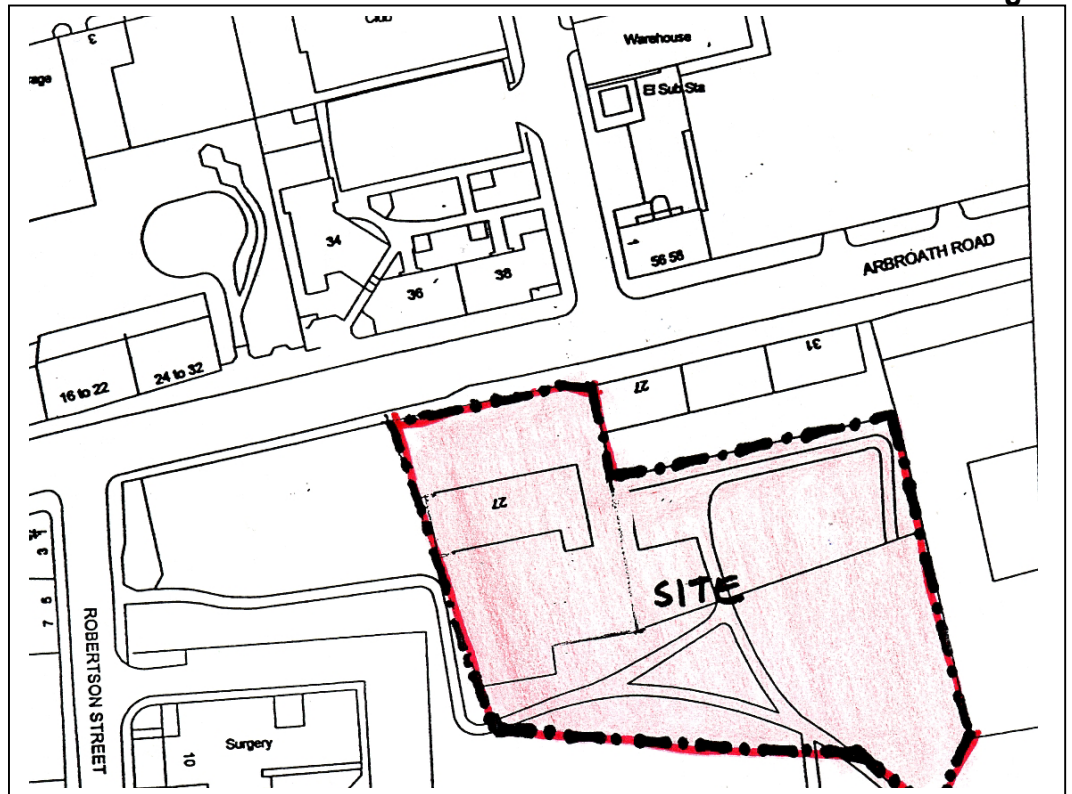
P&S Developments Ltd
2 Coldside Road
Dundee

Agent

ARKTX Chartered Architects
20 Lammerton Terrace
Dundee
DD4 7BL

Registered 18 October
2004

Case Officer J Finlay



The demolition of an existing industrial unit and the erection of 22 houses is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development complies with the majority of the relevant policies in the development plan. It is considered that there are material considerations to justify approval of the application. The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of 12 flats and 10 terraced houses on land at 27 Arbroath Road, Dundee.
- The proposed development raises issues for consideration in terms of the Housing Policies of the Dundee Local Plan 1998 and Policies 1, 4 and 55 of the Finalised Dundee Local Plan Review.
- Two letters of objection and one petition letter with 19 signatures were received with the main concerns being the adverse impact on residential amenity, appearance of development, loss of open space, Local Plan issues and loss of birds,
- It is considered that the proposal provides an acceptable degree of amenity for future and existing residents. The development will provide good quality houses and flats on a site which is accessible to the city centre and by public transport. The development will form an appropriate relationship with the adjacent tenement buildings.
- Should Members be minded to approve the development, it will be necessary to notify the Scottish Ministers of the proposal in order to allow them the opportunity to call in the application or pass it back to this Council for decision.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of 12 flats and 10 terraced houses at 27 Arbroath Road, Dundee. The total area of the site is 4750 square metres. The 12 proposed flats are located at the west end of the site and extend from Arbroath Road to the north to the south end of the site. The 10 proposed houses are at the south and east end of the site. 7 of the houses are to the north of the access road and go along the site from west to east and the other 3 houses are to the south of the road. The flats and houses will be finished in coloured render walls, cedar lining, deep terracotta feature panels, standing seam aluminium roof, timber fencing along boundaries and stone boundary walls around the site. 32 car parking spaces have been provided for the development, with 20 spaces for the 10 terraced houses and 12 for the 12 flats. A new access is being provided at the west end of the site and it continues south before turning 90 degrees and continuing eastwards along the bottom end of the site. A separate pedestrian access comes off Arbroath Road and continues along the east side of the flatted development and links into the roadway and associated footway at the south end of the site.

The schedule of accommodation for the dwellings is as follows:

4no 3 bedroom flats at 138sqm
8no 3 bedroom flats at 95sqm
7no 4 bedroom town houses at 105sqm
3no 3 bedroom town houses at 102sqm

The garden areas provided with the town houses ranges from 70 to 164sqm.

SITE DESCRIPTION

The application site is located on the south side of Arbroath Road and there is currently a vacant and vandalised former car repair premises with car park on the west side of the site. There is an existing retaining wall to the rear of the garage building. The remainder of the site is overgrown with trees, dense under planting and grassed open space with a network of footpaths which will require diversions. To the east of the site are 3 storey stone built tenement flats constructed in a block of twelve. Immediately to the west of the site there is public open space before

reaching the 4 storey tenement block of Robertson Street. To the north of the site and immediately opposite is a relatively new 4 storey development of residential flats. To the east of this new block is a 3 storey tenement block of flats which continues west to meet Albert Street. The ground floor of this tenement houses single height shops for a variety of traders.

The site slopes considerably from Arbroath Road south to the existing housing at Lilybank Terrace. There is a drop of over 10 metres from north to south boundaries.

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:

H1: Existing Residential Areas - this policy seeks to ensure development does not adversely affect the environmental quality enjoyed by local residents.

H10: Design of New Housing - guidelines are set out for the design and layout of new housing including the specific garden ground and parking requirements.

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 - this policy seeks to minimise any effect on the environmental quality enjoyed by local residents.

Policy 2: Housing Land Release - Proposals for housing land release additional to the Finalised Local Plan allocations will be acceptable where:

- housing development is in accordance with all other policies in the Local Plan;
- it will make a positive contribution to quality and choice of housing available in the local area;
- it satisfies all of the housing standards contained in Appendix 1 or in any site planning brief;
- it will improve the tenure mix in areas where there is limited choice and contribute to wider community regeneration objectives.

Policy 4: Design of New Housing - guidelines are set out for the design and layout of new housing.

Policy 55: Urban Design - this policy seeks to ensure high quality design in new developments.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

SPP3: Planning for Housing states that in meeting the requirements of housing markets across Scotland, planning authorities and housing providers should work closely together to:

- create quality residential environments;
- guide new housing developments to the right places; and
- deliver housing land.

PAN 67: Housing Quality explains how "Designing Places" should be applied to new housing. It provides design principles and examples of successful developments which

promote good design. It specifies that "Planning cannot prescribe good architecture or guarantee successful places, but it can create conditions that make them more likely".

Non Statutory Statements of Council Policy

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

LOCAL AGENDA 21

Key Theme 13 seeks to ensure that places, spaces and objects combine meaning and beauty with utility and Key Theme 14 seeks to ensure settlements are "human" in scale and form. The proposal is considered to be sustainable as it is using a brownfield site and will assist in the regeneration of the area.

The proposal satisfies these policies by providing housing in an acceptable location and of an appropriate design, scale and form.

SITE HISTORY

There is no site history of direct relevance to the application site in these circumstances.

PUBLIC PARTICIPATION

Two letters of objection and one petition letter with 19 signatures were received to the application from neighbouring residents to the north and on the opposite side of Arbroath Road with the following objections:

- 1 Adverse impact on residential amenity
- 2 Local Plan issues
- 3 Appearance
- 4 Loss of open space
- 5 Loss of trees and wildlife
- 6 Overshadowing and overlooking

The application was advertised on 1st November 2004 as contrary to Policy H10 of the Dundee Local Plan 1998 due to the mix of houses and flats.

CONSULTATIONS

The Head of Environmental Health and Trading Standards requires a condition to restrict the noise level endured by future occupants of the houses and flats. They also recommend that a phased site

investigation is carried out before development commences.

As part of the research undertaken by the Housing Department in their decision to dispose of the land they carried out a survey of tenants in the local area. They concluded that the consensus was satisfaction with the proposal to redevelop an unused open space and provide secure boundaries to their tenement.

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.

Considerable pre-application discussion has taken place with the applicant and the proposal has been amended on several occasions to take into account Local Plan issues, road design and comments on the design of the development. The proposal is assessed against the relevant development plan policies in the following sections.

Policy H1 seeks to ensure that new development does not adversely affect the environmental quality enjoyed by local residents. The proposed development will replace a redundant, derelict and overgrown site and provide an infill development. The flats and houses have been designed to take into consideration the scale and massing of surrounding housing and the sloping nature of the site. The flats have been designed in such a way that they follow the contours of the site and cascade down the slope in the same vein as the facing tenements on Robertson Street. They incorporate balconies to take advantage of the views offered across the city. The houses have been designed to offer occupants views over the River Tay. The higher block of 7 houses looks over the lower block and through the

roofs to ensure that every dwelling has an open aspect. Balconies have been incorporated into the flats to offer occupants the same open aspect. Materials have been used in a manner to give interest and colour to this modern development. The applicant submitted a design statement to support the proposed development.

The housing is some 20m from the nearest flats to the north and it is considered this is sufficient distance to prevent overlooking and overshadowing. There will be a 1.8m high boundary wall between the rear gardens of the tenement flats to the north and the rear gardens of the proposed town houses. As the site slopes from north to south of the site and the town houses will only be 3 storey whereas the established tenement flats are 4 storey, it is considered that this will further protect the amenity enjoyed by existing residents to the north.

The parking requirements have been assessed against Policy H10 in the following section. The new road access has been designed to Dundee City Standards and this is considered acceptable. The two existing accesses into the garage site have been brought together as a more meaningful junction. Pedestrian access is provided through the site and is deliberately provided separate from the road access from a safety point of view.

Policy H10 sets out guidelines for new housing development. The application was advertised as contrary to this Policy as only 25% of the development should be flats at this inner city location. Flats are the predominate house type in the surrounding area and the applicant has provided research to prove there is demand for flats at this locality. The percentage of flats proposed within the development is considered acceptable. The sloping nature of the site is more suited to a flatted development as the views achieved from the site can be maximised.

50sqm of private garden should be provided with each house and 10sqm per flat. The private garden ground for the houses ranges from 70sqm to 164sqm and this is in accordance with the requirements. There is some amenity space to the rear of the flats and each flat has a balcony, which doubles up as amenity space. There is also a separate drying area and amenity

space to the east of the flats. Therefore it is considered that there is sufficient private garden ground and amenity space provided with each dwelling.

All the proposed town houses have two parking spaces each, which is in excess of requirements. However the proposed flats have only 12 parking spaces. The housing guidelines attached to Policy H10 require that 30 % visitor parking should be provided in addition to parking for each flat. Given that this is an inner city location with good access to public transport and its close proximity, it is considered that some of the new occupants may not own private cars and there will be less need for parking spaces. The houses on the site have provided well in excess of the requirements and so these additional spaces could be used for visitor parking if required.

As discussed above under Policy H1, the flats have been designed onto the site to take into consideration the contours of the site and the height and massing of surrounding buildings. These aspects have developed with pre-application meetings and discussions between the applicant and Dundee City Council. The development forms an important corner massing element defining the approach and entrance to the development whilst signalling the end of the public open space and existing tenement. It is considered that it provides a more appropriate transition on the streetscape than at present. Useable balconies have been provided with the flats to offer the occupants views and to provide an amenity area. All windows have been designed with a vertical emphasis in order to respect the sash and case window proportions of the surrounding tenements. Areas of coloured render have been introduced to specific wall panels to give relief and interest to the elevations.

It is concluded from the foregoing that although the proposal is contrary to Policy H10 due to the mix of flats and houses, there are material considerations that justify approval of the application in these circumstances. This includes the nature of the site which slopes steeply from north to south and the relationship to surrounding properties at this location.

Other Material Considerations

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

Finalised Dundee Local Plan Review

Policy 1 seeks to protect the environmental quality enjoyed by local residents. For the same reasons as discussed under the consideration against Policy H1 of the Adopted Plan, the proposal complies with Policy 1.

Policy 4 provides guidelines for new housing. It requires the provision of housing rather than flats except where there are site specific circumstances which demand a flatted solution. The applicant has provided a justification for flats at this location which includes the site specific circumstances such as the sloping nature which means that flats provide more suitable living accommodation with open aspects to the River Tay to the south. The flatted development adequately addresses the urban height of the adjacent three storey tenements and surrounding dwellings of an urban scale. In addition, they have carried out research which indicates a demand for flatted developments within the inner city. The proposal complies with all other aspects of Policy 4 such as garden ground, privacy and parking.

Policy 55 advises that the emphasis will be on design quality and will seek creation of new public spaces and points of interest which incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. It has been discussed previously that the development respects the height and massing of neighbouring buildings and the surrounding area. The development has been designed in a such a way to utilise the excellent views over the River Tay offered by the sloping nature of the site. It is considered that due to the mixture of materials proposed on the dwellings, the scale and layout of the development that it will enhance the streetscape and provide a natural transition between adjoining buildings.

Stobswell Regeneration

The site is located on the boundary of the Stobswell Housing Investment Focus Area and is included within the regeneration remit of the Stobswell area. The predominance of small one

and two bedroom Victorian tenement accommodation in the Stobswell area needs to be redressed to create a sustainable neighbourhood by providing larger family accommodation of 2, 3 and 4 bedroom apartments and urban town house terrace forms to provide a balance to the housing mix available on the market. It is considered that the proposed development goes some length to meeting these aims as larger apartments and town houses are being provided which will allow people to remain in the area, move up the property ladder and attract new residents to the area to contribute towards its sustainability.

Objections

Two letters of objection and one petition letter with 19 signatures were received to the application with the following objections:

- 1 Adverse impact on residential amenity
- 2 Local Plan issues
- 3 Appearance
- 4 Loss of open space
- 5 Loss of trees and wildlife
- 6 Overshadowing and overlooking

The points of objection regarding the impact on residential amenity, Local Plan issues and appearance of the development have been discussed under the relevant development plan policies and it has been concluded that there will be no significant impact on neighbouring residents. The site is not allocated as public open space in the development plan and the area to the east was surplus to the Housing Department's requirements and was offered for sale to the applicant. Landscaping will form an integral part of the development and a condition will be attached to ensure full details are submitted prior to development commencing on site.

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

Due to the Council ownership of part of the application site and the substantial body of objections which have been received, the application

requires to be referred to the Scottish Executive for their determination.

Design

The proposed development is for a mixture of 3 storey terraced townhouses and 3 bedroom flats. The design of the development is innovative and contemporary in architectural style and detail. It is in accordance with the Dundee Urban Design Guide 2001 which encourages "innovative design" and discourages "off the peg" design. The proposals will establish a new choice of good quality, modern domestic architecture in the Stobswell area and will create a new landmark building on the Arbroath Road.

CONCLUSION

Although the proposal was advertised as contrary to Policy H10, it is considered that there are material considerations that justify approval of the application in these circumstances such as site specific circumstances and other policies in the Finalised Dundee Local Plan which support the development at this location. If Members are minded to approve the application, it will be necessary to notify the Scottish Ministers due to the Council interest in part of the site and the substantial body of objections received. This will allow Ministers the opportunity to call in the application or pass it back to this Council for decision.

RECOMMENDATIONS

Recommendation 1

That this permission shall not be issued unless and until the Scottish Ministers decide not to formally call in this application.

Recommendation 2

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 shall not exceed 45dB(A) during the day (0700 to 2300 hours) taken as a 1 hour Laeq measurement parameter, and 35dB(A) during

the night (2300 to 0700 hours) taken as a 5 minute Laeq measurement parameter.

- 3 No construction shall commence on site until an investigation of potential contamination, under the terms of Planning Advice Note 33 - Development of Contaminated Land, has been carried out and the results have been submitted to and verified by the City Council
- 4 Any measures required to remediate the site as detailed in the report, required by condition 9, shall be fully implemented as detailed by that report and validated in writing for the approval of the City Council prior to the occupation of any of the buildings
- 5 details of proposed finishing materials 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
- 6 details of the proposed boundary treatments 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 no development shall take place until there has been submitted to and approved by the planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on this land, and details of any to be retained, together with measures for their protection in the course of development

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 In order to protect future occupants from unacceptable noise levels from traffic
- 3 In the interests of the amenities of the future occupants of the residential accommodation

- 4 In the interests of the amenities of the future occupants of the residential accommodation
- 5 to ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 6 to ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 7 to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area