

**KEY INFORMATION**

**Ward** Lochee West

**Proposal**

Outline permission for the erection of 33 dwellings and associated garages

**Address**

Land to North and South of Donalds Lane  
Dundee

**Applicant**

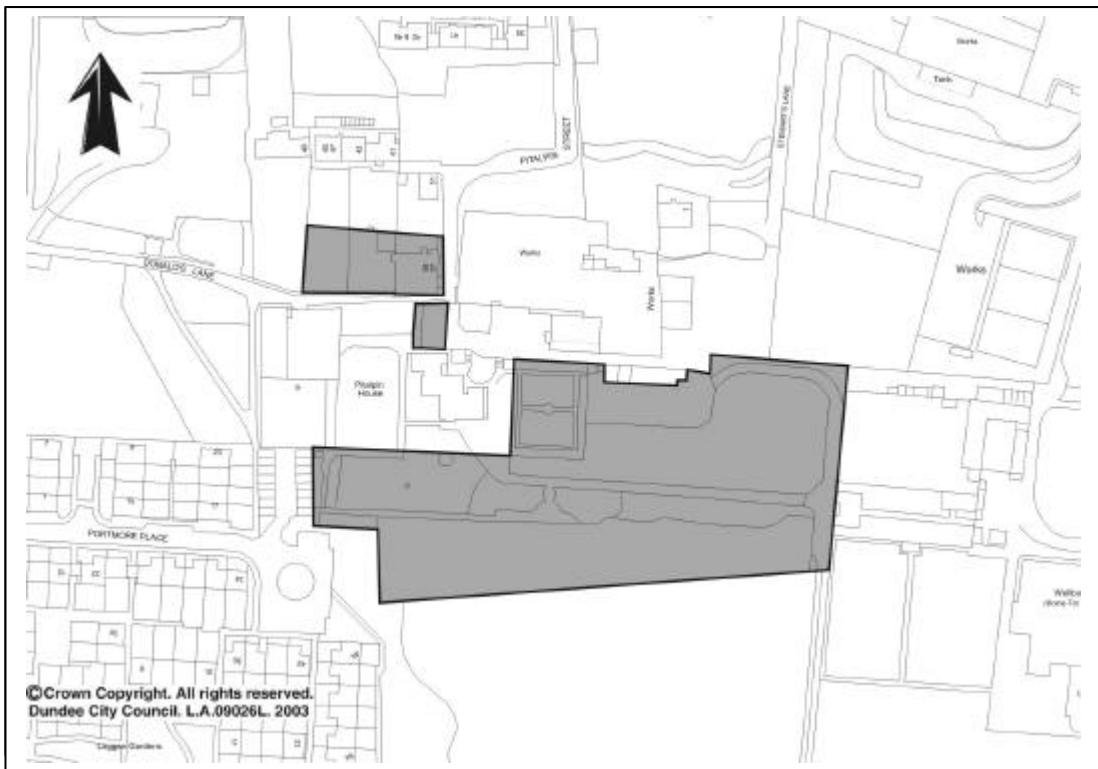
Various Applicants  
c/o KDM Architects  
Camperdown Street  
Broughty Ferry  
Dundee

**Agent**

KDM Architects  
Camperdown Street  
Broughty Ferry  
Dundee  
DD5 3AA

**Registered** 11 Nov 2005

**Case Officer** D Gordon



## New Housing Proposed in Donalds Lane

Outline permission for the erection of 33 dwellings and associated garages is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

**RECOMMENDATION**

While the development of this site for residential purposes would be welcomed, the submitted layout of the houses would require the removal of a highly significant amount of trees from the site that are currently protected by a recently confirmed Tree Preservation Order. The application is recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- Outline Planning Permission is sought for the erection of 33 residential units on a site located in the Pitalpin area of the city. A Masterplan which indicates the proposed layout of the site has been submitted in support of the application.
- The site, as part of a larger development site, is identified as a brownfield housing site in the Dundee Local Plan Review 2005 (Proposal 43 refers). In addition, a Planning Brief for the development of the land for residential purposes was approved by the Council in 2004.
- The proposals have attracted 5 local objections that relate to a number of issues including the adverse impact the removal of the trees from the site would have on the environmental quality of the local area.
- The proposal is considered to be contrary to Policy 72 (Trees and Urban Woodland) of the Dundee Local Plan Review 2005 by virtue of the proposed removal of the majority of the protected trees that remain within the site. These trees are protected by a recently confirmed Tree Preservation Order (February 2006).
- There are no material considerations that would justify the approval of this outline planning application contrary to the relevant policies of the development plan.

## DESCRIPTION OF PROPOSAL

The proposal under consideration seeks outline permission to develop an area of land to the north, south and east of Pitalpin House for residential purposes.

The applicants have submitted an indicative layout for the site that advises of a potential development of 30 houses (including 1 conversion) and 3 flats (conversion of existing buildings). The main access to the site will be taken from Stewart's Lane, Pitalpin Street and Donalds Lane to the north.

All new houses will have a minimum gross internal floor area of living accommodation of 80 sq.m. with 75% of the houses having a minimum of 100 sq.m. with 3 or more bedrooms. The dwellings will have a minimum 120 sq.m. of private garden ground with 45% of the houses accommodating 160 sq.m. or above. With regard to the proposed new flats, a minimum garden ground area of 15 sq.m. / flat is to be provided.

The application proposes the removal of a number of trees from the site to accommodate the new housing.

## SITE DESCRIPTION

The site forms the south east section of a larger development site that stretches from Buttars Loan in the west, Stewart's Lane in the east and to the rear of the properties on Liff Road. The application site currently under consideration surrounds Pitalpin House on the east, north and south sides. The land is predominantly vacant with existing buildings located immediately to the on the north side of Pitalpin House.

The land slopes in a north to south direction and trees are evident on the southern section of the site. There is evidence of the recent felling of trees within this area. These trees are the subject of a Tree Preservation Order. To the south of the southern boundary of the site there is a small area of land that is used by local residents for open space purposes.

Access to the site is taken from South Road to the south via a narrow unmade access road that runs up the west side of Wellburn House.

The surrounding area is predominantly residential in character although there

is evidence of commercial and industrial uses.

## 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

The following policies are of relevance:

Proposal 43: The site is identified as a suburban brownfield housing development site.

Policy 1: Vibrant and Sustainable Communities. The Council will promote vibrant communities, encouraging the development of a range of services and facilities close to and within housing areas. New development should be in accordance with other policies in the Plan and seek to minimise any effect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.



Policy 4: Design of New Housing. The design and layout of all new housing in Dundee should be of a high quality. As a basis for achieving this, new developments will be required to conform to the Design Standards contained in Appendix 1 of the Dundee Local Plan Review 2005 unless:

- a the Council, through either site allocation in the Local Plan or site planning briefs considers it appropriate to vary the standards to reflect the constraints or opportunities offered by the development of a particular site or
- b the proposal is within an established area low density

residential area, in which case the density of the new development should reflect this and more generous external space standards will be required.

Policy 55: Urban Design. For all new developments the emphasis will be on design quality. In addition, all development will, in its design and layout, be expected to contribute to an environment that is safe and accessible to all.

Policy 72: (Trees and Urban Woodland)

New developments must have regard to existing healthy mature trees, the survival and retention of which will

be strongly encouraged through sensitive site layouts and both during and after construction. Where

appropriate, development proposals must be accompanied by a tree planting and landscaping scheme which

includes a supporting justification and sufficient map based material to document existing planting within the

application site, as well as new planting and maintenance arrangements. The Council will promote Tree

Preservation Orders to protect individual trees or entire planting schemes where expedient to do so.

## Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

Scottish Planning Policy 3: Planning for Housing (2003). SPP3 reflects the key planning policies in Scottish Planning Policy 1: The Planning System, addressing them in relation to new housing. The measures are intended to promote a more attractive and sustainable living environment as part of the wider investment in new housing.

Planning Advice Note 67: Housing Quality 2003. This seeks to promote high quality design in new housing developments. This Note supports the preparation of design statements in conjunction with planning applications and the need for successful residential developments not to be limited by road

standards or to benefits of Home Zones.

Designing Places: A Policy Statement for Scotland. This Statement from the Scottish Executive sets out their aspirations on the design and the role of the planning system for delivering these aims. It promotes the need for high quality design of buildings and layout for proposed developments and in particular it highlights the advantages of the Masterplan process.

## Non Statutory Statements of Council Policy

The following policy statements are of relevance:

Dundee - The Urban Design Guide

Site Planning Brief for Pitalpin Village - Approved 2004.

## LOCAL AGENDA 21

The development will result in the redevelopment of a brownfield site. This is considered sustainable and consistent with the aims of Agenda 21. The proposal will also involve the loss of trees that are currently protected by a Tree Preservation Order and this aspect of the proposal is considered to be contrary to the aims of Agenda 21.

## SITE HISTORY

The adjacent sites have been the subject of applications for development in recent years. The most relevant in this instance are considered to be:

02/00827/LBC - Part Demolition of Mill - Refused 25.06.2003.

05/00782/OUT - Erection of 71 dwellings, 6 flats and associated garages - Approved 27th February 2006

The site under consideration was the subject of a Tree Preservation Order that was confirmed on 28/02/2006.

## PUBLIC PARTICIPATION

This outline planning application has been the subject of considerable and protracted discussions between this Council and the applicants. This has resulted in the submission of several amendments to the development of the site for residential purposes. The applicants' agents notified the neighbouring properties of each

amendment submitted for consideration. Five objections to the application have been received.

The main issues of relevance raised by the objectors relate to:

- 1 The removal of trees from the site will adversely impact on local wildlife and the appearance of the local area.
- 2 The development will adversely impact on the setting of Pitalpin House.
- 3 The proposals will have an adverse impact on the environmental qualities currently enjoyed by the residents Pitalpin House.
- 4 The proposed additional housing will increase the use of the limited amount of open space in the local area to the detriment of the existing residents.
- 5 The proposal will increase the use of a narrow unmade access road to the south of the site to the detriment of traffic and pedestrian safety. This will also adversely impact on the protected trees located on the west side of the access road.

The objectors also raise matters relating to rights of access and ownership of land. These matters are considered to be outwith the control of the Council in its consideration of this outline planning application.

Copies of the objections are available for inspection in the Members Lounges. It is intended to deal with the above issues in the 'Observations' Section of this report below.

## CONSULTATIONS

The Council's Forestry Officer has offered the following comments:

- 1 The plans submitted would remove 95% of all the protected trees.
- 2 No tree Survey was submitted together with a plan as per BS 5837 : 2005 in support of the application.
- 3 I would object to this proposal in its entirety due to the amount of trees to be felled.

The Council's Head of Environmental Health and Trading Standards has advised that, due to the historical

nature of the site, the standard contaminated land condition should be applied to any permission granted requiring, amongst other things, the remediation of any contamination within the site prior to its occupation for residential purposes.

## 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.

The proposal under consideration seeks outline permission to develop the northern, southern and eastern areas surrounding Pitalpin House for residential purposes. This site forms part of a larger development site to the north and east that is identified for residential purposes in the Local Plan. This current application involves the provision of 30 new houses and 3 flats. The proposal involves predominantly new build provision and a limited conversion of existing buildings. The applicants have not submitted details of the proposed house types. However, a Masterplan for the proposed layout of the site has been submitted for consideration. The applicants advise that this indicative Masterplan, will provide the basis for the consideration of any future detailed planning applications for the development of the site.

The site of the application is identified in the Dundee Local Plan Review 2005 as being a brownfield housing site (Proposal 43 refers). In addition, the site was the subject of a Planning Brief for the development of Pitalpin Village for residential purposes that was approved in 2004. Further, a number of trees within the site are now protected by a Tree Preservation Order that was approved by the Council on 13th February 2006 and confirmed on 28th February 2006.

With regard to the principle of the use of the site for residential purposes, this would be in accordance with the relevant land-use policies of the Local Plan and the approved Site Planning Brief for the land. In addition, the appropriate development of the site, together with the larger site to the north and west, would be welcomed as a positive step in the regeneration of this local semi-derelict area.

In principle, the indicative scheme submitted for consideration is similar in nature, design and concept to the larger residential development site previously supported by the Council in February 2006. However, the site currently under consideration accommodates a significant number of mature trees that the Council consider are worthy of retention and protection due to their amenity value in the local area (Tree Preservation Order No 10-2005, approved 13/02/2006 refers). The submitted plans advise that a considerable amount (approximately 95%) of these trees will be removed as a result of the proposed layout of the new houses within the site. The applicants' have been advised of the potential conflict between the submitted layout and the requirement to retain the trees. They have indicated that they do not wish to further amend their proposals and that the application should be considered as submitted.

It is considered that the removal of these trees would be detrimental both to the appearance of the local area and the setting of Pitalpin House. This would be contrary to Policy 72 (Trees and Urban Woodland) that strongly encourages the survival and retention of healthy mature trees through sensitive site layouts both during and after construction. The removal the amount of trees proposed would also be contrary to the terms of the approved Site Planning Brief for the site that requires that appropriate measures should be considered to safeguard the trees worthy of retention within the curtilage of Pitalpin House.

Since the confirmation of the TPO, the unauthorised removal of approximately 13 protected trees from the site has taken place. This matter is currently being pursued separately with a view to the potential replacement of all the trees that have been removed

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:

### Site Planning Brief

The unacceptable removal of the majority of the protected trees within the site has already been discussed in the consideration of the development plan policies above. It is further considered that the removal the amount of trees proposed would be contrary to the terms of the approved Site Planning Brief for the site that requires that appropriate measures should be considered to safeguard the trees worthy of retention within the curtilage of Pitalpin House.

### Objections:

The issues raised by the objectors relating to the impact that the removal of the trees from the site has been discussed and discharged above.

With regard to the issues relating to the impact the proposals will have on the setting of Pitalpin House and the environmental qualities of the local residents, these matters should be fully discussed at the time of the consideration of any detailed planning application for the development of the site.

With regard to the issue of an increase in the population of the area and the resultant adverse impact on the local road network and the existing open space provision, the principle of the development of the site for housing has already been established by the allocation in the Dundee Local Plan Review 2005 and the approved Site Planning Brief.

It is concluded from the foregoing that insufficient weight can be accorded to any of 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 refused.

## Design

The outline planning application drawings for the proposed layout of the site are indicative in nature only.

## CONCLUSION

The development of the site for residential purposes is considered, in principle, to be in accordance with the land use policies of the development plan. The use of the land for new housing, together with the larger site to the north and west, is welcomed as a positive step in the regeneration of this vacant and semi-derelict site. However, the submitted layout indicates that the proposed development will remove approximately 95% of the protected trees that remain within the site. These trees are protected by a recently confirmed Tree Preservation Order (February 2006). The removal of these trees is considered, in terms of safeguarding the visual amenity and environmental quality of the local area, to be unacceptable and contrary to Policy 72 of the Dundee Local Review 2005.

## RECOMMENDATION

It is recommended that planning permission be **REFUSED** for the following reason:

### Reason

The proposed development of the land for residential purposes in accordance with the submitted Masterplan would result in the removal of a significant number of trees that are protected by virtue of a Tree Preservation Order that was confirmed in February 2006. This would be contrary to the terms of Policy 72 (Trees and Urban Woodland) of the Dundee Local Plan Review that seeks to encourage the survival and retention of existing healthy trees within development sites. There are no material considerations that would justify the approval of the application contrary to the terms of Policy 72 of the Local Plan Review.