

KEY INFORMATION

Ward Strathmartine

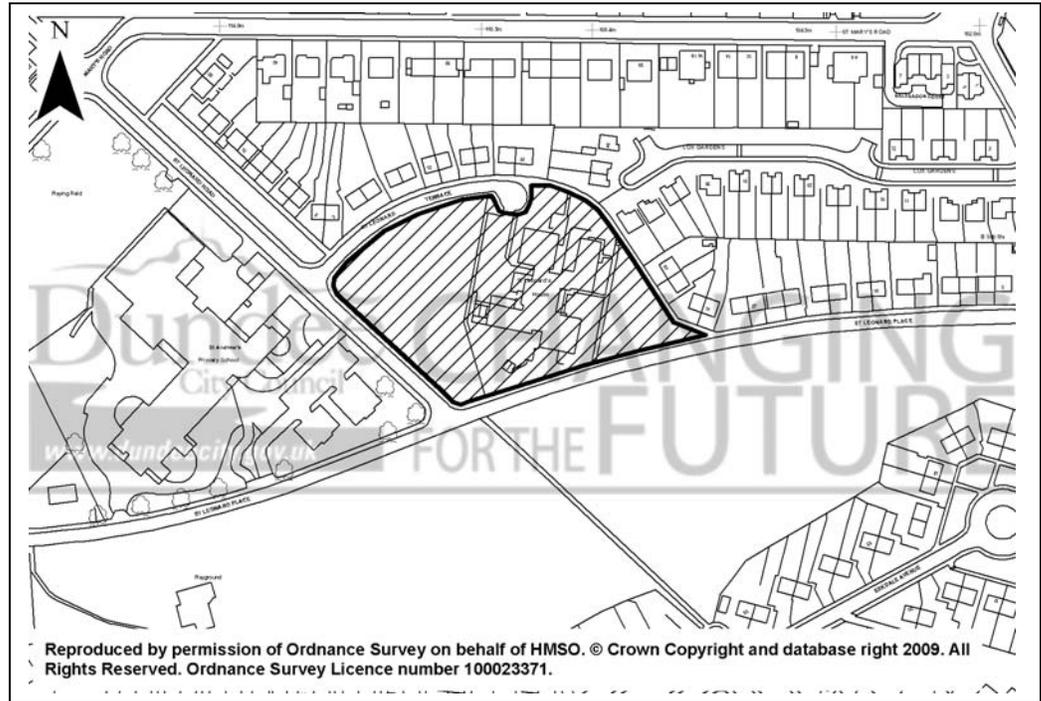
Proposal

Erection of 16 houses and 4 flats with new access road

AddressLand to the east of
St Leonard Road and south
of St Leonard Terrace
St Leonard Place
Dundee**Applicant**Dundee City Council
Housing Department
1 Shore Terrace
Dundee**Agent**KDM Architects
15 Camperdown Street
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Dundee
DD5 3AA

Registered 19 Jan 2010

Case Officer Eve Jones



Council Housing Development Proposal at St Leonards Road

The erection of 16 houses and 4 flats is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of City Development.

RECOMMENDATION

The development proposes the erection of 16 houses and 4 flats, 9 of which are wheelchair adapted properties. The development does not comply fully with the Dundee Local Plan Review 2005 requirements. The housing need detailed in the Supporting Statement and the characteristics of the development are considered to be strong material considerations. The objections raised are not supported and the representations are partly addressed by the design. The application is therefore recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of 16 detached and semi-detached, one and two storey houses and 4 flats in a two storey block. A new access road from St Leonard Terrace will provide vehicle access to all of the properties. The houses will have 2 or 3 bedrooms and the flats have 3 bedrooms. The 7 single storey houses and the 2 ground floor flats are wheelchair adapted. The houses will have between 120m² and 164m² of private garden space. All units will have at least one off street parking space and the wheelchair adapted houses will have 2 spaces including a car port.
- The site lies at the northern corner of St Leonard Road and St Leonard Place, and south of St Leonard Terrace was formerly occupied by St Leonard's House, a residential home.
- 3 objections on a range of issues include height of building, loss of privacy, overshadowing, density, road safety, noise, loss of trees and poor design. 2 representations raised concerns about road safety and parking problems which currently affect St Leonard Terrace. The objections are not supported and are not accorded sufficient weight to justify the refusal of planning permission and the representations have been partly met by the design of the development.
- It is concluded that the proposed development does not meet Policy 4 - Design of New Housing due to the provision of flats. The principle of residential development on the site is supported by a Planning Brief. The Supporting Statement highlights the significant need that exists for the proposed housing and the particular characteristics of the development both support the provision of 4 flats.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of 16 detached and semi-detached one and two storey houses and 4 flats in a two storey block. A new access road from St Leonard Terrace will provide vehicle access to all of the properties. The houses will have two or three bedrooms and will accommodate 4 or 6 persons, the flats have 3 bedrooms. The 7 single storey houses and the 2 ground floor flats are wheelchair adapted. The houses will have between 120m² and 164m² of private garden space. All units will have at least one off street parking space and the wheelchair adapted houses will have 2 spaces including a car port. St Leonard Terrace will be widened to just beyond the junction with the new road to provide improved vehicle access. The existing footpath along the east of the site will be improved and brought up to adoptable standard.

SITE DESCRIPTION

The site lies at the northern corner of St Leonard Road and St Leonard Place, and south of St Leonard Terrace. It was formerly occupied by St Leonard's House, a residential home which was demolished in 2009. The site is currently open grass with scattered trees on the west and north eastern parts. The site slopes from west to east with a steeper slope along the eastern footpath.

Well established semi-detached housing lies to the north and the east with a relatively new development of detached and semi-detached housing on the site of the former Bett Brothers builders yard to the north east. There is open grass to the south and the newly developed St Andrews Primary School.

The site lies between Macalpine Road and Strathmartine Road, both of which are bus routes and have local shopping facilities.

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; and
- Policy 71: Trees And Urban Woodland

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 is an approved Site Planning Brief for the redevelopment of this site for housing dated December 2006.

SUSTAINABILITY ISSUES

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

SITE HISTORY

There is no planning history relevant to this site.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised as a development contrary to the Development Plan. 3 objections and 2 representations were received within the statutory period. The objections were on a range of issues including height of building, loss of privacy, overshadowing, density, road safety, noise, loss of trees and poor design. The representations raised concerns about road safety and parking problems which currently affect St Leonard Terrace and the impact of the new development on these issues.

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

CONSULTATIONS

Scottish Water require the provision of a separate system to deal with surface water (SUDS). This can be the subject of an appropriate condition if Members are minded to approve the application as a section of the site has been identified for the location of SUDS.

The Head of Environmental Health and Trading Standards advises that the submitted Geo-environmental Interpretive Report suggested that further investigation be carried out and any remediation be carried out before any of the units are occupied. It is considered that this can be the subject of appropriate conditions if Members are minded to approve this application.

OBSERVATIONS

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless 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 4: Design Of New Housing - Policy 4 in the Dundee Local Plan Review 2005 and its associated Appendix 1 sets out criteria to ensure that the design and layout of all new housing in Dundee is of a high quality. Standards are outlined for housing types and sizes, parking, garden ground and privacy standards. The site lies within the suburban area with regard to Policy 4.

The proposed houses meet the requirements of Appendix 1 in all respects. They provide 2 or 3 bedrooms and have garden grounds of at least 120m². All have at least one off street parking space and the wheelchair adapted houses all have a car port with one additional space within in the driveway. 12 of the houses have space for a potential garage in addition to the parking space. The houses all have appropriate bin stores.

The proposed flats are located at the end of the new cul-de-sac and take the form of a two 2 storey units linked by a central stairwell. Parking is provided at 100%, 2 spaces being to disabled standards. The flats have a drying area and garden grounds of 294m². Whilst part of the site is sloping, there is at least 100m² of usable garden ground. The explanatory text to Policy 4 identifies the high proportion of small flats in Dundee and generally supports the development of houses rather than flats. The Policy advises that new development should conform to Appendix 1 unless the standards have been varied by a Planning Brief or the site is within an established low density area where more generous space standards would

be required. The adopted Site Planning Brief does not include the provision of flats.

Appendix 1 states that flats will only be permitted in exceptional circumstances to provide choice where this type of accommodation is not available in the surrounding area. The acceptability of flats on this site

demand. There are no site specific circumstances which would support the provision of flats rather than houses.

It is concluded that the provision of 4 flats within this development does not qualify as exceptional circumstances as required by Policy 4 Appendix 1. Accordingly, it is considered that the proposed development does not meet Policy 4 of the Dundee Local Plan Review 2005.

Policy 72: Trees And Urban Woodland - the policy supports the retention, where possible of existing healthy mature trees and their incorporation into new development. New planting will be required as part of new developments.

The site contains a number of trees which formed the landscape setting to the former care home. The trees are not the subject of a Tree Preservation Order. The development will result in the loss of 25 trees due to their location within the site and their condition. Approximately 12 trees around the perimeter will be retained and new tree planting will be provided as part of a landscaping scheme. As noted, this site has an approved Planning Brief for housing development, which supports the principle of the redevelopment of the site and subject to replanting, the loss of trees, whilst regretted, is considered to be justified in terms of Policy 72.

It is concluded that the development fails to comply with one element of Policy 4 but does comply with Policy 72 of the development plan.

Other Material Considerations

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

Objections and Representations

The application was the subject of statutory Neighbour Notification and was also advertised as a development contrary to the Development Plan. 3 objections and 2



therefore relies upon the development being identified as meeting "exceptional circumstances". Supporting Information has been submitted in this respect which is detailed in the Material Considerations below. It is clear that there is a



significant demand for wheelchair adapted housing and the site of the flats could accommodate 2 additional houses which would further meet this

representations were received within the statutory period.

Objections

The objections were received from residents in the new housing development on the site of the former Bett Brothers yard to the north east. The objection from one resident, in the house to the east of the footpath, relates to the proposed flats and is on the grounds of the height of the building resulting in loss of privacy, overlooking, overshadowing and poor design plus an increase in noise. Loss of value and loss of view are not valid planning grounds for objection. The flats will be located approximately 10 metres to the west of the objector's property and will be two storey. There are 3 windows to bedrooms on the east elevation of the flats and windows providing light to the stairwell. There are no facing windows of habitable rooms. Policy 4 requires that living room windows of flats do not overlook private garden grounds of houses, which is achieved in this case. The degree of overlooking from bedrooms is similar to the overlooking that occurs from the upper floors of neighbouring houses and is not considered to be sufficient to justify amendments to the development. The objector's house is at a higher level than the older housing to the south and the proposed development is to the west of the property. It is considered that whilst there will be a reduction in some evening sunlight from the west, it is not significant enough to justify refusal of the application. Whilst a residential development will generate more noise than an area of grass and trees, this is a suburban area of the City where normal noise and activity from residential properties is to be expected.

The objector also considers the design of the flats to be "out of place where they are situated on the worst part of the site". The flats are located at the end of the cul-de-sac on the downslope of the site which will minimise their impact. They are also located on the part of the site which is developed with two storey houses rather than the single storey wheelchair adapted houses on the western half. The design of the flats is considered to be appropriate to the site and relate to the design of the other housing.

A second resident, closest to the site, also objects but gives no planning

reasons. A third objector provides a list of reasons for the objection but no further expansion of the headings. The issues of height, design, noise, overlooking, privacy, shadowing have been addressed. Overprovision and loss of value are not planning grounds. Traffic and road safety issues will be considered in the following section. Detrimental to environment and trees have been considered in the observations above.

Representations

Two representations were received from residents in St Leonard Terrace which will be directly affected by the development. They raise concerns about road safety and parking problems which currently affect St Leonard Terrace and the impact of the new development on these issues. However, it appears that the traffic and parking problems which exist are generated by the new St Andrews Primary School on the west side of St Leonard Road. The proposed development includes the widening of St Leonard Terrace along more than half of its length to improve access to the new housing. Whilst this will change the character of this part of the road, it will provide an opportunity for vehicles to turn at this mid point rather than travel to the end of St Leonard Terrace to turn as at present. As all of the new housing will gain access from the cul-de-sac rather than having driveways directly on to St Leonard Road or St Leonard Place, it is considered that this element of the design will allow short term on-street parking relating to the school "drop off and pick up" activities to continue without blocking any new driveways. However, it is considered that the proposed development is unlikely to significantly add to the existing traffic and parking problems highlighted by local residents. This is a problem common to schools, particularly primary schools, throughout the City and is best tackled by information and management from the schools. The management of the construction, including the parking of contractors vehicles, materials storage etc will be controlled following discussion and agreement with Dundee City Council.

It is concluded that the objections are not supported for the reasons stated and the issues raised in the representations have partly been

addressed by the design of the development.

Planning Brief

As noted, there is an approved Planning Brief from December 2006 for the redevelopment of this site. The Brief states that given its suburban location, the site will be developed with houses only. The justification for the provision of 4 flats is clarified in the assessment of the Supporting Statement which follows.

The proposed development meets the criteria in the Brief in terms of the size of properties. The required garden ground is a minimum of 120m² with 40% to have more than 160m². However the standards were to be applied more flexibly for terraced houses provided none were below 100m². In this case, there are no terraced houses and all of the units have more than 120m² of private garden ground. 3 units have gardens of more than 160m² and a further 3 have between 140 and 160m². Whilst this fails to meet the 40% criteria, it should be noted that 7 of the 16 houses proposed are wheelchair adapted, which occupy a much larger footprint and this has resulted in a relatively small reduction in the available garden ground when assessed against the Brief. This type of specialist housing was not envisaged in the preparation of the Brief as the site would have been expected to be sold to a private developer.

The Brief also stated that driveways should be taken from St Leonard Road and tree planted along this side where the houses would be set back. The houses have to be set back because of a major water main in this location and for that reason, driveways cannot be located at this point and new trees also cannot be planted near such pipework. The Brief also includes tree planting on land in front of 31- 37 St Leonard Place but this site will be the location of underground SUDS and again trees cannot be planted in such a location.

It is concluded that the 2006 Brief does support residential development of the site and the proposals meet many of the criteria within it. However the Brief does not support the provision of flats. In addition, particular characteristics of this development and the restrictions imposed by underground infrastructure ensure that

every part of the Brief cannot now be met for the reasons given.

Supporting Statement by the Applicant

"At this time Dundee City Council Housing Department's housing Waiting List consists of circa 7,300 applicants, 5,500 have an assessed unmet housing need.

The City Council's stock in St Mary's currently comprises of 321 cottages (218 x 3 bedrooms and 103 x 2 bedrooms) and 106 blocks of flats with only 6 x 3 bedroomed flats on the ground floor. There are circa 320 households requesting 3 bedroomed cottages; 725 households requesting 2 bedroomed cottages; 215 households requesting 3 bedroomed flats and 816 households requesting 2 bedroomed flats (there is likely to be some duplication within these figures) in the St Mary's area alone. Currently there are 17 households on the waiting list with medical priorities for housing all on one level either ground floor or not more than 1 up in the St Mary's area, and a further circa 150 households who have indicated they would consider a flat in St Mary's.

The provision of 4 x 3bedroomed flats (the 2 ground floor being fully adapted wheelchair housing, and the 2 first floor will meet the needs of households requiring housing all on one level), is recommended as it:

- creates a mix of sustainable housing in the development - 80% cottages, 20% flats;
- 45% mainstream housing, 45% fully adapted housing, 10% medical needs housing;
- allows households preferences for flats rather than cottages to be met;
- allows medical needs, some being extreme, and not just severely disabled housing needs, to be met,
- allows specific housing needs to be met quicker than they otherwise would be,
- contributes, in a small way, to reducing the waiting time of applicants for specific house types; and

- will alleviate specific hardships for households currently inappropriately housed.

In addition to the above there are 66 households on the waiting list, some of whom have been waiting in excess of 24 months, who have been assessed as requiring fully adapted wheelchair housing as their existing homes are totally unsuited to their individual needs. The 9 fully adapted units on this site will enable the individual/family to enjoy an improved quality of life. It is envisaged that the occupiers of these units will either be current residents of the St Mary's or surrounding areas, or have a support network established/easily established within the St Mary's area."

Assessment of Material Considerations

It is concluded from the foregoing that the principle of residential development on the site is supported by the Planning Brief. Whilst the development fails to meet some of the requirements of that Brief, it is considered that the nature of the proposed development, providing a significant number of wheelchair adapted houses, supports these variations.

In respect of the provision of flats, the Supporting Statement from the applicant also highlights the significant need that exists for limited provision of flats, especially as the 2 ground floor units are also wheelchair adapted. It should also be noted that the development contains 7 wheelchair adapted houses, which occupy a much larger footprint than a conventional two storey house in order to provide the same level of accommodation. Consequently, fewer houses can be built on a site. This development provides a wide range of house types to address various identified housing needs in this community and it can be argued that the provision of 4 flats allows the site to be utilised more economically without significantly affecting the quality and character of the resulting development.

The objections are not supported for the reasons given and are not accorded sufficient weight to justify the refusal of planning permission contrary to the provisions of the development plan and the other strong material considerations.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations of the Supporting Statement and the particular form of this development such as to justify the granting of planning permission contrary to the provisions of the development plan. The other material considerations do not weigh so heavily and therefore do not justify refusal of the application.

Design

The design and materials proposed will result an attractive group of new houses within an existing well established housing area.

CONCLUSION

The development proposes the erection of 16 houses and 4 flats, 9 of which are wheelchair adapted properties. The scale, design and materials will result in an attractive new development. The development does not comply fully with the Dundee Local Plan Review 2005 requirements and there are several material considerations both for and against the development which require to be assessed. The housing need detailed in the Supporting Statement and the characteristics of the development are considered to be a strong material considerations. The objections raised are not supported for the reasons given in the report and the representations are partly addressed by the design.

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 Full details 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 details.
- 3 Prior to the commencement of development, full details of the proposals to deal with surface water, including measures to deal with the disposal of surface water from the road, shall be submitted to the City Council for approval

and if approved, the development shall be carried out only in accordance with such approved details. If any surface water is to be disposed of via the public sewer, confirmation of Scottish Water's acceptance of same will be required.

- 4 Prior to the commencement of any development on the site, or the commencement of any site preparation works, tree protection fencing in accordance with BS5837:2005 shall be erected around all trees to be retained and such fencing shall be maintained in place throughout the construction period. Relocation of any fencing to allow construction works to proceed shall be agreed with the Forestry and Enforcement officers prior to any movement of the fencing.
- 5 Prior to the commencement of development, a comprehensive landscaping scheme for hard and soft landscaping shall be submitted for approval and if approved, the works shall be carried out only in accordance with such approved details. The scheme shall include replacement tree planting with standard trees minimum of 10-12cm rootballed of a species to be agreed, to be planted in accordance with BS:4043.
- 6 The landscaping scheme as detailed in condition 05 shall be fully implemented in accordance with the approved details within 6 months of the completion of the development. 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.
- 7 Prior to the commencement of development, full details of the proposed boundary treatments shall be submitted for approval and if approved, the boundaries shall be completed in accordance with the approved details prior to the first occupation of the dwellings hereby approved.
- 8 The unadopted footpath on the eastern boundary of the site shall be brought up to adoptable

standard by the applicant in accordance with Dundee City Council standards and specifications.

- 9 Prior to the commencement of development, details of the proposed road junction to St Leonard Road and widening of St Leonard Terrace shall be submitted for approval and if approved, the works shall be carried out only in accordance with such approved details. The works must be to Dundee City Council standards and specifications and the junction should be formed before any construction work commences.
- 10 A footway/footpath ex adverso the site on to St Leonard Terrace and the proposed footway included within the layout on the west side of Plots 1-5 shall be provided to Dundee City Council standards and specifications prior to the first occupation of any of the units hereby approved.
- 11 The footpath link from the end of the cul-de-sac to the footpath along the east side of the site shall be provided prior to the completion of the development unless otherwise agreed in writing by this authority.
- 12 Prior to the commencement of development, the further investigation and risk assessment proposed in the submitted draft Phase II Environmental and Geotechnical Site Investigation shall be completed and a remediation strategy to deal with contamination at the site shall be submitted to and approved in writing by the planning authority. The strategy shall contain proposals to deal with contamination to include:
 - i the nature, extent and type(s) of contamination on the site;
 - ii measures to treat/remove contamination to ensure the site is fit for the use proposed and does not contain any significant pollution linkages;
 - iii measures to deal with contamination during construction works; and

iv verification of the condition of the site on completion of decontamination measures.

- 13 Before any unit is occupied the remediation strategy detailed in Condition 12 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".
- 14 Full details of the proposed Finished Floor Levels (FFL) of the proposed flats 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.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 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 a satisfactory standard of development.
- 4 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 5 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 6 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 7 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 8 In the interests of pedestrian safety.
- 9 In the interests of highway safety and the amenities of the occupiers of nearby properties.
- 10 In the interests of pedestrian safety.

- 11 In the interests of the amenities of the future occupants of the residential accommodation.
- 12 In the interests of the amenities of the future occupants of the residential accommodation.
- 13 In the interests of the amenities of the future occupants of the residential accommodation.
- 14 To ensure that the application site can be developed in a satisfactory manner.