

KEY INFORMATION

Ward Lochee

Proposal

Restoration of Clement Park House and Gardens to Provide 10 No Flatted Development and the construction of 23 No Townhouses in the private walled gardens

Address

Clement Park House
Clement Park Place
Dundee

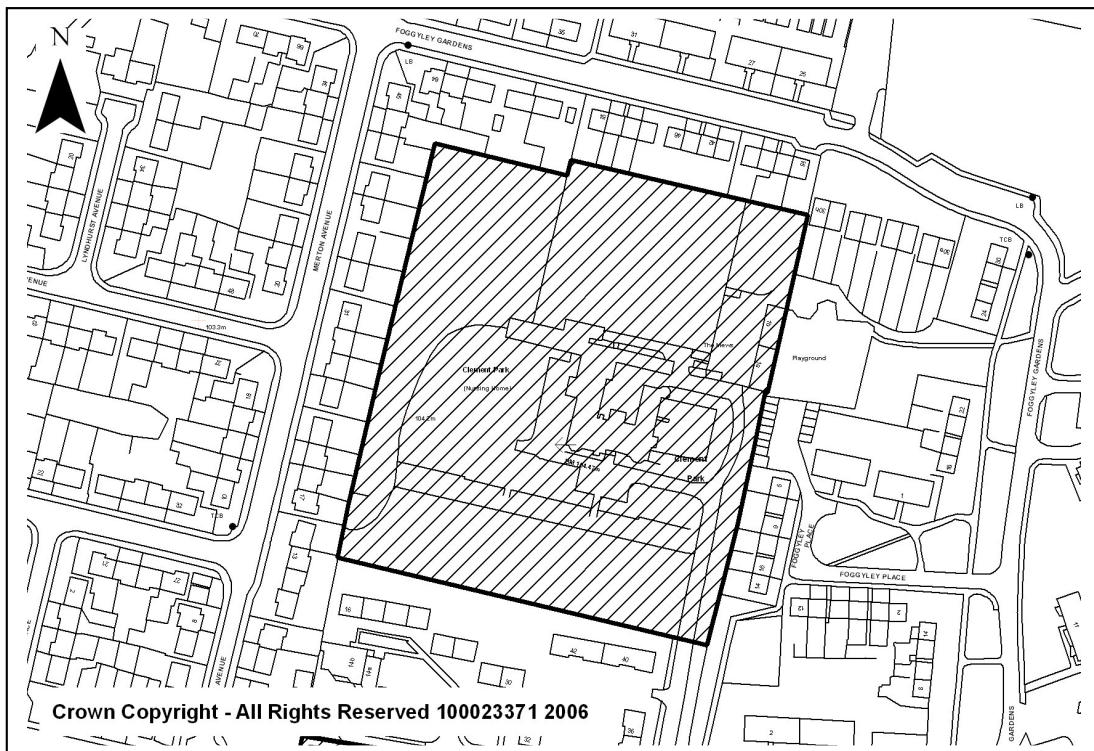
Applicant

Buddon Ltd
30 Langlands Street
Dundee
DD4 6SZ

Agent

Hiddleston and Fiest
1 Laurel Bank
Dundee
DD3 6JA

Registered 22 Aug 2007



Residential Development Proposed at Clement Park House

The restoration of Clement Park house and gardens to provide ten flats and the construction of twenty three townhouses is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal complies with Policies 4, 56, 60 and 72 of the Dundee Local Plan Review 2005 and there are no material considerations that would justify a decision contrary to this. The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the restoration and conversion of a Category B Listed mansion house to form 10 flatted units and the construction of 23 new build units within the grounds to the rear.
- Nine letters of objection have been received to the application raising a number of issues. The valid issues raised include; effect on the setting of the Listed Building; the existing trees are home to animals; the development will overshadow all existing properties; the proposed new builds are out of character; the development will lead to an increase in noise and the new build units should not be crammed in to the area at the rear of the existing mansion house.
- Policies 4, 56, 60 and 72 of the Dundee Local Plan Review 2005 are relevant to the determination of the application. It is considered that the proposal is in accordance with these policies and there are no material considerations that would justify a decision contrary to this, including the views of the objectors.

DESCRIPTION OF PROPOSAL

The proposal seeks planning permission for the restoration and conversion of Clement Park House to provide 10 flatted residential units and alterations to the walled garden and the construction of 23 new build units within the grounds.

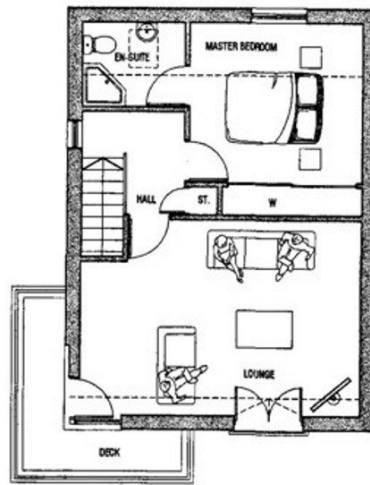
The existing grand staircase of the mansion house in the main lobby would be retained and two units on the ground floor would take direct access from this lobby. Other units to the ground floor would take access from the internal courtyard. Further accommodation is proposed at first and second floor levels and a single dormer window is proposed to the rear of the building, similar in design to the existing one on the building. There is an existing extension to the west of the building dating from 1935 and not part of the original mansion which would be demolished as part of the proposals.

The new build units would be located to the rear of the mansion house in order to avoid disturbing the area of formal garden at the south of the property. The units would be two and a half stories tall and would be finished in materials to be agreed with the Planning Authority as part of any approval. They are modern in design and are uniquely designed and offer a good standard of living accommodation.

SITE DESCRIPTION

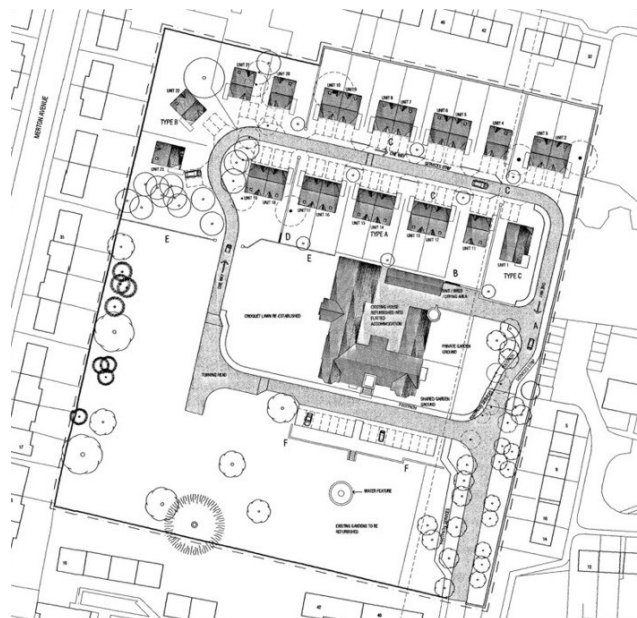
The application site is located to the north of Harefield Road and is accessed off Clement Park Place. The site measures approximately 1.95 hectares in total. The existing building on the site is the largest surviving jute baron mansion in Dundee and is a Category B Listed Building. The building is of a local sandstone and a slated roof. The interior is of a very high quality with many fine interior features remaining. The remaining features are spread throughout the floors of the main building and include ornate plasterwork, ceiling roses, stained and etched glass, original fireplaces and other original attractive features. It is predominantly 2 storeys

tall with 3 and 4 storey stair towers, giving the building an imposing presence on the site. In addition to this, there is an existing extension to the west of the building dating from 1935 and not part of the original



PROPOSED SECOND FLOOR PLAN

mansion which would be demolished as part of this application. The building is unoccupied at present but was most recently occupied by the Salvation Army as a residential home. In addition, there is a small mews building to the east of the site which is not included as part of the Listing of the main building which are in a poor state of repair and are currently



unoccupied. There is an outbuilding to the rear (north) of the main building which is reasonably large in size measuring approximately 77m². This building is to be restored and reserved for use as a bin store area, indoor bike storage area and communal drying

area. The site is currently characterised by areas of unkempt grasses and shrubbery, mainly to the south and west. The trees on site fall within three main areas; along the driveway at the south east corner of the site; close to the western boundary and in the north west corner. There are also some individual scattered trees.

The surrounding area is predominantly residential in character with the site almost completely bounded by former council houses. The residential units in this area are a mixture of two storey semi detached units and three story flatted blocks. The only access to the site is at the south east corner of the site where there is a gated entrance. As a result of the close proximity of the nearby dwellings, the setting of the Listed Building has been largely compromised and does not benefit from the same tranquil setting it would have had in the past. Large mature trees line the access avenue and other mature trees are present at various locations throughout the development but in no pre designed pattern. The trees offer amenity value and a Tree Preservation Order was confirmed on the site on 24 April 2006 in order to ensure that any proposed development would have regard to the trees on site.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

Environmental Resources Policy 5A: Historic Environment.

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.

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 56: Public Art - the City Council will continue to support Public Art through the adopted Public Art Strategy and the Percent for Public Art Policy by:

- a implementing the "Percent for Public Art" policy where all new development in Dundee with construction costs of £1,000,000 or over will be required to allocate at least 1% of the construction costs for the inclusion of an art project/s in a publicly accessible/visible place or places within their development. The implementation of the policy will be delivered through the development control process by the imposition of appropriate conditions on planning permission and the conclusion of legal agreements; and
- b involving the Dundee Public Art Programme at every opportunity in future environmental

improvements and building developments; and

- c encouraging and developing the role of the artist within private sector developments; and
- d promoting the development of the community arts in residential areas; and
- e identifying sites through Development Briefs where public art would make a contribution to the streetscape, City image or local environment.

Policy 60: Alterations to Listed Buildings - the alteration of a listed building will only be acceptable where the proposals have regard to the preservation or enhancement of its architectural or historic character. Alterations will not be permitted where the works would diminish the architectural integrity of the building or its historic interest.

The City Council will provide specific supplementary guidance on the following: window and door alterations, advertisements, shopfronts, roller shutters, treatments to masonry and painting and use of materials.

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:

NPPG 18- Planning and the Historic Environment.

Memorandum of Guidance on Listed Buildings and Conservation Areas.

Non Statutory Statements of Council Policy

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

SUSTAINABILITY ISSUES

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

SITE HISTORY

An application for the Change of Use of 2 residential rooms to office use was approved in 1997 (97/22870/D).

A separate application for Listed Building Consent elsewhere on this agenda seeks permission for the alterations to the Listed.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposal was advertised as contravening the Development Plan.

Nine objections were received from neighbouring residents in relation to:

- effect on the setting of the Listed Building;
- the existing trees and grounds are home to animals;
- the development will overshadow all existing properties;

- the proposed new builds are out of character with surrounding buildings;
- the development will lead to an increase in noise from increased vehicular movements; and
- the new build units should not be crammed in to the area at the rear of the existing building, as there is lots of room to build in.

CONSULTATIONS

The Forestry Officer has been involved in site visits and in the assessment of the submitted Tree Survey. He has concerns regarding the loss of trees on site to accommodate new development, particularly in the west corner area.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider:

- whether the proposals are consistent with the provisions of the development plan; and if not
- 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 - Conversion and restoration of Clement Park House.

Policy 4 sets out the standards for the design of new housing at this suburban location. Appendix 1 to Policy 4 states that flats will be permitted where the site has been identified in a site planning brief, site specific circumstances demand a flatted solution or they are through conversions of buildings of merit where conversion to houses is not suitable or achievable. In relation to the conversion element of the proposal, flats are considered to be the most appropriate option in order to ensure that outstanding internal features are retained of the Category B Listed Building.

Appendix 1 requires that such flats have a minimum of 2 bedrooms.

Within the conversion, there are three units proposed which have one bedroom only. However, these cannot be successfully integrated into any development without the loss of important and attractive internal features. In addition to this, the one bedroom units benefit from generous internal space standards and will provide a high standard of living accommodation. These are therefore considered to be acceptable in this instance.

As this is a suburban location the parking standards as stated in Appendix 1 of the Dundee Local Plan Review 2005 for private flats should be 150%. This may be reduced depending on the provision of on-street parking. This proposal will provide 16 spaces for ten flats with adequate turning space for vehicles to manoeuvre within the site. Vehicle access and egress will be taken from the existing access driveway.

In terms of provision for bicycles, it is proposed that the existing outbuilding will be renovated to provide a secure shelter with racks allowing bicycles to be accommodated.

In relation to the provision of useable amenity/garden space, private communal areas either 100m² or 10m² per flat whichever is greater should be provided. Drying areas should be provided in addition to this provision. One of the units to the ground floor (east) of the development will be provided with a private garden/amenity area of well over 100m². The remaining units will benefit from an indoor communal drying area in the refurbished out building as well as a large garden area to the south of the building, some of which is to be restored to the original historic pattern as part of the development and some of which can be utilised as a drying area.

A bin store for large communal bins including a recycling bin will also be provided in the refurbished outbuilding to the rear of the building.

In this respect, it is considered that the conversion element of this application complies with Policy 4 of the Dundee Local Plan Review 2005.

New Build element of Policy 4 sets out the standards for the design of new housing at this suburban location. Appendix 1 to Policy 4 states 75% of houses should have 3 or more bedrooms or a gross internal floor area

of 2,001m². The proposed new build dwellings all have a minimum of three bedrooms and therefore meet this requirement.

As this is a suburban location the parking standards as stated in Appendix 1 of the Dundee Local Plan Review 2005 state that each unit should have at least two spaces. Each dwelling has been provided with two car parking spaces as part of the proposal and is therefore considered to comply with Policy 4 of the Dundee Local Plan Review 2005. Vehicle access and egress will be taken from the existing access driveway and a one way system will operate in a clockwise manner through the development site in order to keep vehicular speeds low.

In relation to the provision of useable amenity/garden space, a minimum of 120m² of private useable garden ground should be provided for all houses. A significant number of the proposed dwellings have well in excess of 150m². However, three of the dwellings fall short of this level but within 5m². However, these units also provide small balcony areas to the front of the dwelling which will make up for the short deficit in amenity space. In this respect, the proposal is considered to comply with Policy 4 of the Dundee Local Plan Review 2005.

Policy 56: Public Art of the Dundee Local Plan Review 2005 requires that developers shall provide a minimum 1% of the estimated development costs to the inclusion of Public Art within that development. In this respect, it has been agreed that the gardens in relation to the mansion house will be restored to their original formal design. This includes the restoration of the formal croquet lawn to the west of the building and an area which was once formally laid and landscaped will be returned to its original pattern and setting. This will restore the once formal setting of the listed building and improve the quality of the environment. The applicant is currently researching the history of the formal garden layout in order to ensure that it is restored in an appropriate manner. It is therefore considered to be acceptable to require these details as a condition of any approval.

Policy 60: Alterations to Listed buildings - this policy requires that alteration of a listed building will only be acceptable where the proposals

have regard to the preservation or enhancement of its architectural or historic character.

The mansion house accommodates several features of architectural or historic interest within the building and the majority of these have been retained and incorporated into the design of the new accommodation. In this respect, the proposed internal alterations will not adversely impact on the character of the building.

The main external alterations to the building are general repair works and reinstatement of original features. Conditions have been applied to ensure that the materials used will be sympathetic to the character and appearance of the building.

Historic Scotland has been involved in pre-application discussions with regard to the alterations and has offered comments on the proposals. Formal consultation will be undertaken with HS should the Members be minded to offer support for the corresponding listed building application, a report on which can be found elsewhere on this agenda.

The application is considered to comply with Policy 60 of the Dundee Local Plan Review 2005.

Policy 72: Trees and Urban Woodland states that 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.

There are currently 85 trees on site in total, covering a range of species. Some of these are mature and others are not. 16 of these are proposed to be felled as a direct result of the development. The submitted tree survey also recommends that a further 11 trees should be felled due to other reasons, for example some trees in the area are causing structural damage to

the listed walls and others are overhanging neighbouring properties are appropriate remedial work is to be carried out.

A Tree Preservation Order was confirmed on site in order to safeguard the future development of the site. It is considered that the proposed layout largely takes account of the current tree cover. It is acknowledged that to allow the site to be developed, there will be some impact upon the existing trees. The applicant has taken into consideration the existing tree cover on site and following discussion reduced the number of proposed units on site. There will be a large number of the existing trees remaining after development and a scheme of replanting in addition to further landscaping and improvements will be required as a condition in the event of any approval.

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:

Views of the objectors:

- Effect on the setting of the Listed Building

As previously discussed, the setting of the building has been largely compromised by the close proximity of previous developments. As part of the proposals, most sections of the new build element are contained within the historic walled garden, directly to the rear of the mansion house. Due to this, it is considered that the setting of the listed building will be largely unaffected and in particular from the principal elevations.

In addition, the application proposes to reinstate the historic formal garden at the front of the property and reinstate the croquet lawn to the west which will make a positive contribution towards improving the formal setting of the building. In this respect, the views of the objector are discharged.

- The existing trees and grounds are home to animals.

A bat survey was carried out due to their designation as a European Protected Species and this concluded that there were no roosting bats on site. There has been no indication of any other European Protected Species on site. There will however be a significant level of trees and planting on site after development.

- The development will overshadow all existing properties

The proposed new build properties are all located some distance away from boundary walling which itself is over 4.5 metres in height for the majority of the site. It is not considered that overshadowing of nearby properties will result from this development.

- The proposed new builds are out of character with surrounding buildings

The new build units would be located to the rear of the mansion house in order to avoid disturbing the area of formal garden at the south of the property. The units would be two and a half stories tall and would be finished in materials to be agreed with the Planning Authority as part of any approval. The colours of any materials will also be carefully considered in order to ensure that they are appropriate for the area. The dwellings are modern in design and are uniquely designed, offering a good standard of living accommodation. The design is therefore considered to be acceptable.

- The development will lead to an increase in noise from increased vehicular movements

It is acknowledged that any development within the site will increase the volume of traffic. However any noise will be screened by the existing high stone boundary walling and the existing and replanted tree cover.

- The new build units should not be crammed in to the area at the rear of the existing building, as there is lots of room to build in.

The new build units would be located to the rear of the mansion

house in order to avoid disturbing the area of formal garden at the south of the property. Building in this area would have a detrimental effect upon the setting of the listed mansion house. Historically, the area to the front has always been garden space. The walled garden area at the rear of the property would have historically contained structures in relation to the functions of the main house. It is therefore considered to be the most appropriate area for any development.

- **Overlooking**

A site section was submitted as part of the planning application. This shows that the proposed new build units would result in window to window distances greater than 18metres as required by the standards set out in Appendix 1 of the Dundee Local Plan Review 2005. In addition to this, there is an existing stone boundary wall around the perimeter of the site over 4.5 metres in height which will screen the private garden areas of nearby properties. It is not considered that overlooking will result from this development.

- Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications that affect listed buildings, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which they possess.

This matter has already been considered in the assessment of the proposed development under Policy 60 of the Dundee Local Plan Review 2005 above and it was concluded that the proposal would not detract from the appearance of the listed building. Consequently, it is considered that statutory duty set out in this Section of the Act is discharged.

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 contrary to the provisions

of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

The proposal for the conversion of the mansion house into flatted residential accommodation shall preserve the historic character and appearance of the building. A small dormer window is proposed to the rear elevation which will be in keeping with the existing one. It is considered that it is being subdivided in the most logical and sensitive manner.

The new build units would be located to the rear of the mansion house in order to avoid disturbing the area of formal garden at the south of the property. The units would be two and a half stories tall and would be finished in materials to be agreed with the Planning Authority as part of any approval. The colours of any materials will also be carefully considered in order to ensure that they are appropriate for the area. The dwellings are modern in design and are uniquely designed, offering a good standard of living accommodation. The design is therefore considered to be acceptable.

CONCLUSION

It is concluded from the foregoing that the proposal complies with the relevant provisions of the Development Plan and there are no material considerations that would justify a decision contrary to this.

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 works shall commence within the drip line of any tree which is the subject of the City of Dundee Tree Preservation Order 11/05 until adequate steps, which shall have been previously approved by the City Council, have been taken to safeguard the tree from damage or injury during construction works. In particular, no excavations, site works, trenches or channels shall be cut

or pipes or services laid in such a way as to cause damage or injury to the tree by interference with its root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree by affecting its root structure.

- 3 The tree protection required in condition 02 shall comprise Heras fencing erected along the drip line of the trees. The developer shall give the City Council Department of Planning and Transportation two clear working days notice that the fences have been erected, prior to the commencement of works, in order that the fencing can be inspected and approved.
- 4 Prior to the commencement of development, full details of the proposed Sustainable Urban Drainage system for the site shall be provided and if approved, the works shall be carried out only in accordance with such approved details.
- 5 Details of the provision of public art in relation to the restoration of the formal gardens to the south of Clement Park House shall be submitted to the City Council for approval prior to the commencement of the development and if approved the art works shall be carried out only in full accordance with such approved details.
- 6 Prior to the commencement of development, full details including a sample, of the finishing materials to the new build units shall be submitted to the planning authority for approval in writing.
- 7 Prior to the commencement of development, a scheme of landscaping, including a scheme of replanting shall be submitted to and approved in writing by the planning authority.
- 8 None of the new build dwellings shall be occupied until the restoration works and conversion of Clement Park House has been completed in full accordance with the approved plans.
- 9 Only appropriately qualified arboriculture operatives should undertake the tree work. All tree

work operations should comply with the Work at Height Regulations (2005) and the British Standard BS 3998:1989 'Recommendations for tree work', or with current best practice, where it exceeds these standards as a result in changes in technology, equipment and/or safe systems of work.

- 10 All extra work required to enable accurate assessment of tree condition to be made should be completed before any development work begins.
- 11 All tree work should take place outwith the nesting season for birds (approximately the end of August to the end of February).
- 12 All tree work should be completed before construction activities begin in the vicinity of the surveyed trees.
- 13 Upon completion of all remedial tree work, all remaining trees with the potential to be affected by the construction work should be protected in accordance with the recommendations contained in British Standard BS 5837:2005 'Trees in relation to construction Recommendations'.
- 14 New trees shall be planted to replace those removed. full details of which shall be submitted to and approved in writing by the planning authority prior to the commencement of development.
- 15 Prior to the commencement of development, full details are required of the tie in with the existing public road system and the one way management system in particular proposed road signing and road markings.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To protect those trees which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance of the development.
- 3 To protect those trees which are of significant amenity value to the area and which would ensure

an enhanced and satisfactory standard of appearance of the development.

- 4 To ensure that the development is adequately drained and the development does not increase the risk of flooding to downstream properties.
- 5 In order to ensure the gardens are restored in an appropriate manner.
- 6 In order to ensure a satisfactory standard of appearance.
- 7 In order to ensure an adequate standard of appearance and amenity of the site.
- 8 In order to ensure that the restoration and conversion of Clement Park House is carried out in accordance with the hereby approved plans.
- 9 To protect those trees which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance of the development.
- 10 To protect those trees which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance of the development.
- 11 To minimise the impact upon birds within the area.
- 12 To protect those trees which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance of the development.
- 13 To protect those trees which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance of the development.
- 14 In order to ensure the appearance and amenity of the development and surrounding area.
- 15 In the interests of road safety.