

**KEY INFORMATION**

**Ward** Maryfield

**Proposal**

Formation of two additional dwellings

**Address**

27 Arbroath Road  
Dundee  
DD4 6ES

**Applicant**

H & H Properties UK Ltd  
71 Blackness Road  
Dundee  
DD1 5PD

**Agent**

ARKTX Chartered Architects  
187 Strathmartine Road  
Dundee  
DD3 8BL

**Registered** 3 Oct 2007

**Case Officer** P Macari



## Proposed Addition of Two Flats in Development at Arbroath Road

The formation of two additional dwellings is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation.

**RECOMMENDATION**

Although the proposed development was advertised as being contrary to Policy 4 of the Dundee Local Plan Review 2005, it is considered that there are material considerations including the criteria of Policy 1 of the Dundee Local Plan that justify approval of this application contrary to the provisions of the Development Plan.

**SUMMARY OF REPORT**

- Planning permission is sought to subdivide 2 penthouse apartments approved under planning application 05/00067/FUL and form 2 additional flats.
- The application was advertised as being contrary to Policy 4 of the Dundee Local Plan 2005 and the applicant followed the statutory neighbour notification process. No letters of objection have been received.
- The proposed development is considered contrary to Policy 4 of the Dundee Local Plan but on the basis of the proposals compliance with Policy 1 it has been demonstrated that there are material considerations that support the approval of planning permission contrary to the Development Plan.

## DESCRIPTION OF PROPOSAL

This application seeks planning permission for the subdivision of 2 flats in a block of 14 flats approved under planning permission 05/00067/FUL to form 16 flats

## SITE DESCRIPTION

The application site is located on the south side of Arbroath Road on the site of a former car repair centre and car park. The site currently benefits from planning permission for the erection of 14 flats and 10 dwelling houses. The site is currently under construction with the former car repair centre already demolished and a new retaining wall being built along the southern boundary of the site.

The site slopes from north to south with a drop of 10m between Arbroath Road and Lilybank Terrace.

The application site is bound to the south by an area of public open space with a network of public footpaths following the southern and western boundaries of the site. To the east the site is bound by 3 storey stone built tenement flats constructed in a block of 12. Immediately to the west of the site there is public open space before reaching the 4 storey tenement block of Robertson Street. To the north of the site and immediately opposite is a relatively new 4 storey development of residential flats. To the east of this new block is a 3 storey tenement block of flats which continues west to meet Albert Street. The ground floor of this tenement houses commercial premises for a variety of Class 1 and Class 2 uses.

## 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 - 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 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.

### 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.

## SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

## SITE HISTORY

Planning application 04/00787/FUL sought full planning permission for the demolition of an existing industrial unit and the erection of 10 houses and 12 flats in its place. Planning permission was granted by the Development Quality Committee.

Planning application 05/00067/FUL sought planning permission to create 2 additional flats in the attic space of the block of 12 flats approved under planning application 04/00787/FUL. Information was submitted in support of this application whereby the applicant required 2 additional 3 bedroom penthouse flats to overcome the costs of clearing the site that had escalated due to poor ground conditions. Sufficient car parking facilities and amenity space was considered to be available and therefore planning permission was granted.

The current planning application seeks to subdivide the previously approved 2 penthouse flats to form 2 additional flats taking the density of the development to 16 flats and 10 ten houses. The rationale behind the current application is that there is no market in the Stobswell Area for flats of the size and consequent cost of those approved under planning application 05/00067/FUL.

## PUBLIC PARTICIPATION

The applicant carried out the statutory neighbour notification process and the application was advertised as being contrary to Policy 4 of the Dundee Local Plan Review 2005 on the 23 October 2007. No letters of objection have been received.

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## CONSULTATIONS

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No adverse comments have been received from consultees.

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## OBSERVATIONS

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In accordance with the provisions of Section 25 of the Act the Committee is required to consider:

- 1 whether the proposals are consistent with the provisions of the development plan; and if not
- 2 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.

Since first being granted planning permission the site has been cleared and works have begun on the erection of the previously approved 10 houses. Given the poor ground conditions experienced by the applicant during initial clearance of the site and the high costs involved in making good the site for development, 2 additional flats were required to ensure the development would still be financially viable. Planning permission was subsequently approved for 2 additional units under planning application 05/00067/FUL. However due to current market conditions the cost of creating 2 penthouse flats would be far greater than the return required to make the project financially viable. The applicant has therefore submitted the current application for the subdivision of the 2 penthouse flats to create four 2 bedroom flats taking the density of the development to 16 flats and 10 houses.

In accordance with Policy 1 of the Dundee Local Plan Review 2005, the principle of redevelopment of 27 Arbroath Road was considered to promote vibrant communities whilst minimising any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell. The additional flats proposed are considered to be of a modern design and layout that reflects modern life in the Stobswell Area. Whilst the development as a whole

may fall 1 space short of the required car parking provision stipulated by Appendix 1 of Policy 4, Stobswell is populated by a variety of Council owned public car parks all within close proximity to the application site. Further, Arbroath Road and Albert Street are major thoroughfares through the east of the City and are served by most buses passing through the city. The subdivision of 2 penthouse flats to form 4 flats will not result in any alterations to the scale or massing of the flats approved under planning application 05/00067/FUL. The additional flats will not overdevelop the site through increasing pressure on what little amenity space is available through the use of balcony extensions. The previously approved flats were not considered to impact upon adjoining residential units by virtue of design and layout and therefore it is considered that the proposed additional flats will not impact upon surrounding properties through sensitive design whereby there are no additional east facing window openings. The proposed flats are therefore considered to meet the criteria of Policy 1 of the Dundee Local Plan 2007 by virtue of design.

The proposed development is contrary to the provisions of Appendix 1 Policy 4 in terms of cumulative amenity space and car parking. The formation of an additional 2 flats at 27 Arbroath Road will not significantly impact upon the amount of amenity space serving each flat given that each flat is afforded a substantial balcony. Further, as detailed above there are ample public car parking facilities and efficient public transport facilities in close proximity to the application site that are readily available to future residents of the proposed development.

It is concluded from the foregoing that regardless of whether the proposed development is contrary to Policy 4, when assessed against the criteria of Policy 1, it has been demonstrated that the previously approved design and layout of 27 Arbroath Road can accommodate 2 additional flats whilst positively contributing to the regeneration of the Stobswell Area and in particular the environs of Arbroath Road.

## Other Material Considerations

### Stobswell Regeneration

The application site is located on the periphery of the Stobswell Housing Investment Housing Area and is included within the regeneration remit of the Stobswell Area. The predominance of small one and two bedroom Victorian tenement accommodation in the Stobswell area needs to be redressed to create a sustainable neighbourhood by providing larger family accommodation of 2, 3 and 4 bedroom apartments and urban town house terrace forms to provide a balance to the housing mix available on the market. It is considered that the provision of additional flats goes some way to achieve this as the 2 penthouse apartments previously approved are of both a size and cost that cannot be supported by current market conditions. The subdivision of these flats to form four 2 bedroom flats is considered to create modern residential accommodation that will allow people to remain in the area, move up the property ladder and attract new residents to the area to contribute to its sustainability.

It is concluded from the foregoing that sufficient weight can be accorded to 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 granted with conditions.

### DESIGN

Although no major external alterations to the 4½ storey block of flats are proposed. The building is considered to be of an innovative and contemporary style and design that will provide modern living accommodation and new architectural styles and designs in the Stobswell area.

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## CONCLUSION

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Although the proposed development was advertised as being contrary to Policy 4 of the Dundee Local Plan Review 2005, it is considered that there are material considerations including the criteria of Policy 1 of the Dundee Local Plan that justify approval of this application.

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## RECOMMENDATION

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

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.

### Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.