

**KEY INFORMATION**

**Ward** Lochee

**Proposal**  
Erection of 4 dwelling houses

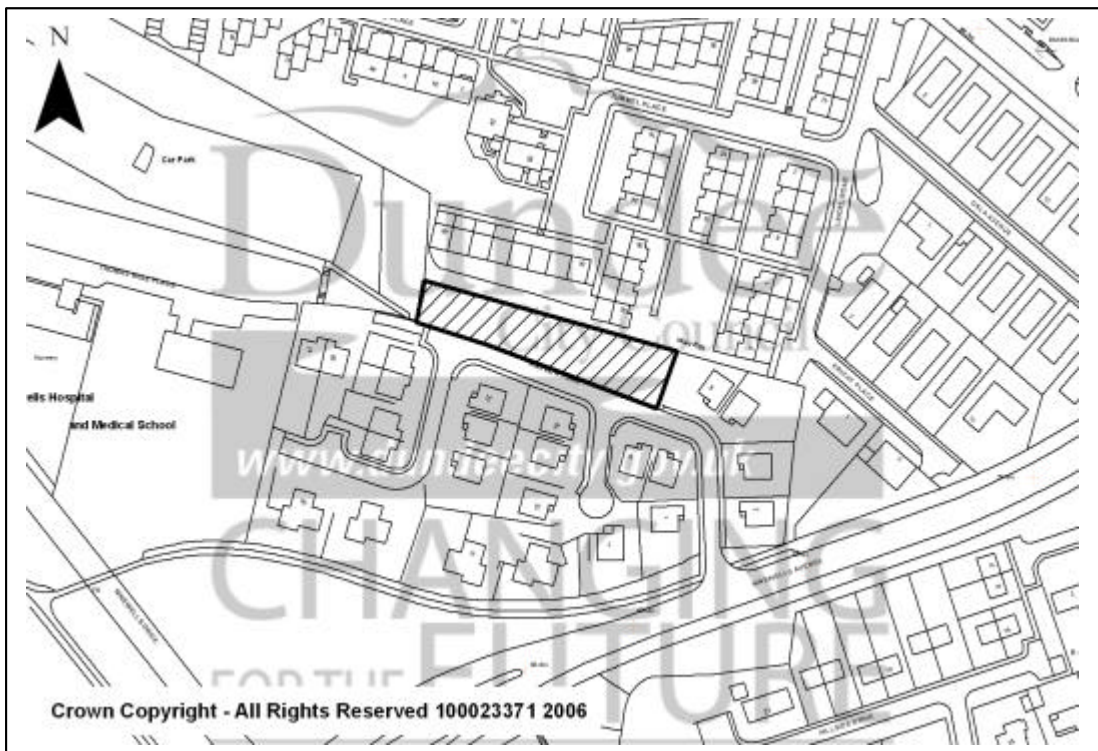
**Address**  
Land to north of Kinloch Park  
Dundee

**Applicant**  
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**Registered** 19 June 2007

**Case Officer** D Gordon



## Dwellinghouse proposal to affect trees

The erection of four dwelling houses is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development would require the removal of a significant amount of trees that are currently protected by a confirmed Tree Preservation Order, contrary to the terms of Policy 72 of the Dundee Local Plan Review 2005. The application is recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- Planning permission is sought for the erection of four, semi-detached, 2 storey houses on a site located to the north of Kinloch Park. The proposals will result in the removal of a significant number of trees from the site.
- The site is not allocated for any specific purpose in the development plan although the site is protected by a Tree Preservation Order that was confirmed in 2002.
- The proposals have attracted 12 objections from local residents (6 of which have subsequently been considered invalid). The objectors have raised a number of valid concerns including the view that proposals are contrary to the relevant policies of the Local Plan Review and the development will remove a valuable tree belt to the detriment of the appearance and setting of the local area.
- The proposals are considered to be contrary to Policy 4 (Design of New Housing) and Policy 72 (Trees and Urban Woodland) of the Dundee Local Plan Review 2005. The proposals are also considered to adversely affect a confirmed Tree Preservation Order.
- There are no material considerations that would justify the approval of this application contrary to the relevant policies of the development plan.

## DESCRIPTION OF PROPOSAL

The proposal under consideration seeks planning permission to erect 2 blocks of semi-detached houses on a site located on the north side of Kinloch Park.

The buildings will be 2 storey's in height and each will accommodate a lounge, kitchen, bedroom/study and bathroom at ground floor level and a further 3 bedrooms and a bathroom at first floor level. The proposed finishing materials are facing brick and roughcast (walls) and interlocking roof tiles.

Garden ground is to be provided to the east and west sides of the houses. A total of 8 remote off street car parking spaces are proposed with these spaces taking direct access off Kinloch Park.

The proposal will necessitate the removal of approximately 72 trees from the site (68 Scots pine and 4 beeches). A total of 10 trees are to be retained and supplemented by the planting of 13 new individual amenity trees. A new hedge is proposed on the Kinloch Park frontage.

## SITE DESCRIPTION

The site is located on the north side of Kinloch Park. The land is narrow and elongated in shape, slopes gently in a north to south direction and measures approximately 1457 sqm in area. The site currently accommodates approximately 82 trees and acts as a landscape/tree belt for the residential development located immediately to the south. This tree belt is the subject of a Tree Preservation Order.

The surrounding area is predominantly residential in character with commercial, business and medical uses being evident further to the west/south-west.

## 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. As a basis for achieving this, new development will be required to conform to the Design Standards contained in Appendix 1 of this Local Plan unless:

- a the City Council, through either site allocation in the Local Plan or site planning briefs, considers it appropriate to vary the standards to reflect the constraints or opportunities offered by the development of a particular site; or
- b the proposal is within an established low density residential area, in which case the density of the new development should reflect this and more generous external space standards will be required.



WEST ELEVATION

New housing development should also have regard to the principles of the City Council's Urban Design Guide.

In addition, new housing development should meet "Secured by Design" standards. New residential streets should be designed to promote low vehicle speeds of 20 m.p.h. or less. New housing should have regard to opportunities to maximise energy efficiency and promote sustainable waste management.

Where conversion of a listed building or other building worthy of retention is proposed, there may be limited flexibility in applying parking and garden ground requirements where compliance is impractical. The development of flats through conversions of buildings of merit may

also be acceptable where conversion to flats is the only appropriate action.

### 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. The Council will promote Tree Preservation Orders to protect individual trees or entire planting schemes where expedient to do so.

The Council and its partners will pilot local urban woodland projects within suburban communities to provide sustainable land use treatment for vacant or underused land. Temporary urban woodland projects will be based on a 'minimum cost, rapid impact, site recovery' approach with interpretative signage, so not to preclude future development. Public access will be discouraged within these areas. In addition, peripheral vacant sites with little or no development value will be targeted by the Council and its partners for permanent urban woodland schemes.

The Council will also support advance planting on key development sites, enhanced tree planting within Greater Camperdown Country Park and the City Parks, as well as the creation of new community forests on the urban fringe in conjunction with neighbouring authorities.

## Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

Scottish Planning Policy 3: Planning for Housing (2003). SPP 3 reflects the key planning policies in Scottish Planning Policy 1: The Planning System, addressing them in relation to new housing. The measures are intended to promote a more attractive and sustainable living environment as part of the wider investment in new housing.

Planning Advice Note 67: Housing Quality 2003. This seeks to promote high quality design in new housing developments. This Note supports the preparation of design statements in conjunction with planning applications and the need for successful residential developments not to be limited by road standards or to benefits of Home Zones.

Designing Places: A Policy Statement for Scotland. This Statement from the Scottish Executive sets out their aspirations on the design and the role of the planning system for delivering these aims. It promotes the need for high quality design of buildings and layout of proposed developments and in particular it highlights the advantages of the Masterplan process.

## Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application

## SUSTAINABILITY ISSUES

The proposal will involve the loss of a significant number of trees that are currently protected by a Tree Preservation Order. This issue is discussed in greater detail below (assessment of the proposals against Policy 72 of the Local Plan Review in the 'Observation' section of this Report)

## SITE HISTORY

99/24068/D - Erection of 24 Houses - Approved 27/04/2000

00/24913/D - Amendment to Layout and House Types - Approved 25/01/2001.

The site under consideration is the subject of a Tree Preservation Order that was confirmed on 01/03/2002 (TPO 06/2001 refers).

## PUBLIC PARTICIPATION

The applicants have undertaken the statutory neighbour notification procedure. In addition, the proposal has been advertised in the local press as development contrary to Policy 4 (Design of New Housing) and Policy 72 (Trees and Urban Woodland) of the Dundee Local Plan 2005. The application has attracted 12 objections from local residents. However, six of

these letters of objection are considered to be invalid as no reasons for the stated opposition to the development were offered by the residents.

The main issues raised by the valid objections to the proposals related to:

- 1 The proposal would result in the loss of a protected mature tree belt which would be contrary to Policy 72 of the Dundee Local Plan Review 2005.
- 2 The proposal will result in an increase in vehicular and human traffic in Kinloch Park.
- 3 The proposal is contrary to the development plan policies relating to new build houses within the city.
- 4 The proposed development will adversely impact on adjacent occupiers by virtue of a reduction in light and privacy.
- 5 The removal of the tree belt will result in the loss of a shelter belt for wildlife and protection from the elements for adjacent occupiers.

Copies of these letters are available in the Members Lounges and comments on the matters raised are offered in the 'Observations' section of this report below.

## CONSULTATIONS

The Council's Forestry Officer has strongly objected to the proposed development as it does not comply with the requirements of BS:5837 2005 and it will also decimate a valuable protected visual screen contrary to Policy 72 (Trees and Urban Woodland) of the Dundee Local Plan Review 2005.

## 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

The site under consideration is not allocated for any particular use in the development plan and consequently it is considered that the principle of a residential use on this site is acceptable subject to meeting the requirements of other relevant development policies of the Dundee Local Plan Review 2005.

The proposal seeks planning permission to erect 4 houses on a landscape strip of mature trees located to the north of Kinloch Park. The houses will be semi-detached, 2 storeys in height and each will accommodate 3 / 4 bedrooms. Garden ground is proposed to the east and west sides of the buildings.

The proposal falls to be considered under the terms of Policy 4 and Appendix 1 (Design of New Housing) of the Dundee Local Plan Review 2005. This requires that, amongst other things, the development of new housing within the suburban area of the city should conform to various criteria including appropriate house types, off street car parking provision and useable private garden ground provision.

The proposed 2 storey, 3 / 4 bedroom house types that are proposed in this application are considered to be consistent with similar recently approved residential properties located in the surrounding area particularly those evident on the south side of the application site. Consequently, this aspect of the proposal is considered to be acceptable.

With regard to off street car parking, it is considered that the parking requirements have not been met by the applicants. At least 1 car parking space within the curtilage of each house should be provided with half of the properties having a garage or a space for one. The application proposes 8 off street spaces on an area of land accessed directly off Kinloch Park with no off street spaces or garage provision being proposed within the curtilages of any of the proposed new houses. This fails to conform to the required design standards of Policy 4.

The garden ground provision for this greenfield site requires a minimum of 120 sqm per house with an average of

150 sq. m per dwelling being sought. This average of 150 sqm. has not been achieved with only an approximate average of 139 sqm. being proposed. This fails to conform to the design standards of Policy 4. While this garden ground provision may fall just below the required standard, it is further considered that the combined density of the existing trees and the intended introduction of additional replacement trees on the site would significantly prejudice the usability of the ground and limit the size of the proposed garden areas to an unacceptable level.

The site under contains a number of mature trees. This is a maturing Scots pine plantation, with some scattered deciduous trees, that was planted as a screen for the houses to the north when Ninewells Hospital was built. In order to protect the visual quality and importance of these trees in the local area, a Tree Preservation Order was placed on this group, together with a number of neighbouring trees to the south, during the original development of Kinloch Park for residential purposes (TPO 06/2001 - confirmed 01/03/2002 refers). The plans currently under consideration advise that approximately 72 of the 82 of the trees are now to be removed from the site as a result of the development. The applicants were advised of the potential conflict between the submitted proposals and the requirement to retain the trees at both the pre-application stage and the processing stage off the planning application. It is considered that the removal of the trees proposed would be detrimental to the visual quality and setting of the local area. This would be contrary to the terms and aspirations of Policy 72 (Trees and Urban Woodland) of the Local Plan that strongly encourages the survival and retention of healthy mature trees through sensitive site layouts both during and after construction. The applicants have submitted Landscape Proposals in support of their application that covers various matters including tree removals, tree retention and replanting. Following comments received from the Council's Forestry Officer, it is considered that the contents of this Landscape Proposals report are insufficient to fully justify the removal of the amount of trees proposed. Consequently, the development is considered to be contrary to Policy 72 of the Local Plan.

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

## Other Material Considerations

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

### Objections

The issues raised by the objectors that relate to the proposals being contrary to various Local Plan policies have been discussed and discharged above.

With regard to the proposal having a detrimental impact in the local area by virtue of an increase in vehicular and pedestrian movement, it is considered that the provision of 4 additional houses within this small residential development will not significantly impact on the road traffic and pedestrian safety of the area.

With regard to the potential impact of the proposals on the light and privacy of the adjacent occupiers, it is considered that the removal of the amount of trees proposed may indeed improve the light to the properties to the north. It is also considered that the privacy of the adjacent properties would not be significantly prejudiced.

The removal of the majority of the trees from the site would result in a reduction of a shelter belt for wildlife, particularly birds, and would also open up the houses to the north to the prevailing winds from the west.

### Consultees Comments

The Council's Forestry Officer has strongly objected to the development on the grounds that the removal of the amount of trees proposed would decimate a valuable protected visual screen in the local area.

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

## Design

The design and appearance of the proposed housing is considered to be acceptable and in general keeping with the quality of the surrounding residential properties located in the area. However, the proposal fails to conform to the required development

plan standards for private and useable garden ground and off street car parking and garage provision.

## CONCLUSION

The principle of the use of the land for residential purposes would not contravene the relevant land use policies of the development plan. However, the submitted layout indicates that the proposal fails to conform to all the Design Standards set out in Appendix 1 (Design of New Housing) of the Local Plan Review 2005. In addition, the submitted plans indicate that the proposed development will remove approximately 72 of the 82 trees that are currently on site. These trees are protected by a confirmed Tree Preservation Order (March 2002). The removal of these trees is considered, in terms of safeguarding the visual amenity and environmental quality of the local area, to be unacceptable and contrary to Policy 72 (Trees and Urban Woodland) of the Dundee Local Plan Review 2005.

## RECOMMENDATION

It is recommended that consent be REFUSED for the following reasons:

### Reasons

- 1 The proposed development would result in the removal of a significant number of trees that are protected by virtue of a Tree Preservation Order that was confirmed in March 2002. This removal of the amount of trees proposed would be contrary to the terms of Policy 72 (Trees and Urban Woodland) of the Dundee Local Plan Review 2005 that seeks to encourage the survival and retention of existing healthy trees within development sites. There are no material considerations that would justify the approval of this application contrary to the terms of Policy 72 of the Local Plan Review.
- 2 The proposal is contrary to Policy 4 (Design of New Housing) of the Dundee Local Plan Review 2005 as there is insufficient private usable garden ground provision proposed and insufficient off street curtilage car parking spaces provided for the proposed new dwellings. There

are no material considerations that would justify the approval of this application contrary to the provisions of the development plan.