

KEY INFORMATION

Ward Tay Bridges

Proposal

Redevelopment of site to provide 9 townhouses, 4 converted flats and 16 flats

Address

Land at McVicars Lane
Dundee

Applicant

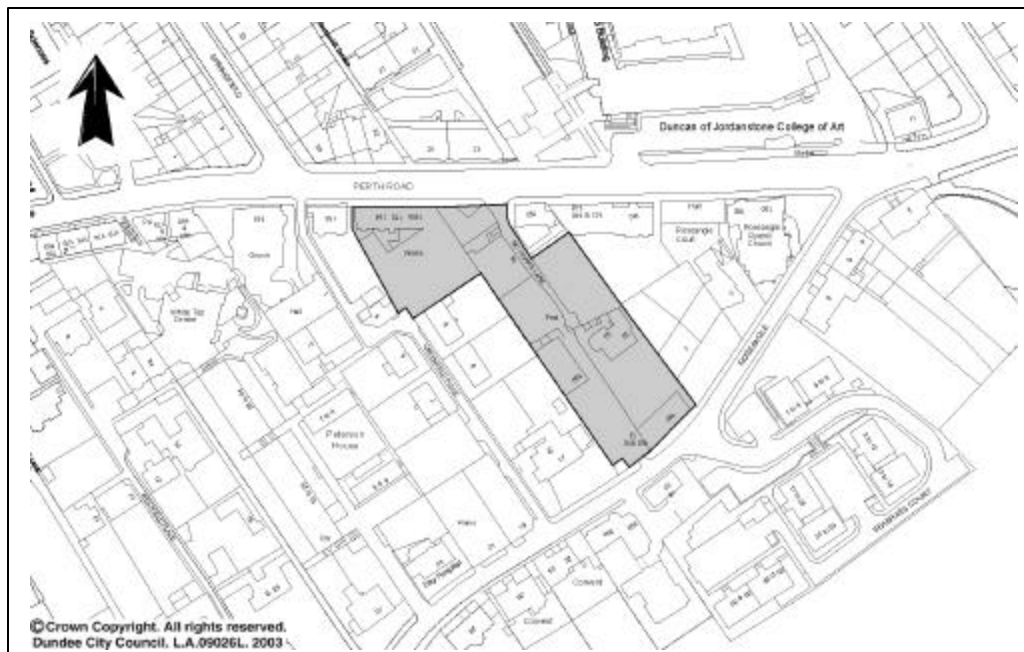
Springfield Properties
(Dundee) Ltd/Johnfield
Properties Ltd
C/o KDM Architects
Broughty Ferry
Dundee DD5 3AA

Agent

KDM Architects
15 Camperdown Street
Broughty Ferry
Dundee DD5 3AA

Registered 17 June 2004

Case Officer Eve Jones



Proposed Housing Development in McVicars Lane

The Redevelopment of the site to provide 9 townhouses, 4 converted flats and 16 flats is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development complies with the approved Planning Brief. It complies with the majority of the relevant policies in the Dundee Local Plan and the Finalised Dundee Local Plan Review. The single objection cannot be supported. The application is recommended for APPROVAL subject to the conclusion of a Section 75 legal agreement and to appropriate planning conditions.

SUMMARY OF REPORT

- Planning permission is sought for the redevelopment of a site on the south side of Perth Road which links through to Roseangle. Existing industrial and commercial buildings will be demolished and the resulting development will provide 4 flats in refurbished Listed Buildings, 9 new 3 / 4 bedroom townhouses and 16 new build flats. 13 of the 16 flats have 2 bedrooms and there are 3 two storey penthouses each with 3 bedrooms. Access is from Perth Road and the site has parking, landscaping and communal gardens.
- The design and materials are modern but reflect the scale and mass required in this inner city location. The application is supported by a Design Statement and a detailed justification. The site was the subject of a Planning Brief which was approved by Planning and Transportation Committee in February 2004. The proposal complies with the Brief.
- It complies with the majority of the relevant policies in the Dundee Local Plan and the Finalised Dundee Local Plan other than the mix between houses and flats. The Brief approved flats in the locations proposed in the application.
- One objection has been received from an adjoining neighbour on grounds of loss of amenity. The objection cannot be supported. The West End Community Council does not support the mix of houses and flats and considers that the development does not complement the surrounding buildings.
- It is considered that the development provides a well designed modern addition to the varied character of Perth Road and Roseangle. The variety of size and type of accommodation will be an addition to this area and will ensure the future of two Listed Buildings. As the site is in two ownerships, a legal agreement will be sought to ensure the development will be carried out in a comprehensive manner.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the redevelopment of a site between Perth Road and Roseangle which comprises:

- a redevelopment of the basement of a Listed Building to form 2 flats.
- b Demolition of industrial unit and construction of a block of 12 new flats including 2 x two storey penthouses.
- c Construction of a terrace of 5 x 3 / 4 bedroom townhouses.
- d Refurbishment and conversion of an existing Listed Building to form 2 flats.
- e Demolition of two industrial buildings and construction of 4 flats including 1 x two storey penthouse and a terrace of 4 x 3 / 4 bedrooms townhouses.

The total development is for 9 new build townhouses, 16 new build flats including 3 penthouses and 4 converted flats in two Listed Buildings.

Access will be taken from Perth Road to serve the whole development with restricted pedestrian access to Roseangle. Parking is provided for all units plus visitor parking and includes garages for the 9 houses and 1 of the penthouses. The developer also proposes to provide 4 parking spaces for the existing flats in the adjoining tenement at 150 Perth Road who have traditionally parked on this site.

There is a range of sizes of accommodation. The basement conversions (a) have floor areas of 74 and 96 square metres with 2 and 3 bedrooms respectively. The flatted block (b) to Perth Road has 10 flats of 2 bedrooms (1 en-suite) with 69 to 74 square metres of floorspace. The two penthouses are 140 and 146 square metres with 3 bedrooms (2 en-suite) on the lower floor and a large open plan upper floor with lounge, dining area, kitchen and balcony. There is a large ground floor store and binstore area which will provide recycling facilities for the whole block. The building is served by a lift. The townhouses (c) and (e) have between 139.5 and 144.4 square metres of floorspace, not including the garage. They have accommodation on three floors with 3 bedrooms (1 en-suite) and a fourth bedroom/family room/study. The refurbishment and conversion of the

central Listed Building provides two large flats of 130 and 140 square metres each with 3 bedrooms (1 en-suite) and a large feature lounge with a bay window. Later unsympathetic extensions will be removed. The southern flatted block (e) has 3 x two bedroom (1 en-suite) flats with a two-storey penthouse of 163.7 square metres, all served by a lift. The penthouse has 3 bedrooms (2 en-suite) on the lower floor and a large open plan living/dining/kitchen space with a balcony on the upper floor. There is a bin store to serve this block. Private gardens to the townhouses are between 57.3 square metres and 96.1 square metres and all have rear access to the gardens and the bin stores. They also have paris balconies to the south or west and the southern block has balconies at first floor level on the south elevation. The flats in the



converted buildings have dedicated private amenity space. The new build flats have shared amenity space, the northern block having approximately 200 square metres in addition to paris balconies and conventional balconies on three of the flats. The southern block has 65 square metres again with paris balconies to the principal living room and the penthouse also has a large rooftop balcony.

The development is contemporary in design and materials to complement and contrast with neighbouring properties. A base of natural stone to the Perth Road frontage refers to the stone of many of the buildings, the brick and render reflect the colour and materials in adjacent buildings and the roofs are slate. Contemporary use of colour in the windows, railings and glazed brick bands plus cedar boarding complete the palette of materials. The materials are repeated throughout the new build elements of the development

with feature glazing at high levels and paris balconies on southern elevations to take advantage of the aspect and views.

SITE DESCRIPTION

The site lies on the south side of Perth Road and links through southwards to Roseangle and lies within the West End Lanes Conservation Area. It contains a complex of buildings including 2 Listed Buildings, Valentine House to the north fronting on to Perth Road and Johnfield in the centre of the site which will be retained. Valentine House was formerly the head office of the former Valentines printing works which occupies a large part of the northern half of the site. The ground and upper floors of Valentine House have been converted to flats in the past but parts of the original factory lie at basement level and the walls are immediately adjacent to the rear windows of the existing flats, totally blocking out the light. The former Valentines works is set back from Perth Road with advertising hoardings on the street frontage and self sown sycamores. It has been in use as a shopfitters for many years but is now vacant and in a poor state of repair and is propose to be demolished. The site falls in level from Perth Road and

the factory is on various levels down the slope. It abuts Greenfield Place as a large two storey brick building close to existing houses. McVicars Lane is a traditional lane which provided access to the middle of the site. It is surfaced with cassies and provides access to a rear yard and parking area with stone walls to the boundaries. In the middle of the site is the Category B Listed "Johnfield" a two storey stone villa of 1820 with a central bay and columned entrance. It is has previously been divided into two with later extensions and is in a poor state of repair, especially internally but will be retained. Opposite Johnfield is a Victorian red brick two storey, building on the west boundary of the site. It was formerly a stable block for a haulage company. It is an attractive building but has been structurally weakened by the removal of internal columns. The building fronting Roseangle is a former garage

workshop of rendered brickwork which is now vacant and subject to graffiti and flyposting. Both of these buildings are proposed for demolition.

The general area of Perth Road is characterised by a mix of residential and commercial uses with tenemental flats, some offices and the Mathew Building of the Duncan of Jordanstone campus on the north side of the road; two public houses, a restaurant and a take away with residential flats above to the north east with their communal gardens to the east; a residential tenement immediately to the east of McVicars Lane; residential tenements fronting Roseangle to the east of the site; a complex of student accommodation on the south side of Roseangle and houses, with private gardens, to the west of the site on Greenfield Place and fronting Perth Road.

The site lies within walking distance of the City Centre and the University and Perth Road is a busy main route with good public transport. The site slopes down from Perth Road and has a relatively open aspect 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 provides guidelines for design and layout. Architecture and scale of buildings must respect the surroundings and new development should address surrounding streets and most buildings should front on to streets.

Policy H16 - Roofspace and Basement Development identifies criteria when such development is acceptable.

Policy BE11 - Development in Conservation Areas. All developments will be expected to complement and enhance the character of the area.

Policy BE15 - Alternative uses for Listed Buildings. Suitable alternative uses will be encouraged in order to secure the future of the building and

where it complies with other policies in the Plan.

Policy BE17 - Alterations to Listed Buildings. Alterations must have regard to the restoration or enhancement of the architectural and historic character of the building.

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:

The site is identified as a Brownfield development site and guidance on the development of such sites is provided by site planning briefs. A Brief was prepared for this site and following public consultation, the brief was approved by the Planning and Transportation Committee on 23 February 2004.

Policy 3 - Housing Investment Focus Areas. Investment in housing will be encouraged in this area which falls within Central Dundee. New developments should add to the quality and vitality of the area.

Policy 4 - Design of New Housing. The policy requires new housing to be of a high quality to provide a range of choice and should comply with the Design Standards in Appendix 1.

Policy 13 - Roofspace and Basement Development.

Policy 55 - Urban Design. The policy states that for all new developments the emphasis will be on design quality and the use of Design Statements will be required for new buildings on significant sites.

Policy 59 - Alternative Uses for Listed Buildings.

Policy 60 - Alterations to Listed Buildings.

Policy 61 - Development in Conservation Areas.

Policy 62 - Demolition of Listed Buildings and Buildings in Conservation Areas.

Scottish Planning Policies, Planning Advice Notes and Circulars

The Memorandum of Guidance on Listed Buildings and Conservation Areas 1998 is of relevance to this application.

Non Statutory Statements of Council Policy

A Planning Brief for the site was approved by Planning and Transportation Committee on 23 February 2004.

LOCAL AGENDA 21

The development represents beneficial re-use of a derelict industrial site and existing listed buildings to provide new housing and complies with Key Themes 1, 13, 14 and 15.

SITE HISTORY

The following applications have been received for redevelopment of the northern part of the site.

98/23405/D - outline application for a 3 storey block with public house and flats above and a 4 storey block of flats with a total of 10 flats. Application withdrawn.

00/24596/D - erection of 12 flats and 6 townhouses with conversion of basement to form 2 flats, withdrawn 21/09/2000.

00/24975/D - erection of two blocks of 12 and 6 flats was refused on 1/03/2001.

Since then, there have been a number of discussions with prospective developers and the City Council has consistently sought a comprehensive, high quality development for the whole site which would provide a range of accommodation including family houses and would address the issues of the listed buildings.

04/00529/LBC - this is the partner Listed Building application in respect of minor demolition of later extensions, conversion and renovation of the two Listed Buildings on the site. The application has yet to be determined.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised as contrary to Policy H10 of the Dundee Local Plan.

One objection was received from neighbours immediately to the south of the flatted block at Perth Road on the grounds of loss of amenity due to overlooking as the block is too high, increased traffic and noise, the relocated electricity sub-station and the car parking is against the garden wall and the final wall height is unclear. One other neighbour has not objected but has made representations with regard to the proposed final height of the boundary between their garden and the new development and the potential for noise emanating from the proposed electricity sub-station.

Copies of the letters are available in Members' Lounges and the issues raised will be dealt with in the Observations below.

CONSULTATIONS

The Council's Arboricultural Officer sought further details of trees to be removed and new planting. New planting details have been submitted and will be the subject of appropriate conditions.

The Head of Environmental Health and Trading Standards accepts the content of the Noise Impact Assessment submitted by the applicant's consultants and makes specific recommendations with regard to standards of double glazing and wall ventilators to address the issues of traffic noise and musical entertainment noise from nearby public houses. The potential for noise breakout from the existing and proposed electricity sub-stations is also the subject of proposed conditions.

The West End Community Council made a number of comments as noted in the Observations below.

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 - Design of New Housing requires that the design and layout of any new housing will generally conform to the guidelines. The site lies within the Inner City.

House type/Mix. On larger sites, over 20 units, 75% should be houses and 25% may be flats, of the houses a large proportion should have 3 or more bedrooms. The proposal is for 9 houses, all with a minimum of 3 bedrooms, 16 new flats and 4 flats in converted buildings, although two of the flats constitute refurbishment of an existing divided house. The development does not conform with the mix of houses and flats in the Guidelines.

Amenity space/Garden Area/Drying Areas. The proposal complies with the 50 square metres per house and 10 square metres per flat guideline and there is sufficient space for external drying.

Privacy. 18 metres between facing habitable rooms. There is 32 metres between the existing houses in Greenfield Place and the proposed new houses. Living room windows of flats should not overlook private gardens of houses. Flatted block (b) lies to the north of the house at 9 Greenfield Place. The lounge on the southmost flat on each floor has been located at the southeast side of the building to reduce overlooking and there are no directly facing windows, however there is overlooking of the garden of No 9 from the side.

Parking/Garaging. Parking of 100% is required and houses should have parking within the curtilage. The houses all have integral garages. Parking is adjacent to the flats. Visitor parking of 30% is required where on street parking is a problem eg West End. The layout has 140% parking and 4 additional spaces have been allocated to the existing adjoining tenement. The proposal complies with the standards. Block (b) has a secure ground floor store for bikes.

Layout/Urban Design. The layout with access from Perth Road recreates the existing McVickers Lane. The flatted block to the north steps up from a lower element which complements the adjoining Valentine House to a taller block which provides the scale and mass of building necessary to provide a corner feature and reflect the varied streetscape of Perth Road. The central terraced houses border the long vista from Perth Road down to the terrace at the south, which terminates the view. The southern terrace of townhouses provides a visual link between the high tenement to the east and the villas to the west on a building line which is set back in common with both. Stone boundary walls will be retained and new tree planting will enhance the development and the surrounding properties. The development complies with the guidelines.

It is concluded that the proposed development fails to comply fully with the guidelines in Policy H10 in respect of the housing mix.

Policy H16 - Roofspace and Basement Development applies to the conversion of the basement areas of Valentine House. The remainder of the house has previously been converted to flats. The proposal completes this refurbishment and both new flats have parking space and private garden ground. This complies with the policy.

Policy BE11 - Development in Conservation Areas. Developments are expected to complement and enhance the character of the area. As noted in the Layout/Urban Design section above, the development seeks to complement the layout, scale and mass of the Perth Road Lanes and the surrounding area. The window patterns are vertical but less uniform and are grouped in a more modern style. The materials partly reflect the surroundings with some stone, complementary coloured brick, modern render to echo the render at 150 Perth Road, natural slate roofs and the very modern use of limited areas of cedar boarding and coloured brick detailing, window frames and metal railings to balconies, all of which add vitality and interest. The glazed tower features and corner windows on both flatted blocks are intended to add interest and impact to the urban street scene, especially at night. It is considered that the proposed development is modern, well designed and both complements and enhances

the Conservation Area in accordance with Policy BE11.

Policy BE15 - Alternative Uses for Listed Buildings. The basement area of Valentine House forms part of the existing vacant industrial building. Its use for the formation of two flats complements the existing use and secures the future of the building. Johnfield is retained in residential use. The proposal complies with Policy BE15.

Policy BE17 - Alterations to Listed Buildings. The renovation of the basement to Valentine House is complementary to the fabric of the existing in terms of design and materials. Johnfield was formerly divided into 2 units. The proposal is for two flats designed to ensure each has a range of accommodation including one large feature lounge in the bay window. The external fabric will be restored and repaired. The proposal complies with Policy BE17.

It is concluded from the foregoing that the proposal complies with the majority of the provisions of the development plan other than the mix of housing for Policy H10.

Other Material Considerations

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

Finalised Dundee Local Plan Review

The site is identified as a Brownfield development site and guidance on the development of such sites is provided by site planning briefs. A Brief was prepared for this site and following public consultation, the brief was approved by the Planning and Transportation Committee on 23 February 2004. The Brief identifies that flats are acceptable on the Perth Road and Roseangle frontages, in as detailed on the submitted plans, on urban design grounds. The remainder of the site is to be developed for townhouses. The proposed development complies with the approved Brief.

Policy 3 - Housing Investment Focus Areas. Investment in housing will be encouraged in this area which falls within Central Dundee. New developments should add to the quality and vitality of the area. The development provides high quality houses with gardens in an attractive

and secure layout. The new flats have high standards of accommodation and parking. The 3 penthouse apartments provide substantial accommodation on two floors which take full advantage of the southern aspect and views south to the Tay. The development complies with Policy 3.

Policy 4 - Design of New Housing. The policy requires new housing to be of a high quality to provide a range of choice and should comply with the Design Standards in Appendix 1. The site lies within the Inner City.

House Type. The houses comply with the policy in terms of the accommodation provided. The policy states that flats will only be permitted if the site is allocated in the Local Plan for flats or site specific circumstances demand a flatted solution and flats should have a minimum gross internal floor area of 60 square metres. As detailed, the approved Planning Brief permits flats in these locations and the accommodation exceeds the minimum required.

Car/Cycle Parking. The Design Standards require: Houses - at least 1 space within curtilage of each house and 40% of houses should have a garage or space for one. Where on street parking is a problem, 30% visitor parking should be provided. Generally private flats should have 130%, this provision may be increased or decreased in light of on street and off street parking provision nearby.

All houses have garages and there is one garage for one of the penthouses. Parking at 140% is provided. The layout also provides 4 spaces for the four flats in the adjacent tenement at 150 Perth Road who have habitually parked in the rear yard of the former industrial unit. There is no obligation for this additional parking. In addition, the site has easy access to the high level of public transport on Perth Road. There is a secure store available for cycle parking in Block (b). The proposal fully complies with the standards.

Amenity/Garden Space. The proposal complies with the requirements for houses. For flats, usable private gardens of 100 square metres or 10 square metres per flat, whichever is the greater, is required, plus drying area. This figure may be reduced if useable, sunny balconies are provided. The development complies in terms of Block (b). The flats in the basement of

Valentine House and the flats in Johnfield have areas of private garden which is better than communal space. The flats in the southern block (e) have 65 square metres for 4 flats, 3 of which have south facing private balconies and the penthouse has a large rooftop balcony on the south elevation. The proposal complies with the standards.

Privacy - the standards require a minimum of 18 metres between facing habitable rooms and living rooms of flats should not overlook private gardens of houses. The development complies with the standards with regards to the 18 metres distance. As detailed above, the flats in Block (b), which is required to be of a size and scale to create an acceptable urban design frontage to Perth Road, will overlook the garden of the nearest house in Greenfield Place. The development does not fully comply with this standard.

It is concluded that the proposed development fails to comply fully with the Design Standards in the Appendix 1 to Policy 4 in respect of parking and overlooking.

Policy 13 - Roofspace and Basement Development. As detailed above with respect to Policy H16, the development complies with the same requirements for Policy 13.

Policy 55 - Urban Design. The policy states that for all new developments the emphasis will be on design quality and the use of Design Statements will be required for new buildings on significant sites. This site has been the subject of 3 unsuccessful planning applications for the northern half of the site between 1998 and 2000 and numerous discussions with prospective developers and architects with regard to the whole site. The City Council has consistently sought to combine the two sites, which are in separate ownerships, in order to achieve a comprehensive development. This has culminated in the preparation of a Planning Brief which was approved by Committee on 23 February 2004. The development is supported by a Design Statement. This assesses the characteristics of the various buildings on the existing site and the design and materials of the proposed buildings in the context of the site and of each component of the development. Following discussions with officers, amendments to the design and materials have increased the size and

prominence of windows on the corners of Block (b) and the flats in Block (e) whilst retaining internal privacy, introduced blue glass brick banding to the flats elevations and defined the boundary treatment to Roseangle with walls and timber gate details which echo the traditional features of the Perth Road Lanes. The Design Statement satisfies the requirements of Policy 55.

Policy 59 - Alternative Uses for Listed Buildings; Policy 60 - Alterations to Listed Buildings; Policy 61 - Development in Conservation Areas. These policies repeat the requirements of the equivalent policies in the Dundee Local Plan ie Policies BE15, BE17 and BE 11 respectively and as detailed above, the development complies with these policies.

Policy 62 - Demolition of Listed Buildings and Buildings in Conservation Areas. The policy requires that it must be fully demonstrated that the retention of the building is impractical and that the demolition is supported by acceptable proposals for the redevelopment or treatment of the cleared site. The Design Statement has an assessment of the existing buildings and justification for their removal. This is a full application for redevelopment of the site. There is also a partner Listed Building application which deals with all relevant matters concerning the listed buildings on the site. The proposal complies with the policy.

The development does not fully comply with all the Design Standards for Policy 4 but does comply in all other respects with the policies of the Finalised Dundee Local Plan and in particular proposes the high quality of design and layout which is sought for this site.

The Memorandum of Guidance on Listed Buildings and Conservation Areas notes that new uses for old buildings may often be the key to their continued survival. In respect of development in Conservation Areas, new development which is well designed, respects the character of the area and contributes to its enhancement should be welcomed. It notes that in urban areas where the character is determined by tight-knit unified architecture, development at lower densities may be potentially damaging and that special regard should be paid to such matters as scale,

bulk, height, materials, colour, vertical or horizontal emphasis and detailed design. It is considered that the proposed development is in accordance with the Guidance.

Objection and Representation.

One objection was received from a neighbouring property in Greenfield Place. The north and part of the east boundary of their rear garden is formed by the high walls of the derelict factory. The proposed flatted block at Perth Road is 14 metres to the north of the house at an oblique angle to it. The objection is on the grounds of loss of amenity due to overlooking as the block is too high, increased traffic and noise, the relocated electricity sub-station and the car parking is against the garden wall and the final wall details are unclear.

This property will be overlooked by the new development. As has been noted above, the frontage to Perth Road required a building of scale and mass to contribute to the urban design of the street. The site slopes down to the south and therefore the building is higher to the rear, overlooking this property. This is a site in the Inner City where many properties are overlooked by adjoining buildings. External balconies have been removed from the majority of the new block and replaced by Paris balconies which allow residents to open the patio doors and enjoy the light and views without sitting outside, directly overlooking the adjoining property. One flat at the west side of the block and the two penthouse flats have balcony areas. At the higher levels, residents will be more likely to look beyond the immediate foreground to views of the Tay.

There will be an increase in traffic and noise from the current situation, ie a vacant factory but this is a brownfield redevelopment site in the Inner City where continuation of the industrial use would be neither appropriate or acceptable. The car parking is located on the west side of the development site to ensure that the new townhouses are as far away from the existing houses as possible to reduce the potential loss of privacy from facing windows. The parking area will be screened by a 1.8 metre high boarded fence. The sub-station has to be relocated from its current position within the vacant factory. It is located 8 metres from the façade of the nearest

of the new houses and 18 metres from the façade of the objectors property, partly behind a stone wall and fence. An appropriate condition will restrict the noise output from the sub-station. The factory wall is to remain and be lowered to 1.8 metres with an appropriate coping. This should provide an acceptable screen between the garden and the adjoining parking area.

The development will represent a complete change to the land immediately adjoining this property but the redevelopment of this brownfield industrial site for residential development is desirable in the wider interests of the area and the City. Therefore the objection is not considered to be of sufficient strength to justify the refusal of planning permission for this development.

One other neighbour has not objected but has made representations with regard to the proposed final height of the boundary between their garden and the new development and the potential for noise emanating from the proposed electricity sub-station. Having been advised of the new boundary fences and the condition to be placed on the noise output from the sub-station, the neighbours have expressed their satisfaction with the proposed development.

West End Community Council made the following comments:

- 1 Development of the site was generally favoured due to its current condition.
- 2 The Community Council was encouraged by the preparation of a Planning Brief.
- 3 The ratio of flats to houses, contrary to the policy in the Local Plan, was not supported.
- 4 The retention of Johnfield is welcomed but the reason for its division into 2 flats is unclear as large houses in the West End are in demand.
- 5 It is disappointing that the reclamation of old materials cannot be achieved despite the statement in the Planning Brief.
- 6 The design and materials are out of place and do not compliment the surrounding buildings.

Points 1 - 3 have been addressed in the Policy sections above. Johnfield was

formerly divided into 2 units. The proposal is for two flats designed to ensure each has a range of accommodation including one large feature lounge in the bay window and each has private garden ground. Cassies from the McVicar's Lane are being reused in the parking bays. As noted by the supporting statement, consideration has been given to the re-use of the Errol bricks from the former stables/printworks. The bricks are irregular in shape and difficult to clean for reuse. They are not frost resistant if used for footways or landscape features and the colour does not relate to any of the buildings to be retained or the proposed new buildings. The design and materials proposed have been considered in the policy section above. The Community Council has not objected to the development and whilst their adverse comments are noted, it is considered that, for the reasons given in this report, the development is acceptable.

It is concluded from the foregoing that sufficient weight can be accorded to the majority of the material considerations such as to justify the grant of planning permission in accordance with the provisions of the development plan.

Design

The issue of design has been considered at some length in the Observations.

CONCLUSION

Redevelopment of this site has been the subject of discussions with a number of prospective developers and architects since 1998, beginning with the northern half of the site but continuing with the clear intention to achieve a comprehensive redevelopment of the whole site from Perth Road to Roseangle. The design philosophy addressed the two street frontages linked by the recreation of the form of McVicar's Lane to create a highly urban development, forming an inner semi-private space which takes advantage of the shape, slope and aspect of this unique site. The proposal does not fully comply with all of the guidelines in Policy H10 of the Dundee Local Plan but complies with all other policies and is also supported by strong material considerations. It is considered that the development provides a well-designed modern

addition to the varied character of Perth Road and Roseangle. The variety of size and type of accommodation will add to the existing housing stock in this very popular area. The application is Recommended for APPROVAL subject to conditions.

The site is currently in two separate ownerships with the access to the proposed development being through the northern part on to Perth Road. In order to ensure that the whole site is developed in a comprehensive manner as one continuous development project, it is considered necessary to conclude a legal agreement with both current applicants which will be binding on the land should either party dispose of their interests to a third party.

RECOMMENDATION

Recommendation 1

That this consent shall not be issued unless and until an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 between the Council and the applicants has been agreed and concluded. The agreement shall detail that the site shall be developed as a comprehensive development in 2 phases as detailed below:

Phase 1 - Blocks a and b as defined by the plans, the 18 space parking area, the formation of the road for the whole site and the completion of the sewer works to serve the development.

Phase 2 - Blocks c, d and e, the remaining parking areas and landscaping.

Recommendation 2

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 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
- 3 Prior to the commencement of development, a landscaping

scheme shall be submitted to the Council for approval. The scheme shall include one 20-25 cms girth, semi-mature, underground guyed tree of a species to be agreed to be located at tree group 3 and other trees of minimum 12-14 cms girth, rootballed, with appropriate ground cover plants.

- 4 The landscaping scheme as detailed in condition 03 shall be completed prior to the completion of the last unit in each of the agreed phases of the development of the site. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or plants of similar size and species to those originally required to be planted in terms of this condition.
- 5 As specified in the Charlton Smith Partnership's Report of 02/09/04, typical 10-12-10 double glazing or the specified St Gobain SG Phonic 13-10-6 or 9-6-8, providing no less than 39dB,Rw shall be installed for use in windows of all habitable rooms facing Perth Road. In the event that the specified double glazing is not available, the suitability and use of replacements, performing the same acoustic standard, will require to be agreed in writing with this Council prior to the fitting of the windows.
- 6 As specified in the Charlton Smith Partnership's Report of 02/09/04, 412-8 double glazing, providing at least 34dB,Rw shall be installed for use in windows of all habitable rooms facing the north east boundary of the site. These windows shall be provided with full weather stripping on all openable lights.
- 7 As specified in the Charlton Smith Partnership's Report of 02/09/04, Greenwood MA3051 acoustic wall ventilators shall be fitted in the place of window trickle ventilators, in all habitable rooms facing the north east boundary of the site. In the event that the specified wall ventilators are not available, the suitability and use of replacements, performing to the same acoustic

- standard, will require to be agreed in writing with this Council prior to fitting.
- 8 Total noise from the proposed sub-station shall not exceed NR35 as measured 1 metre external to the façade of the nearest residential accommodation, within which, no third octave band within the range 63Hz - 250 Hz shall exceed NR25, as measures 1 metre external to the façade of the nearest residential accommodation.
 - 9 No construction shall commence on site until an investigation of potential contamination, under the terms of Planning Advice Note 33 - Development of Contaminated Land, has been carried out and the results have been submitted to and verified by the City Council.
 - 10 Any measures required to remediate the site as detailed in the report required by Condition 9 - shall be fully implemented as detailed by that report and validated in writing for the approval of the City Council prior to the occupation of any of the buildings.
 - 11 Reclaimed cassies from the existing lane shall be carefully stored on site and shall be used for the surfacing of parking bays and for the edging to landscaping beds.
 - 12 the areas indicated on the approved drawings for vehicular manoeuvring space and parking, shall be at all times to be kept free of obstruction and be available for those purposes only
 - 13 The parking spaces identified for the flats in 150 Perth Road shall be retained for such use unless agreed in writing with this Authority.
 - 14 Lockable bollards may be installed on parking spaces allocated to individual units provided 9 parking spaces remain available for use by visitors.
 - 15 the means of access to the development shall be laid out and formed in accordance with details to be submitted to and approved by the City Council before the use is commenced
 - 16 The garages in the townhouses shall be fitted with roller doors.
 - 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992, or any subsequent re-enactment thereof, the garages in the townhouses shall remain available for the parking of a motor vehicle.
 - 18 The boundary walls formed by the external walls of the former Valentines industrial building shall be lowered to a minimum of 1.8 metres above the final ground level and shall be finished in materials to be agreed in writing with the City Council prior to the occupation of the last unit in each of the agreed phases.
 - 19 Full details of the bin stores and recycling facilities to be provided shall be submitted prior to the commencement of construction and if approved shall be provided and retained for the designated use prior to the occupation of the first dwelling.
- Reason**
- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
 - 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 a satisfactory standard of appearance of the development in the interests of the visual amenities of the area
 - 4 to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area
 - 5 in the interests of the amenities of the future occupants of the residential accommodation
 - 6 in the interests of the amenities of the future occupants of the residential accommodation
 - 7 in the interests of the amenities of the future occupants of the residential accommodation
 - 8 in the interests of the amenities of the future occupants of the residential accommodation
 - 9 in the interests of the amenities of the future occupants of the residential accommodation
 - 10 in the interests of the amenities of the future occupants of the residential accommodation
 - 11 to protect the visual amenities of the locality
 - 12 to ensure that adequate manoeuvring and parking space is available to serve the development in the interests of traffic safety
 - 13 in the interests of highway safety and the amenities of the occupiers of nearby properties
 - 14 in the interests of highway safety and the amenities of the occupiers of nearby properties
 - 15 to ensure the provision of a satisfactory access to serve the development in the interest of road safety
 - 16 In the interests of pedestrian safety
 - 17 Having regard to the design, layout and general nature of the proposed development, it is considered important to ensure that each dwelling retains the garage for the parking of a motor vehicle as there is no alternative on street parking within close proximity to the houses.
 - 18 in the interests of the amenities of the occupants of the adjacent residential properties in Greenfield Place.
 - 19 in order to provide suitable waste management and recycling facilities in the interests of the amenities of the occupiers and to comply with the Council's Agenda 21 policies.