

Housing Development at Union Place

KEY INFORMATION

Ward West End

Address

Lock Ups, 5-7 Union Place
Dundee

Applicant

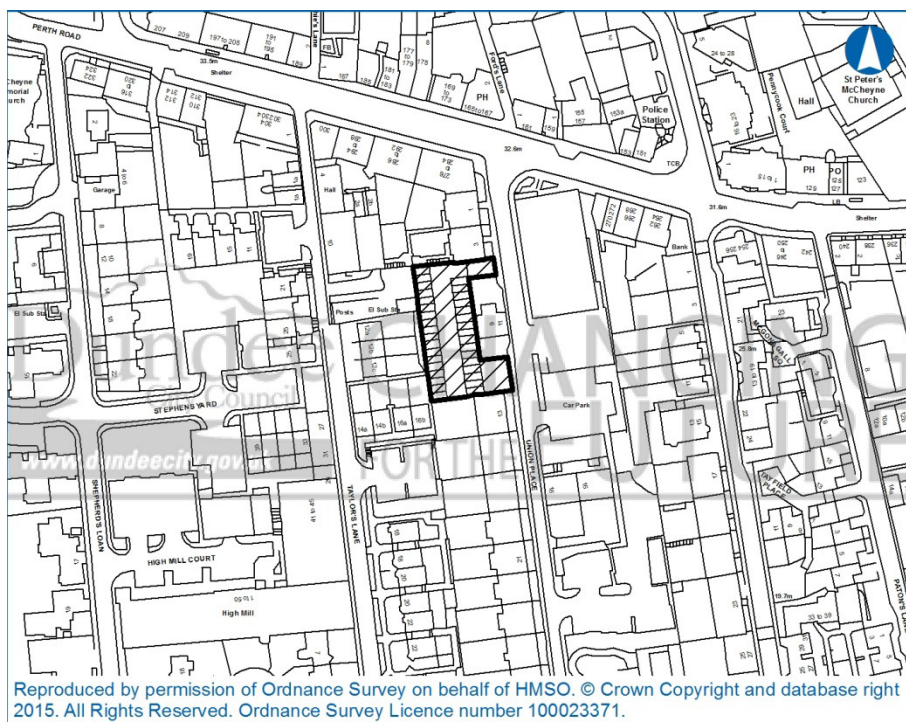
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Agent

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Registered 9 March 2015

Case Officer D Niven



SUMMARY OF REPORT

- This application seeks planning permission for the erection of three houses.
- Permission was granted for a similar development in May 2012.
- Policies 7 (High Quality Design), 9 (Design of New Housing), 12 (Development of Garden Ground), 29 (Low and Zero Carbon Technology in New Development), 40 (Waste Management Requirements for Development), 45 (Land Contamination) and 50 (Development in Conservation Areas) of the Dundee Local Development Plan are relevant to the proposed development.
- 9 letters of objection have been received.
- More details can be found at <http://idoxwam.dundeeccity.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=NKDQXXGC06600>.

RECOMMENDATION

The proposed development would comply with the relevant policies of the Dundee Local Development Plan (2014) other than Policy 12(2). There are strong material considerations that would justify the approval of this application. The application is therefore recommended for APPROVAL.

1 DESCRIPTION OF PROPOSAL

- 1.1 Full planning permission is being sought to erect 3 houses on the site. The site already has consent for the erection of 3 two storey houses, comprising of two semi-detached units and one detached unit (ref: 12/00033/FULL).
- 1.2 This application is for a similar layout but for a different house design, including an additional bedroom within the attic space served by a dormer window extension. The proposed house types are far more simple than those previously approved in terms of the general design and finish, with many of the detailed features such as chimney breasts removed and stone cladding and slate replaced with off white render and grey tiles. Access will be taken from Union Place and each of the houses will have two off-street parking spaces.
- 1.3 In accordance with the Council's Scheme of Delegation this application is being reported to the Development Management Committee as more than six valid letters of objection have been received and the application is recommended for approval.

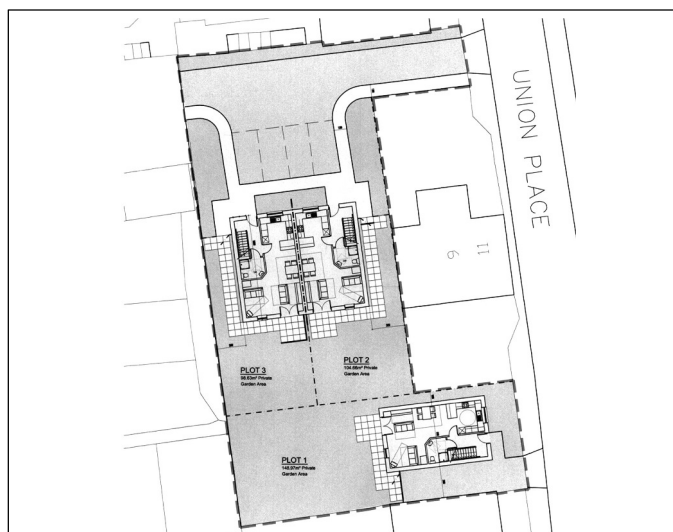


Figure 1 – Site Plan



Figure 2 – Proposed Elevations and Floor Plans

2 SITE DESCRIPTION

- 2.1 This application site is located on Union Place, just off the Perth Road, which is within the West End Lanes Conservation Area. The site is a back land area of ground to the west of the existing flats at 9 and 11 Union Place which is presently occupied by 34 vacant lock up garages. The site also covers part of the existing garden relating to the neighbouring flat at 11 Union Place. The area immediately surrounding the proposed development site largely comprises of high density flatted properties. To the north and south of the site stands traditional four storey tenements, to the east stands a two storey villa containing two flats (9 and 11 Union Place), and to the west stands the recently developed flats on Taylor's Lane.



Figure 3 – Proposed Street Elevation

- 2.2 Access to the site is currently taken directly from Union Place which passes to the north of the properties at 9 and 11 Union Place.

3 POLICY BACKGROUND

- 3.1 The following plans and policies are considered to be of direct relevance:

DUNDEE LOCAL DEVELOPMENT PLAN

Policy 7: High Quality Design
Policy 9: Design of New Housing
Policy 12: Development of Garden Ground
Policy 29: Low and Zero Carbon Technology in New Development
Policy 40: Waste Management Requirements for Development
Policy 45: Land Contamination
Policy 50: Development in Conservation Areas



Figure 4 – View from North End

- 3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

4 SITE HISTORY

- 4.1 Full planning permission was granted under delegated powers in May 2012 for the erection of 3 houses within the same site (ref 12/00033/FULL). That development comprised of a two storey semi detached block and a detached two storey house. That consent lapsed on 8 May 2015 but before it expired an application to renew the consent was recently submitted (ref 15/00300/FULL). That application has yet to be determined.
- 4.2 Conservation Area Consent was also granted for the demolition of the existing garage lock ups in August 2010 (ref 10/00168/CON). That consent is still valid until 2 August 2015.



Figure 5 – View from East

5 PUBLIC PARTICIPATION

- 5.1 The Council has followed the statutory neighbour notification procedures. This application has also been advertised in the Dundee Evening Telegraph and a site notice was posted near to the development site.

- 5.2 9 letters of objection have been received. One is from the occupier of the subdivided dwelling immediately to the north of the proposed detached house and the other eight are in a standard format but individually signed and addressed by residents of the wider area. The concerns raised relate only to the proposed detached house to the south of 9/11 Union Place (and not the semi detached pair) and specifically refer to:
- loss of garden ground;
 - overdevelopment;
 - overlooking;
 - overshadowing; and
 - impact on character and appearance of conservation area.
- 5.3 Members will already have access to the letters of objection and the issues raised are considered in the Observations section below.

6 CONSULTATIONS

- 6.1 **Environment Department** – the Head of Environmental Protection has advised that the site could potentially be contaminated but they are satisfied with the proposals subject to conditions.

7 DETERMINING ISSUES

- 7.1 **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.

DUNDEE LOCAL DEVELOPMENT PLAN

- 7.2 **Policy 7: High Quality Design** – Policy 7 is supportive of development that contributes positively to the quality of the surrounding built and natural environment. The design and siting of development should respect the character and amenity of the place and should create and improve links within the site and into the surrounding area beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.
- 7.3 The proposed house types will remain very similar in terms of scale and layout to the existing approved scheme. The design of the proposed houses has however been simplified and the quality of the external finish has been changed to an off white render and grey roof tiles now proposed instead of the previously approved stone cladding and natural slate. Nevertheless, the general design of the proposed houses will still retain a relatively traditional appearance and the use of a good quality smooth white render would be an acceptable alternative to stone cladding, particularly since it can be very difficult to achieve a

satisfactory appearance with new stone cladding that matches the appearance of adjoining stone buildings. However, it is considered that the use of concrete roof tiles would not be appropriate and a condition has been suggested to ensure that the roofs are clad with natural slate.

7.4 The proposal complies with Policy 7 subject to conditions.

7.5 Policy 9: Design of New Housing – Policy 9 requires the design and layout of new housing developments in Dundee to be of a high quality and contribute to creating places that build on and enhance the distinct character and identity of the different parts of the city. The assessment under Policy 7 has concluded that these requirements are met.

7.6 In addition, all new housing developments must also conform to the guidance on the Design of New Housing set out in Appendix 3 of the Dundee Local Development Plan.

7.7 Appendix 3 requires new houses within Inner City areas to have a minimum of 2 bedrooms or a gross internal floor area of 100m². All houses should have no less than 1 in-curtilage parking space. In addition, all new houses should be afforded at least 50m² of private useable garden ground and a minimum of 18m between facing windows serving habitable rooms of neighbouring houses.

7.8 The proposed development meets or exceeds the minimum requirements of Appendix 3 in terms of internal floor area, number of bedrooms, in-curtilage car parking facilities, garden ground provision and distance between facing windows serving habitable rooms. The proposals therefore satisfy the requirements of Appendix 3.

7.9 As detailed in the assessment of the proposals against Policy 7 above, the proposed houses are of an acceptable design, scale, massing and finish subject to conditions.

7.10 The proposal complies with Policy 9.

7.11 Policy 12: Development of Garden Ground – Policy 12 outlines that development of garden grounds for new housing will be supported where the proposal meets set criteria.

7.12 In terms of Policy 12(1) it has already been concluded that the proposed development meets the requirements for the design of new small scale housing under Policy 9.

7.13 However, one of the proposed houses (the detached dwelling) will be positioned forward of the principal elevation of the existing houses at Nos 9 and 11 and in this respect Policy 12(2) is contravened.

7.14 In terms of Policy 12(3) and (4) it is considered that the remaining curtilage of the existing subdivided villa is adequate for the scale of the house. The size of the garden for the existing property at 11 Union Place measures approximately 170m² and this proposed development will reduce this to an area of approximately 91m². The garden areas retained by the existing subdivided house and those provided for the 3 new houses are significantly larger than those for surrounding dwellings and will maintain the prevailing density of the surrounding area.

7.15 In terms of Policy 12(5) there will be no change to the parking situation at the existing subdivided house (none currently exists). The proposed houses will have ample private off-street parking.

7.16 In terms of Policy 12(6) there will not be a detrimental impact on neighbouring properties in terms of physical impact, overshadowing or overlooking.

- 7.17 Although the proposed detached dwelling will be closer to the existing properties at Nos 9 and 11 Union Place, it is considered that there will be no significant detrimental impact upon them, particularly as the current outlook is the gable of the tenement buildings. The proposed dwelling is to the south west of the existing subdivided villa and there still will be a distance of some 9.6 metres between the dwellings. In addition overlooking is avoided by the absence of windows on the north gable of the proposed house.
- 7.18 Finally, in terms of Policy 12(7) the development is consistent with other policies of the Plan.
- 7.19 **The proposal satisfies the criteria of Policy 12 other than Policy 12(2).**
- 7.20 **The proposal fails to comply with Policy 12.**
- 7.21 **Policy 29: Low and Zero Carbon Technology in New Development** - Policy 29 requires that, for specified developments, carbon emissions will be reduced by defined percentages through the installation and operation of zero-carbon generating technologies. The requirements of Policy 29 can be addressed by condition.
- 7.22 **The proposal complies with Policy 29 subject to condition.**
- 7.23 **Policy 40: Waste Management Requirements for Development** - this policy requires that development proposals should demonstrate that they adequately address the Council's waste strategy to reduce, collect, sort, recycle and reuse waste.
- 7.24 All of the houses within the development have private rear gardens which will enable each household to accommodate the required bin stores to meet the Council's waste strategy.
- 7.25 **The proposal satisfies Policy 40.**
- 7.26 **Policy 45: Land Contamination** - this policy requires development proposals for potentially contaminated brownfield land to be accompanied by a site investigation report with a satisfactory remediation strategy to treat and mitigate against the effects of the contamination identified by the site investigation report.
- 7.27 During the assessment of the previous application a Preliminary Risk Assessment was submitted which identified that whilst the site was not heavily contaminated, remedial works will be required. The Head of Environmental Protection has advised that in this instance it is not necessary to request an updated Risk Assessment given that site conditions have not changed since the determination of the previous application. However, it is recommended that the contamination conditions are re-applied in order to ensure that the remedial works are undertaken.
- 7.28 **The proposal satisfies Policy 45 subject to condition.**
- 7.29 **Policy 50: Development In Conservation Areas** - this policy requires that developments preserve or enhance the character of the area and retain features which contribute to its character. As outlined above, the design of the development, subject to a condition requiring the use of natural slate, will retain a relatively traditional appearance and will not have an adverse impact on the character of the conservation area. The demolition of the existing unsightly lock up units and the redevelopment of the site will also result in a welcome improvement of the visual amenity of the surrounding area so that the development will serve to enhance the character and appearance of the conservation area.
- 7.30 **The proposal satisfies Policy 50.**

STATUTORY DUTY

- 7.31 **Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997** - Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the area.
- 7.32 These issues have been discussed and discharged in the section above in relation to the Dundee Local Development Plan 2014. The proposals are sympathetic to the character and appearance of the conservation area and will result in a positive change to the conservation area as exists. The approval of the application is therefore considered to discharge the statutory duties set out above.

OTHER MATERIAL CONSIDERATIONS

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

A - POLICY 12(2) BUILDING IN FRONT OF THE PRINCIPAL ELEVATION OF EXISTING HOUSE

- 7.33 This is an unusual situation where although it is proposed to build a new house in front of the principal elevation of the existing subdivided house at 9/11 Union Place, this elevation currently faces the blank gable of a 4 storey tenement building albeit at a distance of some 18 metres. It is considered that this existing situation provides a justification for development in front of the principal elevation of the existing house.

B - EXISTING APPROVAL

- 7.34 This site has an existing consent for the erection of a similar development comprising of 3 houses. The only main difference between the current proposals and the approved scheme relates to the design and finish of the proposed houses. In all other respects the development will remain the same. As such, the principle of residential development has already been established through the existing detailed planning consent (which is the subject of a current renewal application) and this is a strong material consideration weighing in favour of the proposal.

C - VIEWS OF OBJECTORS

- 7.35 9 letters of objection have been received. One is from the occupier of the subdivided dwelling immediately to the north of the proposed detached house and the other eight are in a standard format but individually signed and addressed by residents of the wider area. The concerns raised relate only to the proposed detached house to the south of 9/11 Union Place (and not the semi detached pair to the west). The objections relate the following:

Loss of Garden Ground

- 7.36 As outlined above, the development will result in the loss of garden ground to the property at 11 Union Place but the property will still retain a reasonably large area of private amenity space.

Overshadowing

- 7.37 The location of the proposed dwellings has been assessed in terms of sun lighting and day lighting issues. The location of the detached dwelling is such that there will be little interference with the existing situation as it is to be located adjacent to a four storey tenement building which restricts light into this area at present. In addition, the semi detached dwellings will be located approximately 2.8 metres from the mutual boundary to the west and there will be a distance of approximately 13 metres to the properties at Taylors Lane. It is acknowledged that this will mean there will be dwellings situated somewhat closer to the properties than the existing situation. However, it is also noted that this is an inner city location where a higher density of development is common place.
- 7.38 As such it is considered that the proposed houses will not result in a significant impact on the existing levels of sunlight presently enjoyed by neighbouring residents.
- 7.39 The occupier of the house to the north suggested either setting the new house further back on the site or putting the access driveway to the north of the proposed house but since it is considered that there would not be an unacceptable impact on the existing house, these matters were not pursued with the applicants.

Overlooking

- 7.40 It is noted that concerns have been raised regarding overlooking given the proximity of neighbouring houses, however the plans indicate that there will be no windows that will look directly onto any neighbouring properties. As such the proposed houses will not result in any significant levels of overlooking of neighbouring properties.

Impact on Conservation Area

- 7.41 As outlined above, the scale, design and finish of the proposed development will not have an adverse impact on the conservation area.

Overdevelopment

- 7.42 As outlined above, the proposed development will be in keeping with the character and density of the surrounding conservation area. The site is located within an inner city area which is characterised by buildings situated closer together than might be found in the suburbs of the city. There is a relatively high density of residential property found in Union Place due to the tenement properties and there are few remaining areas of vacant ground in the nearby Taylors Lane.
- 7.43 The concerns of the objectors are not supported.
- 7.44 **It is concluded from the foregoing that the material considerations support the approval of planning permission.**

8 CONCLUSION

- 8.1 The proposal satisfies the requirements of the Development Plan other than Policy 12(2). There are strong material considerations that would support approval of planning permission. It is therefore recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

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

- 1 The roofs of the proposed houses hereby approved shall be finished in natural slate.
- 2 Prior to the commencement of development on site, full details regarding the finishing materials of the development hereby approved shall be submitted to and approved in writing by the Council. Thereafter, the development hereby approved shall be finished only in the materials approved by this condition.
- 3 Development shall not begin until a detailed 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 a review and if necessary update of the risk assessment and proposals to deal with contamination to include:
 - the nature, extent and type(s) of contamination on the site;
 - measures to treat/remove contamination to ensure the site is fit for the use proposed and does not contain any significant pollution linkages;
 - measures to deal with contamination during construction works; and
 - 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 A Sustainability Statement demonstrating the extent to which the development will meet the requirements of Policy 29 of the Dundee Local Development Plan 2014 shall be submitted for the approval of the Council and the works shall be completed in accordance with the approved Statement.
- 6 Details of the proposed vehicle accesses on to Union Place, including visibility, must be agreed prior to any works on site and the accesses must be formed and constructed to Dundee City Council standards and specifications.
- 7 Any existing accesses that are no longer required as part of the proposed development must be made good as footway to Dundee City Council standards and specifications. Details of these alterations must be agreed prior to any works on site.
- 8 The hard surfaces within the curtilage of the site must be made of porous materials or provision must be made to direct run off water from the hard surfaces to permeable or porous areas or surfaces within the curtilage of the site.
- 9 Any provision, alteration or relocation of lighting columns will be at the expense of the applicant. Details of any alterations must be agreed with Dundee City Council prior to any works on site.

REASONS

- 1 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 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 the sit is fit for the purpose proposed.
- 4 To ensure the sit is fit for the purpose proposed.
- 5 In the interests of reducing carbon emissions associated with the proposed development.
- 6 In the interests of vehicle and pedestrian safety.
- 7 In the interests of vehicle and pedestrian safety.
- 8 To ensure that surface water from within the curtilage of the site does not drain to the adjacent adopted road.
- 9 In the interests of vehicle and pedestrian safety.