

KEY INFORMATION**Ward** Logie**Proposal**

Erection of 2 semi-detached
3 storey townhouses with
integral garages

Address

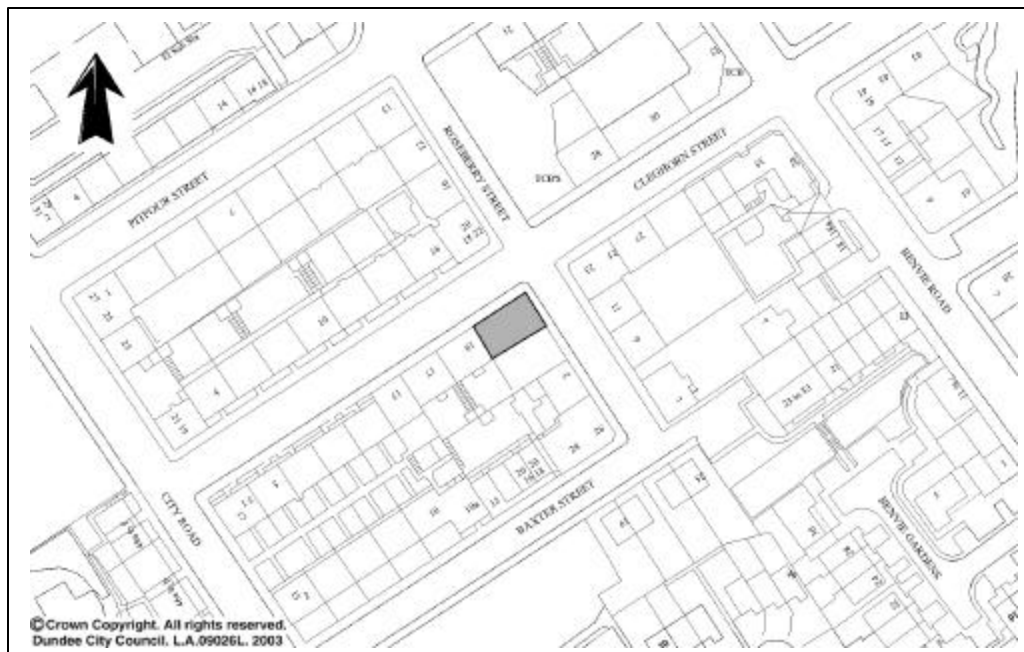
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Applicant

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Registered 24 Oct 03**Case Officer** Eve Jones

New Housing Proposed in Cleghorn Street

The erection of two townhouses with integral garages is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development does not fully comply with the Dundee Local Plan but the material considerations are sufficiently strong to support the granting of planning permission subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of two semi-detached town houses with three bedrooms, family room/study, lounge, dining kitchen and integral garage with additional parking.
- The site was formerly occupied by the Toc H building, now demolished, in a wholly residential area between City Road and Lochee Road. The site lies on the corner of Cleghorn Street and Rosebery Street.
- The development does not quite achieve the 50 square metres of private garden ground required by Policy H10 of the Dundee Local Plan and one window is within 14 rather than 18 metres of overlooking tenement buildings.
- The development also does not fully comply with the same requirements for new housing as set out in the Appendix to Policy 4 in the Finalised Dundee Local Plan Review.
- However, Policy 4 does recognise that "in certain very small scale development proposals, compliance with Appendix 1 is not practical;" and allows for some flexibility.
- It is considered that the flexibility should apply to this site where the provision of family houses is the best use which will provide an increased range of choice in this predominantly flatted area.

DESCRIPTION OF PROPOSAL

The application is for the erection of two townhouses with integral garages. The houses will provide a lounge, a dining/kitchen, family room/study and three bedrooms, one en-suite. Both have approximately 45 square metres of private garden ground. As the driveways are of minimum length to enable maximum rear garden ground, the garages will be fitted with roller doors.

SITE DESCRIPTION

The application site lies on the south west corner of Cleghorn Street and Roseberry Street and was formerly occupied by the Toc H building which has now been demolished. Roseberry Street slopes quite steeply down from the corner but the base of the demolished building remains and forms a level platform. The site is bounded by remnants of the building's boundary walls. The surrounding properties are traditional tenements and more recent flats but new family housing has been constructed on the site of the former Benvie Works nearby to the south.

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:

Policy H10 - Design of New Housing.

Policy H1 - Existing Residential Areas.

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.

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.

LOCAL AGENDA 21

Key theme 14 seeks to ensure that settlements are 'human' in scale and form.



SITE HISTORY

There is no previous planning history of relevance to the application.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised as a development contrary to the development plan. There were no objections.

CONSULTATIONS

There were no adverse comments from statutory consultees.

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.

Policy H10 identifies design guidelines for the development of new housing. The guidelines for this inner city site seek houses of 2 or more bedrooms with average private garden ground of 50 square metres, serviceable from the street, outdoor drying facilities in addition to garden ground, parking for at least one car and a minimum of 18 metres between facing habitable rooms to ensure privacy is protected. Tree planting is required where possible.

The garden ground of approximately 45 square metres is less than the required standard in the Local Plan. Privacy standards across Cleghorn Street are achieved. The distance between the lounge window of one house and the facing windows across Roseberry Street is 14 rather than 18 metres. Given the nature of the surrounding properties, some degree of overlooking is to be expected and the bedrooms have been located to achieve privacy.

Policy H1 - Existing Residential Areas supports developments which do not adversely affect the environmental quality enjoyed by neighbours and comply with other policies in the plan. The development of this site will benefit the residential quality of the area by replacing an open demolition site with two family houses within an area of predominantly flats thus providing an improved choice of housing.

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

Other Material Considerations

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

Finalised Dundee Local Plan Review

Policy 4 - Design of New Housing. Appendix 1 of the policy sets out the criteria for house type, size, parking, gardens and privacy. The proposal provides approximately 45 square metres of private garden ground, less than the minimum 50 square metres and has less than 18 metres privacy distance for one room of 1 of the houses. The appendix notes that the inner city is particularly suited to the development of town houses.

Policy 4 makes the following particular reference; "It is recognised that in certain very small scale development proposals, compliance with Appendix 1 is not practical. In such instances, some flexibility will exist where the proposal is of exceptional quality." It is considered that this development is such a case where two family houses with three bedrooms, study, parking and integral garages will be provided in a predominantly flatted area. The architect has sought to provide the largest possible private garden given the shape and size of the site.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

The site is small and the design options are limited. The proposed buildings present interesting elevations to the street and rooflines which echo the corner site. The garden walls, gates and railings will maintain the hard boundary to the footway.

CONCLUSION

This is a small site previously occupied by a commercial building which has now been demolished. The surrounding area is wholly residential and the provision of family housing will extend choice in this area of flats. The development does not fully comply with the garden area requirements of the Local Plan and has reduced privacy to one window. The Finalised Dundee Local Plan

recognises the difficulties of small scale development sites and provides for some flexibility of the requirements where a proposal of exceptional quality is proposed. It is considered that in this particular case, the size and quality of houses proposed on a currently derelict and unused site is sufficient to support the granting of planning permission contrary to the terms of the Development Plan.

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 Prior to the commencement of development a comprehensive Site Investigation Report in accordance with PAN 33 Development of Contaminated Land shall be submitted to and approved by the City Council.
- 3 Prior to the commencement of development any required remediation measures identified in the Site Investigation Report to be approved in accordance with Condition 2 shall be carried out and the completion of the works shall be notified in writing to the City Council for verification. No construction of dwellings can commence until the verification process has been completed in writing.
- 4 Within six months of the first use of the building, trees and shrubs shall be planted on the site in accordance with a scheme which has been submitted to and approved by the City Council. 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.
- 5 Samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples.

- 6 Full details of the proposed boundary treatments shall be submitted to the City Council for approval prior to the commencement of development and if approved, the development shall be completed in accordance with such approved details prior to the occupation of the dwellings.

- 7 The garages shall be fitted with roller doors.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of the amenities of the future occupants of the residential accommodation.
- 3 In the interests of the amenities of the future occupants of the residential accommodation.
- 4 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
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- 7 In order to prevent interference with the free flow of traffic and pedestrians on the adjoining highway.