

**KEY INFORMATION**

Ward Law

**Proposal**

Erection of 21 townhouses with integral garages and access road

**Address**

Land To the Northeast of 37 City Road  
Dundee

**Applicant**

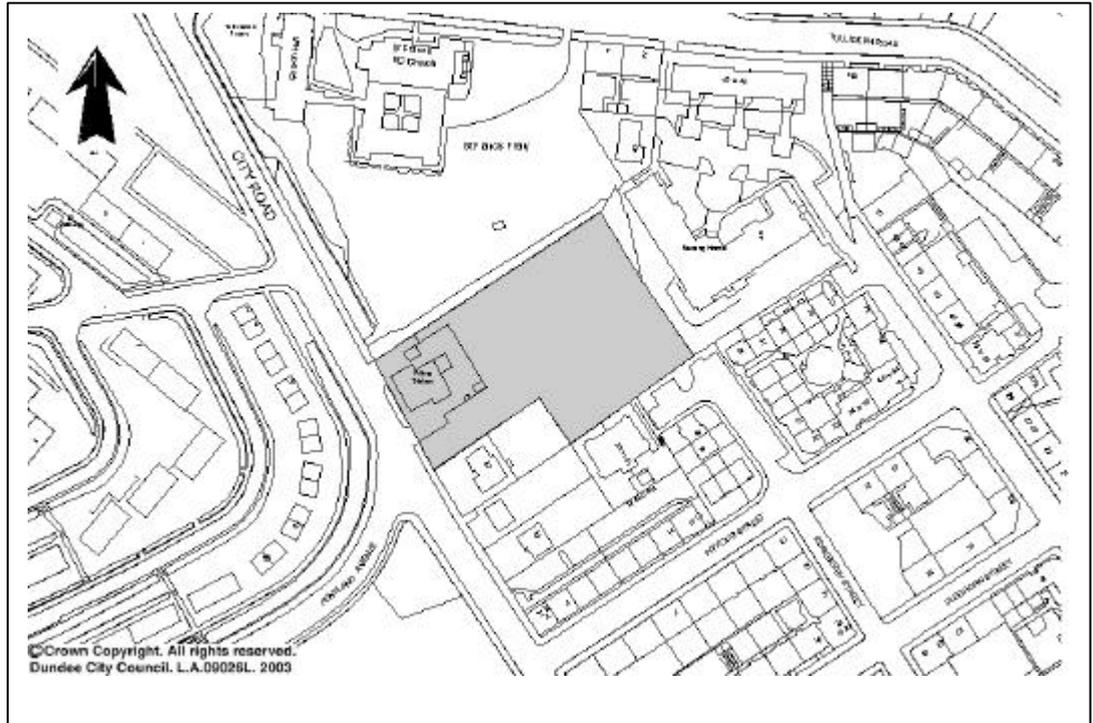
RAD Developments Ltd  
61 Lorne Street  
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Dundee

**Agent**

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Registered 15 July 2005

Case Officer E Jones



# Proposed Townhouse Development in City Road

The erection of 21 townhouses with integral garages and access road is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development is in accordance with Policies 2 and 4 of the Dundee Local Plan Review 2005. Planning permission for housing on the majority of the site was granted in 2001. One valid objection is not supported. The application is Recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- Planning permission is sought for the erection of 21 x three storey, five bedroom townhouses and the formation of a new access road. Twelve of the houses will have balconies at first floor level, all have integral garages and two of the five bedrooms are en-suite.
- The site lies on the north east side of City Road at its junction with Pentland Avenue. It was formerly occupied by a petrol filling station on City Road and land to the rear which adjoins Roseberry Street. There are self seeded trees and the site is overgrown and neglected. The filling station and tanks have been removed.
- The proposal complies with Policies 2 and 4 of the Dundee Local Plan Review, other than the provision of paths to 7 of the rear gardens, and the principle of residential development on the majority of the site is established by the planning permission for 19 houses which was approved in 2001. The extended site allows for access directly from City Road rather than via Roseberry Street and the removal of the petrol filling station will improve the environment for the proposed new houses.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of 21 townhouses with integral garages on an L shaped road with access from City Road. The houses are grouped in 3's with 9no House type 1 and 12no House type 2. All have 3 double and 2 single bedrooms (2 ensuite) with a lounge, dining/kitchen, utility and garage but House type 2 also has a balcony off the lounge on the first floor. The materials are dry dash or off white render with stained timber detailing and grey concrete roof tiles. Due to the slope of the site, there will be retaining walls of red brick and the boundary wall to City Road will also be red brick to match the wall around the adjoining Priory. The gardens will be bounded by timber fences and the existing mesh fence to the Priory will be retained and repaired. Trees will be planted as part of the landscaping scheme to compensate for the loss of self seeded trees on site.

## SITE DESCRIPTION

The site is roughly rectangular and lies on the north east side of City Road at the junction of Pentland Avenue. It is bounded by City Road, the Priory to the north, a nursing home to the north east, relatively new housing to the south east and established bungalows to the south west. The site is relatively flat for half its length, there is a steep embankment across the site and the lower section is again relatively level. There are self seeded trees and scrub vegetation on the northern margins of the site. The former petrol filling station, including the fuel tanks, which occupied the upper level has been removed.

## 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 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

The proposal complies with several Key Themes, as this is a vacant brownfield site which is to be redeveloped to provide a safe, well designed layout of family houses.

## SITE HISTORY

The site history refers to the majority of the application site which excluded the petrol filling station which was operational at that time.

D25165 Planning permission for the erection of 19 houses, granted subject to conditions, 06/08/2001.

02/00041/FUL Planning permission for a change of house types, plots 1-19, granted subject to conditions, 30/04/2002.

## PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and as a potential departure from Policy 4 in the Dundee Local Plan Review 2005. One valid objection was

received from the adjoining Priory on grounds of loss of privacy and security. The objection will be considered in the Observations below.

## CONSULTATIONS

There were no adverse comments from consultees. The Forestry Officer sought additional information and will be consulted during the construction in respect of trees on adjoining sites which may require to be pruned.

## 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. A large percentage of the housing in the local area is flats in both traditional tenements and later council developments. There has been some recent development of housing. This development will provide large family houses in a safe and attractive environment.
- c it satisfies the requirements of Appendix 1 to Policy 4, see below.
- d it 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.

Subject to the assessment against Policy 4, the application is considered to comply with Policy 2. It is a site which has had planning permissions for housing development since 2001.

#### Policy 4: Design of New Housing.

Appendix 1 to the policy identifies design criteria and the development complies in respect of the size and type of house, the garden ground and the privacy between facing residential properties. Each house has a garage and parking space, provision of 200%. Whilst there is no specific visitor parking, the parking for the houses is above the requirements and there is no problem with on street parking within the new development. Of the 21 houses, 14 have a direct path access to the street. The policy states that such provision should be made in inner city sites. Provision of paths to the remaining 7 houses would reduce the security of the rear gardens and adversely affect the garden ground provision. The layout is considered to be acceptable in this regard. Policy 4 requires that the design and layout of all new housing should have be of high quality. It is considered that the layout provides large family houses in an attractive safe environment. The proposal complies with the requirements of Policy 4 and all of the criteria in Appendix 1 other than the provision of rear garden paths to 7 of the houses.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

#### Other Material Considerations

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

##### Planning History

The site history refers to the majority of the application site excluding the petrol filling station on City Road which was operational at that time. This could have had a detrimental impact on the amenity of those houses which were immediately adjacent to it. Access to that site was from Roseberry Street which would have taken additional traffic past existing houses and flats. The planning permission was for 19 smaller, two storey houses without garages. The larger site, the subject of this application is for larger houses with larger gardens to be accessed from City Road. The principle of residential development on

the site has already been established by the previous consents and the current application is a significant improvement.

#### Objection

One valid objection has been submitted by the adjoining Priory which has concerns over the loss of privacy and security and has requested the construction of a 2 metre high wall on the boundary. The site currently does not have a high level of security as the application site is an overgrown vacant area with easy access and no supervision. The proposed development will have family houses providing constant supervision of the access road and the local environment which will improve the security of the Priory site. With regard to privacy, the side boundary of the Priory adjoining the application site is lined by mature trees and shrubbery which provide a substantial screen. The existing metal mesh fence lies close to the planting and the applicant proposes to repair and retain the fence with enhanced planting to form a green barrier. The excavations which would be required to provide a wall will have a detrimental impact on the roots of the existing trees and shrubs which are so important to the garden setting of the Priory. It is considered that the proposed treatment of the boundary fence will provide privacy and security to the Priory without the loss of any of the trees which lie within its own grounds. As a result, the objection and the requested wall cannot be supported.

It is concluded from the foregoing that the principle of residential development has been established by the previous permissions and insufficient weight can be accorded to the objection such as to justify the refusal of planning permission contrary to the provisions of the development plan.

#### Design

As noted above, the development provides large family houses in an attractive safe environment.

#### CONCLUSION

It is therefore recommended that planning permission be refused/granted with conditions.

#### RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following condition(s):-

- 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 02 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 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
- 5 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
- 6 The landscaping scheme in the approved plans shall be fully implemented within 6 months of the first occupation of the dwelling hereby approved unless agreed in writing with the Planning Authority. Any trees which are planted and which die within 5 years of planting shall be replaced with trees of the same species and size as previously approved.

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| <p>7 Details of the proposed garden boundary fences shall be submitted for approval and if approved, the fences shall be completed prior to the occupation of the last house hereby approved. The fence on the Priory boundary shall be repaired and renewed where necessary in accordance with details agreed by the respective site owners and the City Council prior to the first occupation of any of the houses hereby approved.</p> <p>8 Prior to the commencement of development, any required tree pruning to trees within the Priory grounds shall be carried out in accordance with details agreed on site between the respective site owners and the Forestry Officer and as per BS3998: and thereafter, tree protection fencing in accordance with BS5837:1991 shall be erected along the drip line of the trees, to the satisfaction of the City Council. Such fencing shall be retained in place throughout the construction period and relocation of any fencing to allow construction works to proceed shall be agreed with the Forestry and Enforcement officers of the City Council prior to any movement of the fencing.</p> | <p>7 to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area</p> <p>8 to protect those landscape features which are of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development.</p> |
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## 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
- 6 to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area