

**KEY INFORMATION**

Ward Coldsid

**Proposal**

Erection of 8 flats with associated car parking, garden area and bin store

**Address**

Land to the East of  
317 Clepington Road  
Dundee

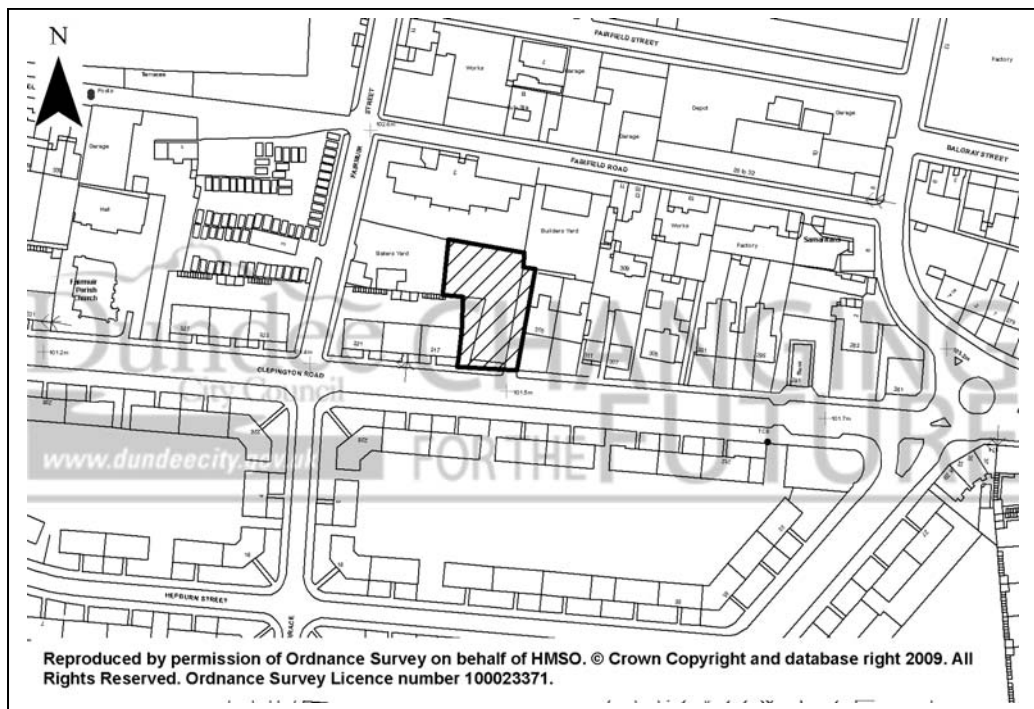
**Applicant**

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**Agent**

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Registered D Gordon  
Case Officer 5 Nov 2009



## Proposed Housing Development in Clepington Road

The erection of 8 flats with associated car parking, garden area and bin store is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of City Development.

**RECOMMENDATION**

The proposals do not fully comply with the relevant provisions of the development plan. There are other material considerations that are of sufficient weight to justify support of the development. The application is therefore recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- The application seeks permission to erect eight flats on a site located on the north side of Clepington Road.
- The proposals require to be considered against the provisions of Policy 4 (Design of New Housing) and Policy 26 (General Economic Development Areas) of the Dundee Local Plan 2005
- Six objections to the development have been submitted by local residents. Concerns have been raised regarding access, impact on free flow of traffic, car parking provision and impact on the environmental quality of surrounding occupiers.
- The proposals do not fully comply with the requirements of Policy 26 of the Plan. It is considered that there are other material considerations of such a weight that would justify a departure from the development plan and the approval of this application.

## DESCRIPTION OF PROPOSAL

The application seeks permission to erect a block of 8 flats with associated off street car parking and amenity ground on a site located on the north side of Clepington Road.

The building will be 4 storeys in height, pitched roof in design and each flat will accommodate a kitchen, bathroom, lounge/dining room and 2 bedrooms. Access into the building will from an integral stairwell located on the north side of the building.

Vehicular access into the site will be taken from a narrow unmade roadway that leads north from Clepington Road on the east side of the application site. It is proposed to widen this private roadway to approximately 5.5 metres in width. This access will lead to a car parking area on the northern section of the site that will accommodate 12 spaces. Approximately 180m<sup>2</sup> of communal garden ground is to be provided immediately to the north of the proposed building which will incorporate outdoor drying facilities and associated bin stores.

## SITE DESCRIPTION

The site forms a "gap site" between 4 storey tenement property located to the west and a 1.5 storey dwelling house and garden located to the east. The site is currently used for purposes associated with a builder's yard that is located to the north east of the site. The southern section of the site is bounded on the east side by a blockwork wall. The remainder of the southern boundary ie to the west, is open and displays an untidy appearance by virtue of unkempt self seeded vegetation.

The surrounding area accommodates a variety of uses including industrial, car sales, lock-up garages, a supported accommodation unit and residential properties to the north, north east and north west of the site. To the west are stone built, 4 storey tenement buildings. To the east is a stone built, pair of 1.5 storey semi-detached dwellings that have elongated front gardens that run

to the south to Clepington Road. The predominant character of the area to the south is residential with 3 storey stone built blocks of flats being located directly opposite the application site.



## 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:

- 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
- 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.

Policy 26: General Economic Development Areas - in areas designated as General Economic Development Areas, proposals for Class 4, 5 and 6 developments will be supported. Other uses of a wider industrial nature such as car showrooms, wholesaling, taxi offices and scrap yards may be permitted provided:

- there is no detrimental impact on neighbouring uses and local residential amenity, and
- there is no unacceptable traffic impact; and
- the scale of development is appropriate to the size and location of the site.

Residential development is generally not supported within General Economic Development Areas unless a satisfactory standard of residential amenity can be achieved; housing will not adversely impact on the

ongoing operation of adjacent industrial areas; and evidence

demonstrates that the site is no longer suitable for economic development purposes.

## **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**

The development of this site is considered to be sustainable as it involves the development of a brownfield site.

## **SITE HISTORY**

09/00514/FULL - erection of 12 Flats - Application Withdrawn.

## **PUBLIC PARTICIPATION**

The statutory neighbour notification procedure has been undertaken. In addition, the proposals have been advertised in the local press as "Development Contrary to the Development Plan" on 20 November 2009.

Objections to the proposals have been received from 6 local residents. The main issues that have been raised by the objectors relate to:

- 1 The development would further exacerbate traffic flow problems on Clepington Road.
- 2 The development would further impact on car parking availability in the area.
- 3 The proposed access road to the site is unacceptable in terms of its width and will adversely impact on traffic flows on Clepington Road.
- 4 The development will have an adverse impact on adjacent residential property by virtue of increased overlooking and overshadowing.

The objectors have also raised the issue of loss of view which is not

considered to be a valid objection in terms of current planning legislation.

Members will already have had access to these letters and the points raised are considered in the "Observations" Section of this Report below.

## **CONSULTATIONS**

The Council's Head of Environmental Health and Trading Standards has advised that, due to the historical character of the site, a condition should be attached to any permission granted that requires the submission of certain information relating to remediation works prior to the commencement of any development works.

## **OBSERVATIONS**

### **Statutory Requirements**

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance the development plan unless other material considerations indicate otherwise.

### **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 26 (General Economic Development Areas)

The northern section of the application site is identified as being within an area where proposals for Class 4, 5 and 6 developments will be supported. The Policy also states that residential development within these areas is generally not supported unless a satisfactory standard of residential amenity can be achieved, housing will not adversely impact on the ongoing operation of the adjacent industrial area and evidence suggests that the site is no longer suitable for economic development purposes.

The submitted drawings show this northern section of the site being developed for the associated off street car parking and part of the communal garden area for the flats. It is considered that the removal of this area of land from the industrial site to the north will not adversely impact on its on-going operation by virtue of its location and it is concluded that the standard of residential amenity to be provided (together with the main part

of the application site to the south) meets the housing design standard requirements found elsewhere in the Plan. However, it is clear that the site is still capable of accommodating economic development uses (particularly in association with the existing yard to the north) and in this respect the development fails to fully comply with the terms of Policy 26.

Policy 4 (Design of New Housing)

The design and layout of all new housing within the city should be of a high standard. As a basis for achieving this, new development will be required to conform to the Design Standards contained in Appendix 1 of the Plan. The site is identified on the Local Plan Proposals Map as being within the Inner City and consequently the relevant design standards for that area will apply.

Appendix 1 states that flats will only permitted within the inner city where, amongst other things, site specific circumstances demand a flatted solution. Also all flats should have a minimum gross internal floor area of 60sq.m.. With regard to the development of the site for new flatted accommodation, it is considered that, due to the restricted size and shape of the site, its location on the Clepington Road frontage and the general characteristics of the surrounding buildings to the south and west, the provision of a flatted block on the site would be the most appropriate solution in terms of urban design. The new block is to be 4 storeys in height which is visually commensurate with the 4 storey tenemental block to the west and the three storey residential blocks to the south. Each flat will provide a minimum of 73m<sup>2</sup> of gross internal floor area which exceeds the Local Plan requirement of 60m<sup>2</sup>.

The Plan requires that private flats should have 130% off street car parking provision. The proposals include the creation of 12 off street parking spaces on the north side of the site ie 150% provision. It is concluded that the proposals are consistent with this requirement of the Plan.

With regard to private communal garden ground provision, a minimum of 100m<sup>2</sup> or 10m<sup>2</sup>/flat should be provided whichever is the greater. The proposals provide for 180m<sup>2</sup> of garden to the north of the new building that will also incorporate outdoor drying facilities and associated bin stores.

This is considered to be consistent with the requirements of the Plan.

The Plan also requires that 18 metres between habitable room windows should be achieved. There are no directly facing windows within this stated distance.

It is concluded from the foregoing that the proposal does not fully comply with the provisions of the development plan.

## Other Material Considerations

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

**Provision of Suitable Access** - the proposed development will be accessed from a currently unmade roadway that runs northwards from Clepington Road to a proposed car parking area to be located to the rear of the new flats. This private road is approximately 4.5 metres wide and currently serves an existing semi-detached dwelling house located to the east. This roadway is to be widened to approximately 5.5 metres in width, this is considered a sufficient distance to allow 2 private vehicles to pass each other. The development proposals have been assessed against this Council's current standards for new housing developments and it has been concluded that, subject to appropriate conditions relating to the access onto Clepington Road (including the finished height of any boundary enclosures) are attached to any permission granted the use of the roadway is considered to be acceptable.

**Pollution and Contamination** - due to the historical nature of the site ie industrial land, a Preliminary Risk Assessment has been submitted to accompany the planning application. Current access restrictions to the yard have prevented the taking of soil samples for lab contamination analysis and consequently the conclusions of the Assessment are based on the absence of any site specific information. The Council's Head of Environmental Health and Trading Standards has been consulted and has requested that when the site is cleared the soil is tested for contamination, the results of which will inform the appropriate remediation measures. It has also been requested that a condition be attached to any permission granted that requires agreement of the remediation measures

prior to the commencement of development.

**Suitability of the Site** - it is considered that there are no physical impediments (ie liable to flooding, contamination, ground instability) to the successful development of the site. The use of the land for residential purposes is consistent with the surrounding land uses located to the east, west and south of the site.

**Appearance of the Proposed Development and its Relation to Its Surroundings.** The proposals take into account the characteristics of the dominant land uses in the surrounding area in particular the 3 and 4 storey stone built residential properties located to the west and south sides of the site. It is considered that the development is appropriate in terms of size, scale and appearance for this narrow and restricted corner site that is located on the busy Clepington Road frontage.

**Compatibility with Existing Uses** - the use of the site for residential purposes is not considered to be significantly prejudicial to the surrounding land uses in terms of environmental matters. It is recognised that there are existing industrial uses located to the north. These have existed, without prejudice, in close proximity to residential properties in the area for a number of years and it is considered that there are no apparent reasons why this current situation should not continue following the development of the site for flats.

**Desirability of Retaining the Existing Use** - the site has been used for industrial purposes for a considerable number of years. This is confirmed by the inclusion of the northern section of the site in an identified General Economic Development Area. It is considered that the loss of this site to a residential use will not significantly undermine the provision of industrial land supply within the city. The site is a narrow and restrictive area of land located on the edge of the industrial area and its development would not compromise the integrity or the successful operation of these uses. This matter is also discussed in the discharge of Policy 26 of the Dundee Local Plan 2005 above.

**Planning Benefits** - it is considered that a development of the "gap site" on Clepington Road of the size, scale, design and appearance proposed will benefit the visual quality of the local

area by removing an unsightly and unkempt area of land that is an unwelcome prominent feature on a busy road frontage.

## Objections

Six objections to the proposed development have been received from local residents. Five of these are in the form of a pre-printed letter and are from residents of the flatted properties located directly opposite the application site on the south side of Clepington Road. The main issues that have been raised are as follows:

- 1 Impact of the Development on the Free Flow of Traffic. This matter has been discussed and discharged above. It is concluded that the proposals will not adversely impact on the free flow of traffic in the local area.
- 2 Impact on Off Street Car Parking Provision. This matter has been discussed and discharged above. The proposals advise of the provision of 150% off street associated car parking spaces to the located on the north side of the site which is in excess of the Local Plan requirements for such facilities.
- 3 Unsuitable Access. This matter has been discussed and discharged above. The proposed private access to the site is to be widened to a width of approximately 5.5 metres and is considered to be acceptable to serve the residential development proposed.
- 4 Impact on the Environmental Quality of Surrounding Occupiers. The proposed new flats are to be located to the west of a stone built, semi-detached 1.5 storey high dwelling house that accommodates an elongated south facing front garden area that runs towards Clepington Road.

With regard to the overshadowing of this property, initial calculations would suggest that the proposed new build will impact on a small area in the north west corner of the front garden and the west side of the existing south facing bay window. It is considered that while there will be a loss of daylight/sunlight to the adjacent property this is not so significant as to justify refusal of this application.

With regard to the reduction of privacy, there will be a degree of overlooking of the front garden of the existing property to the east by the proposal for kitchen and dining room/lounge windows of the east elevation of the flatted block. The proposed kitchen and the north most lounge windows are relatively small (0.4m x 0.6m). The main lounge windows to be provided on the south east corner of the block at first and second floor levels are full length corner windows that form an important design feature on this section of the building. These windows will overlook the front area of the front garden of the adjacent property but will also allow views along Clepington Road to the east by the future occupiers of the building. While it is accepted that there will be a reduction in privacy for the adjacent property, this is not so significant as to refuse planning permission.

It is concluded from the foregoing that sufficient weight can be accorded to any of 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

The design, scale and appearance of the proposed development is considered to be acceptable for the location proposed.

## CONCLUSION

It is concluded that the proposals are in accordance with the requirements of Policy 4 (Design of New Housing) but fail to fully comply with Policy 26 (General Economic Development Area) of the Dundee Local Plan.

It is considered that there are other material considerations that would justify the setting aside of the full requirements of Policy 26 and offering support for the development subject to certain conditions. These considerations relate particularly to the visual benefits that would arise from the development of an untidy and unkempt area of land resulting in the improved appearance of a prominent frontage site on Clepington Road. Also it is concluded that the use of the small area of industrial land for residential purposes will not prejudice the industrial land supply within the

city and will not adversely impact on the continued operations of the industrial land to the north. The benefits accrued from the development are considered to be of a significant weight sufficient to set aside the relevant provisions of the development plan.

The design of the proposed development is considered to be acceptable in terms of design, scale and appearance in the location proposed. The development will assist in the improvement of the visual quality of the local area.

## RECOMMENDATION

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

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
- 2 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.
- 3 Development shall not begin until the investigation and risk assessment proposed in the submitted Stage 1 Desk Study are completed and, if necessary, a remediation strategy to deal with contamination at the site has been submitted to and approved in writing by the planning authority. The strategy shall contain proposals to deal with contamination to include:
  - a the nature, extent and type(s) of contamination on the site;
  - b measures to treat/remove contamination to ensure that the site is fit for the use proposed and does not contain any significant pollution linkages;
  - c measures to deal with contamination during construction works; and
  - d verification of the condition of the site on completion of decontamination measures.

- 4 Before any unit is occupied, the remediation strategy shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved in writing by the planning authority.
- 5 Development shall not begin until details of the proposed vehicle access on to Clepington Road have been submitted to and agreed in writing by the planning authority. For the avoidance of doubt, this access shall be formed and constructed to Dundee City standards and specifications prior to the first occupation of any of the residential units hereby granted permission.
- 6 Development shall not begin until a scheme of landscaping has been submitted to and approved in writing by the planning authority. This scheme shall include full details of all new planting, plant species, plant sizes, plant densities, a maintenance plan and specifications for all proposed boundary enclosures and bin stores. For the avoidance of doubt, the agreed landscaping scheme shall be implemented in full within 6 months of the first occupation of any of the residential units hereby granted permission or within a further period of time that has been agreed in writing with the planning authority. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 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.

## Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.
- 2 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 To ensure that the site is fit for the use proposed

- 4 In order to ensure that the site is fit for the use proposed.
- 5 To ensure that the junction complies with current agreed standards and that the safety of traffic on the adjacent highway is not diminished.
- 6 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.