

Ward West End

Proposal

Demolition of garage and erection of 2 X 3 storey apartments

Address

Seafield House
200 Perth Road
Dundee

Applicant

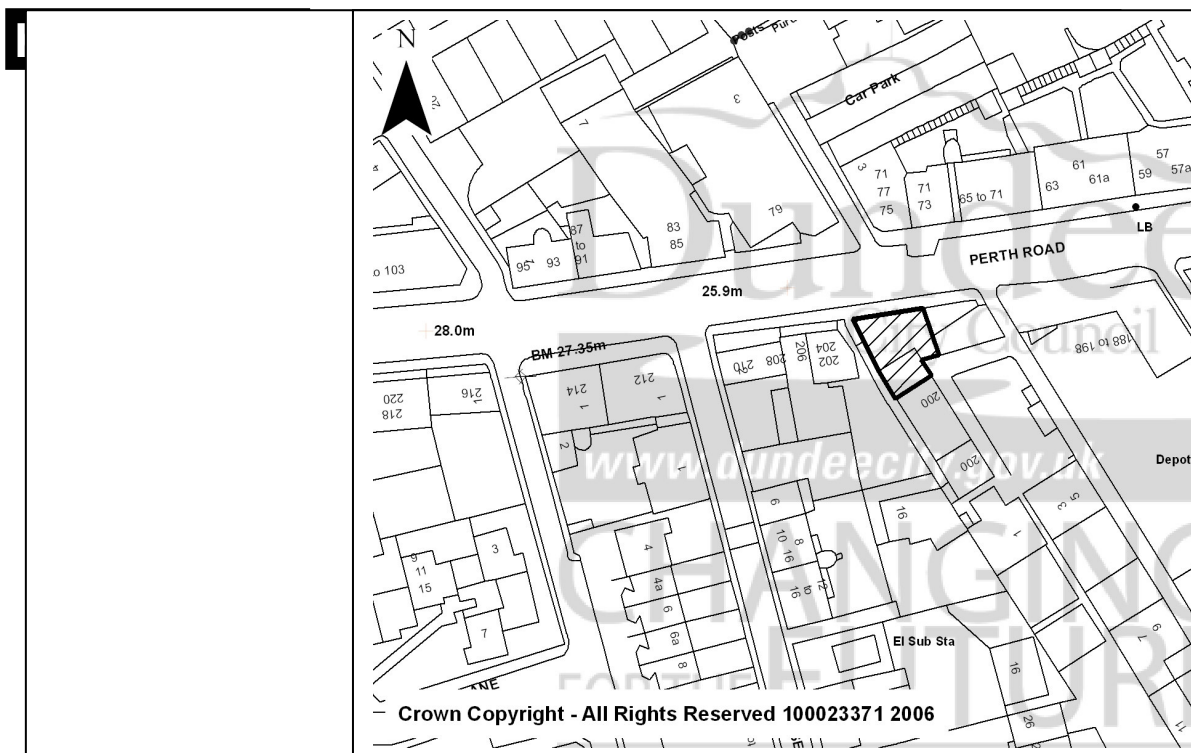
Mr & Mrs Van Der Esch
2 Hasrestane Place
Dundee
DD3 9EW

Agent

Andrew Black Design
1 Ritchies Lane
Dundee
DD2 1ED

Registered 21 Nov 2007

Case Officer Eve Jones



P

Housing Development Proposed in Perth Road

The demolition of garage and erection of new apartments is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal fails to meet Policy 4 but sufficient weight can be accorded to the previous appeal decision and the improvements to the design and materials such as to justify the grant of planning permission. An agreement under Section 75 will be sought to prevent multiple occupancy. Therefore, for the reasons given above, it is recommended that this application be **APPROVED** subject to conditions.

De

SUMMARY OF REPORT

- The proposal is for the erection of two three storey, 3 bedroom apartments which share a double garage on the ground floor, have rear ground floor terraces and small first floor balconies. The design is contemporary with stone, grey panelling and render for the walls with a slate roof. A previous application for the same layout of the flats but different exterior design and materials was approved, on appeal, on 22 November 2005.
- The site lies on the south side of Perth Road close to the Kwikfit garage. The site is currently occupied by a vacant double garage with a fenced yard to the street.
- Dundee Local Plan 2005 - Policy 4 Design of New Housing and Policy 61 Development in Conservation Areas apply. It is considered that the quality is much higher than the original approved design but the development still fails to meet Policy 4.
- One valid objection was received from an adjoining neighbour on grounds of loss of light, noise, loss of tree and impact on the adjoining building.
- The fact that the previous application has been approved on appeal is a very strong material consideration in the determination of this application. This application is preferred in terms of design and materials when the two proposals are directly compared. It is also considered that an agreement under Section 75 be sought with the applicant to restrict future multiple occupancy in these units.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a block comprising two three storey, 3 bedroom apartments. Both will share a double garage on the ground floor with separate stairs to the upper floors. The garage has a turntable to enable vehicles to turn within the site. Each unit will have a lounge/dining room and kitchen on the first floor. There will be three bedrooms on the second floor, one en-suite. Rear ground floor terraces of 14 square metres and 19 square metres and first floor balconies of 4 square metres provide amenity and drying space. The design is contemporary with stone, dark grey panelling and render for the walls with a slate roof. A previous application for the same layout of the flats but different exterior design and materials was approved, on appeal, on 22 November 2005.

SITE DESCRIPTION

The site lies on the south side of Perth Road close to the Kwikfit garage. The site is currently occupied by a vacant double garage with a fenced yard to the street. The land to the east is occupied by advertisement hoardings, to the south is a block of flats, to the west is a block with a restaurant on the ground floor and flats above. On the north side of Perth Road is the former Ryehill Church which is now in residential use and a tenemental terrace with shops on the ground floor and flats above. Perth Road is a very busy distributor road carrying traffic to and from the City Centre throughout the day and late into the night. It is a busy pedestrian route and is well served by public transport. The site has double yellow lines along its frontage to Perth Road.

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:

Dundee City Council Development Quality Committee

Policy 4 Design of New Housing.

Policy 61 Development in Conservation Areas.

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

Supplementary Planning Policy Guidance on Houses in Multiple Occupation is of relevance.



SUSTAINABILITY ISSUES

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

SITE HISTORY

02/00794/COU change of use from lock-up garages and hardstanding to garage and forecourt for car sales. Invalid 9 January 2003.

04/00798/FUL erection of 2 three storey, 4 bedroom townhouses. Refused by Committee on 6 December 2004.

05/00178/FUL Erection of 2 three storey, 3 bedroom apartments. Refused by Committee on 23 May 2005. Planning permission subject to conditions granted on appeal 22 November 2005.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised as a development

potentially contrary to Policy 4 of the Dundee Local Plan Review 2005. One valid objection was received from an adjoining neighbour on grounds of loss of light, noise, loss of tree and impact on the adjoining building. The issues raised will be considered in the Observations below and copies of the letter are in Members' lounges.

CONSULTATIONS

There were no adverse comments from consultees.

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.

Policy 4 Design of New Housing and its Appendix 1 set out the qualitative and quantitative standards which new development is expected to achieve. The policy framework seeks to encourage the development of houses rather than flats. The policy does state that it is recognised that in certain very small development proposals, compliance with Appendix 1 is not practical. In such instances, some flexibility will exist where the proposal is of exceptional quality.

Within the Inner City, flats will only be permitted if identified in a site planning brief (there is no brief) or site specific circumstances demand a flattened solution. This site is too small to accommodate houses which would comply with the requirements of the Local Plan. The design and materials proposed are of high quality compared to the previously approved scheme.

Car/Cycle parking: 130% parking is required and this provision may be increased or decreased in light of on street parking and off street parking provision nearby. The proposal includes 2 spaces and there is no provision for visitor parking. There are parking restrictions on this road for much of the day from Monday to Saturday and this is a busy distributor road into the City Centre where parking in side streets is very restricted. Any further relaxation would add to this pressure on limited parking and the proposal fails to comply with the requirements. The agent has indicated that the gates will be operated electronically to prevent cars parking for opening and closing and the turntable will be provided to enable cars to enter and leave the premises in a forward gear. These features will improve traffic safety in relation to the development.

Amenity/Garden space: 100m² of usable private communal garden area or 10m² per flat whichever is the greater is required. Drying areas should be additional. As detailed above, the proposal provides ground floor terraces of 14 square metres and 19m² and first floor terraces of 4m² provide amenity and drying space. This does not comply with the policy.

Privacy: 18 metres is required between facing windows. The tenemental flats to the north are 14

metres away and the privacy criteria is not met.

It is concluded from the foregoing that the proposal does not comply with Policy 4 in respect of the development of the site for flats, car parking, amenity/garden space and privacy. However, this policy specifically provides flexibility in respect of many of these elements in instances where the proposal is of exceptional quality. It is considered that the quality is much higher than the original approved design but the development still fails to meet the policy.

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.

As detailed above, it is considered that the design and materials of the proposed development are an improvement to the scheme which has already been approved. On balance it is considered that it will preserve and enhance the Conservation Area as required by the policy.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan in respect of Policy 4.

Other Material Considerations

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

Appeal Decision

As noted above, the previous application, which was refused by the Development Quality Committee in accordance with the recommendations of the Director of Planning and Transportation, was approved on appeal on 22 November 2005. The Reporter concluded that the determining factors were whether the granting of planning permission for the development would:

- 1 preserve or enhance the character or appearance of the Conservation Area;
- 2 accord with the relevant provisions of the development plan; and
- 3 be justified by other material considerations.

Whilst the Development Plan at that time was the Dundee Local Plan 1998, the Finalised Dundee Local Plan Review 2005 was a material consideration. Many of the policies were very similar. The reporter considered that as the site was, and indeed still is, an untidy restrictive gap site, a three storey residential building would represent "a notable improvement to the street scene". It would also screen the blank wall of the adjacent tenement. With regard to the policy on Design of New Housing, the reporter considered that the proposals broadly met the policy requirements to an acceptable degree. He also took into account the flexibility in Policy 4 of the Review which covers small sites. As noted above, this policy is now one of the relevant policies of the development plan.

The appeal was allowed and planning permission granted subject to conditions regarding samples of finishing materials and enhancement of the sight lines to the proposed access "as far as is practicable".

The approved design is very plain, with a hipped roof detail to the front elevation and the proposed materials are coloured masonry block, facing brick and slate roof.

The current planning application is for the same internal layout providing access and parking on the ground floor, a living room and kitchen on the first floor and three bedrooms, 1 ensuite on the second floor. This application has been submitted because of the revisions to the external appearance and materials which are considered to be material changes to the proposed development. The stone base course, grey panels and cream render with a slate roof are considered to be an improvement to the approved materials. The design, with an asymmetrical roof detail to the front elevation and a less formal window layout provides more modern elements to the design which are also supported.

Whilst the current proposal is considered to be contrary to the development plan for the reasons given above, the fact that the previous application has been approved on appeal is a very strong material consideration in the determination of this application. This application is preferred in terms of design and materials when the two proposals are directly compared.

Houses in Multiple Occupation.

The supplementary planning policy guidance was approved in November 2006 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.

As noted above, the appeal decision on the previous application was dated November 2005. The applicant's agent has submitted justification which states that their client would be disappointed if they were disadvantaged in any way by the outcome of this application as they have sought to improve the appearance of the development at their own expense. They state that it would be "regrettable" if the policy on multiple occupation were invoked when the approved plans did not have this burden.

However, this is a new and separate planning application which should be considered on its own merits. Whilst the Council recognises that the new proposal is an improvement to the design and materials there are serious concerns about the likely impact of multiple occupation of these units on the general amenity of the area. The available parking is very limited and could be further affected by multiple occupation of these three bedroom apartments. It is considered appropriate to seek to apply the policies on Multiple Occupancy to this particular application by means of a Section 75 agreement.

Objection

One valid objection was received from an adjoining neighbour on grounds of loss of light, noise, loss of tree and impact on the adjoining building.

The proposed building is to the north and the only facing windows are to bathrooms. This is an Inner City site where there is noise from traffic etc at all hours. Construction noise is a temporary feature. There is not a tree

on the site and any permission does not give consent for the removal of a tree in the Conservation Area.

The objection is not supported.

In terms of Section 64 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, special attention should be paid to the desirability of preserving or enhancing the character or appearance of the West End Lanes Conservation Area. As noted above, it is considered that the revised design and materials proposed improves the proposal and it is considered to enhance the character of the area.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations of the previous appeal decision and the improvements to the design and materials such as to justify the grant of planning permission contrary to the provisions of the development plan.

Design

The design issues have been addressed above.

CONCLUSION

For the reasons given above and given the previous appeal decision, it is recommended that planning permission be granted with conditions contrary to the terms of the Development Plan.

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 Multiple Occupancy of the apartments hereby approved.

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 The council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council Planning Authority. The scheme shall include a full timetable for the remediation measures proposed. Verification shall be provided by the applicant or his agent, on completion, that remediation has been undertaken in accordance with, and to the standard specified in the agreed remediation scheme.
- 3 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.
- 4 Prior to the first occupation of the apartments hereby approved, the vehicle turntable shall be installed and shall be maintained in working order in perpetuity.
- 5 Prior to the first occupation of the apartments hereby approved, the vehicle parking areas shall be formed and shall be retained in such use, in perpetuity, for the benefit of the occupiers.

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 order to safeguard the visual amenity of the Conservation Area.
- 4 In order to ensure that vehicles may be driven onto and off the site in forward gear at all times, in the interests of highway safety.
- 5 To ensure that adequate parking facilities are provided and maintained within the curtilage of the site in the interests of the free flow of traffic, highway safety and the amenities of the locality.