

**KEY INFORMATION**

**Ward** Broughty Ferry

**Proposal**

Erection of twenty four apartments with associated car parking

**Address**

72-76 Monifieth Road  
Broughty Ferry  
Dundee  
DD5 2RZ

**Applicant**

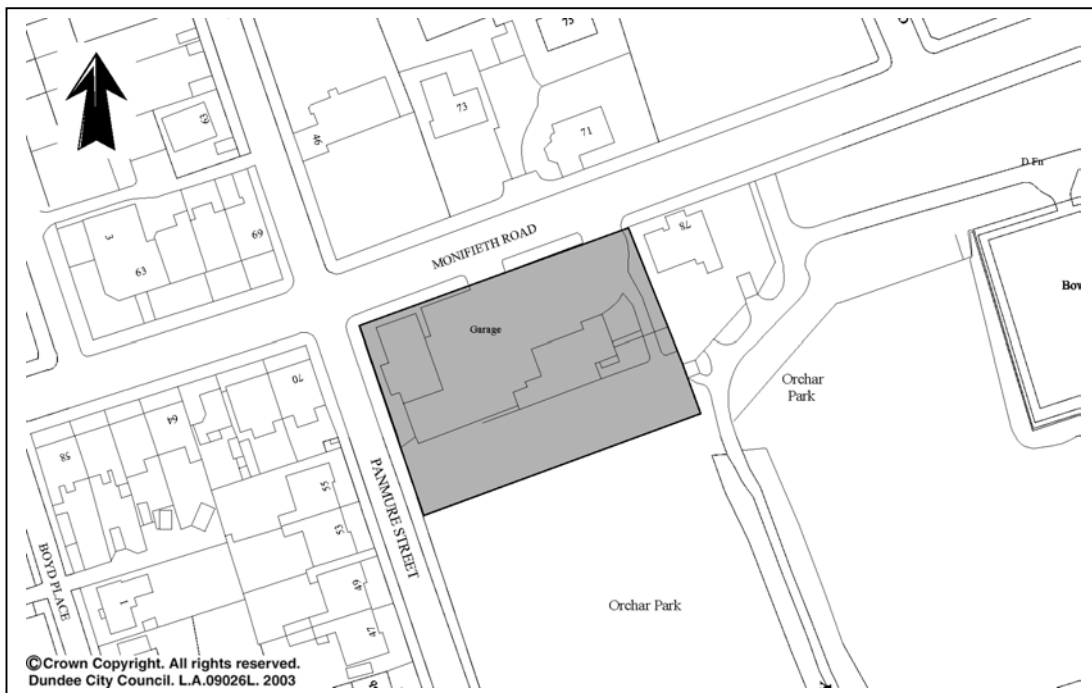
C & L Investments Ltd  
18 Little Belmont Street  
Aberdeen  
AB10 1JG

**Agent**

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**Registered** 1 Oct 2003

**Case Officer** G Reid



The erection of twenty four apartments with associated car parking is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development is considered to be contrary to the policies of the development plan.

The application is recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- Planning permission is sought for the erection of 24 apartments at 72-76 Monifieth Road, Broughty Ferry, Dundee.
- The proposed development raises issues for consideration in terms of the Housing and Built Environment Policies of the Dundee Local Plan 1998 and Policies 4 and 61 of the Finalised Dundee Local Plan Review.
- Fourteen individual letters and 42 standard letters of objection were received from residents in the surrounding area. In addition, Broughty Ferry Community Council raised objections to the proposals. The main concerns related to the inappropriate design and finishing materials of the building, the adverse affect on the visual appearance of the conservation area, the overshadowing and overlooking of adjacent property, loss of a mature tree and problems of access parking and congestion.
- The proposed development is considered to be contrary to the Housing and Built Environment Policies of the Dundee Local Plan 1998 and Policies 4 and 61 of the Finalised Dundee Local Plan Review. In addition, it is considered that the objections raised are of sufficient weight to confirm that the application should be refused for the above reasons.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of 24 apartments (flats) at 72-76 Monifieth Road, Broughty Ferry, Dundee.

All 24 apartments are identical in terms of layout and size. Each apartment is to have 3-bedrooms, an open-plan lounge/kitchen, a bathroom and a shower-room and a balcony. The ground floor apartments are to have individual garden areas to the south.

The proposed building is to be three storeys in height with 8 apartments on each level.

The proposal includes off-street car parking in an underground garage. Spaces for 33 cars are to be provided with 4 of them being for disabled drivers. Parking for cycles is also included in the underground garage as is a recycling centre. Access to the underground garage is to be taken from Panmure Street.

The roof of the car park is to be landscaped. This is to take the form of both soft and hard landscaped areas. Seating areas and a pergola are included in the design as is a lighting scheme. The landscaped area is to be bounded by a galvanised mesh panel balustrading.

The applicants have submitted a statement in support of the proposed development. In the statement they advise that the proposed apartments have been designed to fulfil an existing demand for large, high quality, secure apartments within the Broughty Ferry area.

They state that the proposed design provides the benefits and appearance of contemporary living while respecting the traditional buildings in the area, maximises the southern exposure and view over Orchar Park and the river beyond and incorporates private south facing gardens for the ground floor apartments with the upper floors having private useable south facing balconies. They also highlight that an innovative design has been utilised with a secure underground car parking facility and the provision of useable garden space on the roof of the garage.

## SITE DESCRIPTION

The application site is located on the corner of Monifieth Road with Panmure Street. The site extends to approximately 0.31 hectares and slopes down from the north to the south. The site is currently occupied by Barnetts Mazda garage. There are various buildings on the site including a car showroom, car wash, garage and workshop. The remainder of the site is either used for car sales or open storage of vehicles. There is a mature copper beech tree on the western edge of the site facing Panmure Street.

The site is bounded to the north by Monifieth Road and housing, to the east by a single house and Orchar Park, to the south by Orchar Park and to the west by Panmure Street and



housing.

## 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:

Housing Policy H10 Design of New Housing. This Policy sets out the guidelines for the design and layout of new housing.

Built Environment Policy BE1 Design Quality. This Policy seeks the highest standards of composition and design in all new development and its careful integration with its surroundings as regards scale, form, siting, alignment, materials and landscaping.

## Application No 03/00769/FUL

Built Environment Policy BE3 Use of Materials. This Policy seeks to encourage the appropriate and imaginative use of materials, where they are in harmony with the character of the surrounding area, especially within conservation areas and on main approaches to the City.

Built Environment Policy BE11 Development in Conservation Areas: this policy advises that within conservation areas all development proposals will be expected to complement and enhance the character of the surrounding area.

### Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

### Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 4 Design of New Housing is of relevance and sets out the guidelines for the design and layout of new housing.

Policy 61 Development in Conservation Areas advises that all development proposals will be expected to preserve or enhance the character of the surrounding areas.

### Scottish Planning Policies, Planning Advice Notes and Circulars

Section 64(1) of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 requires that, in determining planning applications, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

### Non Statutory Statements of Council Policy

There are no non-statutory Council policies relevant to the determination of this application

## LOCAL AGENDA 21

Local Agenda Key Theme 15 is of relevance to the consideration of the

application and seeks to ensure that diversity and local distinctiveness are valued and protected. It is considered that given the location and design of the proposed development the aims of Key Theme 15 are not achieved.

## SITE HISTORY

There is no site history of relevance to the consideration of this application.

## PUBLIC PARTICIPATION

The applicants carried out the statutory notification of neighbours and the application was advertised in the "Dundee Courier and Advertiser" on the 20 October 2003 as a potential departure to the development plan. 14 individual and 42 standard letters of objection were received from residents in the surrounding area. The main concerns raised were that:

- 1 The proposed development is contrary to the Housing Policies of the Local Plan as it is for flats in an area where it should comprise of houses.
- 2 The proposed development would neither preserve nor enhance the character of the conservation area given its design and finishing materials.
- 3 The proposed development would greatly increase the volume of vehicles using Panmure Street resulting in problems of access, parking and congestion, particularly at the junction with Monifieth Road.
- 4 The proposed development would result in the loss of a mature tree, which, would be detrimental to the visual character of this part of the Reres Hill Conservation Area.
- 5 The proposed development would detrimentally affect the amenity of surrounding residential property, particularly to the east, by virtue of overshadowing and overlooking.

Copies of the letters of objection are available in the Members Lounges and the issues raised are addressed in the 'Observations Section' of this report.

## CONSULTATIONS

The Head of Environmental Health and Trading Standards advised that he had no objection to the proposed development.

Broughty Ferry Community Council advised that while they did not object to the principle of housing on the site they did object to the proposed development for the following reasons:

- 1 The proposal was contrary to the policies of the development plan as it consisted of all flats in a suburban area.
- 2 The design of the proposed development is of insufficient quality for an important site in a conservation area.
- 3 The removal of a mature deciduous tree would be deleterious to the conservation area.

The Forestry Officer from Dundee Contract Services advised that the healthy mature Copper Beech tree on the western boundary of the site is worthy of retention.

## 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 application site is located within an area covered by no specific policy designation in the adopted Dundee Local Plan 1998. As such a residential use is acceptable in principle. As the proposed development is for 24 residential apartments (flats) it falls to be considered against Housing Policy H10 of the Dundee Local Plan 1998. Housing Policy H10 sets out the guidelines for the design and layout of new housing. The application site is

located outwith Central Broughty Ferry and therefore falls to be considered against the criteria for suburban housing developments.

Housing Policy H10 advises that in terms of house type/mix proposals should be mostly houses but larger sites (over 30 units) may have up to 15%-20% as flats. In addition it advises that flats will also be appropriate when local centres are being created. The proposal is for 24 identical apartments (flats). This clearly does not accord with the guidance for house type/mix.

The guidelines also set out criteria for amenity space/garden area, outdoor drying facilities, privacy, parking/garaging and layout/urban design.

In terms of amenity space 10 sq.metres per flat of useable private space is required. Where balconies are provided this may be reduced. The proposal includes private gardens for the 8 flats on the ground floor of approximately 40 sq. metres. There is also a communal area to the north of the site, which extends to approximately 670 sq.metres. In addition, each flat has a balcony. In overall terms the proposal provides sufficient amenity space. A separate drying area is also provided. The windows in the proposed west elevation do overlook existing properties to the west. The windows effected are habitable rooms. The distance between these windows is just less than 18 metres. The proposals, therefore, fails to meet the required criteria for privacy. The development will also overlook the property immediately to the east.

The proposed development includes an underground garage for 33 cars and an area for cycles. In terms of the guidelines the criteria requires 2 spaces for each unit with 3 or more bedrooms. All of the apartments (flats) have 3 bedrooms and therefore 48 spaces would be required to meet the criteria of the guidelines. In addition, visitor parking of 30% would be required. This would be a total of 7 car-parking spaces. In total 55 spaces would be required for the development. The proposal only provides 33 spaces and as such falls short by 21 spaces. The proposal therefore fails to meet the requirements for car parking set out in

the guidelines. The proposal does provide provision for cycles in the underground garage.

The final criteria in the guidelines relate to layout and urban design. In terms of layout the proposal includes interesting features including the proposed underground garage. The landscaping of the garage roof into communal open space is to a high standard and provides an interesting setting for the apartments (flats). The design of the apartments (flats) is modern and incorporates various interesting features. There are however, elements of the design that would require further work to improve them. Therefore while the layout and design is of a reasonable quality further refinements would be required.

When considered against the H10 Guidelines the development of 24 apartments in a suburban location fails to comply with the criteria of house type/mix, privacy, parking and garaging. In addition, further work is required in terms of the layout and design. The proposal is therefore contrary to Housing Policy H10 guidelines.

The proposals raise issues in terms of Built Environment Policies BE1, BE3 and BE11.

Built Environment Policy BE1 Design Quality requires the highest standards of composition and design in all new development and its careful integration with its surroundings as regards scale, form, siting, alignment, materials and landscaping. The surrounding area is characterised by Victorian style houses with a mixture of terraces, semi-detached and detached houses. The houses also vary from single storey to two storeys in height. The properties are primarily stone built with natural slate to pitched roofs. There are no flats in the surrounding area. The proposed development is of a modern design utilising various materials. While the proposed development is of a good quality modern design it does not integrate well with the established character of the surrounding area in terms of scale, form, siting, and materials.

Built Environment Policy BE3 encourages the appropriate and imaginative use of materials, where they are in harmony with the character of the surrounding area, especially within conservation areas. As

indicated above it is considered that the materials and design of the building are not appropriate in the context of the established character of the area.

Built Environment Policy BE11 advises that within conservation areas all development proposals will be expected to complement and enhance the character of the surrounding area. The proposed development is located within the Reres Hill Conservation Area. From the above it is considered that the design of the proposed development and the materials to be used do not pay due regard to the established character of the surrounding area. As such it is considered that the proposal would not complement and enhance the character of the surrounding area.

The proposals include the removal of a mature tree at the boundary onto Panmure Street. The Forestry Officer has advised that the tree is a healthy Copper Beech and should be retained. It is considered that the tree contributes to the character of the conservation area and should be retained as part of any development proposals.

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

#### **Other Material Considerations**

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

- a Does the proposal comply with Policy 4 Design of New Housing and Policy 61 Development in Conservation Areas of the Finalised Dundee Local Plan Review.

Throughout the preparation of the Finalised Dundee Local Plan Review the prospect of this site being developed for housing has not been mentioned. Whilst, this does not preclude the development of the site for housing, in terms of Policy 2: Housing Land Release it is a requirement that the Standards in Appendix 1 of the Finalised Plan are met.

Policy 4 Design of New Housing advises that all new housing should be of a high quality and will be required to conform to the Design Standards set out in Appendix 1 of the Local Plan. The standards are broken down into

House Type, Car/Cycle Parking, Amenity/Garden Space and Privacy. In terms of the plan the proposal is located within the suburban area. In terms of house type the standards in Appendix 1 are more restrictive than in Housing Policy H10. The Standards only allow flats in suburban areas in exceptional circumstances to provide choice where this type of accommodation is not available in the surrounding area. The proposal is for 24 flats. It is considered that given the location there are no exceptional circumstances that would justify the development of flats.

The second standard relates to Car/Cycle parking. The proposal complies with the requirements for car and cycle parking. The third standard relates to amenity/garden ground and the proposal also complies with these requirements. The fourth and final criteria relate to privacy. The proposal does not meet this criterion on the western boundary of the site where there is a window to window distance of just less than 18 metres.

The proposed development fails to meet all of the required standards for the design of new housing as set out in Appendix 1.

Policy 61 Development in Conservation Areas sets out similar criteria to Built Environment Policy BE11. It is considered that the proposed development does not accord with Policy 61 for the same reasons as set out above.

- b Does the proposal accord with Section 64(1) of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997? Section 64(1) requires that, in determining planning applications, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. It is considered that, for the reasons already outlined above, the proposal does not preserve or enhance the character or appearance of the Reres Hill Conservation Area.

Fourteen individual and 42 standard letters of objection were received to the proposed development from residents in the surrounding area. Broughty Ferry Community Council also raised similar objections to the

proposed development. The concerns raised are addressed in the following paragraphs:

- 1 "The proposed development is contrary to the Housing Policies of the Local Plan as it is for flats in an area where it should comprise of houses". This issue is considered in the assessment of the application against Housing Policy H10 and Policy 4. It is concluded that the proposal is not in accordance with Housing Policy H10 of the Local Plan 1998 and Policy 4 of the Finalised Local Plan.
- 2 "The proposed development would neither preserve nor enhance the character of the conservation area given its design and finishing materials". This matter has been addressed above and it is concluded that the proposals would not preserve nor enhance the established character of the conservation area.
- 3 "The proposed development would greatly increase the volume of vehicles using Panmure Street resulting in problems of access, parking and congestion, particularly at the junction with Monifieth Road". The junction into the underground garage fails to meet the criteria within the Roads Standards, which require a set back of 20 metres from an 'A' Class Distributor Road. The proposed access is therefore unacceptable in terms of traffic and pedestrian safety.
- 4 "The proposed development would result in the loss of a mature tree which, would be detrimental to the visual character of this part of the Reres Hill Conservation Area". It is considered that the tree contributes to the character of the conservation area and should be retained
- 5 "The proposed development would detrimentally affect the amenity of surrounding residential property, particularly to the east, by virtue of overshadowing and overlooking". It is considered that the proposal would detrimentally affect the amenity of the house

immediately to the east due to overshadowing and overlooking.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations such as to justify the refusal of planning. It is therefore recommended that planning permission be refused.

### **Design**

The proposed development is of a modern design and utilises modern materials. While the design is of a reasonable quality it does not pay due regard to the established character of this part of the Reres Hill Conservation Area. Therefore, the design and materials are not considered to be appropriate in this instance.

### **CONCLUSION**

The proposed development is considered to be contrary to the Housing and Built Environment Policies of the Dundee Local Plan 1998 and Policies 4 and 61 of the Finalised Dundee Local Plan Review. In addition, it is considered that the objections raised are of sufficient weight to confirm that the application should be refused for the above reasons.

### **RECOMMENDATION**

It is recommended that planning permission be REFUSED for the following reasons:

### **Reasons**

- 1 The proposed development is considered to be contrary to Housing Policy H10 of the Dundee Local Plan 1998 as it fails to meet the Design Guidelines for Residential Areas in terms of the House Type/Mix, Privacy and Parking and Garaging. There are no material considerations that would justify departing from the policies of the development plan in this instance.
- 2 The proposed development is considered to be contrary to Built Environment Policy BE11 of the Dundee Local Plan 1998 as it would not complement and enhance the established character of the Reres Hill Conservation Area given the design and finishing materials of the

proposed building and the loss of the mature copper beech tree. There are no material considerations that would justify departing from the policies of the development plan in this instance.

- 3 The proposed development is considered to be contrary to Built Environment Policies BE1 and BE3 of the Dundee Local Plan 1998 as the design and materials would have a detrimental impact on the established character of the surrounding area. There are no material considerations that would justify departing from the policies of the development plan in this instance
- 4 The proposed development is not in accordance with Policy 4 and Appendix 1 of the Finalised Dundee Local Plan Review as it fails to meet the criteria for new residential developments within the suburban areas.
- 5 The proposed development is considered not to be in accordance with Policy 61 of the Finalised Dundee Local Plan Review as it would neither preserve nor enhance the established character of the Reres Hill Conservation Area given the design and finishing materials of the proposed building and the loss of a mature Copper Beech tree.