

KEY INFORMATION

Ward Logie

Proposal
Erection of 12 town houses

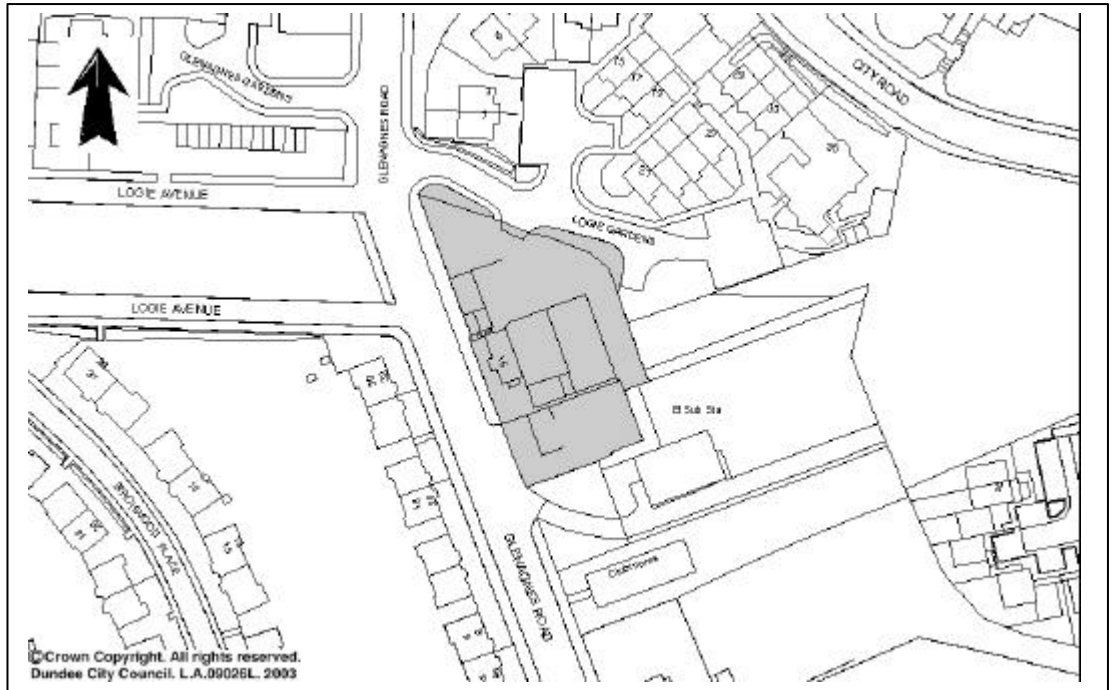
Address
Land South of Logie
Gardens,
East of Glenagnes Road
Dundee

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Registered 18 Oct 2004

Case Officer E. Jones



Proposed Town House Development in Glenagnes Road

The erection of 12 town houses is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development complies with all of the requirements of Policies 2 and 4 other than the provision of rear garden access. The houses will be large, well designed, of modern materials and have gardens and terraces. Accordingly the application is recommended for **APPROVAL** subject to a Section 75 agreement and appropriate conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of 12 townhouses, a terrace of 9 on Glenagnes Road and the remaining 3 on Logie Gardens. All will have 4 bedrooms, garage and parking space and private rear gardens of 50 to 70 square metres. In addition to the gardens, each house has two terraces on upper levels. The design is modern with inverted sloping roofs, rendered walls with timber and block detailing and glass fronted terraces.
- The sloping site, currently used for car repairs and sales, is on the east side of Glenagnes Road with housing on three sides and an electricity sub-station to the south. The proposal complies with all of the requirements of Policy 4 other than the provision of direct paths to rear gardens, but access is available through the garages.
- Five objections were received, 4 from neighbours on the west side of Glenagnes Road on grounds of overshadowing/overlooking/loss of privacy; impact on Conservation Area; traffic and parking; loss of trees and noise. The operator of the adjoining sub-station has withdrawn their objection.
- The developer is aware of concerns regarding use of new houses for multiple occupation in locations close to the City Centre and have agreed to conclude an appropriate Section 75 legal agreement.
- The development is of large modern townhouses with private gardens and terraces of good design and materials which represents beneficial use of a brownfield inner City site.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of 12 townhouses. The proposed layout has a terrace of 9 houses facing on to Glenagnes Road and a group of 3 terraced houses facing on to Logie Gardens. The houses comprise:

8 houses with 4 bedrooms (1 en-suite) and a large open plan lounge/kitchen; 3 houses with 3 bedrooms (1 en-suite) and a large lounge/kitchen; all have a garage and parking space, a utility room, bathroom, separate toilet and two terraces. The corner house at the north end of the terrace has a garage and two parking spaces, 4 bedrooms (1 en-suite), lounge, study, large open plan kitchen/dining area and two generous terraces. All houses have rear gardens ranging in size from 50 square metres to 202 square metres, the majority being between 50 and 70 square metres. The design is modern with inverted sloping roofs, rendered walls with timber and block detailing, glass panels to terraces and block paving driveways. The layout also includes 6 visitor parking spaces.

SITE DESCRIPTION

The site lies on the east side of Glenagnes Road and the south side of Logie Gardens. It is currently occupied by a car repair and used car sales business with a bungalow facing on to Glenagnes Road. The site lies below the road level of Glenagnes Road which slopes down and around the corner into Logie Gardens. There are traditional 4-in-a-block houses on elevated ground on the west side of Glenagnes Road. Newer houses and flats on the north side of Logie Gardens; open ground to the east and a very large electricity sub-station in a large compound to the south.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan Review 2005

Policy 2 - Housing Land Release

Policy 4 - Design of New Housing.

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy 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 proposal complies with a number of Key Themes as it represents beneficial re-use of a brownfield site to provide new family housing in an attractive environment.



SITE HISTORY

There is no relevant planning history.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and the initial layout was also advertised as a development contrary to the Development Plan. The layout has subsequently been amended and does now comply.

Five objections have been received. 4 from neighbours on the west side of Glenagnes Road are on grounds of overshadowing/overlooking/loss of privacy; impact on the Conservation Area; traffic and parking issues; loss of trees; design and noise. There was also an objection from Scottish and Southern Energy who operate the adjoining electricity sub-station on grounds of the possible impact of the existing noise from the station on new residents resulting in the requirement for the company to carry out works to

the sub-station which would otherwise not have been required. SSE requested the developer to carry out studies and bear the cost of any required remedial works. These requirements have now been met and SSE have withdrawn their objection. These issues will be dealt with in the Observations below and copies of the objection letters are in Members' lounges.

CONSULTATIONS

The Head of Environmental Health and Trading Standards requested the preparation of a Noise Impact Assessment in accordance with PAN 56 Planning and Noise in order to assess the impact of the adjacent electricity sub-station on the amenities of the new residents of the proposed houses. The report has been assessed and the recommendations have been accepted.

Due to the use of the site for car repairs, the necessary investigations and possible site remediation will be required under the terms of PAN 33 Development of Contaminated Land.

The Forestry Officer sought information on the trees to be removed. One tree and an area of scrub is required to be removed. There is no statutory protection for the tree as the site is not in a Conservation Area or the subject of a TPO.

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 Local Plan Review 2005

Policy 2: Housing Land Release identifies the basis upon which any proposals for housing land additional to the sites allocated in the Plan will be considered.

The Dundee and Angus Structure Plan sets the strategic context for the release of housing land and offers broad guidance on the scale and location of such development. The Dundee Local Plan Review 2005 interprets this strategic guidance and allocates specific sites for housing. In addition, the Local Plan is required to set an appropriate policy framework for the consideration of housing developments on sites not allocated for this use.

This site is not allocated in the Local Plan and would fall to be considered under the terms of Policy 2. The criteria in the Policy are:

- a housing development is in accordance with all other policies in the Local Plan; and
 - b it will make a positive contribution to quality and choice of housing available in the local area; and
 - c it satisfies all housing standards in Appendix 1; and
 - d It will improve tenure mix in areas where there is limited choice and contribute to wider community regeneration objectives.
- a Policy 4: Design of New Housing is the other relevant policy and will be considered below.
 - b The site lies within an area where tenemental flats and traditional four-in-a-block flats are the predominant type of dwellings. There are some newer houses on the site to the north and new townhouses have recently been constructed on land to the east, fronting Rosefield Street. The proposed houses will provide generous three storey townhouses with gardens which will further enhance the housing choice in the area and comply with this part of the policy.
 - c As noted above, compliance with Policy 4 and Appendix 1 will be considered below.
 - d There is no indication of the proposed tenure but the development of this site for new, high quality family houses will contribute to the regeneration of the area.

Subject to compliance with Policy 4 and Appendix 1, the proposal complies with Policy 2.

Policy 4 - Design of New Housing. The policy sets out the objective that the design and layout of all new housing in the City should be of a high quality.

Appendix 1 to the policy identifies design criteria:

- The development complies in respect of the size and type of house.
- There is at least 20 metres between the proposed houses and the flats on Glenagnes Road. The Appendix states that the minimum privacy distance between facing windows of habitable rooms is 18 metres.
- All of the houses have a garage and parking space, provision of 200% and there are 6 visitor parking spaces. The end, corner, house to the north has a garage and two parking spaces.
- The policy states that direct access to the street should be provided in inner city sites. Two houses have such paths but the remaining 10 houses have access to the rear garden directly through the garages. Provision of remote paths to the rear gardens would affect the urban design benefits of a terraced development; reduce the security of the houses and adversely affect the garden ground provision. The layout as proposed is considered to be acceptable in this regard.
- The layout initially contained 3 gardens just below the minimum of 50 square metres of private amenity space. The layout has been amended and all now have the minimum. In addition, the policy requires that 30% (ie 4 of the units) have more than 75 square metres of amenity space. There are 2 gardens of 202 and 115 square metres and 3 gardens between 70 and 75 square metres. However it should be noted that all of the houses have terraces on the first and second floors which total 8 square metres. It is considered that the garden and terraces combined provide sufficient amenity space to comply with the policy requirements.

- As noted, the site lies adjacent to an electricity sub-station which produces noise at certain frequencies. The applicant's agent was required to demonstrate that if the site was developed for residential use, the future residents would not be adversely affected by the noise. Detailed studies have been carried out by an acoustic consultant on behalf of the applicant. The submitted report makes specific recommendations with regard to the specifications of windows and ventilators in order to mitigate against the noise from the adjoining sub-station. This can be the subject of a specific condition.

Policy 4 requires that the design and layout of all new housing should have be of high quality. It is considered that the layout provides large family houses of modern design using modern materials. The proposal complies with the requirements of Policy 4 and all of the criteria in Appendix 1 other than the provision of rear garden paths to the houses.

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

Other Material Considerations

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

Objections

5 objections have been received.

4 from neighbours on the west side of Glenagnes Road are on grounds of:

- Overshadowing/overlooking/loss of privacy: The architect has supplied shadow plans which show the shadows cast by the development on 21 June and 21 December. They indicate that the new houses do not cast any shadow on any of the houses on the west side of Glenagnes Road. Indeed because of the relative heights of the two rows of houses, the existing houses cast a shadow on the proposed houses on winter afternoons. The proposed houses are further away than the minimum of 18 metres between facing habitable rooms which is required by policy to minimise overlooking and loss of privacy.

- Adverse impact on the Conservation Area: the site does not lie within the Logie Conservation Area which is on the west side of the road. The development is not considered to have an adverse impact on the Conservation Area.
- Traffic and parking issues: it appears that taxis regularly park on street in association with the current use of the site. This will be removed if the site is redeveloped. There are no roads or traffic issues with regard to the impact of the development on this relatively wide road and the development has parking provision in excess of the requirements.
- Loss of trees: one tree within the site will be removed. Replacement planting will be required by condition.
- Design unsuitable: the design is modern, using modern materials in an area where the character of the surrounding buildings is very mixed. Three storey town houses are very typical of new housing developments on brownfield sites in the City.
- Noise: the existing use for car repairs and car sales has the potential to accommodate other noisy industrial processes which could impact on surrounding dwellings. The proposed housing will not significantly increase the noise impact in the area.

It is concluded that these objections cannot be supported for the reasons stated.

Scottish and Southern Energy who operate the adjoining electricity sub-station objected to the application on grounds of the possible impact of the existing noise from the station on new residents resulting in the requirement for the company to carry out works to the sub-station which would otherwise not have been required. SSE requested the developer to carry out studies on this matter and bear the cost of any required remedial works. As a result of the consultants findings and the imposition of an appropriate planning condition to this report, SSE have now withdrawn their objection to the application.

HMO use

With regard to the matter of the potential of the new houses to be used for Houses in Multiple Occupation purposes, the applicants are fully aware of the concerns that have previously been expressed by the Committee about the conversion of residential units in the city centre and the west end of the city to HMO's with resulting adverse impacts on residential amenity. In September 2005, the Planning and Transportation Committee approved draft supplementary guidance for controlling HMO's for consultation. This states that within a specific area of the City, the occupation of dwellings in new residential developments by 3 or more unrelated persons will be prevented through the use of Section 75 Agreements.

It is therefore considered that it would be appropriate in this instance to restrict the use of the houses as HMO's. Such a restriction by means of a legal agreement has been discussed with the applicants and their acceptance of this has been obtained.

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.

Design

The design issues have been considered in the Observations above.

CONCLUSION

It is concluded from the foregoing that the proposal complies with the majority of the provisions of Development Plan Policies 2 and 4 with the exception of the provision of individual paths to rear gardens. The development provides large, well designed, modern family houses with gardens and parking. The objections are not supported and the developer has agreed to conclude a Section 75 legal agreement to restrict possible HMO uses on the site.

It is therefore recommended that planning permission be granted with conditions subject to the recording of a Section 75 agreement.

Recommendation 1

This planning permission shall not be issued unless and until an agreement under Section 75 of the Town and

Country Planning (Scotland) Act 1997, between the Council and parties with appropriate interests in the land, has been recorded. This agreement will relate to the prohibition of any of the dwellings hereby approved becoming a house in multiple occupation.

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following condition(s):-

- 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 Prior to the commencement of development the comprehensive Site Investigation Report in accordance with PAN 33 Development of Contaminated Land must be approved by the City Council.
- 4 Prior to the commencement of development any required remediation measures identified in the Site Investigation Report to be approved in accordance with Condition 03 shall be carried out and the completion of the works shall be notified in writing to the City Council for verification. No construction of dwellings can commence until the verification process has been completed in writing
- 5 The footway ex adverso the site on Glenagnes Road and Logie Gardens shall be reinstated in accordance with details to be submitted to and approved by the City Council prior to the commencement of the development. The works to the footway shall be completed prior to the completion of the works hereby approved.
- 6 Full details of the proposed boundary treatments shall be submitted for approval prior to the commencement of the development and if approved, the boundaries shall be completed in accordance with the approved

details prior to the first occupation of the dwellings hereby approved. In particular, the boundary treatment to the adjoining electricity sub-station must be discussed with and agreed by the operator prior to the occupation of the dwellings.

- 7 Prior to the commencement of development, a comprehensive landscaping scheme for hard and soft landscaping shall be submitted for approval and if approved, the works shall be carried out only in accordance with such approved details.
- 8 The landscaping scheme as detailed in condition 07 shall be fully implemented in accordance with the approved details within 6 months of the completion of the development. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.
- 9 Prior to the commencement of development, the developer shall submit full details of the noise mitigation measures to be carried out on the site in accordance with the report "Glenagnes Road, Dundee, Noise Assessment for Proposed Housing, 23/11/2005 submitted by New Acoustics of Clydebank. If approved, such measures shall be carried out in full and shall be confirmed in writing by the developer prior to the occupation of any of the houses hereby approved.
- 10 Prior to the completion of the residential units the visitor car parking indicated on the approved drawings shall be provided and thereafter kept available for use at all times.

- 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 In the interests of highway safety and the amenities of the occupiers of nearby properties.
- 6 To ensure a satisfactory standard of appearance of the development.
- 7 To ensure a satisfactory standard of appearance of the development.
- 8 To ensure a satisfactory standard of appearance of the development.
- 9 In the interests of the amenities of the future occupants of the residential accommodation.
- 10 In the interests of highway safety and the amenities of the occupiers of nearby properties.

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.