

KEY INFORMATION

Ward Riverside

Proposal

Erection of 1 No dwelling house

Address

Land West of Richmond Terrace
DUNDEE

Applicant

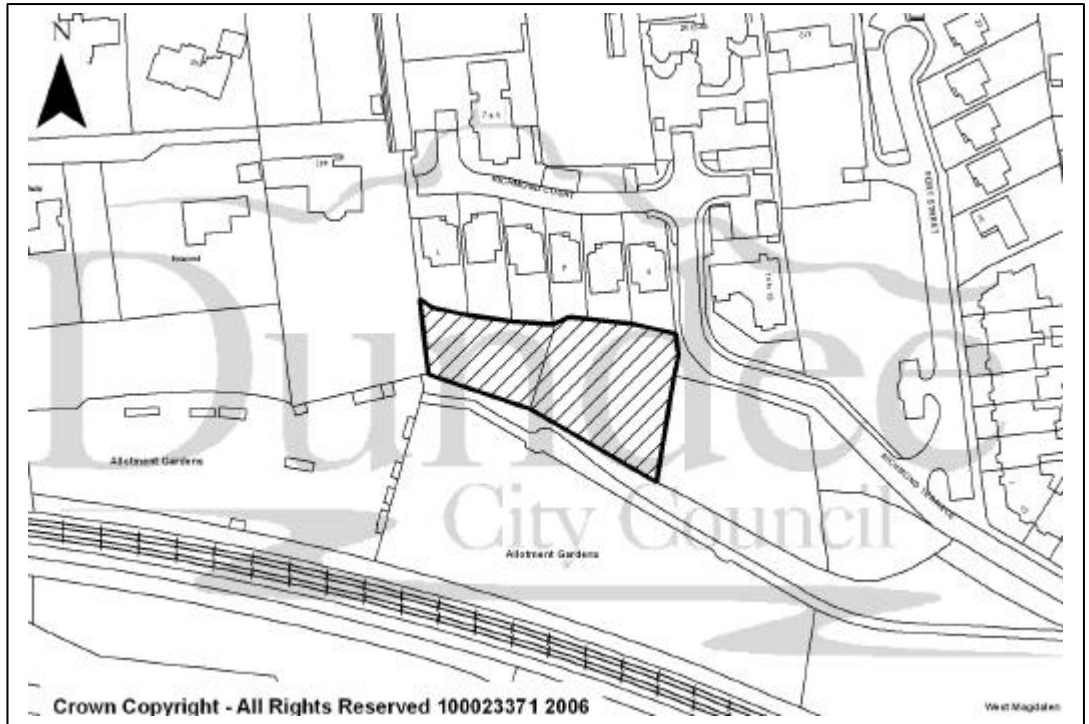
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Agent

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DUNDEE
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Registered 27 Oct 2006

Case Officer D Gordon



New House Proposed in Richmond Terrace

The erection of a dwelling house is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS.**
Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is considered to conform to the relevant policies of the Dundee Local Plan Review 2005 and there are no material considerations that would justify the refusal of the application contrary to these policies. The application is therefore recommended for **APPROVAL** with conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of a detached dwelling on a steep sloping site located to the west of Richmond Terrace. The house is innovative in design and will be finished in timber, stone cladding and glass. The site is located within the West End Suburbs Conservation Area.
- The proposal raises issues for consideration under Policy 1 (Vibrant and Sustainable Communities), Policy 4 (Design of New Housing), Policy 55 (Urban Design) and Policy 61 (Development within Conservation Areas).
- Five objections to the proposal, in addition to a letter of objection from the West End Community Council, have been received. The main issues raised relate to the potential impact of the proposals on the local area, precedent, road traffic matters and Local Plan policy implications.
- It is concluded that the proposal is in accordance with the relevant policies of the Dundee Local Plan Review 2005. The proposal offers the provision of a unique new house within a conservation area. There are no material considerations that would justify the refusal of the application contrary to the relevant policies of the Local Plan Review.

DESCRIPTION OF PROPOSAL

The proposal under consideration involves the erection of a dwelling house on a site located on the west side of Richmond Terrace. The new building, due to the sloping nature of the site, will be single/two storey (with roof garden and basement) on the north side and two/three storey on the south side. The proposed finishing materials will be timber, glass and stone facing. The building accommodates a flat roof and is of a contemporary and innovative design.

Garden ground is to be provided on the south, east and west side of the new house with a small roof garden located on the north side of the building. Several trees are to be removed from the site in order to accommodate the new building.

Access into the site is to be taken from Richmond Terrace to the east. A minimum of 2 off street car parking spaces and turning facilities are to be provided on the north side of the house.

SITE DESCRIPTION

The application site is located to the west of Richmond Terrace, with Richmond Court to the north. Allotment gardens and the railway line are located to the south. The surrounding area is generally residential in character with the open space of Magdalen Green located further to the east.

The site, which slopes steeply in a north to south direction, is covered in a variety of trees and vegetation. The area is bounded, in part, by stone walls that vary in height and repair. The site commands good views to the south over the river and is also highly visible from Riverside Drive to the south.

The site is located within the West End Suburbs Conservation Area.

POLICY BACKGROUND

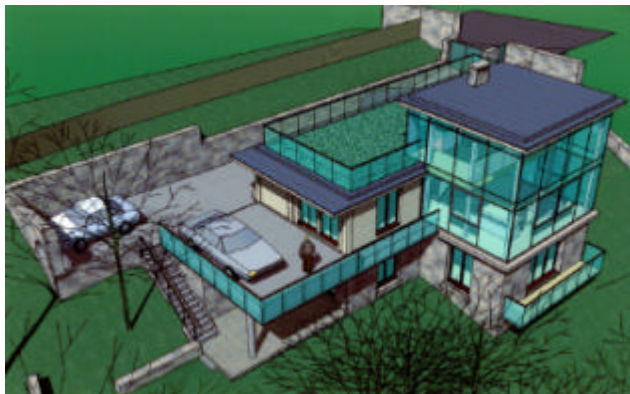
Dundee and Angus Structure Plan 2001-2016

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

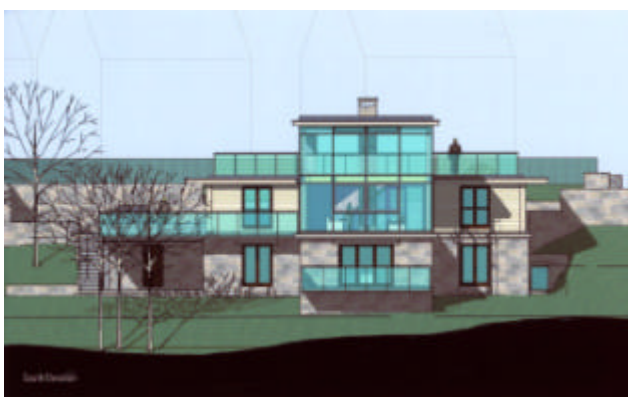
Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 1: Vibrant and Sustainable Communities. New developments



should be in accordance with other policies in the Plan and seek to minimise any affect 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 development will be required to conform to the Design Standards contained in Appendix of the Local Plan

Policy 55: Urban Design. This policy seeks to ensure high quality of design in all new developments.

Policy 61: Development in Conservation Areas. All developments will be expected to preserve or enhance the character of the surrounding area. This will require the retention of all features which contribute to the character and appearance including unlisted

buildings of townscape interest, trees and landscape features.

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 landscape 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:

Memorandum of Guidance on Listed Buildings and Conservation Areas.

Non Statutory Statements of Council Policy

The following policy statement is of relevance:

The Urban Design Guide advises that new buildings including infill developments should be well designed, flexible and outwardly expressive as to their purpose. In addition, imaginative and innovative contemporary architecture is sought to discourage 'off-the-peg' design and debased versions of historical style.

SUSTAINABILITY ISSUES

It is considered that the proposal does not raise any specific concerns in relation to the Council's sustainability policies.

SITE HISTORY

The land to the north of the application site has been the subject of planning applications for residential

developments. These developments have now been completed.

The site currently under consideration has been the subject of 3 recent applications:-

04/00126/OUT - Outline consent for Dwelling House - Application withdrawn 28.04.2004

04/00683/FUL - Erection of Dwelling House - Application withdrawn 29.11.2004

05/00563/FUL - Erection of Dwelling House - Application withdrawn by applicants 28.10.2005

PUBLIC PARTICIPATION

The statutory neighbour notification procedure has been undertaken by the applicants. In addition, the proposals were advertised as development affecting the setting of a conservation area.

Six objections to the proposal (including the West End Community Council) have been submitted. The terms of these objections relate primarily to the impact that the proposals would have on the natural habitat (trees, wildlife etc), that the proposals are contrary to the relevant policies of the development plan, the adverse impact the development would have on road traffic safety, the adverse impact of the proposal on the environmental quality of adjacent occupiers by virtue of a reduction in sunlight, daylight and privacy, that the development would create an unwelcome precedent in this area and that the proposal does not accord with the street pattern of the local area.

Copies of these objections are available in the Members Lounges. Comments on these issues raised can be found in the 'Observation' Section of this Report.

CONSULTATIONS

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

The Head of Environmental Health and Trading Standards has advised that due to the historical nature of the site, a condition relating to the remediation of any potential contamination on the site should be attached to any permission granted.

The Councils Forestry Officer has advised that the proposals should not adversely affect the mature trees of high amenity value. However, a condition ensuring the protection of the trees to be retained should be attached to any permission granted.

The West End Community Council has advised that it is important to ensure that development is not permitted on the application site as it would set a precedent for developing the woodland area stretching along the railway line to the west. They further advise that this wooded area is part of the green Wildlife Corridor which links Magdalen Green to the landscaped approach to Dundee from the west.

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

Also, in accordance with the provisions of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Council is required to have special regard to any buildings or other land in a conservation area and special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the area

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 involves the erection of a dwelling house on a steep sloping site located on the west side of Richmond Terrace. The building, due to the site characteristics, will vary in height from two to three storeys and will be finished in timber, glass and stone facing. A significant amount of garden ground is associated with the development in addition to a roof garden being proposed on the north side of the house. Access into the site is taken from the east and two off-

street parking spaces and turning facilities are to be provided on the north side of the dwelling.

The proposal raises issues for consideration in terms of Policy 1 (Vibrant and Sustainable Communities) that seeks to ensure that new development does not adversely affect the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

By virtue of the steep sloping topography, the site does not lend itself naturally to residential development. However, it is considered that the

provision of a high quality innovative development may provide a reasonable

justification for the provision of a single dwelling on this unique south facing site. It is considered that the proposal achieves the quality of design that this site demands. The house has been designed specifically for this site and its flat roof appearance together with the use of a limited palette of materials combine to provide a solution that is highly innovative and appropriate for the site and the surrounding area. In addition, the landscape of site together with the steep slope of the site will ensure that the structure will not play an over dominant role in the in the make-up of the area.

In terms of parking and traffic movement, it is not considered that there would be a significant detrimental impact on the road traffic safety of the surrounding area given that the proposed development is for a single dwelling house only. Given the residential nature of the development, it is considered that there is no noise or smell implications with this application.

In light of the above, it is concluded that the proposals meet the requirements of Policy 1 of the Local Plan.

With regard to Policy 4 (Design of New Housing), this seeks to ensure that in this inner city location the development respects the surroundings and meets the relevant guidelines set out in the Local Plan. It is considered from the details submitted for consideration that the new house will provide the amount of living accommodation and private amenity ground that is required by Policy 4. In addition, as the new structure would, to

a significant degree, be set at a lower level than the surrounding residential properties and as there will be no windows at a higher level directly overlooking adjacent properties to the north, the neighbouring properties will not be adversely affected by a reduction in privacy or subject to overshadowing. With regard to the proposed roof garden on the north side of the house, the applicants have advised that a suitable boundary enclosure (minimum 1.8 metres in height), is to be provided along its north side ie facing the residential properties in Richmond Court. In this respect, the proposal meets the majority of the requirements of Policy 4 of the Plan.

The proposals also raise issues under Policy 55 (Urban Design). It is considered that the terms of this policy have been discussed in Policy 1 above and the same conclusions are offered. The applicants have submitted a Design Statement in support of their application.

The application site is located within the West End Suburbs Conservation Area and consequently, Policy 61 (Developments within Conservation Areas) is of relevance. This policy seeks to ensure that all developments complement and enhance the character of the surrounding area. The matters relating to the design of the building have been discussed above. The site sits in a prominent position on a steep sloping, south facing site that is visible from Riverside to the south. The surrounding area accommodates a variety of house designs ranging from traditional stone built villas and terraces to modern 2 storey housing. The area is also characterised by a tree belt running along the north side of the railway that acts as a screen for the houses located to the north. The introduction of a new house of the design proposed on the application site is unlikely to detract from the character of the surrounding area and consequently, the proposal is considered to be in accordance with Policy 61.

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

It is also concluded from the foregoing that the statutory duty set out in the relevant sections of the Planning (Listed Buildings and Conservation

Areas) (Scotland) Act 1997 is discharged in this instance.

Other Material Considerations

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

The Memorandum of Guidance on Listed Buildings and Conservation Areas seeks to ensure that new development in Conservation Areas is well designed, respects the character of the area and contributes to its enhancement. Special regard should be paid to such matters as scale, bulk, height, materials, colour, vertical and horizontal emphasis and detailed design. In light of the above policy considerations it is considered that the proposed development meets the requirements of the Memorandum.

Objections

The proposed development has attracted 5 local objections and a letter of objection from the West End Community Council. The main issues raised have been identified in the Public Participation Section and discussed in the Observations Section above.

With regard to the impact the proposals will have on nature conservation, it is considered that the development due to its location, small scale and size will not significantly detract from the importance of the surrounding area.

It is concluded from the foregoing that there are no material considerations which justify the refusal of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be approved.

Design

The proposed new building is a two/three storey flat roof dwelling that is to be finished in a limited palette of timber, glass and stone facing. The scale, massing, design, appearance and materials of the proposed new house are all considered to be innovative and highly appropriate for the site and the surrounding area.

CONCLUSION

The proposed development is considered to be in accordance with the relevant development plan policies for the area. It is also considered that

the proposal would, by virtue of its innovative design, have no adverse affect on adjacent occupiers or the setting of the surrounding conservation area. There are no material considerations that would justify the refusal of this application contrary to the requirements of the development plan.

RECOMMENDATION

It is recommended that consent be GRANTED subject to the following conditions:-

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.
- 2 Samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples.
- 3 Development of the site shall not begin until a scheme that identifies all the trees that are to be retained within the site has been submitted to and approved in writing by the planning authority. For the avoidance of doubt, all trees to be retained shall be fenced off in accordance with BS5837,2005 prior to the commencement of any works.
- 4 Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of proposals to deal with contamination to include:
 - i the nature, extent and type(s) of contamination on the site
 - ii measures to treat/remove contamination to ensure that the site is fit for the use proposed
 - iii measures to deal with contamination during construction works
 - iv condition of the site on completion of decontamination measures.

Before the residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 To protect those trees which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance of the development.
- 4 In order to ensure that the site is fit for the use proposed.