

KEY INFORMATION

Ward Craigiebank

Proposal

Residential development of 63 No 4 bedroom double storey detached dwelling houses with integral double garages.

Address

Mayfield
169 Arbroath Road
Dundee DD4 6LD

Applicant

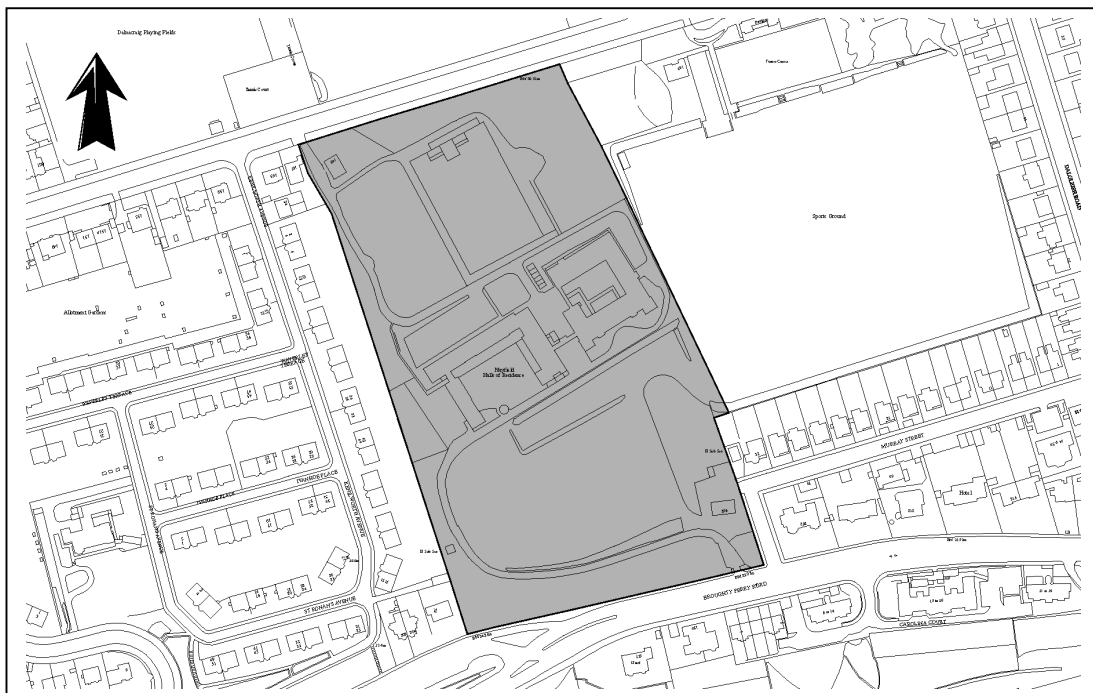
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Registered 10 Jan 2003

Case Officer C Walker



Proposed New Housing Development at Former Mayfield Halls of Residence

The Residential development of 63 No 4 bedroom double storey detached dwelling houses with integral double garages is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development accords with Development Plan policy and the adopted Planning Brief for the site. Although objections have been received it is not considered that the development will adversely impact on the amenities enjoyed by neighbours. It is considered that the development will provide a high quality housing development that pays due deference to the sensitive nature of the site.

SUMMARY OF REPORT

- Planning permission is sought to erect 63 houses on this site. The proposed houses are all substantial detached villas with 4 bedrooms and integral double garages. The road through the site had been designed to achieve maximum speeds of 20 mph. The shape and integrity of all the existing mature woodland shelter belt is being retained.
- The site is allocated for housing in the adopted Local Plan under Proposal HS45 and the Council adopted a Planning Brief for this site in August 2001. It seeks to ensure a high quality development on the site.
- 5 letters were received from the occupiers of nearby dwellings. 3 of the letters object to the development, 2 on the grounds of overshadowing and loss of privacy from houses on adjoining plots and a third on grounds of anticipated traffic problems. The 2 letters of representation seek to have the boundary wall adjacent to them increased in height to 1.8 metres for privacy and security.
- The Scottish Executive as Trunk Roads Authority do not object to the proposed development provided that the junction of Broughty Ferry Road (A90) and Murray Street is permanently closed to vehicular traffic prior to the Murray Street access being used.

DESCRIPTION OF PROPOSAL

Planning permission is sought to erect 63 houses on this site. It is proposed to clear the site of existing buildings. These comprise the former halls of residence for the Northern College, a substantial stone building with modern extensions in the centre of the site and 2 bungalows, one at each of the existing site entrances at Arbroath Road and Murray Street.

It is proposed to open up a new access point to the Arbroath Road at the centre of the site frontage and to form a new access road through the site leading all the way down to the existing access at Murray Street. It is proposed to form this road in such a manner (involving narrowing and sharp bends) both to ensure low speeds of not greater than 20 mph and to deter through traffic.

The applicants have produced a tree survey and arboricultural report for the site. This indicates that there is a total of 373 substantial trees on the site. The road layout and arrangement of the houses has been set out in such a manner as to avoid the felling of almost all of the healthy trees on the site. A total of 51 trees will be felled to accommodate the design although these are mainly isolated individuals and will be compensated for by planting 84 significant new trees and a large number of new whips and transplants used in structural planting and woodland enrichment.

The proposed houses are all substantial detached villas with 4 bedrooms and integral double garages. Although a number of different house types are involved, they all share similar design features and finishing materials of off white wet dash harl and dark grey roof tiles. Private garden sizes average at just less than 220 sq. metres.

The applicants have produced a Supporting Statement with their application. In it they state that their proposals comply with the adopted and Finalised Local Plans and the adopted Planning Brief for the site. They also mention that their proposals have been amended and refined to take account of discussions with the Planning and Transportation Department.

SITE DESCRIPTION

The site comprises the former Mayfield Halls of Residence and grounds between Arbroath Road and Broughty Ferry Road. The buildings have been vacant for a number of years and have been badly vandalised in the meantime with roof coverings removed and substantial damage to the interiors. The Halls of Residence comprise an older 3 storey stone building which, although not especially ornate, is of attractive design and newer 3 and 4 storey extensions to the north and west. There was a brick walled garden to the north of these buildings but it was totally demolished. The 2 modern bungalows at each of the existing site entrances at Arbroath Road and Murray Street are less badly vandalised.



The site is extensively covered with trees which are protected by a Tree Preservation Order. These trees are in the form of woodland planting in the north of the site and boundary planting to the south, east and west boundaries with a lawn area directly to the south of the buildings. The boundary enclosures are a retaining stone wall to Broughty Ferry the south and a stone wall to the west beyond which are the rear gardens and 2 storey flatted blocks at Kenilworth Avenue. Closer to the west boundary of the site are modern houses in infill sites at 167 Arbroath Road to the north west of the site and 74 Kenilworth Road to the south west of the site. At the Arbroath Road is a stone wall and railings and to the west is fencing to the High School playing fields and a stone wall to Murray Street.

The site slopes steeply downwards from north to south, with this slope increasing substantially in the southern portion, terminating in a high retaining stone wall at Broughty Ferry Road.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan 1998

The following policies are of relevance:

The site is allocated for housing in the adopted Local Plan. Proposal HS45 states that the site provides the opportunity for high quality private housing, that the trees are covered by a TPO and that a development brief will be prepared to ensure that the proposals have regard to the sensitive nature of the site.

Policy H10 sets out guidelines for new housing development.

Policy ENV3 requires regard to be had to the policies of the Urban Nature Conservation Subject Local Plan and Policy ENV5 seeks to protect wildlife corridors.

Dundee Urban Nature Conservation Subject Local

Plan 1995

The following policies are of relevance:

The site is allocated as part of a wildlife corridor and Policies WC01-3 seek to protect the nature conservation value of these sites.

Finalised Dundee Local Plan Review

The following policies are of relevance:

In this plan the site is also allocated for housing under Proposal H47. Policy 4 sets out standards for new housing development.

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy directly relevant to the determination of this application.

Non Statutory Statements of Council Policy

The following policy statements are of relevance:

The Council adopted a Planing Brief for this site in August 2001. It seeks to ensure a high quality development on the site. It anticipates between 60 and 65 houses which should comply with Policy H10 of the adopted Local Plan. It states that the opportunity for development in the northern part of the site is restricted due to the presence of heavy tree cover, that the mid section offers scope for either a cleared site or the retention of the older stone building and that the southern section could contain south facing houses. Advice is also given on garden area space standards, parking, access, landscaping and drainage.

LOCAL AGENDA 21

As the development involves the reuse of an existing site and proposes housing in an accessible location, it is considered that it is sustainable. By retaining the shape and integrity of all of the existing mature woodland shelter belt on the site intact, the development is in accordance with the Agenda 21 environmental protection policies.

SITE HISTORY

The buildings and site were last used as halls of Residence by the Northern College of Education but were declared surplus to requirements by them and the University of Dundee (their successor authority).

In 1997 CALA Homes submitted a planning application to erect 81 houses and 24 flats on this site - application ref. no. D22707 refers. This application was the subject of much discussion but was eventually withdrawn by the applicants in May 2002.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and 5 letters were received from the occupiers of nearby dwellings (copies available for inspection in the Members Lounges). 3 of the letters object to the development. 1 is from the occupier of the house to the north west of the site who fears noise disturbance, overshadowing and loss of privacy from the houses on plots 24 and 25. Another is from the occupiers of a house on Murray Street who anticipate traffic problems on Murray Street, at the junctions of Murray Street and Dalgleish Road with Broughty Ferry Road and at the Arbroath Road entrance. They also fear the site will be used as a short cut between Arbroath Road and Broughty Ferry Road. The third letter of objection is on behalf of the occupiers of 6 houses on Kenilworth Avenue to the west of the site and is also endorsed by the Taybank Residents Association. Whilst they are happy with the development in general, they object to the proposed houses on plots 13 and 14 which they feel will overshadow and overlook their houses and gardens. They also object to new planting in this area because they feel it will also result in overshadowing. Finally they have concerns about noise, light pollution and general pollution from traffic on the site.

The 2 letters of representation are from the occupiers of 2 houses on Kenilworth Avenue who would like the boundary wall to be increased in height to 1.8 metres beside their houses for privacy and security.

The points raised in all these letters are considered in the Observations section of this Report.

CONSULTATIONS

The Director of Environmental and Consumer Protection notes that there is potential for traffic noise from both Broughty Ferry Road and Arbroath Road and therefore suggests that a planning condition be imposed ensuring noise levels within the houses do not exceed specified levels.

The Council's Forestry Officer has considered the proposals. He has requested amendments to the proposed new planting which have been taken on board by the applicants. He has also

suggested the imposition of a number of conditions relating to tree protection and new planting, all of which have been discussed with and are acceptable to the applicants.

The Scottish Executive as Trunk Roads Authority do not object to the proposed development provided that the junction of Broughty Ferry Road (A90) and Murray Street is permanently closed to vehicular traffic prior to any use being made of the Murray Street access.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy Background section above. The proposed development fulfils the aspirations of Proposal HS45 of the Dundee Local Plan 1998 in providing a high quality development where the sensitive nature of the site is respected. It fully complies with the requirements of Policy H10 of that plan in terms of housing standards. The proposed houses are large with generous provision for parking and garden areas. The design of the houses and layout of the development and the provision for landscaping all fulfil the requirements of Policy H10. Finally the development will not have an adverse impact on nature conservation with most of the trees being retained and extensive new planting proposed. It therefore complies with Policy ENV3 of that plan and Policies WC01-3 of the Dundee Urban Nature Conservation Subject Local Plan.

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:

The Finalised Dundee Local Plan Review:

This sets out a similar policy framework as the adopted Plan although the standards for new housing development are more stringent. However the proposed development meets these more stringent standards and therefore complies with the Finalised Plan.

Planning Brief for the site:

The proposed development also complies with the adopted Planning Brief for the site.

Letters of objection and representation:

In terms of the letters of representation about heightening the wall, this is a reasonable requirement and it is suggested that this matter be dealt with by planning condition.

The letter signed by a group of objectors at Kenilworth Avenue seeks to have the houses on Plots 13 and 14 deleted and replaced elsewhere. These residents fear overshadowing and loss of privacy. The proposed houses on these plots are 2 storey in height and there is no significant difference in ground levels involved. One of the proposed houses is 18 metres from the site boundary and the other is 13 metres distant. The objector's houses are some 17 metres from the boundary so that at the closest point the window to window distance is almost 31 metres. The minimum requirement in both the adopted and Finalised Plan is 18 metres and in these circumstances it is considered that there will be no unacceptable loss of privacy. In terms of overshadowing, it is not considered that there will be any unacceptable impact. The proposed houses are to the east of the objector's houses and at a distance in excess of 31 metres. Any shadows cast by the proposed houses will be minimal and certainly much less than the mature trees to the north and south of these plots. The objectors are concerned that further tree planting at the back of these plots will cause overshadowing. However only 4 trees are proposed at this location and the species chosen are not large. As with the issue of overshadowing from houses, it is not considered that there will be an unacceptable impact taking into account the distances involved and the number and species of trees chosen.

These residents also express fears about noise and pollution from traffic, although they are not specifically objection on these grounds. The existing canopy of trees and proposed new planting should assist in reducing any adverse impacts from traffic. A letter from objectors on Murray Street has similar concerns as well as concerns about through traffic and difficulties at junctions. In this regard the proposed development is for 63 houses only. The design of the proposed road will ensure that it is not an attractive "rat run" between Arbroath Road and Murray Street, particularly when there are much more convenient routes nearby at Dalgleish Road and Dalkeith Road. In accordance with the adopted Planning Brief and the views of the Scottish Executive, the closure to the junction of Broughty Ferry road and Murray Street to vehicular traffic will be promoted. It is also proposed to attach conditions to any consent that might be issued that this junction is permanently closed to vehicular traffic prior to any use being made of the Murray Street access. This will ensure that there will not be problems at that junction and that the application site will be less attractive to through traffic.

The objector to the north west of the site is concerned that the proposed houses on plots 24 and 25 will overlook and overshadow his property and that he will suffer disturbance. In this instance the objectors house is close to the site boundary, with a blank garage wall right on the boundary and the rest of the house set back between 3 and 4 metres from it. It sits well above the application site at the Arbroath Road, the level difference being some 3 metres although the house also has a lower level which does not sit so high above the level of the adjacent part of the application site. Although the principal elevation of the objector's house faces south, there are a number of windows on the east elevation facing into the site.

In terms of privacy, the proposed 2 storey house on Plot 25 is roughly on the site of the existing bungalow on the application site and between 10 and 12 metres distant from the objectors house. However the only windows on the west facing elevation of this house are a ground floor utility room window and an upper floor bathroom window. The south elevation of the house on

Plot 25 is forward of the south elevation of the objectors house. On the rear elevation of the proposed house there is a small balcony (projecting some 0.4 metres) but this is at the corner of the proposed house furthest from the objectors house. In these circumstances it is not considered that the erection of the proposed house will adversely impact on the privacy enjoyed by the objector. However to ensure that this privacy is not eroded, should Members decide to approve this application it is recommended that a condition be attached ensuring that no new windows are opened on this elevation and that the upper floor bathroom window is only glazed in obscure glass.

In terms of overshadowing, taking into account the distance between the 2 houses, the height of the proposed house, the fact that the objector's house is on a higher level and the fact that the principal windows on the objectors house face south, it is not considered that there will be an unacceptable loss of daylight or sunlight to the objector's house.

Finally the objector is concerned about noise disturbance from the nearest house. The access road to Mayfield, which sits directly on the boundary, will be closed off at Arbroath Road and this road will now serve 2 dwellings only. It is considered that this will lead to a reduction in noise disturbance at this location. The use of the nearest dwelling is unlikely to lead to any unacceptable noise disturbance especially taking into account the proximity of the Arbroath Road.

It is concluded from the foregoing that insufficient weight can be accorded to these letters of objection such as to justify the refusal of planning permission for this development which accords with the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

The design and layout of the development has been the subject of much discussion with the applicants. The resulting development is very much in line with the principles of the Planning Brief for the site and the desire of Proposal HS45 to achieve a high quality development on the site.

By retaining the shape and integrity of all of the existing mature woodland shelter belt on the site intact, the development is provided with an attractive mature setting. A sense of place is created by attractive streetscapes and the house types and finishing materials add to the character of the area.

CONCLUSION

The proposed development accords with Development Plan policy as well as the policies of the Finalised Local Plan and the adopted Planning Brief for the site. Although objections have been received it is not considered that the development will adversely impact on the amenities enjoyed by neighbours. It is considered that the development will provide a high quality housing development that pays due deference to the sensitive nature of the site.

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following conditions:-

- 1 the development hereby permitted shall be commenced within five years from the date of this permission
- 2 The existing access from the site directly to Broughty Ferry Road shall be permanently closed off to both vehicular and pedestrian traffic prior to site works commencing. The existing access to Murray Street shall also remain closed off to vehicular and pedestrian traffic and no new access shall be formed at Murray Street until the closure of the A90/Murray Street junction has been completed by the developer. All costs involved in the creation and processing of the associated Stopping Up Order and subsequent physical works to close the A90/Murray Street junction shall be funded by the developer. Proposals for the physical closure of the junction shall be approved by the Council in consultation with the Scottish Executive as Trunk Roads Authority.
- 3 the boundary to the west of the site shall be increased in height to a minimum of 1.8 metres either

by raising the existing wall or erecting a new 1.8 metres high fence inside the wall and details of the increase to this boundary 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

- 4 no windows or openings shall be formed on the west elevation of the proposed house on Plot 25 other than those indicated on the approved plans and the upper floor window serving the bathroom shall only be glazed or reglazed in obscure glass
- 5 details of the closure of the existing accesses to Arbroath Road and Broughty Ferry Road including timescales for closure 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
- 6 details of the formation of the new access to Arbroath Road including the provision of gatepiers and railings 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
- 7 the proposed houses shall be designed to ensure that internal noise levels do not exceed 45dB(A) between 0700 and 2300 hours and 35dB(A) between 2300 and 0700 hours
- 8 details of the treatment of the rear boundaries of Plots 1 to 10 including the method of enclosure and the landscaping proposals to screen the enclosures and garden areas 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
- 9 the felling and pruning of existing trees shall be in accordance with BS 3998 and the

proposals set out in the Revised Arboricultural Study by Langton Vaughan Associates dated March 2003 and the protection of trees and hedges to be retained shall be in accordance with BS 5837 and the details set out in the Revised Arboricultural Study by Langton Vaughan Associates dated March 2003

- 10 the landscaping of the site shall be in accordance with the proposals set out in the revised Landscape Planting Plan by Sue Allen dated March 2003. Details of the timing of the new planting shall be subject to the written approval of the Council and in particular the screen planting at Broughty Ferry Road shall be implemented prior to the commencement of construction of any houses on the site. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five 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
- 11 details of the future maintenance of the woodland areas 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
- 12 all the elevations of the houses on Plots 1-10 and 23-26 shall incorporate the same level of finishing detailing as on the entrance elevations of these houses including window quoins and first floor banding and details of these amended house designs 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
- 13 the roadside wall to the north of the garden area of Plot 25 shall be finished in natural stone and shall extend eastwards along part of the roadside boundary of Plot 24 and details of this wall 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

Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 to regulate associated pedestrian flows and ensure that the use of an existing sub standard junction is discontinued and there is no detriment to safety
- 3 to protect the privacy and security of the occupiers of the dwellings to the west of the site
- 4 to protect the privacy of the occupiers of the house immediately to the west
- 5 in the interests of visual amenity and vehicular and pedestrian safety
- 6 in the interests of visual amenity and pedestrian and traffic safety
- 7 the houses closest to Arbroath Road and Broughty Ferry Road are likely to experience high levels of traffic noise and it is considered to be necessary to insulate these houses from excessive noise in the interests of residential amenity
- 8 in order to screen these dwellings and their garden areas in the interest of visual and residential amenity
- 9 to protect those landscape features which are of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development.
- 10 to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area
- 11 to ensure the proper maintenance of the extensive areas of landscaping in the interests of visual amenity
- 12 these houses have significant frontages on what might be termed their side and rear elevations and it is considered that it is necessary to treat these elevations in a similar manner as

entrance elevations in the interests of visual amenity

- 13 in the interests of visual amenity and to protect the privacy of the house and garden area