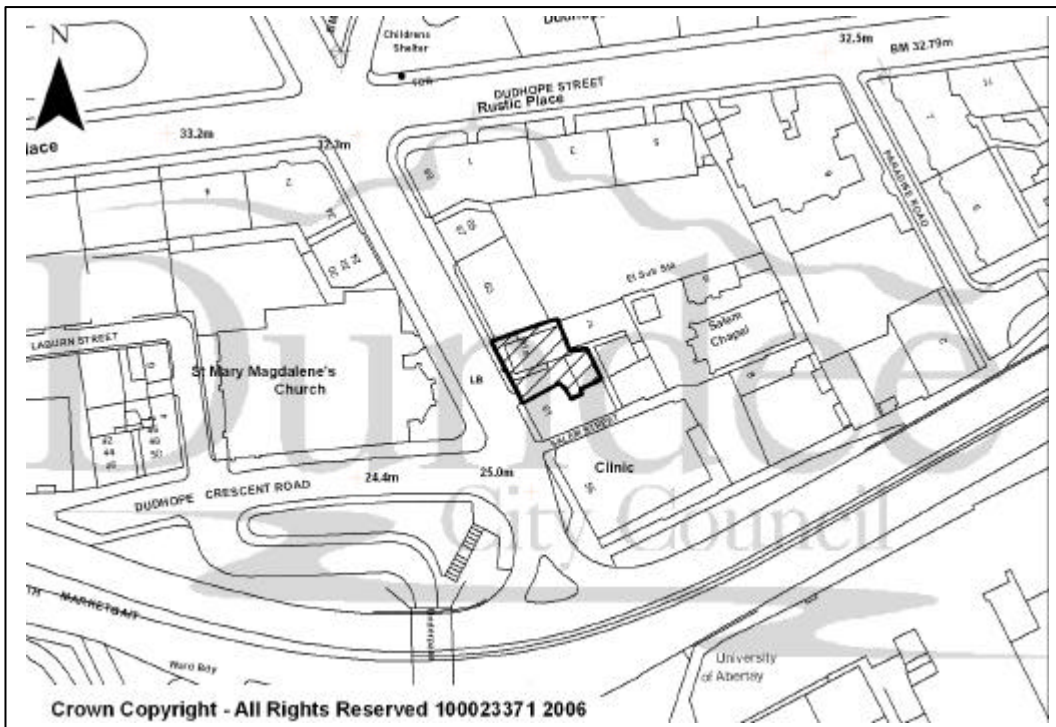


KEY INFORMATION

Ward Hilltown

Proposal

Erection of five flats with car parking

Address61A Constitution Road
Dundee
DD1 1LA**Applicant**KORPP Ltd
301C Perth Road
DUNDEE
DD2 1LG**Agent**Nicoll Russell Studios
111 King Street
Broughty Ferry
Dundee
DD5 1EL**Registered** 1 Dec 2006**Case Officer** D Gordon

Proposal for New Flatted Development in Constitution Road

The erection of five flats with car parking is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal fails to comply with the relevant policies of the adopted local plan. There are no material considerations that would justify the approval of the application contrary to these policies. The application is recommended for **REFUSAL**

SUMMARY OF REPORT

- Planning permission is sought to demolish an existing two storey house (with basement) and erect a block of five flats on a site located on the east side of Constitution Road. The flats will each accommodate 3 bedrooms. Associated off street car parking (6 spaces) is also proposed.
- Policies 1, 4 and 55 of the Dundee Local Plan Review are relevant to the determination of this planning application. The proposal has been advertised as being contrary to Policy 4 of the Plan.
- Two objections and a letter of support have been received. The main valid issue of concern raised by the objectors relates to the proposed development being out of character with the surrounding area.
- It is considered that the proposed development fails to comply with Policy 1, Policy 4 and Policy 55 of the Local Plan by virtue of the scale, design, appearance of the development, the failure to provide appropriate safe parking provision and the adverse impact the new flats will have on the environmental qualities currently enjoyed by surrounding occupiers.

DESCRIPTION OF PROPOSAL

The application seeks permission to demolish a two storey house (with basement), stone built, slate roof dwelling house and erect a 4 storey block of 5 flats with associated off street car parking.

The submitted details advise that the development will accommodate 6 off-street car parking spaces and a limited area of amenity land at lower ground level. This will be accessed by a ramp leading off Constitution Road to the west.

The levels above accommodate 5 x 3 bedroom flats with 2 of these flats being double height. The top floor will, in part, accommodate a roof garden and a fitness room.

The building will be finished in buff facing blockwork at base level, with white power wall smooth render above.

SITE DESCRIPTION

The site is located on the east side of Constitution Road. The site currently accommodates a stone built, 2 storey dwelling house (with basement) that orientates in an east to west direction. Access to the property is from Constitution Road to the west.

The surrounding area accommodates a variety of uses typical of an edge of city centre location. Immediately to the north is a 4 storey, stone built tenement (with attic) property that fronts onto the Constitution Road. To the south is a 2 storey former vet's practice that now operates as a solicitor's office. To the west is a church. Immediately to the east is a two storey dwelling house. This property has split level curtilage ground with the upper level (north) accommodating small conservatory type extensions. The south most of these extensions has solar panels on the roof. At the lower level there is a garage and parking area that is accessed off Salem Street and a small swimming pool.

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

The City Council will promote vibrant communities, encouraging the development of an appropriate 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 affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

Policy 3: Housing Investment Focus Areas

The City Council will encourage investment in housing and related social and physical infrastructure in the Housing Investment Focus Areas identified on the Proposals Map, working in partnership with Communities Scotland and the private sector. More detailed development frameworks, masterplans and action plans for each of the focus areas will be brought forward as appropriate by the Council and will form supplementary guidance to this Local Plan.

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 1 of this Local Plan unless:

- a the City 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 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.

New housing development should also have regard to the principles of the City Council's Urban Design Guide.

In addition, new housing development should meet "Secured by Design" standards. New residential streets should be designed to promote low vehicle speeds of 20 mph or less. New housing should have regard to opportunities to maximise energy efficiency and promote sustainable waste management.

Where conversion of a listed building or other building worthy of retention is proposed, there may be limited flexibility in applying parking and garden ground requirements where compliance is impractical. The development of flats through conversions of buildings of merit may also be acceptable where conversion to flats is the only appropriate action.

Policy 55: Urban Design

For all new developments the emphasis will be on design quality and the City Council will seek the creation of new public places and points of interest which incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. All development should respect the setting of listed buildings.

The City Council require the use of Design Statements for planning applications or listed building applications for new buildings or extensions to existing buildings on significant sites.

All development will, in its design and layout, be expected to contribute to an environment which is safe and accessible to all.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

Scottish Planning Policy 3: Planning for Housing reflects the key planning policies in Scottish Planning Policy 1: The Planning System and addresses them in relation to new housing.

Designing Places - Policy Statement for Scotland (Scottish Executive 2000). This document sets out the

policy context for raising the standards of urban development in Scotland.

Planning Advice Note 67: Housing Quality explains how "Designing Places" should be applied to new housing. It identifies the qualities found in successful places and provides examples of successful development in order to promote good design.

Non Statutory Statements of Council Policy

The following policy statements are of relevance:

Dundee - The Urban Design Guide

SUSTAINABILITY ISSUES

The proposal involves the development of a brownfield site. The application raises no concerns in relation to the Council's Sustainability policies.

SITE HISTORY

There are no planning applications for the site that are of relevance to the determination of this application.

PUBLIC PARTICIPATION

The statutory neighbour notification procedure has been undertaken by the applicants.

The proposals have also been advertised in the local press as development contrary to Policy 4 (Design of New Housing) of the Dundee Local Plan Review 2005.

Two objections to the proposals have been received from adjacent residents. The main valid concern that has been raised relates to:

- 1 The development is out of character with the adjacent and surrounding properties

A letter in support has also been submitted by a local resident.

Copies of the letters are available for inspection in the Members Lounges. It is intended to comment on the above concern raised in the Observations Section of this report below.

CONSULTATIONS

The Council's Head of Environmental Health and Trading Standards has advised that the area currently carries a high level of road traffic noise. Should

the Council be minded to approve the application, a condition should be attached to any permission granted requiring internal noise levels within each individual apartment be limited during daytime and night time hours.

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 proposals under consideration seeks permission to demolish an existing stone built, two storey (with basement), stone built dwelling house. This property is a good example of a house of its time although the property is not listed and is not located within a conservation area. It is intended to replace the house with a 4 storey block of flats that will accommodate 6 off street car parking spaces and 5 residential units.

The proposals require to be determined under Policy 4 (Design of New Housing) of the Dundee Local Plan Review 2005. This policy seeks to ensure that the design and layout of new housing within the city is of a high quality. Appendix 1 of the Plan sets out the following requirements necessary to achieve this aspiration:-

- 1 Flats will only be permitted if identified in a site planning brief, site circumstances demand a flatted solution or conversion of an existing building is proposed and houses are impractical. Flats should have a minimum of 60 sq. metres. The site is not the subject of a planning brief, is not allocated for flats and is not the conversion of an existing building. It has not been fully demonstrated by the applicants that a flatted solution is the only practical solution for the development of this site.

However, the new flats exceed the minimum floor space requirements as stated in the Plan.

- 2 Private flats should provide 130% associated parking provision. The applicants have advised that 6 off street spaces are to be provided on the lower ground floor area of the development ie 120% provision. Due to the very restrictive nature of the site, it is considered that there is insufficient room for this number of spaces to allow vehicles to enter the car park and manoeuvre in and out of the allocated spaces. It is also considered that there will be restricted visibility for vehicles exiting the proposed car park. Consequently, as the proposed development cannot provide the level of car parking required it fails to comply with Policy 4 of the Plan.
- 3 Useable private communal garden areas of 100 sq metres or 10 sq metres/flat should be provided whichever is the greater. The applicants have indicated a small area of amenity land at lower ground floor level adjacent to the proposed car parking area. This is considered to be unusable due to its size and location. A roof garden is proposed on the top floor of the building. It is considered that this could be expanded to comply with the requirements of the Plan.
- 4 Living room windows and balconies should not unacceptably overlook private garden areas of houses. The submitted plans advise that kitchen and bedroom windows will directly overlook the garden area of the dwelling house located immediately to the east. In addition there is a potential for 3 lounge windows to overlook, to a degree, the south most garden area of this property to the east.

Policy 1 of the Local Plan promotes new developments that are in accordance with the policies of the Local Plan. However, it also seeks to protect the environmental qualities enjoyed by local residents by virtue of design, layout, parking and traffic

movement issues, noise and smell. It is considered that the size and scale of the new development will have an adverse impact on the sunlight, daylight and privacy of the residential property located immediately to the east of the application site. The height of the new flats will be significantly higher than the height of the existing house. It is clear that this increase in height will cast a significant shadow on the amenity ground of the adjacent property during certain times of the day and as a result reduce both the sunlight and daylight to the premises. This will be particularly relevant in the winter months. It is also considered that the overlooking of the adjacent house by a number of habitable rooms of the flats (as discussed above) will have an impact on the privacy currently enjoyed by the existing occupiers.

Policy 55 places an emphasis on quality for all new developments within the city. It is considered that the proposed design put forward for consideration is modern and contemporary in nature. However, while individually the design of the building would be welcomed in certain locations, it is considered that it is inappropriate in this particular instance. In particular the scale and impact of the south gable end of the building would dominate the buildings to the south and the scale of the building to the rear would be overpowering and would significantly dominate the residential property to the east.

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:

View of the Objectors

The main valid concern that has been raised by the objectors ie that the proposed building is out of character with the surrounding area, has been discussed above and the views of the objectors are upheld.

It is concluded from the foregoing that insufficient weight can be accorded to any material consideration 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

It is considered that scale, form, appearance and design of the proposed new flatted development are inappropriate in this location. The development would dominate the surrounding properties to the south and east to the detriment of the visual amenity of the local area.

CONCLUSION

It is concluded that the proposed development fails to comply with the relevant policies of the development plan by virtue of design, scale and appearance of the new building, the inability to provide an appropriate level of safe off street car parking spaces and the adverse impact the development will have on the environmental qualities currently enjoyed by the local residents to the east. The view of the objectors is supported.

RECOMMENDATION

It is recommended that consent be REFUSED for the following reasons:-

Reasons

- 1 The proposed development contravenes Policy 1 of the Dundee Local Plan Review 2005 by virtue of the adverse impact the proposal will have on the environmental qualities currently enjoyed by the residents located to the east of the site and there are no material considerations that justify the approval of this application contrary to this policy.
- 2 The proposed development contravenes Policy 4 of the Dundee Local Plan Review 2005 by virtue of the site not being identified for the development of flats, the failure to provide an appropriate level of safe off street car parking spaces and the reduction of privacy by overlooking of the private garden area of the residential property to the east. There are no material considerations that would justify the approval of this application contrary to this policy.

- 3 The proposed development contravenes Policy 55 of the Dundee Local Plan Review 2005 by virtue of the scale, design, appearance and the adverse impact of the new flatted block on the visual quality of the surrounding area. There are no material considerations that would justify the approval of this application contrary to these policies.