

**KEY INFORMATION****Ward** Lochee West**Proposal**

Demolition of tenement and erection of eight houses and six flats with garages and access road

**Address**

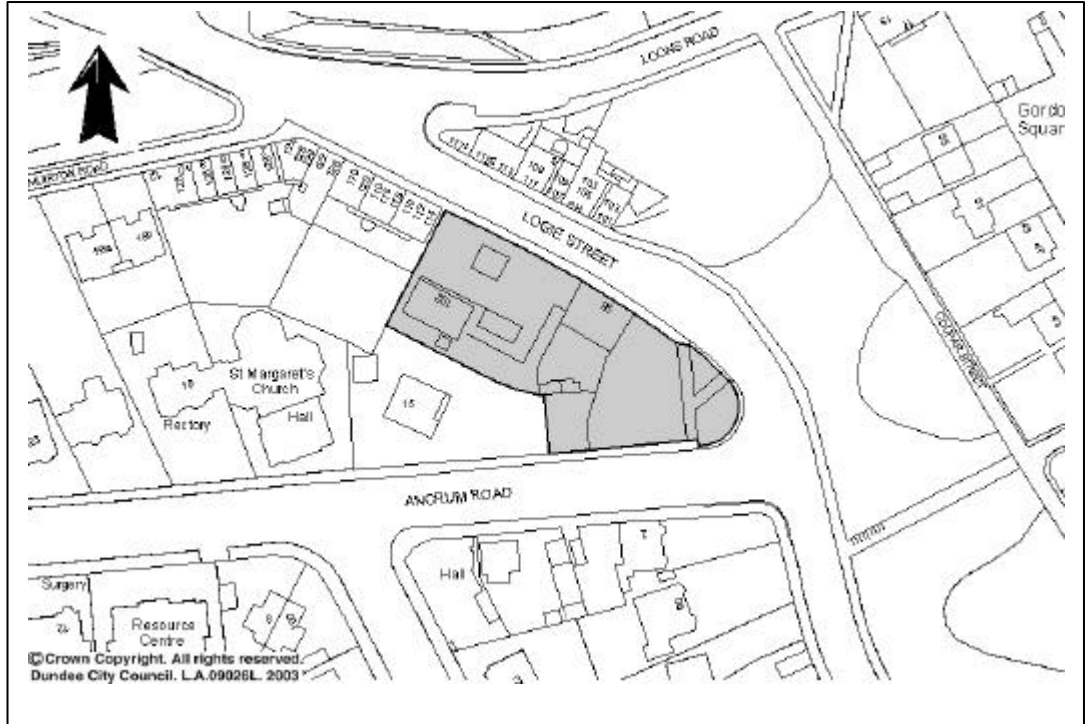
98-102 Logie Street  
Dundee

**Applicant**

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**Registered** 15 June 2005**Case Officer** Eve Jones

# Proposed Housing Development at Logie Street

The demolition of a tenement and erection of eight houses and six flats is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The development does not fully comply with the requirements of Policy 2 and Policy 4 of the Dundee Local Plan Review 2005 in terms of housing mix and amenity space provision. However there are strong material considerations in respect of the severe physical constraints on the site and the provision of housing which will contribute to the housing mix in the Lochee area. Accordingly, the application is Recommended for Approval subject to conditions.

**SUMMARY OF REPORT**

- Planning permission is sought for the erection of 8 houses and 6 flats with garages and access road on a site at the corner of Logie Street and Ancrum Road. The houses are 3 storey townhouses with 3 or 4 bedrooms and the flats all have 2 bedrooms. There are a total of 18 car spaces including garages and covered parking for the 14 units. All of the houses have the required amenity space and the flats have south facing balconies. The materials are coloured render with fyfestone detailing and a composite roof in grey.
- The site is on a prominent corner and is steeply sloping on its southern side with a high retaining wall to the adjoining properties. It is currently occupied by a former garage, a traditional tenement and an area of open space.
- The development fails to fully comply with the provisions of Policy 4 of the Dundee Local Plan Review 2005 in respect of housing mix and amenity space but the material considerations of the physical constraints of the site and the restricted access are such that the development is considered to be the best solution for the redevelopment of this brownfield site.
- Council departments have advised on requirements for acoustic glazing to combat traffic noise, the possible impact of air pollution and the provision of replacement tree planting which can be the subject of conditions. There were no objections from neighbours.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of 8 houses and 6 flats with garages and access road. There are 6 x 3 bedroom, 3 storey townhouses and 2 x 4 bedroom, 3 storey townhouses. 6 of the houses have garages in or adjacent to their curtilage, the other two houses have parking spaces. The corner block has 6 x 2 bedroom apartments on three floors with 4 ground floor covered parking spaces. There are a total of 18 spaces and garages for the 14 units. The materials are coloured render with fyfestone block detailing and a composite roof in grey.

## SITE DESCRIPTION

The site lies on the corner of Logie Street and Ancrum Road, close to the corner with Loons Road. It is currently occupied by a vacant former garage and filling station, a traditional tenement which is predominantly vacant and an open area of grass with ornamental trees. The site is broadly rectangular and is steeply sloping at its southern side. There is a high retaining wall on part of the southern boundary. There are tenements to the west, two storey shops with flats above to the north, open grass on the north side of the busy Logie Street /Ancrum Road junction and a large bungalow to the south. There are traffic light controlled junctions to the east and the west of the site.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

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

### Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 2: Housing Land Release.

Policy 4: Design of Housing.

Scottish Planning Policies, Planning Advice Notes and Circulars.

The following is of relevance:

National Policy Guidance on Air Quality and Land Use Planning issued by the Scottish Executive in March 2004

## LOCAL AGENDA 21

The proposal complies with Key Themes 1, 4 and 14 as it utilises a brownfield site to provide family houses in a small, well designed development.

## SITE HISTORY

There is no planning history of relevance.



## PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised as a development contrary to the Dundee Local Plan 1998. One local resident expressed concern about traffic and parking issues and stated that he had no objection provided car parking spaces are provided for the new residents of the proposed development. As noted above, the parking provision is approximately 130% which complies with the Councils parking standards. It is considered that this letter is a representation, not an objection.

## CONSULTATIONS

The Head of Environmental Health and Trading Standards

Contaminated Land: As part of the site was a filling station and garage, site investigations and remediation works for any contamination will require to be carried out and can be the subject of appropriate conditions and monitoring by EHTC.

Air Quality: The Logie Street/Loons Road junction is an area of poor air quality which the Council has a statutory duty to try to improve. In advance of the identification of an Air Quality Management Plan and Action Plan for the City, the proposed development is not supported.

Noise Control: The applicant was requested to submit a Noise Impact Assessment in respect of traffic noise. The report recommends several window types which could achieve adequate noise mitigation. This can be the subject of an appropriate condition and the specification approved by EHTC.

The Forestry Officer has advised on suitable tree species for the replacement tree planting.

## 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 2: Housing Land Release. The policy requires that new developments:

- a are in accordance with other policies, see below for Policy 4.
- b will make a positive contribution to quality and choice of housing available in the local area. There have been limited new housing developments in the local area where much of the housing is in traditional tenements, later council housing developments and more traditional housing off Ancrum Road to the south. Part of the site is occupied by a traditional tenement in poor condition. This development will provide new apartments and

- family houses in a small, well located site.
- c satisfy the requirements of Appendix 1 to Policy 4, see below.
  - d will improve tenure mix in areas where there is limited choice and will contribute to wider community regeneration. As detailed in b, this development will make a positive contribution by the provision of new housing of a range of size and type.

Subject to the assessment against Policy 4, the application is considered to comply with Policy 2.

**Policy 4: Design of Housing.** The policy requires the design and layout of all new housing to be of high quality and comply with the standards contained in the Appendix 1. The policy encourages the provision of houses rather than flats, the creation of safe attractive environments with improved use of the siting and orientation of buildings.

The site lies within the Inner City and Appendix 1 states that flats will only be permitted if site specific circumstances demand a flatted solution and houses and impractical. Flats should have a minimum internal floor area of 60 square metres. The proposed development is for a linked terrace of two blocks of 3 and 4 townhouses to be located on that part of the site which can accommodate houses. The flatted block is located on the corner of the site where Ancrum Road meets Logie Street. Due to the corner location and the slope of the site, a flatted development is the best solution and will, in addition, raise the living areas above the ground floor parking to reduce the impact of the traffic at this junction. The proposed flats comply with the Appendix 1 standards for size, number of bedrooms and parking. The flats will have an open aspect to both the front and the rear with no privacy issues from any adjacent properties. They have no specific private amenity space, but each flat has a south facing balcony. It is considered that the proposal fails to comply with Policy 4 with regard to the provision of amenity space.

With regard to the proposed houses, the development complies with the Appendix 1 standard except that 2 of the houses have a garage/parking space

to the side of the curtilage rather than within it which results in larger gardens, a more efficient use of the available space and improved traffic circulation within the site. It is considered that this is a minor exception from the required standards.

It is concluded from the foregoing that the proposal does not fully comply with all of the requirements of Policy 4 and Policy 2 of the development plan.

## Other Material Considerations

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

**National Policy Guidance on Air Quality and Land Use Planning** issued March 2004.

The guidance advises that air quality considerations should be integrated within the planning process at the earliest possible stage. To facilitate this, supplementary planning guidance should be developed. The guidance notes that there is the potential for the granting of a planning permission to have an adverse impact on a local authorities air quality action plan but that this should not sterilise development. Applications should continue to be dealt with on the individual merits of the case.

As noted below, there have been detailed pre-application discussions. The need to minimize the impact of traffic on Logie Street was recognised at this early stage and the architect was requested to amend the internal arrangements to locate almost all of the habitable rooms (lounge, dining, bedrooms) to the rear of the houses. Only the northern margin of the site, at the front of the houses, is within the area worst affected by traffic pollutants. It is considered that this design will minimize the impact on residents and the proposal complies with the terms of the National Policy Guidance.

### Policy 4.

Due to the shape and ground levels of the site, there is only one safe access point from Ancrum Road and this layout restricts the provision of private amenity space for the flatted block as vehicle access is required to the ground floor protected parking areas in the flatted blocks. In compensation, the flats have south facing balconies off the lounge. It is considered that due to the severe constraints on this particular site, the proposed development is the

best solution in urban design terms and the lack of private amenity space for the flats is adequately compensated by the provision of balconies.

### Pre-application discussions.

The proposed development has been the subject of a number of meetings between the architect and Council officers to discuss and refine the layout and the design of the buildings. The proposed number of units has been reduced by 2 as a result of these discussions and the standard of provision of amenity ground and garages has been increased. This is a difficult site in a prominent location which has a number of physical constraints and does not lend itself to a conventional housing layout. The submitted proposal provides family housing on the level part of the site and flats with ground floor parking to provide a signature building on the corner of a busy junction. This will provide a degree of enclosure to Logie Street which will link up with the existing tenements on the south side of the road. The amenity space and balconies are all located to the rear where they are protected from the impact of traffic and have a sunny southern aspect. The site is well located in respect of public transport, shopping and local facilities eg health centre and schools.

It is considered that the proposed development will make a positive contribution to the housing stock in the area. Any relaxation of the standards in the Dundee Local Plan Review are justified on these site specific grounds and should not be regarded as setting a precedent for other sites.

**Representation.** As noted above, one local resident expressed concerns about the lack of off street parking in Ancrum Road but did not object to the application provided sufficient car parking is provided for the new residents. The parking provision is in accordance with the required standards and is acceptable.

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

## Design

The design issues are considered in the Observations above but it is noted that the proposed materials indicated on the plans are not acceptable in this prominent location and are the subject of a specific condition.

## CONCLUSION

It is considered that the proposed development complies with the relevant policies in the Dundee Local Plan Review which support the provision of new family housing and allows for mixed house and flat developments where there are strong, site specific, circumstances. The site layout, size and external design of the properties are acceptable and have been the result of detailed discussion with Council officers. The proposal fails to fully comply with the amenity space standards in Policy 4. However, the material considerations of the type, range and location of the development and the particular restrictions of the site support the provision of alternative amenity space for the flats. There were no objections to the application. Accordingly, the application is Recommended for Approval subject to conditions.

### Recommendation 1

In terms of the Town and Country Planning (Notification of Applications)(Scotland) Direction 1997, if Members are minded to approve the planning application it will be necessary to refer it to the Scottish Ministers as the Council has a financial interest in part of the site and the development does not fully comply with 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 Samples of the proposed finishing materials shall be submitted to the City Council for approval prior to the commencement of construction and if approved, the works shall be carried out only in accordance with such approved details. For the avoidance of doubt, the materials indicated on the submitted plans are not acceptable.
- 5 Prior to the commencement of development, a comprehensive landscaping scheme for hard and soft landscaping shall be submitted for approval and if approved, the works shall be carried out only in accordance with such approved details.
- 6 The landscaping scheme as detailed in condition 5 shall be fully implemented in accordance with the approved details within 6 months of the completion of the development. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 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.
- 7 Full details of the proposed boundary treatments shall be submitted for approval prior to the commencement of the development and if approved, the boundaries shall be completed in accordance with the approved details prior to the first occupation of the dwellings hereby approved.
- 8 The new road and access must be constructed in accordance with details which have previously been submitted to and approved by Dundee City Council as Roads Authority in

accordance with DCC specifications.

- 9 The footway ex adverso the site on Ancrum Road and Logie Street shall be reinstated in accordance with details to be submitted to and approved by the City Council prior to the commencement of the development. The works to the footway shall be completed prior to the completion of the works hereby approved.
- 10 Before the any of the residential units is first occupied the garages, car parking and manoeuvring areas indicated on the approved drawings shall be provided and thereafter kept available for use at all times
- 11 Prior to the commencement of construction, full technical specification of the double glazed windows to be installed throughout the site shall be submitted for approval by the City Council and if approved, the windows shall be installed only in accordance with such approved details.
- 12 Notwithstanding the terms of condition 11, the total noise within individual habitable rooms shall not exceed 45 dB(A) during the day and 35 dB(A) during the night as measured using the appropriate LAEQ parameter. For the avoidance of doubt, daytime shall be 0700 to 2300 hours.

## 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 that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 5 to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area

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- 8 in the interests of highway safety
- 9 in the interests of highway safety
- 10 to ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety
- 11 in the interests of the amenities of the future occupants of the residential accommodation
- 12 in the interests of the amenities of the future occupants of the residential accommodation