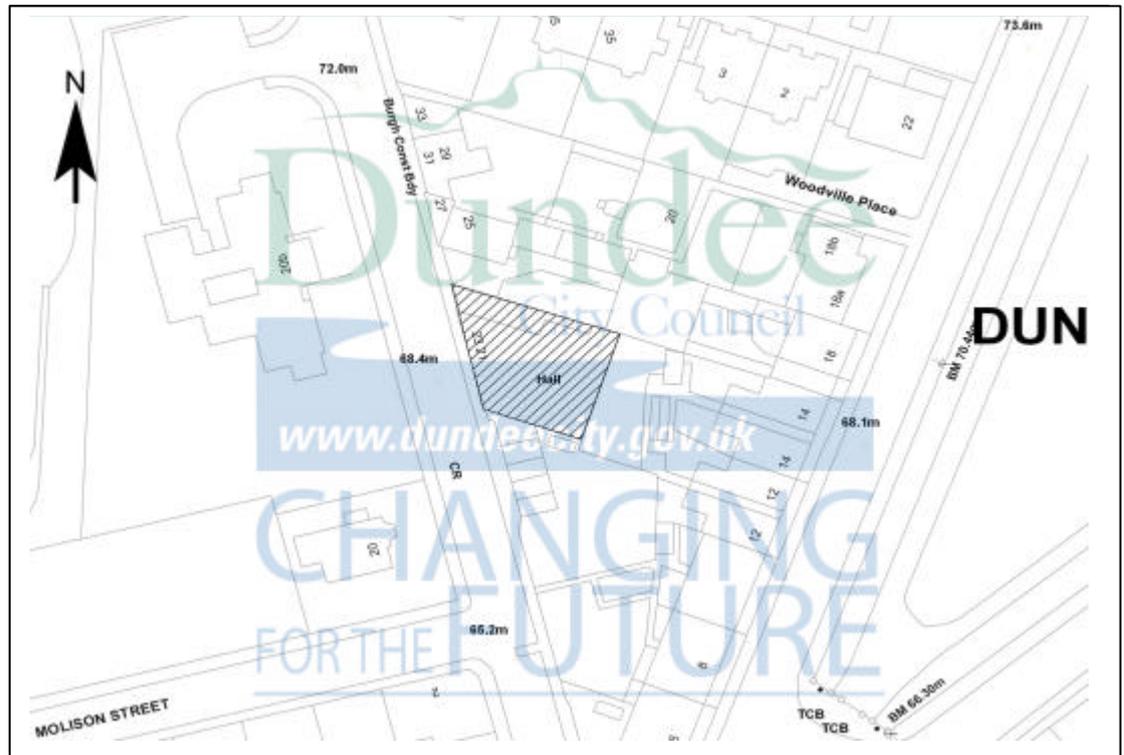


**KEY INFORMATION**

Ward Maryfield

**Proposal**

Demolition of existing halls and erection of 2 townhouses

**Address**21-23 Mains Loan  
Dundee  
DD4 7AB**Applicant**Colin Brown  
10 Bruce Road  
Dundee  
DD3 8LL**Agent**KDM Architects  
15 Camperdown Street  
Broughty Ferry  
Dundee  
DD5 3AA**Registered** 7 July 2008**Case Officer** Paul Macari

## Housing Development Proposed in Mains Loan

The demolition of existing halls and erection of 2 townhouses is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development complies with Policy 4 (Design of New housing) and Policy 61 (Development in Conservation Areas) of the Dundee Local Plan Review 2005. There are no material considerations that would justify laying aside the provisions of the Development Plan to withhold Planning Permission. Therefore, the application is recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- This application seeks full planning permission for the erection of 2 semi-detached townhouses at 21-23 Mains Loan, Dundee.
- Policy 4 (Design of New Housing) and Policy 61 (Development in Conservation Areas) of the Dundee Local Plan Review 2005 are relevant to the outcome of this application.
- The applicant followed the statutory neighbour notification procedure and this application was advertised in the Dundee Evening Telegraph as Development Affecting a Conservation Area. Consequently 2 letters of objection have been received.
- The proposals meet the criteria of Policy 4 and Policy 61 of the Dundee Local Plan Review. The views of the objectors are not supported.

## DESCRIPTION OF PROPOSAL

This application seeks full planning permission for the erection of 2 semi-detached townhouses at 21-23 Mains Loan, Dundee. The proposed dwellings will be two and a half storeys in height with the living accommodation split over 3 levels. A garage, utility and study/ family room shall occupy the ground floor while a kitchen/ dining area, lounge and bathroom will occupy the 1st floor. The 2nd floor shall accommodate 3 bedrooms and 2 bathrooms.

The proposed dwellings will be served by approximately 131m<sup>2</sup> and 92m<sup>2</sup> of private rear garden ground and will front onto Mains Loan directly. 1 parking space for each house will be located to the side of each property with access from front to rear also taken from the side of each house.

The proposals will also include the demolition of the existing snooker hall which occupies the application site presently. The proposed houses will be of a contemporary design with porthole windows to replicate the feature window openings of the original building. The proposed houses will have slate pitched roofs. The walls of the houses will be finished in off white render and horizontal timber cladding. The windows of the proposed houses will have grey painted timber window and door frames. The parking area shall be paved in concrete slabs and the rear garden shall be sewn in grass.

The applicant has confirmed that the rear elevation of the existing building on site shall be retained as it forms the mutual boundary between properties bounding the site to the east and the application site.

The proposal to remove the existing snooker hall from the site has been assessed by Application for Conservation Area Consent Ref: 08/00099/CON and can be found elsewhere on this agenda.

## SITE DESCRIPTION

The application site comprises a single storey industrial unit currently used as a pool hall. The site is situated on the eastern side of Mains Loan and is bound to the north by single storey

terraced cottages, to the south by private garages/ lock ups that adjoin the existing building and to the east by 4 storey tenement flats. On the opposing side of Mains Loan there are 4 storey stone built tenement blocks and a vacant 2 storey non-mainstream residential home constructed from buff blocks with a brown concrete tiled roof.



The site itself has a stone frontage with engineer brick north, south and eastern elevations. There are ornate bull's-eye windows in the front elevation with the slate roof being dual pitched with a trough gutter running along the margin



where the roof planes meet. The existing window openings have been blocked up.

The existing timber window frames and doors are blue painted.

## 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 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 20mph 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 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.

### 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 ref: 08/00088/FUL sought full planning permission for the erection of 3 townhouses. This application was withdrawn before it could be reported to the Development Quality Committee. There were several objections to the proposals. This application would have been recommended for refusal as it was considered to overdevelop the application site with the proposed townhouses being of a design that detracted from character of the surrounding conservation area.

### PUBLIC PARTICIPATION

The applicant has followed the required neighbour notification procedure. This application was also advertised as development affecting the setting of a conservation area.

Consequently one letter of objection has been received from a neighbouring resident concerned about the height of the proposed building and subsequently loss of view and daylight. Concern is also expressed about the loss of the rear elevation of the existing building which delimits the application site and has become colonised by creeping plant species.

Other concerns relevant to this application but addressed in a letter of representation for Conservation Area Consent Ref: 08/00099/CON include road safety due to loss of on-street parking facilities and increased traffic generation; loss of snooker hall will result in removal of recreational amenity from youths leading to increased disillusionment and delinquency as well as loss of wall will impact upon vegetation in existing garden.



A copy of the objection letter is available to view in the Members' Lounges. The concerns listed above are addressed in the Observations section below.

### CONSULTATIONS

The Council's Environmental Health and Trading Standards Department have expressed concern that the application site may be contaminated as a result of previous uses. However, should planning permission be granted this matter can be addressed by attaching an informative to the decision notice requiring the submission of a scheme to deal with contamination if any is found on site.

### 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 Committee is also required to consider the application in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above

This application seeks full planning permission for the erection of 2 semi-detached townhouses at 21-23 Mains Loan, Dundee. The proposed dwellings will be two and a half storeys in height with the living accommodation split over 3 levels. A garage, utility and study/ family room shall occupy the ground floor while a kitchen/dining area, lounge and bathroom will occupy the 1st floor. The 2nd floor shall accommodate 3 bedrooms and 2 bathrooms.

The proposals will also include the demolition of the existing snooker hall which occupies the application site presently. The proposed houses will be of a contemporary design with porthole windows to replicate the feature window openings of the original building. The proposed houses will have slate pitched roofs. The walls of the houses will be finished in off white render and horizontal timber cladding. The windows of the proposed houses will have grey painted timber window and door frames. The parking area shall be paved in concrete slabs and the rear garden shall be sewn in grass.

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 houses, the provision of car parking, garden space and privacy, and the residential amenity of both new and the existing houses around the site.

The proposed houses will benefit from 2 in curtilage parking spaces in the form of an integral garage and a

parking space to the side of both houses. Both houses will benefit from 92m<sup>2</sup> and 131m<sup>2</sup> of private garden ground respectively. There are 18m between the windows of existing houses and those proposed. Given the orientation of the proposed houses there will be no significant issues of overshadowing. The proposals are considered to meet the criteria of Appendix 1 of Policy 4 of the Dundee Local Plan Review 2005.

In respect of Policy 61, the proposals although modern and contemporary in design are considered to enhance the character and appearance of the Maryfield Conservation Area. This is because not only will the townhouses maintain a strong character along the east side of Mains Loan, of a solid frontage from the pavement but they will also have slate roofs in keeping with the surrounding properties. The proposed timber clad and off white rendered elevations will blend well with existing properties on the east side of Mains Loan as well as recently modernised tenement blocks on the western side of Mains Loan. Although the proposed houses will be two and half storeys in height with neighbouring properties to the north and south being single storey, the steep north to south slope of Mains Loan will ensure that the buildings do not look out of place. Further, given the scale of buildings to the north, east and west of the application site, the proposals are not considered to overdevelop the application site. It is therefore considered that the proposed development will maintain and enhance the existing character of Maryfield Conservation Area.

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:

- a Views of the Objectors - one letter of objection has been received from a neighbouring resident concerned about the height of the proposed building and subsequently loss of view and daylight. Concern is also expressed about the loss of the rear elevation of the existing building which delimits the application site and has become colonised by creeping plant

species. Other concerns relevant to this application but addressed in a letter of representation for Conservation Area Consent Ref: 08/00099/CON include road safety due to loss of on-street parking facilities and increased traffic generation, loss of snooker hall will result in removal of recreational amenity from youths leading to increased disillusionment and delinquency as well as loss of wall will impact upon vegetation in existing garden.

The proposed development is not considered to exacerbate existing traffic congestion or road safety issues on Mains Loan. Principally this is because Mains Loan already has traffic calming measures in place to enhance current levels of road safety. Such concerns are not supported.

With regard to concerns relating to loss of daylight, the proposed houses are oriented to prevent significant overlooking and overshadowing of neighbouring properties. There are 18m between facing windows of the proposed and existing houses. Such concerns are therefore not supported.

Concern is expressed that should the rear elevation of the existing snooker hall be demolished there would be considerable damage caused to the gardens of neighbouring properties to the east of the application site. The applicant has confirmed that there is no explicit need to remove the rear elevation of the building and proposes to retain this elevation as the eastern boundary to the application site. However, the condition of the wall may dictate the height and form that this boundary shall take. It is considered that the retention of the wall will enhance the character and setting of the conservation area. Should this application be approved, the rear elevation of the building will be retained by virtue of a planning condition.

Concerns relating to loss of view and loss of snooker hall will result in removal of recreational amenity from youths leading to increased disillusionment and delinquency are not considered material to the outcome of this planning application. However, it should be noted that throughout the Maryfield Area of Dundee there are an abundance of sports and leisure

activities/clubs available to young people.

### Other Legislation Provisions

The other legislative provisions to be taken into account are as follows:

- a Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications in conservation areas to have special regard to the desirability of preserving or enhancing the character or appearance of that area.

This matter has already been considered in the assessment of the proposed development under Policy 61 of the adopted Local Plan and it was considered that the proposal would preserve the character and appearance of the conservation area.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

### Design

The proposed townhouses are of a design, scale, massing and finish that will enhance the existing Maryfield Conservation Area. The finishing materials proposed will allow the proposed houses to retain their modern and contemporary appearance as well as blend well with surrounding properties while also respecting the character of the conservation area.

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### CONCLUSION

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The proposed development complies with Policy 4 (Design of New housing) and Policy 61 (Development in Conservation Areas) of the Dundee Local Plan Review 2005. There are no material considerations that would justify laying aside the provisions of the Development Plan to withhold planning permission.

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### RECOMMENDATION

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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, full details including samples of the proposed finishing materials shall be submitted to this Planning Authority for written approval. Thereafter, the approved finishing materials shall be applied in accordance with the approved plans.
- 3 BEFORE WORK STARTS ON SITE, resurfacing details of the footway ex adverso the site coloured blue on the stamped approved site location plan shall be submitted to this Planning Authority for written approval and thereafter resurfaced to Dundee City Council specifications in accordance with the approved details.
- 4 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.
- 5 BEFORE WORK STARTS ON SITE, details of the condition of the rear elevation (eastern boundary of the application site) and the proposed method of retention as well as any alterations to the wall shall be submitted to this Planning Authority for written approval. Thereafter all works associated with the rear elevation of the existing building (eastern boundary of the application site) shall be carried out in accordance with the details approved by virtue of this consent.

## Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of safeguarding visual amenity and the character of Maryfield Conservation Area.
- 3 In the interests of pedestrian and road safety.
- 4 In the interest of safeguarding pedestrian and road safety.
- 5 In the interest of maintaining the character of Maryfield Conservation Area.