

**KEY INFORMATION**

**Ward** North East

**Proposal**

Erection of 35 houses, 5 flats and 1 office

**Address**

Land to West of Berwick Drive and East of Longhaugh Road  
Dundee

**Applicant**

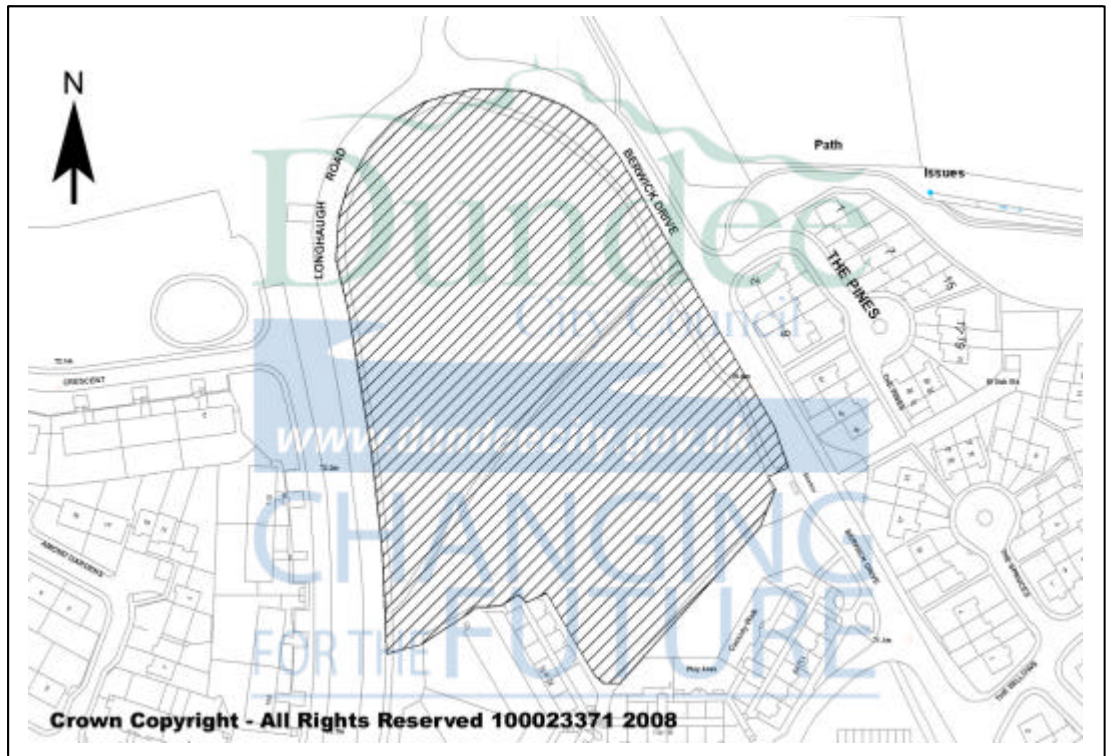
Angus Housing Associatin  
Ltd/Gladedale (Partnerships)  
Ltd  
Gateway House, Luna Place  
Dundee DD2 1XZ

**Agent**

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**Registered** 27 June 2008

**Case Officer** P Macari



## Proposal for New Housing in Longhaugh Road

The erection of 35 houses, 5 flats and an office is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation.

**RECOMMENDATION**

The proposals comply with the provisions of Policy 4, Policy 10, Policy 55 and Policy 75 but contravenes Policy 66B of the Dundee Local Plan Review 2005. However, there are significant material considerations that justify support of the proposals contrary to the provisions of Policy 66B. The application is recommended for **APPROVAL** with conditions.

**SUMMARY OF REPORT**

- This application seeks full planning permission for the erection of 35 houses, 5 flats and 1 office on land to the west of Berwick Drive and east of Longhaugh Road, Dundee.
- Policy 4 (Design of New Housing), Policy 10 (Non-Mainstream Residential Uses), Policy 55 (Urban Design), Policy 66A (Protection of Playing Fields and Sports Pitches), Policy 66B (Protection of Other Open Space) and Policy 75 (Sustainable Drainage Systems) of the Dundee Local Plan Review 2005 relevant to the outcome of this application.
- The proposals are contrary to the provisions of Policy 4 (Design of New Housing) and Policy 66B (Protection of Other Open Space) of the Dundee Local Plan Review 2005 and have been advertised as such in the Dundee Evening Telegraph.
- No letters of representation or adverse comments from consultees have been received.

**DESCRIPTION OF PROPOSAL**

This application seeks full planning permission for the erection of 35 houses, 5 flats and 1 office on land to the west of Berwick Drive and east of Longhagh Road, Dundee. The site was formerly occupied by 4 and 5 storey scarn blocks and has since been cleared and landscaped. The site is now zoned in the Dundee Local Plan Review 2005 as an area of open space.

The application site shall be accessed from Berwick Drive via an L shaped road with private access points branching out to the north and east. The proposed access road shall provide a turning head suitable for HGV's. The proposed access road shall be bound by public footpaths on either side. Given the shape of the access road, the proposed buildings shall be arranged in a perimeter block style development with houses fronting on to Longhagh Road and Berwick Drive.

The proposed houses will take the form of single storey detached, 2 storey terraced and 2 storey semi-detached dwellings of traditional pitched roof design. The 5 flats and office will be situated together in a 2 storey building. This facility will be used for non-mainstream residential purposes with the office providing support to the residents.

Each of the 35 houses will be served by 1 in curtilage car parking space with 20 of the houses having provision for a garage. The houses shall be served by both front and rear garden grounds. The private rear gardens of the proposed houses will range in size from 120m<sup>2</sup> to 264m<sup>2</sup>. The non-mainstream flatted facility will provide 8 in curtilage parking spaces as well as 300m<sup>2</sup> of private garden ground.

Although the applicants have specified that the buildings shall be finished in concrete roof tiles and roughcast with timber framed windows and doors, this matter will be determined by the Council by way of planning condition.

Existing pedestrian access through and around the application site will be maintained.

**SITE DESCRIPTION**

The application site is situated between Longhagh Road and Berwick Drive and takes the form of area of public open space. The site has undulating



topography and is grassed with a mixture of young and mature trees populating the perimeter of the site. The site is bound to the north by an area of open space which turns into open countryside. To the west and



north the site is bound by a mixture of housing association 2 storey and 4 storey flats. To the east the site is bound by a privately owned housing estate. The surrounding buildings are finished in a mixture of materials although red facing brick and buff

roughcast predominate along with brown concrete roof tiles.

The site slopes from south to north and was formerly occupied by 4-5 storey blocks of flats.

**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 - the design and layout of all new housing in the city should be of a high quality. New development will be required to conform to the Design Standards contained in Appendix 1 of the

Local Plan and should also have regard to the principles of the City Council's Urban Design Guide.

Policy 10: Non-Mainstream Residential Uses - proposals for the development of non-mainstream residential uses will be supported where:

- a a good quality residential environment will be created for residents and the proposal does not impact adversely on the amenity of neighbours by virtue of design, overshadowing, overlooking and parking.
- b the site is well located to give access to a range of local services and facilities and is accessible by public transport.
- c it will not lead to an excessive concentration of non-mainstream residential uses to the detriment of the character of the particular area;
- d appropriate car parking provision is made relative to the needs of occupants, visitors and any support staff. In determining appropriate provision the availability of public transport and proximity of local services and facilities will be considered.

e appropriate amenity space is provided in a sheltered, private location that is sunny for most of the day.

f the design reflects the scale, massing and materials of adjacent buildings.

Policy 66a: Protection of Playing Fields and Sports Pitches - there is a presumption in favour of retaining playing fields and sports pitches in Dundee. They should not be redeveloped unless the Council is satisfied that they are no longer required for their original purpose and there is a clear long term excess of pitches, playing fields and public open space in the wider area, having regard to the site's recreational and amenity value plus the needs of future generations. In addition, the following criteria must also be satisfied:

a the proposals affect part of the site that has lesser sports and amenity value and will improve the sports, recreational and amenity value across the remainder of the site (eg grass pitches will be replaced on-site with an all weather surface); or

b compensatory open space of at least equal benefit and accessibility will be provided in or adjacent to the community most directly affected, resulting in an overall improvement to existing facilities and the amenity of the area (eg relocating existing pitches to a more central location within the community most directly affected); or

c development plans require the site for an important, strategic development, following examination of all possible alternative sites, and replacement provision of equal community benefit will be created in or adjacent to the community most directly affected.

Proposals must be consistent with policies elsewhere in the Plan and must not adversely affect the character or setting of an Historic Garden or Designed Landscape. Replacement provision must be made available in a playable condition before the existing facilities become unavailable. Where this is impractical, developers must provide sufficient justification and the

Council will require replacement in the short term to an alternative agreed timetable.

Compensatory arrangements must be secured by applicants to ensure that the sporting needs of displaced users are suitably catered for, to the satisfaction of the Council.

Policy 66B: Protection Of Other Open Space - there will be a presumption against the development or redevelopment of all other open space within the Local Plan area unless:

- a the broad principles of criteria listed in Policy 66A are satisfied; or
- b the proposals are consistent with a park masterplan, strategy or programme approved by the



Council to improve the management of openspace.”

Policy 75: Sustainable Drainage Systems - all appropriate development proposals must be accompanied by a Sustainable Drainage scheme at the time of submitting a planning application. This must be supplemented by a Drainage Impact Assessment that shows the impact of a 1 in 200-year rainstorm event. SUDS schemes should be designed accordingly so that if this event occurs, flooding will not be higher than 300mm below floor level. In addition, proposals will be encouraged to adopt an ecological approach to surface water management and exploit opportunities for habitat creation or enhancement by forming wetlands or ponds, for example.

### Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

SPP3: Planning for Housing - SPP 3 sets out The Scottish Government's

policy on the identification of housing requirements, the provision of land for housing and the delivery of homes through the planning system.

SPP11: Open Space and Physical Activity - this SPP emphasises the importance of quality open spaces and sets out national planning policy on the provision and protection of open space within and on the edges of settlements and on sports and recreation facilities in urban and rural settings.

### Non Statutory Statements of Council Policy

The following policy statements are of relevance:

The Whitfield Design Framework.

### SUSTAINABILITY ISSUES

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

### SITE HISTORY

There is no planning history of relevance to the outcome of this application.

### PUBLIC PARTICIPATION

The applicant has followed the statutory neighbour notification procedure. This application was also advertised in the Dundee Evening Telegraph as being contrary to the provisions of Policy 4 (Design of New housing) and Policy 66B (Protection of Other Open Space) of the Dundee Local Plan Review 2005.

No letters of objection or representation have been received.

### CONSULTATIONS

No adverse comments have been received from consultees. Sport Scotland have confirmed that they have no objections to the proposed development. However, in assessing the proposals it is recommended that the Council should consider the value and function of the application site as an area of public open space in accordance with SPP 11.

## 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 proposed development is for the erection of 35 single and two storey detached and semi detached houses, 5 supported living flats and an office on land to the west of Berwick Drive and East of Dunmore Street. The land although brownfield is zoned as open space in the Dundee Local Plan Review 2005 and has been sold by the Council as it is surplus to their requirements. The site is now owned by Angus Housing Association. The proposed houses are to provide socially rented accommodation while the flats and office will provide supported accommodation.

The proposed houses are to be arranged so as to create a street frontage along Berwick Drive and Longhaugh Road. Vehicle access to the proposed houses and to the site shall be taken from a new road off Berwick Drive to the east of the site. The proposed finishing materials for all buildings are a textured roughcast for the walls, stained timber window frames and flat concrete tiles on the roof.

In terms of Policy 4, the overall aim is to promote high quality new housing. The means of achieving high quality housing are set out in Appendix 1 of the Dundee Local plan Review 2005. Therefore the main criteria to consider are the design of the buildings, the provision of car parking, garden space and privacy, and the residential amenity of both new and the existing dwellings around the site.

Houses - the proposed houses would be a mixture of single storey and 2 storeys in height. The houses would be of a simple architectural form and

style that would complement the existing housing in the area. External finishing materials of render and concrete roof tiles would also be in keeping with the character of the area.

The layout of the proposed development is such that the houses provide a frontage onto both Longhaugh Road and Berwick Drive. A distance of at least 18 metres is achieved between facing windows of new and existing houses, which complies with the provisions of Appendix 1 in terms of privacy. This layout respects the pattern of development in the surrounding area in terms of a cul-de-sac style development. However, of particular value is the creation of a streetscape where houses fronting both Berwick Drive and Longhaugh Road will have a front garden with pedestrian access and vehicle access and parking facilities to the rear. Given the distance between the proposed houses and the existing houses in the area, it is considered that the proposed development would not be detrimental to the residential amenity of existing properties by way of overshadowing.

There would be 2 two bed units with 23 three bed units and 10 four bed units. The Design Standards contained within Appendix 1 require that at least 75% of houses should have 3 or more bedrooms or a minimum gross internal floor area of some 100m<sup>2</sup>. For social rented developments this guideline may be applied flexibly where the design of the house enables easy extension. Only 2 houses, fall below the requirements in that they have less than 3 bedrooms. However, both houses have 103m<sup>2</sup> gross internal floor space. Accordingly it is considered that the proposed housing units are not contrary to Policy 4 in terms of house type.

Each of the proposed houses will benefit from 1 in curtilage parking space. Of the 35 houses proposed, 20 houses would have sufficient space to allow the erection of a garage at some point in the future. It therefore follows that the proposed development complies with the car parking requirements of Policy 4.

In terms of garden ground and amenity space, all houses would have a minimum of 120m<sup>2</sup> private useable garden space.

The proposed development would improve the tenure choice of housing in the area. The proposed development by virtue of layout, design, house-type and parking requirements is considered to meet the criteria of Appendix 1 and therefore comply with the provisions of Policy 4 of the Dundee Local Plan Review 2005.

Flats - Although the proposed flats and office are for supported accommodation, this building has been designed to provide 6 flatted units that would comply with the requirements of Appendix 1 should their use require to change. Each of the 5 flats and office accommodation will provide sufficient space for 2 bedrooms as well as secure indoor storage facilities for bicycles. The 5 flats and office are served by 8 parking spaces and 300sqm of garden ground. Sufficient space exists within the curtilage of the proposed building to create additional car parking facilities if necessary.

As the proposals as submitted are for the erection of 5 flats and a support office, the proposals are not considered to be mainstream residential but rather non-mainstream residential units. As such Policy 10 (Non-mainstream Residential Uses) of the Dundee Local Plan Review 2005 is relevant to the outcome of this planning application.

Non-mainstream housing can have specific requirements. As well as perhaps the need for proximity to a range of services and facilities such developments may require housing of a specific form. Because of these particular requirements the Council recognises that it is often neither possible nor appropriate that non-mainstream housing developments satisfy the Local Plan's housing design standards in respect of the mix between flats and houses, numbers of bedrooms and parking provision. Notwithstanding this, it remains important that appropriate levels of parking and amenity space are provided. From the assessment of the proposed non-mainstream flats against the criteria of Appendix 1, the proposals are considered to meet the policy requirements of a mainstream flatted development. In terms of Policy 10, the flats and support office by virtue of design, layout, location, scale and massing are considered to add to the high quality residential environment that will be created through the proposed development. There are a

range of local services within close proximity of the application site as well as public transport links to the city centre and other parts of Dundee. There are no other non-mainstream residential facilities nearby with the predominant land use in the surrounding area being mainstream residential. The flats will benefit from 300m<sup>2</sup> of usable private amenity space and the site shall be bound to the south by a large area of public open space. The proposed facility will also benefit from generous car parking facilities to accommodate residents, staff and visitors. The proposals are considered to comply with the requirements of Policy 10 of the Dundee Local Plan Review 2005.

Policy 55 (Urban Design) states that for all new developments the emphasis will be on design quality, and will in its design and layout, be expected to contribute to an environment that is safe and accessible to all. As stated above it is considered that the layout of the proposed development respects the street layout and creates a pleasant and visually striking streetscene through the positioning of buildings fronting on to Longhaugh Road and Berwick Drive. The finishing materials are consistent with the character of the area.

The non-mainstream flatted building is of a scale, design and massing that although bigger than surrounding buildings is a focal point on the Berwick Drive/Longhaugh Road peninsula. The prominent position of the building ensures that it can be seen on approach from the north, east, south and west. Visually the building incorporates design elements from the surrounding building and therefore blends well with the existing and proposed houses.

The large area of open space to the south of the site is accessible to all with existing public access through the application site maintained. The proposed area of public open space is overlooked by the proposed houses and non-mainstream flatted development. The area of open space located to the south of the proposed housing is representative of the suburban location of Whitfield and therefore acts as a buffer between hard and soft, urban and rural.

It is therefore considered that the proposal complies with Policy 55 of the Dundee Local Plan Review 2005.

Policy 66A (Protection of Existing Playing Fields and Sports Pitches) and Policy 66B (Protection of Other Open Space) of the Dundee Local Plan Review 2005 recognise that while there is a need for the retention and expansion of the existing open space and sport pitch network in Dundee, the protection of existing areas of open space cannot be inflexible with the needs of communities being at the forefront of assessment. The application is not a sports pitch or playing field and as such requires to be determined under the criteria of Policy 66B. Criteria A of Policy 66B requires proposals for the redevelopment of open space to be consistent with the provisions of Policy 66A. It is considered that the redevelopment of the application site for residential purposes is contrary to the requirements of Criteria A, B and C of Policy 66A. The proposals are therefore also contrary to the provisions of Policy 66B. However, given that the application site as an area of open space has virtually no sports or amenity value it is considered that there are significant material considerations that would justify a departure from the provisions of Policy 66A and Policy 66B of the Dundee Local Plan Review 2005.

A supporting statement has been submitted as part of the current application. The supporting statement demonstrates that the application site although zoned as open space has been earmarked for residential development in the Whitfield Design Guide - Concept Layout that was approved by the Development Quality Committee in November 2007. Further, as the application site has also been identified as a brownfield site under effective supply, it has also been demonstrated that the site is considered integral to the regeneration of Whitfield and has been considered by the Council as being suitable for residential development for a considerable amount of time. Sport Scotland has confirmed that the application site although zoned as open space, has never been suitable for formal sports but rather only informal recreation. The proposed development will maintain 0.4Ha of informal recreational open space while also providing high quality social rented housing and non-mainstream residential accommodation that will benefit the existing community. Further, although the redevelopment of

the application site will constitute a loss of open space, the Whitfield Design Guide - Concept Layout makes provision for the creation of new and additional informal recreation open space as well as sports pitches and sports fields within close proximity of the application site.

Policy 75 of the Dundee Local Plan Review requires proposals for new housing developments to be accompanied by sustainable drainage schemes. The proposals are considered to demonstrate that surface water disposal will be controlled. The proposals therefore comply with the requirements of Policy 75.

It is concluded from the foregoing that the proposal complies with the provisions Policy 4, Policy 10, Policy 55 and Policy 75 but contravenes Policy 66B of the Dundee Local Plan Review 2005. However, as detailed above there are significant material considerations that justify support of the proposals contrary to the provisions of the Development Plan.

## Other Material Considerations

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

### a Supporting Statement

A supporting statement has been submitted as part of the current application. The supporting statement demonstrates that the application site although zoned as open space has been earmarked for residential development in the Whitfield Design Guide - Concept layout that was approved by the Development Quality Committee in November 2007. Further, as the application site has also been identified as a brownfield site under effective supply it has also been demonstrated that the site is considered integral to the regeneration of Whitfield and has been considered by the Council as being suitable for residential development for a considerable amount of time.

### b Sport Scotland

Sport Scotland has confirmed that the application site although zoned as open space, has never been suitable for formal sports but rather only informal recreation. The proposed

development will maintain 0.4Ha of informal recreational open space while also providing high quality social rented housing and non-mainstream residential accommodation that will benefit the existing community. Further, although the redevelopment of the application site will constitute a loss of open space, the Whitfield Design Guide - Concept Layout makes provision for the creation of new and additional informal recreation open space as well as sports pitches and sports fields.

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 subject to formal clearance from Scottish Ministers and conditions.

## Design

It is considered that the overall layout, and the scale, form, appearance and finishing materials of the housing, together would create a residential development of a satisfactory standard.

## CONCLUSION

It is concluded from the foregoing that the proposal complies with the provisions Policy 4, Policy 10, Policy 55 and Policy 75 but contravenes Policy 66B of the Dundee Local Plan Review 2005. However, as detailed above there are significant material considerations that justify support of the proposals contrary to the provisions of the Development Plan.

## RECOMMENDATION

### Recommendation 1

As the Council has a financial interest in respect of the proposed development and as the proposal is contrary to Policy 66B of the Dundee Local Plan Review 2005, should the Committee be minded to approve the application, it will have to be notified to the Scottish Ministers under the provisions of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2007.

### 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 BEFORE WORK STARTS ON SITE, samples of the proposed finishing materials shall be submitted to this Planning Authority for written approval and thereafter shall be applied in accordance with approved details. For the avoidance of doubt, the samples submitted should include roughcast, roof tile, rainwater goods and stained timber.
- 3 Full details of landscaping, including tree removal, measures to protect trees to be retained on the site and proposed new planting 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.
- 4 The proposed flats and support office shall not be used for any purpose other than a purpose within Class 8 - Residential Institutions of the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended or re-enacted.
- 5 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:
  - i assessment of the risks associated with contaminant sources, pathways and receptors specific to the proposed use of the site, and if necessary
  - ii a remediation Implementation Plan detailing measures to treat/remove contamination

and mitigate risks to ensure the site is fit for the proposed use.

- iii measures to deal with contamination during construction works, and
  - iv verification sampling, testing, certification and monitoring of the site to demonstrate suitability for the proposed use on completion of remediation measures.
- 6 Before any unit is occupied the measures to decontaminate the site, if necessary, shall be fully verified and approved in writing by the Planning Authority and thereafter implemented.
  - 7 The proposed boundary treatments to enclose in-curtilage car parking spaces shall be no greater than 1.0m in height when measured from the road carriageway.
  - 8 BEFORE WORK STARTS ON SITE, details of a footway ex adverso the site on Longhagh Road shall be submitted to this Planning Authority for written approval and thereafter provided in accordance with the approved details.
  - 9 Any existing accesses that are no longer required as part of the proposed development must be made good as footway to Dundee City Council specifications.
  - 10 BEFORE WORK STARTS ON SITE, a Stage 1/2 Road Safety Audit must be carried out to Dundee City Council Standards and submitted to this Planning Authority for written approval and thereafter any conclusions or recommendations should be implemented in accordance with the approved details.
  - 11 Surface water from the site shall be dealt with using Sustainable Urban Drainage System techniques as advocated in the design manual for Scotland and Northern Ireland (CIRIA C521 2000). Full details of the methods to be employed, including where appropriate calculations, along with details of how these measures will be maintained, shall be submitted for approval in writing by this Planning Authority

prior to the commencement of any works on site. Thereafter all works approved by virtue of this submission shall be carried out in full. For the avoidance of doubt, all information submitted to the Council should comply with the adoptable standards of Scottish Water and SEPA.

- 12 BEFORE WORK STARTS ON SITE, details of a recycling and refuse storage facility to serve the proposed 5 non-mainstream flats and office located in the south eastern corner of the application site shall be submitted to this Planning Authority for written approval.
- 13 The windows coloured red on Drawing No: DP 600 HOUSE TYPE 6.DWG REV. A and Drawing No: DP 500 HOUSE TYPE 5.DWG REV.A shall be obscurely glazed and maintained as such in perpetuity.

## Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interest of safeguarding visual amenity of the existing streetscape.
- 3 In the interest of safeguarding environmental quality.
- 4 In the interest of maintaining control over the use of the flats and office.
- 5 In the interests of identifying contamination and providing land that is safe for residential occupation.
- 6 In the interests of identifying contamination and providing land that is suitable for residential occupation.
- 7 In the interest of safeguarding road safety and visibility.
- 8 In the interests of pedestrian and road safety.
- 9 In the interest of pedestrian and road safety.
- 10 In the interests of safeguarding pedestrian and road safety.
- 11 To ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained.

- 12 In the interests of providing a secure recycling and refuse storage facility and in the interests of safeguarding environmental quality.
- 13 In the interests of safeguarding privacy.