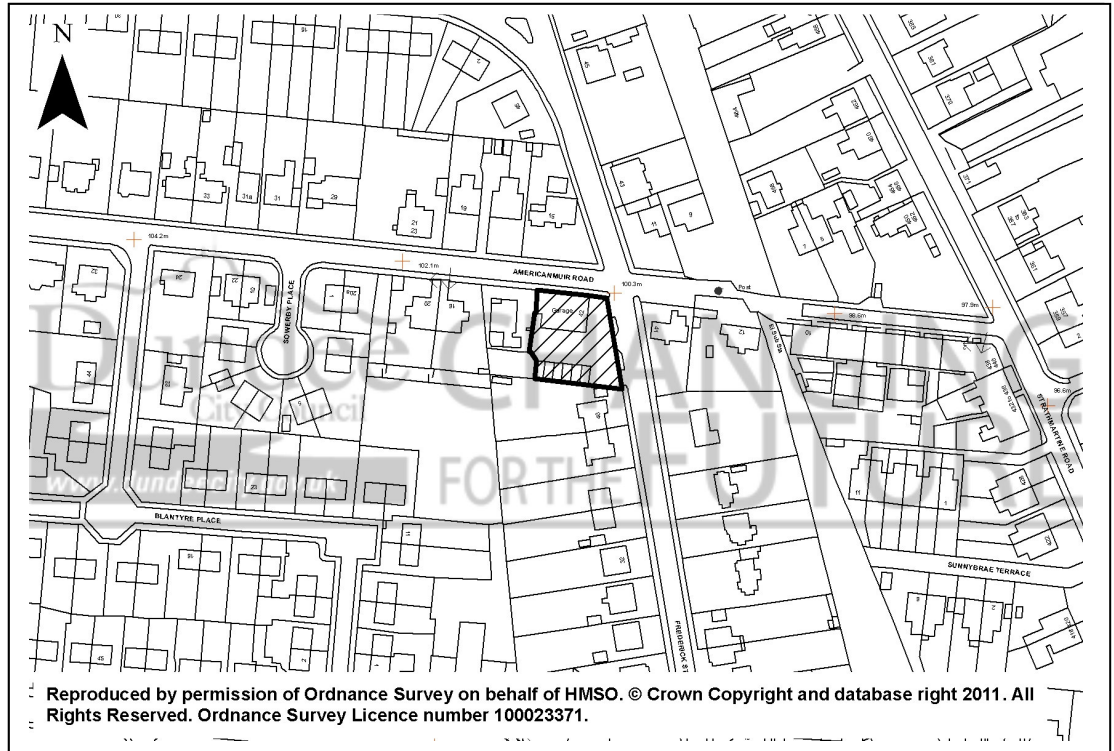


**KEY INFORMATION****Ward** Strathmartine**Proposal**Outline permission to erect 2  
No dwelling houses**Address**42 Frederick Street  
Dundee  
DD3 8RR**Applicant**Mr and Mrs E Johnston  
444 Perth Road  
Dundee  
DD2 1JT**Agent**Bill Jackson  
Cadpoint Design and  
Draughting Services  
19 MacLean Place  
Dundee  
DD3 8RR**Registered** 11 Jan 2011**Case Officer** Paul Macari

## 2 New Houses at Frederick Street

The planning permission in principle to erect to erect 2 No dwellinghouses is **RECOMMENDED FOR APPROVAL subject conditions**. Report by Director of City Development.

**RECOMMENDATION**

The proposals can be conditioned to satisfy the requirements of the Development Plan. The concerns of the Objectors are not supported. Accordingly, the application is recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- This application seeks planning permission in principle for the erection of 2 dwellinghouses on the site of the existing car repair garage at 42 Frederick Street.
- Policy 4 (Design of New Housing) of the Dundee Local Plan Review 2005 is relevant to the outcome of this planning application.
- 2 letters of objection have been received from neighbouring residents concerned about loss privacy, impact on existing boundary treatments, overshadowing, contamination, design of the proposed houses, noise disturbance, road safety issues due to increased traffic and use of storage facility.
- The concerns of the Objectors are not supported.

## DESCRIPTION OF PROPOSAL

This application seeks planning permission in principle for the erection of 2 dwellinghouses on the site of the existing car repair garage at 42 Frederick Street.

The Applicant has submitted detailed layout plans, floor plans and elevations for consideration by the Council. The Applicant has confirmed that the matters reserved for approval under a separate planning application are the landscaping proposals for the front garden grounds.

The proposed houses shall be semi-detached and one and a half storeys in height. The houses shall be centrally positioned on the application site with an east to west orientation. The houses shall be set back from Frederick Street by no less than 7m and shall benefit from large front gardens with driveways. The houses shall also benefit from private rear gardens that have areas in excess of 120m<sup>2</sup>.

The houses shall be of a modern design with pitched roofs. The first floor of the houses shall be created by pitched roof dormer extensions to the front and rear of the houses. The dormer extensions on the front elevation shall have French doors and Parisian balconies. The ground floors of the houses shall have projecting entrances and integral garages with pitched roofs.

The proposed houses shall be finished in facing brick to first floor level with white render above. The roofs of the houses including the entrance porch shall be finished in slate grey concrete roof tiles. The windows shall be double glazed units with white UPVC frames.

The proposed houses shall comprise of an integral garage, lounge, dining kitchen utility room and shower room on the ground floor and 3 bedrooms and a family bathroom on the first floor. The master bedroom of each house shall benefit from a large en-suite bathroom.

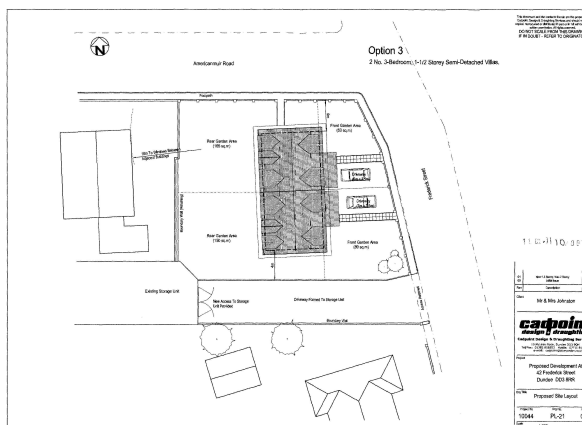
The existing storage facility located in the south western corner of the site shall be retained with a new access road formed along the southern boundary of the application site.

In accordance with the Council's Scheme of Delegation this application

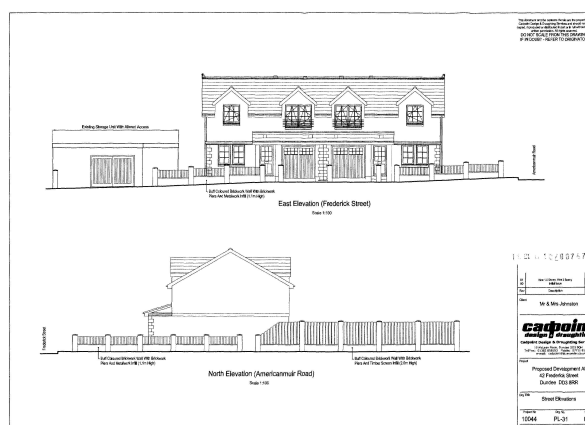
is being reported to the Development Management Committee at the request of an Elected Member.

## SITE DESCRIPTION

The application site is located on the western side of Frederick Street, on the southern corner of the junction between Frederick Street and Americanmuir Road.



The site is bound to the west by a one and a half storey dwelling with east facing windows overlooking the application site. To the south the application site is bound by a detached single storey house. The application site is separated by properties to the west and south by a 1m high block built wall as well as shrubbery and at times lengths of timber fencing.



Existing on the site is a large commercial car repair garage in the north western sector and a series of lock up garages in the south western sector. The remainder of the site is surfaced in hard standing to form a parking area.

The existing building is of an industrial appearance with white painted walls and asbestos roof with roof lights. There is a large sliding door on the

eastern elevation of the building that provides access to the garage. There is a small lean-to extension to the southern elevation finished in materials matching the existing building. The lean-to extension forms office accommodation and has a large window opening and access door on the eastern elevation. The window frames, office door and garage door are painted red. The window is single glazed casement style. There is steel mesh over the window opening. The existing garage building is built on the western boundary of the site and the western elevation forms part of the boundary between 42 Frederick Street and 16 Americanmuir Road.

The site slopes from north to south and therefore neighbouring properties to the north of the site are situated at a higher level than the application site with neighbouring properties to the south situated at a lower level than 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:

- 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.

## **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: 10/00458/PPPL sought planning permission in principle for the erection of 2 houses on the application site. Due to the scale, massing, design and layout of the proposed houses the proposals were contrary to Policy 4 (Design of New Housing) of the Adopted Local Plan. The Applicant withdrew this application prior to it being reported to the Development Management Committee.

## **PUBLIC PARTICIPATION**

The Statutory Neighbour Notification procedure was carried out by the Council in accordance with the Town and Country Planning (Development Management Procedures) (Scotland) Order 2008. 2 letters of objection have been received from neighbouring

residents. The material planning concerns raised include:

- loss of privacy;
- impact on existing boundary treatments;
- overshadowing;
- contamination;
- design of the proposed houses;
- noise disturbance;
- road safety issues due to increased traffic; and
- use of storage facility.

Members will already have had access to the objection letters and it is intended to comment on them in the Observations Section of the report below.

## **CONSULTATIONS**

Scottish Water has no objections to the proposed development.

The Head of Environmental Health and Trading Standards has recommended the use of standard conditions to overcome issues of contamination detailed in the Phase 1 Contaminated Land Risk Assessment submitted as part of this planning application.

## **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 4 sets out standards for new housing development. The application site is defined as falling within a suburban area and should be assessed against the Appendix 1 standards.

Appendix 1 requires that new dwellings within suburban areas should have three or more bedrooms or a minimum gross internal floor area of 100m<sup>2</sup>. The proposed houses satisfy

this requirement as three bedrooms will be provided.

Appendix 1 also stipulates that houses in suburban areas should benefit from at least 2 in curtilage car parking spaces with 50% of houses benefiting from a garage or space for one. The proposed houses shall benefit from 1 space driveways and an integral garage. The proposed houses shall therefore be afforded an insufficient level of in-curtilage car parking and fail to meet the requirements of Appendix 1.

In addition to floor space and car parking facilities, Appendix 1 stipulates that new houses in suburban areas should benefit from no less than 120m<sup>2</sup> of private usable garden ground. The proposed houses shall benefit from 150m<sup>2</sup> and 165m<sup>2</sup> of private usable garden ground respectively.

Appendix 1 also requires there to be a distance of no less than 18m between the facing windows of habitable windows serving the proposed house and neighbouring properties. The proposed houses shall have no windows serving habitable rooms that are located within 18m of facing windows of neighbouring properties.

The proposals do not comply with the requirements of Appendix 1 of Policy 4.

Criteria (b) of Policy 4 requires proposals for the erection of houses in established low density areas to reflect the surrounding density of development with individual houses benefiting from more generous external space standards. The proposed houses shall benefit from private usable garden ground and off street parking facilities that are similar if not greater than the facilities afforded to neighbouring properties. The proposals are therefore considered to adhere to the requirements of Criteria (b) of Policy 4.

The proposals fail to satisfy the criteria of Policy 4 (Design of New Housing) of the Dundee Local Plan Review 2005 as the proposed houses shall not be afforded the required level of in-curtilage car parking.

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 In-curtilage Car Parking

The proposed development in its current form fails to satisfy the requirements of Appendix 1 of Policy 4 (Design of New Housing) of the Adopted Local Plan as the proposed houses shall only be afforded a single car driveway in addition to an integral garage. However, the front garden grounds afforded to the proposed houses are of a sufficient depth and width to afford the proposed houses a 2 car driveway in addition to an integral garage. Therefore to ensure that the proposed houses are afforded the required level of in-curtilage car parking in compliance with Appendix 1 of Policy 4, the provision of 2 car driveways shall be controlled by condition should the Committee be minded to grant planning permission.

### b Views of Objectors

2 letters of objection have been received from neighbouring residents. The material planning concerns raised include:

- Loss of privacy

The Objectors are concerned that the proposed houses shall overlook east facing windows and areas of private garden ground. The proposals have been assessed against the requirements of Appendix 1 of Policy 4 (Design of New Housing) of the Dundee Local Plan Review 2005. As the proposals comply with the requirements of Appendix 1 and the west facing windows serving the proposed houses shall not be located within 18m of facing windows of neighbouring houses no significant issues of overlooking shall occur. The concerns of the Objectors are not supported.

- Impact on existing boundary treatments

The Objectors are concerned that the removal of the existing garage shall adversely affect the existing boundary treatments

serving the application site. In this instance, the concerns of the Objectors are supported as the removal of the existing garage building may result in the demolition of the existing retaining wall serving the western boundary of the site. However, should the Committee be minded to grant planning permission this matter could be addressed by condition.

- Overshadowing

The Objectors are concerned that the proposed houses shall generate significant issues of overshadowing. The proposed houses by virtue of scale, massing and location shall not cast significant shadows over neighbouring properties to the south, east, west or north of the application site.

- Contamination

The Head of Environmental Health and Trading Standards has recommended the use of standard conditions to overcome issues of contamination detailed in the Phase 1 Contaminated Land Risk Assessment submitted as part of this planning application.

- Design of the proposed houses

The Objectors are concerned that the proposed houses shall "stick out like a sore thumb". The proposed houses although modern have an original design that is unlike other new build dwellings within the City. The proposed houses are one and a half storeys in height whereas neighbouring houses to the south of the application site are mainly single storey. However, given that the application site is a very prominent corner site with an existing industrial garage building awkwardly positioned on it the proposed houses by virtue of scale, massing and design shall significantly enhance the appearance of the streetscape while also enhancing the level of environmental quality afforded to neighbouring properties through the removal of a busy commercial garage.

- Noise disturbance

The Objectors are concerned that the level of traffic generated by the proposed houses and the retention and reduction of the existing storage facility to the south west of the site shall generate instances of significant noise disturbance from traffic movements. These concerns are not supported as the level noise from traffic generated by the existing garage and storage facilities is far greater than would be generated by the proposed houses and the retention of a reduced storage facility.

- Road safety issues due to increased traffic

The Objectors are concerned that the level of traffic generated by the proposed houses and the retention and reduction of the existing storage facility to the south west of the site shall generate significant traffic movements to the detriment of road safety. The level of traffic generated by the proposed houses and reduced storage facilities shall be far less than the level of traffic generated by the existing commercial car repair garage and extensive storage facilities. In this instance the concerns of the Objectors are not supported.

- Use of the Storage Facility

The reduced storage facility shall be used by the site owner to store vintage cars.

As well as the above concerns the Objectors were also concerned that the proposed houses may be used for short lets and this would conflict with the career of a neighbouring resident. In addition Objectors were also concerned that the proposed house would adversely affect property prices in the local area. Neither of the above concerns are material planning considerations and as such have not been assessed in the consideration of this planning application.

The concerns of the Objectors relating to loss of privacy, overshadowing, contamination, design of the proposed houses, noise disturbance, road safety issues due to increased traffic and use of storage facility are not supported. The concerns of the Objector relating to the impact on existing boundary

treatments are supported and shall be addressed by condition should the Committee be minded to grant planning permission.

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

## Design

The proposed houses by virtue of scale, massing, design and finishing materials shall enhance the appearance of the prominent corner location of Frederick Street.

## CONCLUSION

The proposals can be conditioned to satisfy the requirements of the Development Plan. The concerns of the Objectors are not supported. Accordingly, it is recommended that planning permission in principle is granted subject to conditions.

## RECOMMENDATION

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

- 1 Prior to the commencement of any development on site, the approval of the Council shall be obtained in writing for the following details: landscaping of the front garden grounds.
- 2 Prior to the commencement of work on site, details of the proposed boundary treatments shall be submitted to the Council for written approval. Thereafter, the boundary treatments approved by this condition shall be erected prior to the houses being occupied.
- 3 Development shall not begin until a Preliminary Risk Assessment is completed and, if required, an Intrusive Investigation and a scheme to deal with contamination at the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of proposals to deal with contamination to include:

- a assessment of the risks associated with contaminant sources, pathways and receptors specific to the proposed use of the site, and if necessary;
- b a remediation Implementation Plan detailing measures to treat/remove contamination and mitigate risks to ensure the site is fit for the proposed use;
- c measures to deal with contamination during construction works, and
- d verification 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 by the planning authority.
- 5 Prior to the commencement of work on site, details of a 2 car driveway for each of the proposed houses shall be submitted to the Council for written approval. Thereafter, the approved 2 car driveways shall be formed prior to the occupation of the proposed houses hereby approved.

## Reasons

- 1 To reserve these matters for future consideration by the Council.
- 2 In the interests of privacy, security and visual amenity.
- 3 To ensure that any potential contamination of the site is identified and mitigation measures put into place to deal with remediation of the site
- 4 To ensure that any contamination found on site is dealt with adequately.
- 5 In the interests of road safety and residential amenity.