

KEY INFORMATION

Ward West End

Proposal

Erection of 3 No 2 Storey terraced houses

AddressLock Ups
Thomson Street
Dundee**Applicant**Charleston Holdings Ltd
16 Albert Street
Monifieth
DD5 4JS**Agent**Leadingham Jameson
Rogers and Hynd
18 South Tay Street
Dundee
DD1 1PD**Registered** 12 Sep 2007**Case Officer** Eve Jones

Proposed Housing Development in Thomson Street

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

RECOMMENDATION

The proposal complies with Policies 1, 4 and 61 of the Dundee Local Plan Review 2005. In accordance with Non-Statutory Policy HMO 4, a Section 75 agreement to restrict HMO use will be sought with the applicant. There are no material considerations to justify the refusal of the application. Accordingly the application is recommended for **APPROVAL** subject to a Section 75 and conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of 3 x 2 storey houses with parking for 2 cars and private gardens of between 64 and 90 square metres. The design is a traditional terrace, stepped down the sloping site, with pitched slate roofs and smooth cement render walls.
- The site is currently occupied by lock-ups and is located on the west side of Thomson Street, close to its junction with Perth Road.
- Dundee Local Plan 2005 - Policy 1 : Vibrant and Sustainable Communities; Policy 4: Design of New Housing and Policy 61 : Development in Conservation Areas are relevant as is the Non Statutory Statements of Council Policy "Houses in Multiple Occupation". It is considered that the proposal complies with the policies.
- The agent has submitted a supporting statement with justification for the redevelopment of the Lock-ups which is acceptable.
- This is an area of multiple letting and it is considered appropriate to secure a Section 75 agreement with the applicant to prevent multiple occupation given the limited parking and the high level of HMO licenses in the surrounding area.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of 3 x 2 storey houses each having a lounge/dining/kitchen and 3 bedrooms, one en-suite. All have parking for 2 cars and private gardens of between 64 and 90 square metres. The rear gardens are accessed by a path to the street.

The design is a traditional terrace, stepped down the sloping site, with pitched slate roofs and smooth cement render walls.

Justification for the loss of the lock-ups has been submitted.

SITE DESCRIPTION

The site is currently occupied by lock-ups and is located on the west side of Thomson Street, close to its junction with Perth Road. The site is level but as the landform generally slopes down from north to south, the site has retaining walls to the higher garden ground to the north and the lower garden ground to the south. These old rubble stone boundary walls are to be retained and repointed.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 2005

The following policies are of relevance:

Policy 1 : Vibrant and Sustainable Communities.

Policy 4 : Design of New Housing.

Policy 61 : Development in Conservation Areas.

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

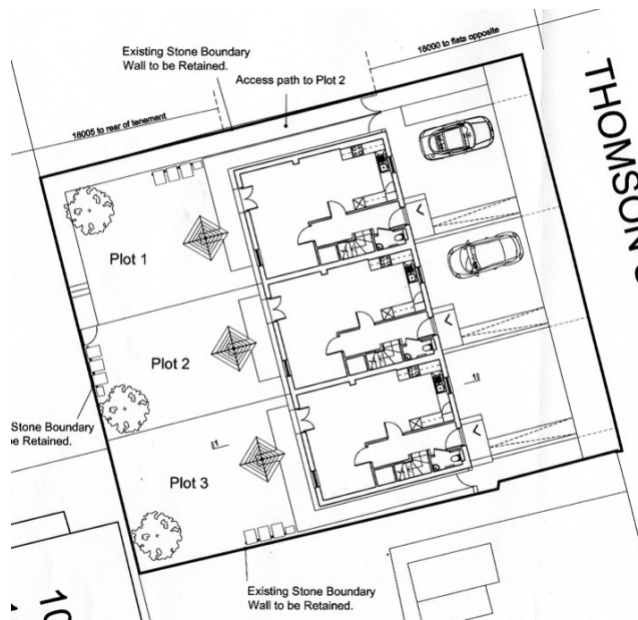
The following policy statements are of relevance:

"Houses in Multiple Occupation".



SUSTAINABILITY ISSUES

The following sustainability policy implication(s) arise from this application : Policy 5 : Built Environment encourages protection of the quality and diversity of the built heritage through ongoing regeneration. The application is for the erection of new housing sensitive to its location in the Conservation Area.



SITE HISTORY

07/00214/FUL for the erection of 4 x 3 storey townhouses of modern design and construction materials was withdrawn on 5/06/2007. There were a number of objections to that application. Following discussion, the applicant has submitted the current application which is reduced in scale from the previous proposal.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised as a development affecting the setting of a Conservation Area. There were no objections. One neighbour sought confirmation that the boundary walls would be retained and that multiple occupation could be prevented.

CONSULTATIONS

There were no adverse comments from consultees.

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.

Policy 1: Vibrant and Sustainable Communities

The policy states that 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.

The design and layout is acceptable. The agent has submitted justification to the effect that the majority of the

lock-ups are not rented by local people and are used more for storage than parking vehicles. The traffic generated by the lock-up site is more than will be generated by the proposed 3 houses which is to the benefit of local residents. Equally the noise generated by traffic to and from the lock-ups will be reduced by the redevelopment for 3 houses with parking immediately off street.

Subject to compliance with other policies in the Development Plan, it is considered that the proposal complies with Policy 1.

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 m.p.h. or less. New housing should have regard to opportunities to maximise energy efficiency and promote sustainable waste management."

The proposed houses comply with the criteria in Appendix 1 in respect of house type, size, and garden ground. The development provides 2 parking spaces per house which is higher than the standard in the policy but this is an area where there is a lack of parking provision both off and on street. The policy requires 40% of the houses to have a garage or space for one which cannot be provided by this development. However, the policy also notes that in certain very small sites, compliance with Appendix 1 is not practical and flexibility will exist if the development is of exceptional quality. It is considered that the proposed design and materials complement the character of the surrounding area and are of sufficient quality to justify the relaxation of this requirement of the policy.

Policy 61: Development In Conservation Areas - "Within Conservation Areas all development proposals 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 and the historic pattern of streets and spaces, as identified in the Conservation Area management plans to be advanced in the near future."

The site lies within the West End Lanes Conservation Area which is characterised by steep narrow roads bounded by stone walls with buildings at right angles to the road or closely bounding it often with narrow front gardens bounded by low stone walls. The context of this site is within a sloping street, with sites which step down from Perth Road. The site forms a gap between a single storey cottage and its garden to the north and the enclosed garden of a two storey property to the south. There are relatively new flats to the east and traditional tenement properties to the west. The predominant material is stone or render in muted colours.

The proposed development steps down the slope with a terrace of traditionally designed two storey houses using slate roof and cement render walls. The window design and sizes also complement the traditional design.

It is considered that the development complies with Policy 61 and will make a positive contribution to the Conservation Area.

With reference back to Policy 1, the proposal is considered to be in accordance with other policies in the Plan therefore it also complies with Policy 1. It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

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

The agent has submitted a supporting statement regarding the resubmission of the application following the earlier withdrawal of the larger proposal. It also contains a copy of the previous justification for the redevelopment of the Lock-ups to the effect that the

majority of the lock-ups are rented by tenants who do not live locally and are used for storage rather than the parking of cars. The agent states that the lock-ups have become a focus of anti-social behaviour and considers that the development will improve the visual appearance of the area. The statement makes several references to the development being for 4 townhouses but this refer to the previous application which was not supported and was withdrawn. This application is for 3 terraced houses.

It is concluded that the general justification submitted does support the redevelopment of the site and the replacement development is of a sufficiently high standard. The revised design is significantly better than the previous application and complies more fully with the development plan.

Houses in Multiple Occupation

The supplementary planning policy guidance was approved as a material consideration in the determination of planning applications in order to control the use of premises for multiple occupancy in certain areas of the City.

Policy HMO4 Controlling Multiple Occupancy in New Residential Developments applies in this case. This site lies within the Central Dundee Housing Investment Focus Area identified in the Dundee Local Plan Review 2005. This is an area of multiple letting between the University campus and Ninewells. The proposed houses have 3 bedrooms and could each be let to up to 5 unrelated persons without the requirement for planning permission. It is considered appropriate to secure a Section 75 agreement with the applicant to ensure that these properties are not let for multiple occupation given the limited parking and the high level of HMO licenses in the surrounding area. The concentration of HMOs within the Census Output Area (COA) where this site is located is 13.16%. Policy HMO2, which applies to applications for HMOs, does not support HMOs in COAs which exceed 12.55 of the total residential stock.

Memorandum of Guidance on Listed Buildings and Conservation Areas. The Memorandum states that, "new development which is well designed, respects the character of the area and contributes to its enhancement should

be welcomed." It is considered that the design, materials and layout satisfy these criteria for the reasons given above.

Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.

It is also concluded from the foregoing that the statutory duty set out in Section 64 of the Act, to preserve or enhance the character or appearance of the Conservation Area would be satisfied by the approval of this proposal.

It is concluded from the foregoing that weight can be accorded to the material considerations in support of the grant of planning permission in accordance with the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

As noted, the design and materials are now acceptable and complement the surrounding Conservation Area.

CONCLUSION

It is considered that the proposal complies with Policies 1, 4 and 61 of the Dundee Local Plan Review 2005. The site is in an area of high HMO letting and in accordance with Non-Statutory Policy HMO 4, a Section 75 agreement to restrict HMO use will be sought with the applicant. There are no material considerations of sufficient weight to justify the refusal of the application contrary to the terms of the development plan.

RECOMMENDATION

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 proposed dwellings becoming a house in multiple occupation.

Recommendation 2

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 Details of the 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.
- 3 The council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council Planning Authority. The scheme shall include a full timetable for the remediation measures proposed. Verification shall be provided by the applicant or his agent, on completion, that remediation has been undertaken in accordance with, and to the standard specified in the agreed remediation scheme.
- 4 The existing stone boundary walls on the north, west and south elevations of the site shall be retained and repaired as required in accordance with Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas 1998, Appendix 1, paragraph 1.0.0.
- 5 Prior to the first occupation of any of the dwellings, the car parking spaces shall be surfaced in accordance with details that have previously been submitted to the City Council for approval and if approved, the spaces shall be laid out and retained for use by the occupants.
- 6 The footway ex-adverso the site shall be resurfaced entirely as a minimum and any existing footway crossings which are not required as part of the new development shall be made good as footway.
- 7 Prior to the first occupation of any of the dwellings, waste bins shall be provided in accordance with Dundee City Council standards with access to the rear gardens as detailed in the approved plans.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In order to safeguard the visual amenity of the Conservation Area.
- 3 In the interests of the amenities of the future occupants of the residential accommodation.
- 4 In order to safeguard the visual amenity of the Conservation Area.
- 5 In the interests of public and highway safety and the visual amenities of the area.
- 6 In the interests of highway safety and the amenities of the occupiers of nearby properties.
- 7 In the interests of the amenities of the future occupants of the residential accommodation.