

KEY INFORMATION

Ward West End

Proposal

Demolition of Dwelling houses and erection of 10 flats

Address

Land at 2A Glenagnes Street & 215/217 Blackness Road
Dundee

Applicant

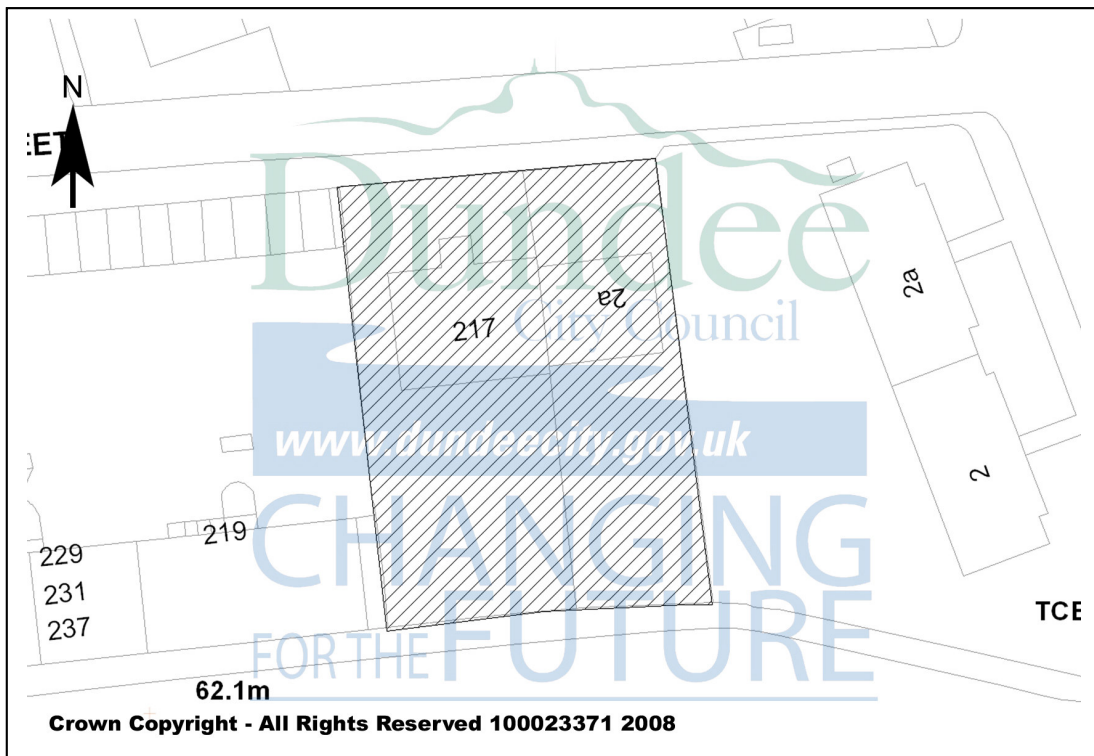
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Agent

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Registered 1 May 2008

Case Officer E Jones



Proposal for New Flats in Blackness Road

The erection of 10 flats is **RECOMMENDED FOR APPROVAL** subject to a Section 75 Agreement. Report by Director of Planning and Transportation.

RECOMMENDATION

The application complies with Policy 4 other than the facing distance to flats opposite. However, the site conditions require a flatted block of this type. It is therefore recommended that planning permission be granted with conditions subject to the recording of a Section 75 Agreement to prevent HMO use.

SUMMARY OF REPORT

- Planning permission is sought for the demolition of two houses and the erection of 10 flats comprising 9 x 3 bedroom flats and 1 x 2 bedroom flat. The development has 96m² of amenity space, 16 car parking spaces and bin stores.
- The site lies on the north side of Blackness Road, 35 metres west of its junction with Glenagnes Road. The site slopes down steeply to the north and north east. The buildings to the east, west and south are four storey tenements.
- One comment was received from a local resident on parking provision. Scottish Water advises that a totally separate drainage system will be required.
- Policy 4 - Design of New Housing applies and it is considered that, this particular site is more suitable for the development of flats. The proposed development almost complies with the policy but is 1 metre closer than the required window to window distance to flats opposite.
- As the flats could each be let to up to between four and six unrelated persons, it is considered appropriate to secure a Section 75 Agreement with the applicant to ensure that these properties are not let for multiple occupation.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the demolition of two houses and the erection of 10 flats in a 5 storey. The development will provide 9 x 3 bedroom and 1 x 2 bedroom flats of between 77 and 91m². All have lounges, separate kitchens and ensuite master bedrooms. Eight of the flats have a south facing balcony off the lounge. The development has 96m² of amenity space to the rear of the building with additional clothes drying facilities and cycle storage. To the rear, accessed from Glenagnes Street, there are 16 car parking spaces. There is a basement bin store and the flats are served by a lift to all floors. The design is modern with brick panels, coloured render and cladding panels. Final details of the materials will require to be agreed by condition.

SITE DESCRIPTION

The site lies on the north side of Blackness Road, 35 metres west of its junction with Glenagnes Road. The site slopes down from Blackness Road to the north where it meets Glenagnes Street and to the north east where it abuts the rear gardens of three storey tenement housing facing on to Glenagnes Road. The buildings to the west and south are four storey tenements. The north side of Glenagnes Street has four-in-a-block housing, part of the Logie Conservation Area.

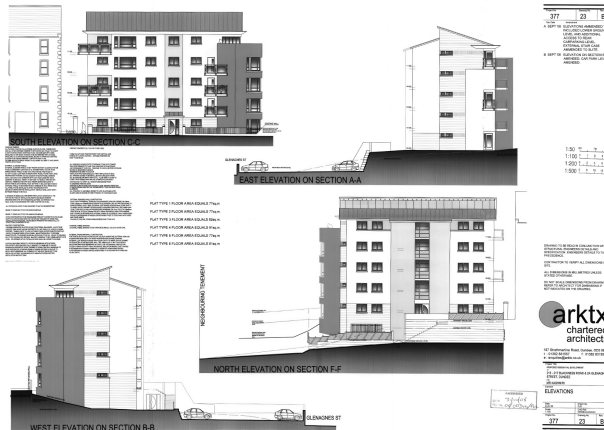
The site is currently occupied by two dwelling houses. To the west, a traditional, stone, one and a half storey house which is derelict and boarded up. The adjoining property to the east is a modern, white painted two storey house which is occupied. The stone house was accessed from Blackness Road and the white house is accessed from Glenagnes Street.

The site also formerly contained a small sandwich shop/takeaway located on the street frontage of Blackness Road. This was demolished some time ago.

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 4 - Design of New Housing



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:

Supplementary Planning Policy Guidance "Houses in Multiple Occupation" approved November 2006.

SUSTAINABILITY ISSUES

The following sustainability policy implication arises from this application:

Policy 5 Built Environment. The proposal will enhance the local environment through ongoing regeneration.

SITE HISTORY

07/01081/FUL - Erection of 10 flats. Application withdrawn (15/04/2008) following discussion with planning officers to address various issues which resulted in the submission of this current application.

The other planning history relates to parts of the site as follows:

06/00875/FUL - Extension to sandwich shop. As noted in the site description, a small single storey sandwich shop was located on the Blackness Road elevation. This application was approved by Committee on 4 December 2006 but when works commenced, there were structural problems with the original building and it was demolished.

06/00874/FUL - Alterations to basement to form flat. This application related to the basement of the stone dwelling which is now vacant and derelict. It proposed conversion of the basement to form a separate flat. The application was refused on 7 November 2006 and the subsequent appeal against that refusal was dismissed on 12 May 2007.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised as a development contrary to the Development Plan. One letter was received from a neighbour in Blackness Road stating that he objected unless the plans showed "adequate parking arrangements internally within the site boundaries". As the proposals have 16 spaces within the site for 10 flats, this was not considered to be an objection, but was regarded as a comment.

CONSULTATIONS

Scottish Water advises that the water treatment works and waste water treatment works have capacity to service the proposed development. A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water supports the principal of a sustainable urban drainage system (SUDS) and the developer should consider utilising this in the surface water drainage design.

The applicant has not submitted a SUDS scheme for this development and it is considered that this should be the subject of a suspensive condition which will require full details to be approved by the City Council and Scottish Water before any development can commence on site.

The applicant's agent has consulted with the Department of Waste Management to discuss and agreed the provision of bin stores at this site.

OBSERVATIONS

Statutory Requirements

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 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."

Policy 4 and its associated Appendix 1 set the criteria for the development of new housing. The policy seeks the provision of houses rather than flats to improve the range and choice of housing available in the City. This is a site with two road frontages which slopes quite steeply down from south

to north and to the north east with a level difference of more than 4 metres at its maximum. Blackness Road at this point is not suitable for individual driveway entrances which would be required for a housing development. The surrounding properties are tenement flats of three and four storeys. It is considered that, due to its location and site specific characteristics, this particular site is not suitable for the development of housing and is more suited to a flatted solution.

Accordingly, the development falls to be considered against the criteria for flats in the Inner City as defined by Appendix 1. The proposed development complies with the requirements in respect of size, parking, drying and amenity ground which includes attractive usable balconies. With regard to the privacy standards in the Appendix, it seeks a minimum of 18 metres between facing windows of habitable rooms. The proposal is 17 metres from the existing tenements on

the south side of Blackness Road and there are balconies on flats at upper levels. The nearest windows in relation to the rear of the properties on Glenagnes Road are 22.8 metres away and the windows are not directly facing.

The modern design and materials are acceptable in this location where traditional tenements are interspersed with later residential developments. The scale of the block will complement the tenement blocks to the west and south as view along Blackness

Road.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan in respect of the minimum privacy distance to flats in Blackness Road as required in Appendix 1 to Policy 4.

Other Material Considerations

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

- a Minimum Window to Window Distance

Several parts of Blackness Road comprise facing blocks of tenements where the distance between facing windows ranges from 12 to 15 metres. The proposed flats are set back almost

2 metres from the footway and are 17 metres from the tenement flats on the south side of the road. The windows on the projecting south east corner are specifically located on the north east corner to minimise direct views to the south. Whilst there are south facing balconies, they are relatively small (3m²) and will only be in use for limited periods of time. It is considered that the block needs to be located in this position for urban design reasons to relate to the adjacent tenement to the north. The position also makes maximum use of the site to accommodate the parking and amenity ground requirements. For these reasons and because the flats are only 1 metre less than the minimum distance, it is considered that, in this particular case, the distance is acceptable.

b 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 immediately adjacent to the Central Dundee Housing Investment Focus Area identified in the Dundee Local Plan Review 2005. This is an popular area of multiple letting between the University campus and Ninewells. The flats could each be let to up to six unrelated persons. 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 adjoining area to the east. This issue has been raised with the applicant's agent and no objection has been raised.

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.

Design

The design is acceptable and has been amended since the previous application to take more account of the sloping nature of the site. The building has been set back slightly from Blackness Road to create an area of private space in front of the ground floor apartments, enclosed by a low wall with railings and to maximise the distance between facing windows.

A palette of materials requires to be agreed to ensure that this development achieves a high standard of design given its prominent position on Blackness Road.

The formation of any retaining walls and fences on the boundaries will require to be finalised by condition. The existing rear boundary wall is to be retained and repaired.

CONCLUSION

It is therefore recommended that planning permission be granted with conditions subject to the recording of a Section 75 Agreement.

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 Prior to the commencement of development, 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. Development may not commence until the materials have been

approved. For the avoidance of doubt, the materials detailed on the submitted plans are not approved as part of this permission.

- 3 Full details of the proposed boundary treatment on the south elevation shall be submitted for approval prior to the commencement of the development and if approved, the boundary shall be completed in accordance with the approved details prior to the first occupation of the dwellings hereby approved.
- 4 Any amendments to the proposed boundary treatments on the west, north and east of the site shall be submitted for approval prior to the carrying out of any of the works and if approved, the boundaries shall be completed only in accordance with the approved details prior to the first occupation of the dwellings hereby approved.
- 5 Within six months of the first use of the building, trees and shrubs shall be planted on the site in accordance with a scheme which has been submitted to and approved by the City Council. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition
- 6 Prior to the commencement of any development, full details of the proposals to deal with surface water drainage shall be submitted to the City Council for approval. The submitted details should include confirmation by Scottish Water that the submitted scheme is acceptable. Development may not commence until such details have been approved and the works shall be carried out only in accordance with such approved details.
- 7 Before the any of the residential units is first occupied the car parking and manoeuvring areas indicated on the approved drawings shall be completed and thereafter kept available for such use at all times

- 8 The footway ex adverso the site on Glenagnes Street shall be reinstated in accordance with details to be submitted to and approved by the City Council prior to the commencement of the development. The works to the footway shall be completed prior to the first occupation of any of the works hereby approved.
- 9 Before the any of the residential units is first occupied the bin store, cycle store and drying areas indicated on the approved drawings shall be completed and thereafter kept available for such uses at all times
- 10 Development shall not begin until a Preliminary Risk Assessment is completed and, if required, an Intrusive Investigation and a scheme to deal with contamination at 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:
- a assessment of the risks associated with contaminant sources, pathways and receptors specific to the proposed use of the site, and if necessary;
 - b a remediation Implementation Plan detailing measures to treat/remove contamination and mitigate risks to ensure the site is fit for the proposed use;
 - c measures to deal with contamination during construction works; and
 - d verification sampling, testing, certification and monitoring of the site to demonstrate suitability for the proposed use on completion of remediation measures.
- 11 Before any unit is occupied any measures to decontaminate the site, if required by Condition 10, shall be fully verified and approved in writing by the City Council.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure a satisfactory standard of appearance of the development.
- 3 To ensure a satisfactory standard of appearance of the development.
- 4 To ensure a satisfactory standard of appearance of the development and to protect the amenities of adjoining residents.
- 5 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 6 To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site.
- 7 To ensure adequate parking provision within the development in the interests of the amenities and highway safety.
- 8 In the interests of traffic and pedestrian safety.
- 9 In the interests of the amenities of the future occupants of the residential accommodation.
- 10 In the interests of the amenities of the future occupants of the residential accommodation.
- 11 In the interests of the amenities of the future occupants of the residential accommodation.