

KEY INFORMATION

Ward Coldsid

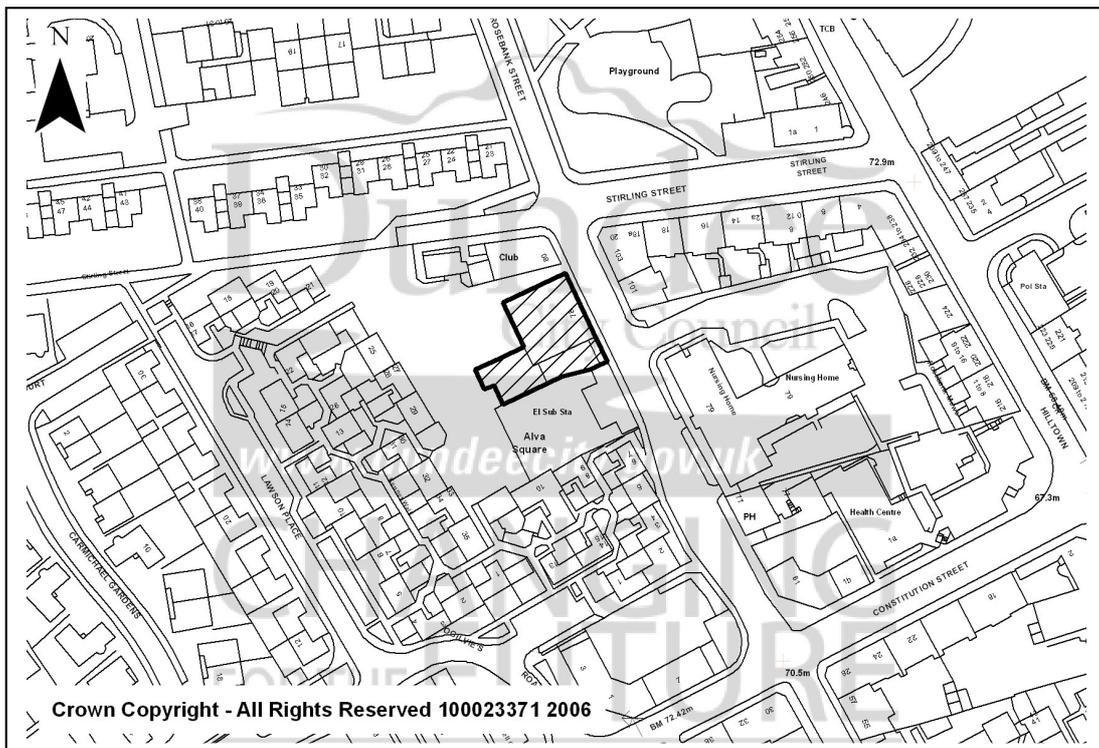
Proposal

Erection of 4 Townhouses

Address78 Rosebank Street
Dundee
DD3 6PG**Applicant**Longhouse Residential
4 Farington Street
Dundee
DD2 1PJ**Agent**Brunton Design Studios
95 Dundee Street
Carnoustie
DD7 7EW

Registered 20 June 2007

Case Officer Eve Jones



Housing Development Proposal in Rosebank Street

The erection of 4 townhouses is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal complies with Policy 4. It is considered appropriate to secure a Section 75 Agreement with the applicant to ensure that these properties are not let for multiple occupation. Accordingly, the application is Recommended for APPROVAL subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of 4 x 3 storey townhouses. All have 4 bedrooms, and covered parking for 2 cars. The design is modern with a two storey block on narrow ground floor plinths providing covered vehicle parking areas. The materials are facing brick to the ground floor, cement render and concrete tiles. The applicant has agreed to a Section 75 agreement to prohibit HMO use of the properties.
- The site is a large vacant former car sales building on the west side of Rosebank Street which is a busy one way street uphill running parallel with Hilltown.
- Dundee Local Plan 2005 Policy 4 - Design of New Houses. It is concluded from the foregoing that the development complies with Policy 4
- A Noise Impact Assessment (NIA) recommended that the bedrooms be located on the north facing side of the proposed dwellings away from the adjoining the sub-station. Specific glazing and ventilation standards are also recommended which can be the subject of conditions. An investigation has highlighted the potential for contamination from previous uses and the site will require contaminated land remediation.
- There were no objections or representations. However, the site lies within the Inner City, and is relatively close to Abertay University. The proposed houses have 4 bedrooms and could each be let to up to 5 unrelated persons without the requirement for planning permission. If the Committee is minded to approved the application, the applicant has agreed to a Section 75 agreement to restrict HMO use.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of 4 x 3 storey townhouses. 3 will have 4 bedrooms, a study, a kitchen diner and a top floor lounge. The fourth has 4 bedrooms, a study and a kitchen/dining/lounge. All have covered parking for 2 cars and the site is served by a private access which allows the vehicles to turn within the site. Three of the proposed houses have rear gardens of 50m² and the fourth has 100m².

Each of the houses has a small terrace 1m x 3m, partly enclosed and partly projecting. Three of the houses have upper floor lounges with sliding patio doors on to a narrow terrace.

The design is modern with a two storey block on narrow ground floor plinths providing covered vehicle parking areas. The materials are facing brick to the ground floor and coloured cladding to the upper floors. The shallow pitched roof is concrete tiles. The boundary walls of the existing building will be lowered to a height of 2 metres.

Due to the proximity of the site to the City Centre and Abertay University, the applicant has agreed to a Section 75 agreement to prohibit HMO use of the properties.

SITE DESCRIPTION

The site is currently occupied by a large vacant building last used for car sales on the west side of Rosebank Street which is a busy one way street uphill from Constitution Street to Kinghorne Road, running parallel with Hilltown. There are tenemental houses to the east, a large electricity sub-station to the south, an open space/kick about area to the west and a private members social club to the north. There is housing to the west and north west beyond the immediate neighbouring land. The site is close to the District Centre facilities of the Hilltown.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 2005

The following policies are of relevance:

Policy 4 - Design of New Houses.

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

The following policy statements are of relevance:

"Houses in Multiple Occupation".



SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

Planning permission was granted in 1993 for the use of the building to change from warehouse to car sales.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification. There were no objections or representations.

CONSULTATIONS

A Noise Impact Assessment (NIA) was submitted as part of the application and this was the subject of investigation by the Head of Environmental Health and Trading Standards in respect of the likely impact of noise from both the electricity sub-station and the private

social club on the future residents of the proposed housing.

The Noise Impact Assessment recommended that the bedrooms be located on the north facing side of the proposed dwellings to minimize the impact of the sub-station. Accordingly the floor plans show the bedrooms on the north and the living rooms and dining/kitchens on the south elevation. Specific glazing and ventilation standards are also recommended which can be the subject of conditions.

The Head of Environmental Health and Trading Standards considers that the measures proposed in the NIA will be sufficient to address the noise issues from the adjacent land uses, given the location in the Inner City.

As this is a former factory site of undetermined historical use, a Contaminated Land Risk Assessment has been submitted as part of the application. The Head of Environmental Health and Trading Standards advises that this issue can be the subject of appropriate conditions.

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 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.

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."

The proposals meet the requirements of Appendix 1 in respect of the house types and size. The amenity space to 3 of the houses is to the north of the buildings so will be shaded to some extent but they also have a south facing usable terrace on the first floor and second floor lounges with sliding patio doors on to a narrow terrace. The parking area for two cars, which is under the building, has many characteristics of a garage and is acceptable. Large bin stores are provided for each property.

It is concluded from the foregoing that the development complies with Policy 4 and therefore complies with the provisions of the development plan.

Other Material Considerations

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

As the consultation section details, the Noise Impact Assessment which has been submitted by the applicant is acceptable and indicates that subject to specific design criteria and the installation of specific standards of window and ventilation, the site is suitable for residential use.

The Contaminated Land Risk Assessment indicates that due to the previous uses of the site and adjacent sites, there is a high risk of contamination at the site. Further investigation is required via boreholes before the building is demolished and when the building is demolished trial pits will be used to provide further information. A scheme of remediation

will require to be submitted to the Council for approval. All approved remediation works will require to be verified prior to occupation of any of the dwellings. This can all be the subject of appropriate conditions.

Non Statutory Statements of Council Policy

"Houses in Multiple Occupation" - the supplementary planning policy guidance was approved as a material consideration in the determination of planning applications in order to control the use of premises for multiple occupancy in certain areas of the City.

The site lies within the Inner City, and is relatively close to Abertay University. As the proposed houses have 4 bedrooms and could each be let to up to 5 unrelated persons without the requirement for planning permission, it is considered appropriate to secure a Section 75 agreement with the applicant to ensure that these properties are not let for multiple occupation given the limited parking. The applicant has agreed to this proposal.

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

Design

As noted above, the design is modern and uses contemporary materials. This is an Inner City area with a variety of buildings but few modern structures. The site is bounded by a sub-station and a social club and the proposed design will make a visual statement in this part of the Hilltown.

CONCLUSION

It is concluded that the proposal complies with Policy 4 and the applicant has demonstrated that the site is suitable for residential use in terms of contaminated land and noise impact from adjacent uses. It is considered appropriate to secure a Section 75 agreement with the applicant to ensure that these properties are not let for multiple occupation. Accordingly, the application is Recommended for APPROVAL subject to conditions.

RECOMMENDATION

Recommendation 1

This planning permission 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 all parties with appropriate interests in the land has been recorded. This agreement will relate to prevention of use of any of the house for multiple occupancy.

Recommendation 2

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 All windows on the south and west elevation of the development shall be fitted with SG Phonip 13-10-6 windows in accordance with paragraph 6.02 of the Noise Impact Assessment (NIA). All remaining windows shall be fitted with glazing of 6-12-6 as detailed in paragraph 2.03 of the NIA. Written confirmation of the details of the windows shall be submitted to the Council prior to their installation.
- 3 All habitable rooms shall be fitted with Greenwood Air Management Slotvent 6000S, or equal trickle vents as detailed in paragraph 2.03 of the NIA. Written confirmation of the details of the vents shall be submitted to the Council prior to their installation.
- 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 The parking and vehicular circulation areas shall be paved with a suitable hard impervious material and shall be provided before any of the houses, the subject of this permission, are first occupied and that area should not thereafter be used for any purpose other than the parking of vehicles and manoeuvring of vehicles. For the

avoidance of doubt, the car parking areas shall not be incorporated into the dwellings as living space.

- 6 Prior to the commencement of development the investigation and risk assessment proposed in the submitted Environmental Site Assessment, Phase I Desk Study shall be completed and a scheme to deal with contamination at the site shall be submitted to the planning authority for written approval. 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; and
- d condition of the site on completion of decontamination measures.

Construction can commence when the written approval is issued.

- 7 Prior to the commencement of construction, any required remediation measures identified in the Site Investigation Report to be approved in accordance with Condition 05 shall be carried out and the completion of the works shall be notified in writing to the City Council for verification. No unit shall be occupied until the verification process has been completed in writing.
- 8 The footway ex adverso the site 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.

- 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 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.
- 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 public and highway safety and the visual amenities of the area.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.