

KEY INFORMATION

Ward Baxter Park

Proposal

Erection of 2 storey house and garage

Address

Land to the East of 3 Gibson Terrace
Dundee

Applicant

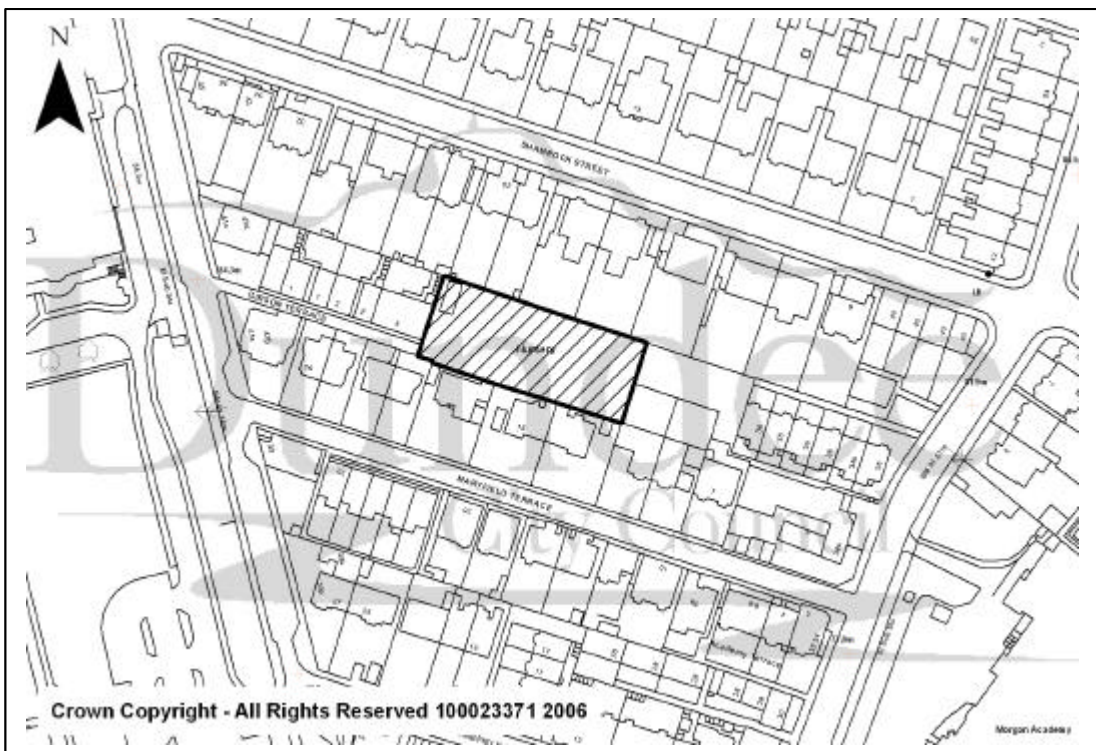
P Inglis
30 South Tay Street
Dundee
DD1 1PD

Agent

Peter Inglis Architects
30 South Tay Street
Dundee
DD1 1PD

Registered 13 June 2006

Case Officer Julie Young



New House Proposed in Gibson Terrace

The erection of 2 storey house and garage is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation

SUMMARY OF REPORT

- The application seeks planning permission for the development of a detached house with 2 storey and one and a half storey elements on land to the east of 3 Gibson Terrace, Dundee.
- 14 letters of objection have been received and two petitions (one with 8 signatures and one with 4 signatures) with the main concerns relating to access, parking and traffic problems (including issues with construction traffic), effect on trees, residential amenity issues, effect on Conservation Area, design and height of house, effect on trees, loss of natural habitat and adverse impact on drainage. The applicant re-designed the house to address some of the objections raised and neighbours were re-notified. This attracted the re-submission of the petition with 8 signatures, a further letter of objection from a previous objector and a letter of representation.
- The proposal raises issues for consideration in terms of the Housing and Conservation Area policies of the Dundee Local Plan Review 2005.
- The application was deferred from the February 2007 Committee Agenda until a bat survey had been carried out and findings submitted and landscaping details submitted. This information has now been submitted and raises no issues of concern and is considered satisfactory.
- It is considered that the proposal will result in an acceptable quality of development and level of amenity for both future occupants and surrounding residents. The dwelling will offer a high quality of living for future occupants with an extensive garden area. It will be beneficial to the surrounding area to see this overgrown and otherwise landlocked and unusable piece of derelict ground used for residential purposes.

RECOMMENDATION

The proposal complies with the relevant policies in the Dundee Local Plan Review 2005. The applicant has addressed some of the concerns raised by objectors and it is considered that the objections do not carry sufficient weight to merit refusal of the application. Accordingly, the application is recommended for **APPROVAL** subject to conditions.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a detached house with 1.5 and 2 storey elements on land to the east of 3 Gibson Terrace, Dundee. The total site area is 0.138 hectares. The house will be finished in white render walls with grey Anstone basecourse and cedar lining feature panels, grey concrete roof tiles, sarnafil on flat roof sections and aluminium framed windows. There is a detached double garage to the west of the house and sufficient space to park in front of the garage.

The applicant has provided a turning area within the site for other residents along Gibson Terrace to use, to improve the existing access and turning arrangements on this narrow street.

The applicant has submitted a bat survey and landscaping details as requested from Committee Members at the meeting on 26 February 2007.

SITE DESCRIPTION

The site is located to the east of 3 Gibson Terrace and it is a land-locked site which is accessed by a private access road from Mains Loan. The last known use of the site was a landscape nursery with various greenhouses and portacabin buildings within the site. There are 3 storey tenement flats to the west of the site with stone finish and slate roof. A mixture of single and two storey traditional style houses with slate roofs and stone finish are located to the south at Maryfield Terrace and 1.5 storey traditional style houses to the north at Shamrock Street. The back gardens of the houses to the north immediately adjoin the site and the houses at Maryfield Terrace adjoin the site as their garden areas are to the south (front) of their properties. There are two mature trees on the north boundary and other trees within the site.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

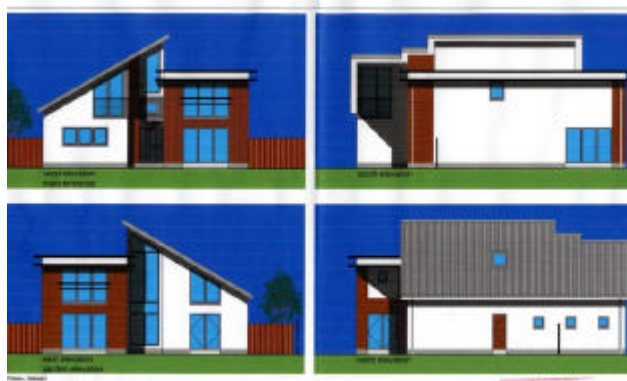
Dundee Local Plan Review 2005

The following policies are of relevance:



Policy 4: Design of New Housing

The design and layout of all new housing in Dundee should be of a high quality. New development will be required to conform to the attached guidelines. These include the requirement for 120sqm of garden



ground (40% to have 160sqm); 18m between facing windows of habitable rooms; 75% of houses to have 3 bedrooms or more; at least two car parking spaces and 50% of houses should have a garage or space for one.

Policy 61: Development in Conservation Areas

Within Conservation Areas all development proposals will be

expected to preserve or enhance the character of the surrounding area. This will require the retention of all features which contribute to the character and appearance including unlisted buildings of townscape interest, trees and landscape features and the historic pattern of streets and spaces, as identified in the Conservation Area management plans to be advanced in the near future.

Policy 72: Trees and Urban Woodland

New developments must have regard to existing healthy mature trees, the survival and retention of which will be strongly encouraged through sensitive site layouts and both during and after construction. Where appropriate, development proposals must be accompanied by a tree planting and landscaping scheme which includes a supporting justification and sufficient map based material to document existing planting within the application site, as well as new planting and maintenance arrangements.

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.

SUSTAINABILITY ISSUES

The proposal involves the development of a brownfield derelict site and will result in the improvement and enhancement of the site for the benefit of the wider area. The application raises no concerns in relation to the Council's Sustainability policies.

SITE HISTORY

Planning permission was refused on 8 February 1983 for the erection of 18 flats on the grounds that a development of this nature would further intensify vehicular use of a substandard access

to the detriment of road traffic and pedestrian safety.

Planning permission was refused on 25th August 2003 for the erection of two houses on the site (ref: 03/00366/FUL). The reasons were that the proposal was contrary to Policies H1, H4, H10 and BE11 of the Dundee Local Plan 1998.

PUBLIC PARTICIPATION

The application was advertised as affecting the setting of a conservation area on 20th June 2005.

Statutory neighbour notification was carried out and 14 letters of objection were received including two petitions (one with 8 signatures and one with 4 signatures). The main points of objection are:

- 1 Traffic/access problems for existing and future residents and for construction traffic;
- 2 Visual appearance of house;
- 3 Impact on residential amenity due to overshadowing, noise and dust;
- 4 Impact on trees and the environment;
- 5 Detrimental effect on Conservation Area; and
- 6 Adverse impact on drainage from construction traffic.

Neighbours were re-notified as the design and height of the proposed house was amended. This led to the petition with 8 signatures being re-submitted and, one letter of objection and a letter of representation being received.

CONSULTATIONS

The relevant Council Departments and outside bodies have been consulted with regard to the proposals.

The Head of Environmental Health and Trading Standards has indicated that some site investigation is required to ensure there is no risk to human health from potential contamination which may have resulted from previous uses on the site.

The Director of Contract Services (Forestry Officer) has indicated concerns about how the proposed development will affect trees on the site. The applicant submitted

landscaping details, which are considered acceptable. It is advised that a condition is attached to ensure that trees on the site are protected and the works are carried out as per BS 5837, should Members be minded to grant planning permission.

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 proposal involves the erection of a detached house with 1.5 and 2 storey elements on a landlocked site to the east of 3 Gibson Terrace. The site is located within Maryfield Conservation Area. The houses and flats surrounding the application site are mainly traditional in style with stone walls, slate roofs and timber sash and case windows and range from single to three storeys in height. The site is accessed from Gibson Terrace, which is a very narrow, private, unadopted road leading off Mains Loan. The access is narrower at the entrance and cars tend to park along the south side.

The materials proposed are white render walls, grey Anstone basecourse, cedar lining feature panels, grey tiled roof, sarnafil for flat roof section and aluminium windows. There are substantial glazed areas on the east and west elevations. The main entrance is on the west elevation and the lower part of the house is on the north elevation.

The house is 9m from the south boundary of the site and the houses at Maryfield Terrace directly abut the boundary. It is approximately 1m from the north boundary and there is 15m to the nearest house from this boundary which forms the south boundary of the gardens for the houses at Shamrock Street.

There are some trees within the site which may be affected by the proposed development. The applicant has submitted a detailed landscaping plan to indicate which trees will be removed and affected by the proposed house and details of replacement planting.

Retained trees will have to be protected during construction on site and this will be attached as a condition.

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 4 of the Dundee Local Plan Review 2005 sets out the requirements for new housing at this location which is allocated as a suburban area. The design of the house is considered acceptable with white render walls, grey Anstone basecourse, cedar lining feature panels, concrete tiled roof and aluminium windows and 4 bedrooms are provided. Sufficient car parking spaces are provided with the dwelling. The house is located within a very spacious site with over 500sqm of garden ground to the east and further garden ground to the south. Therefore it is well in excess of the required garden ground provision. 18m between facing windows is provided. Therefore the proposal complies with Policy 4.

The site is located within Maryfield Conservation Area and Policy 61 applies. As discussed above it is considered the design, materials and scale of the proposed dwelling complements the traditional-style dwellings in the surrounding area. Therefore the character of the area is enhanced. There are a number of trees on the site and which may be directly affected by the development. The applicant has submitted a detailed tree planting and landscaping plan and it is considered necessary that conditions are attached to ensure that landscaping works are carried out appropriately, if Members are minded to grant planning permission. The proposal complies with this policy.

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:

Objections - traffic/access problems for existing and future residents and for construction traffic.

The objections raised by local residents mainly relate to access to the site by residents and also by construction traffic in the future. At

present cars park along the south side of the road and this requires other vehicles entering or leaving the road to drive along the footway on the north side. Emergency vehicles park along Mains Loan, if and when they are required at Gibson Terrace. As part of the planning application, the applicant has provided a turning area for public use at the end of Gibson Terrace. A condition will be attached to ensure that the road and footpath at Gibson Terrace are repaired if any damage is caused during construction to ensure it is safe for pedestrians.

Visual Appearance of House - it is considered that the design, materials and scale of the house complement the surrounding properties and is acceptable at this location which is within a conservation area. Regard has been given to the height of the house to ensure there is no loss of amenity for surrounding residents.

Impact on residential amenity due to overshadowing, noise and dust

The proposed house is located sufficient distance from surrounding properties to ensure there is no overshadowing. The applicant revised the house design, which included lowering the overall height, particularly on the north elevation. This is to ensure that any impact on neighbouring residents is minimal. The Head of Environmental Health and Trading Standards has confirmed that noise due to construction and hours of construction work is dealt with through separate environmental legislation under the Control of Pollution Act. Dust from construction traffic is also dealt with through that Department.

Impact on trees and the environment - a landscaping plan has been submitted by the applicant and assessed by the Council's Forestry Officer and found to be acceptable. The landscaping plan indicates the removal of two conifers from the site, pruning of Tillias, Ash tree and Acer tree. A condition will be attached to ensure that retained trees are adequately protected and tree works are carried out as per BS 5837:2005. No replacement planting is proposed.

Loss of Natural Habitat

A bat survey was submitted, at the request of Committee Members. The survey concludes that there are no bats

on site and there is no risk to the bat population.

Detrimental Effect on Conservation Area

The surrounding properties are mainly of the Victorian era and are stone built with slate roofs. The proposal is for a modern style house with modern materials. This type of modern dwelling is acceptable within a conservation area. The site is independent and merits the development of a unique-style dwelling. It is considered that the proposal will serve to enhance the character of the conservation area.

Adverse impact on drainage from construction traffic. This is a legal issue that will have to be resolved between residents along Gibson Terrace.

The objections are not considered to carry sufficient weight to merit refusal of the application.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications within conservation areas, to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

This matter has already been discussed under Policy 61 of the Dundee Local Plan Review 2005 and it is considered that the proposed house will enhance the character of the conservation area.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission, where the proposal complies with the provisions of the development plan. It is therefore recommended that planning permission be approved subject to conditions.

Design

The site is located within a residential area and as such is landlocked with access gained from a narrow private road to the west. The materials proposed are white render finish to the walls, cedar lining panels, concrete tiled roof, sarnafil flat roof section and aluminium windows, which although modern in nature complement the surrounding properties.

CONCLUSION

It is considered that the proposal complies with the Dundee Local Plan Review 2005 and other material considerations. The objections do not carry sufficient weight to merit refusal of the application. Therefore the application is recommended for APPROVAL subject to conditions.

RECOMMENDATION

It is recommended that consent 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 No development shall take place until there has been submitted to and approved by the planning authority a tree protection scheme for retained trees on the site and all tree works shall be carried out as per BS5837: 2005. Any new trees shall be planted within 6 months of the first occupation of the dwelling.
- 3 Details of the proposed finishing materials and boundary treatments, which shall include a timber fence along the north boundary, shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details
- 4 Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the planning authority.

The scheme shall contain details of proposals to deal with contamination to include:

- a the nature, extent and type(s) of contamination on the site.
- b Measures to treat/remove contamination to ensure the site is fit for the use proposed.
- c Measures to deal with contamination during construction works.

- d Condition of the site on completion of decontamination measures.

Before the unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

- 5 If any damage is caused during construction to the road and footpath along Gibson Terrace, they shall be repaired to the satisfaction of the City Council. Details shall be submitted to the Council for approval and such works shall only be carried out in accordance with such approved details.

Reasons

- 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 that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 4 To ensure the site is suitable for the future occupants of the proposed residential property.
- 5 To ensure that any damage caused during construction is made good, in the interest of pedestrian safety.