

KEY INFORMATION

Ward West End

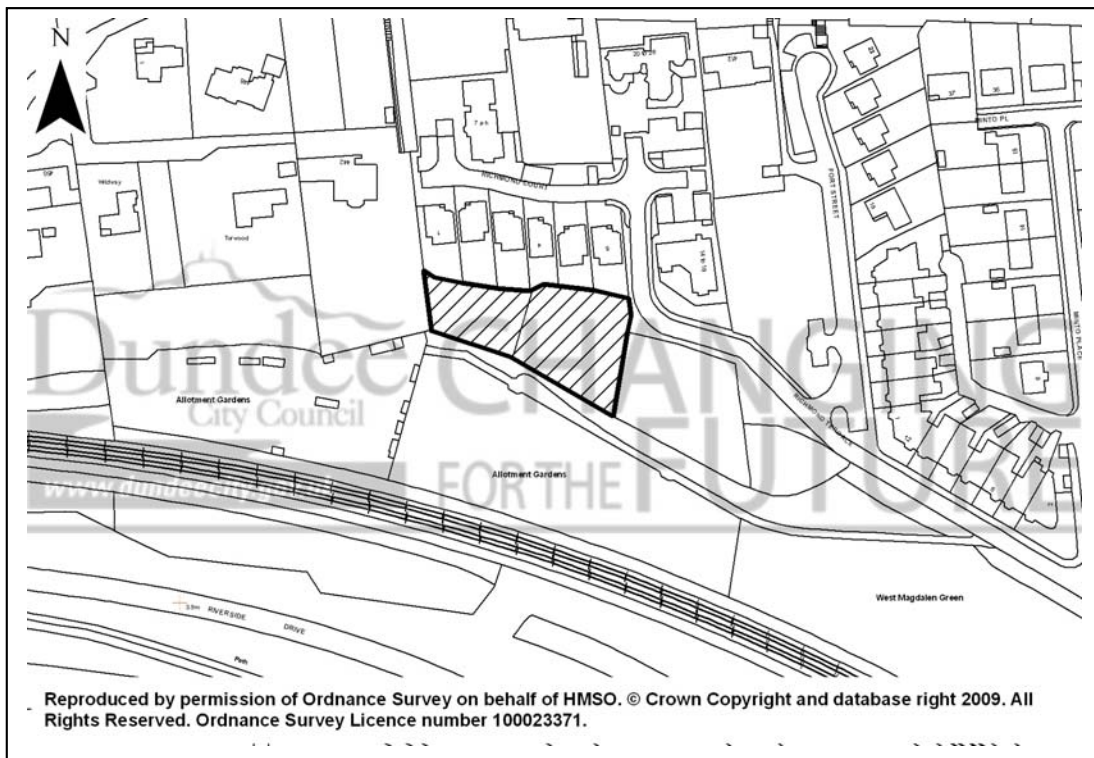
Proposal

New Dwellinghouse

AddressLand West of
Richmond Terrace
Dundee**Applicant**Mrs S Allen
Broomhall Cottage
Kilry
By Alyth
Blairgowrie
PH11 8HU**Agent**Hiddleston & Feist
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Dundee
DD3 6JA

Registered 2 June 2009

Case Officer D Gordon



Proposed Changes to House Design in Richmond Terrace

A new Dwellinghouse is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of City Development.

RECOMMENDATION

The proposed development is considered to conform to the relevant policies of the Dundee Local Plan Review 2005 and there are no material considerations that would justify the refusal of this application contrary to these policies. The application is recommended for **APPROVAL** with conditions.

SUMMARY OF REPORT

- Planning permission is sought for a new house, the design of which is very similar to the design of a house that was recently approved on a steep sloping site located to the west of Richmond Terrace. It is considered that the cumulative impact of the proposed changes is of such a weight as to justify the consideration of a new planning application for this house.
- The proposal raises issues for consideration under Policy 1 (Vibrant and Sustainable Communities), Policy 4 (Design of New Housing), Policy 61 (Development in Conservation Areas) and Policy 72 (Trees and Urban Woodland) of the Dundee Local Plan Review 2005.
- An objection has been received from the West End Community Council on the grounds that the new design adversely affects the north, south, east and west elevations of the building.
- No objections have been received from members of the public.
- It is concluded that the proposals are in accordance with the relevant policies of the Dundee Local Plan Review 2005. There are no material considerations, including the views expressed by the Community Council that are sufficient weight to justify the refusal of this application contrary to these policies.

DESCRIPTION OF PROPOSAL

The proposal under consideration involves a new house, the design and scale of which is very similar to a dwelling house that was previously granted planning permission for this site (on appeal) on 16 October 2008.

The principal change is considered to be the removal from the site of the vehicular turning head located on the west side of the building. This results in a considerable reduction in engineering works required for the new structure and allows the introduction of new windows at lower ground level. This also results in the retention of two trees within the site that were previously intended to be removed from the site.

The proposals also involve, amongst other things, alterations to position and sizes of windows and doors, cantilevering the main south facing windows approximately 1.5 metres over the rear garden ground area and new steps/stairway on the east and west sides of the house.

The size, scale, and appearance of the building remains virtually the same as previously approved for the site. The structure is to be moved further away from the adjacent dwellings to the north by approximately 0.7 metres and the floor levels and the height of the building remain the same as previously approved.

It is considered that the cumulative impact of all the proposed amendments is of such a weight as to justify the consideration of a new planning application for this house.

SITE DESCRIPTION

The application site is located to the west of Richmond Terrace and to the south of Richmond Court. Allotment gardens and the railway line are located to the south. The surrounding area is generally residential in character with the open space of Magdalen Green located further to the east.

The site, which slopes steeply in a north to south direction, is covered in a variety of trees and vegetation. The area is bounded, in part, by stone walls that vary in height and repair. The site commands good views to the south

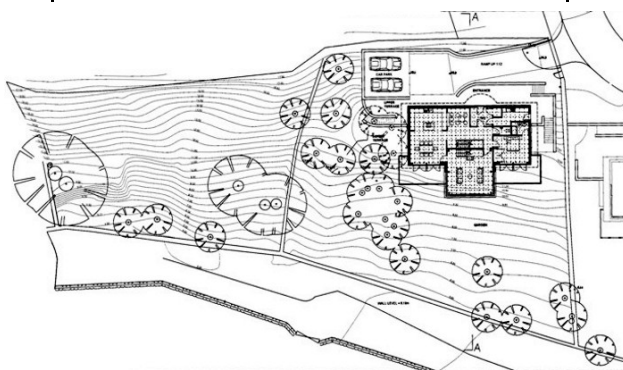
over the river and is visible from Riverside Drive to the south.

The site is located within the West End Suburbs Conservation Area.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

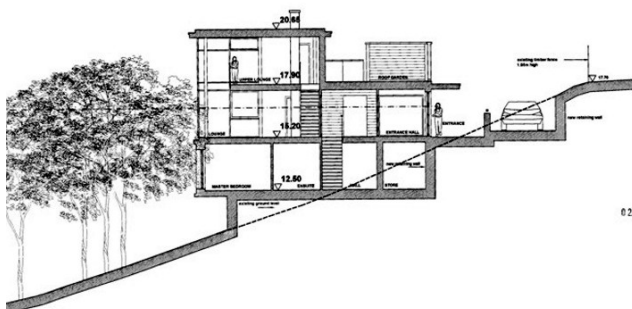
There are no policies relevant to the determination of this application.



Dundee Local Plan 2005

The following policies are of relevance:

Policy 1: Vibrant and Sustainable Communities - the City Council will promote vibrant communities, encouraging the development of an



appropriate range of services and facilities close to and within housing areas. New development should be in accordance with other policies in the Plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

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 mph 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 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. 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

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:

The Urban Design Guide advises that new buildings, including infill developments, should be well designed, flexible and outwardly expressive as to their purpose. In addition, imaginative and innovative

contemporary architecture is sought to discourage 'off-the-peg' design and debased versions of historical style.

SUSTAINABILITY ISSUES

It is considered that there are no specific sustainability policy implications arising from this application.



SITE HISTORY

The site has been the subject of several planning applications for the erection of a dwelling house in recent years.

04/00126/OUT - Outline Consent for Dwelling House - withdrawn 28 April 2004.

04/00683/FUL - Erection of Dwelling House - withdrawn 29 November 2004.



05/00563/FUL - Erection of dwelling House - withdrawn 28 October 2005.

06/01009/FUL - Erection of Dwelling House - Refused on Appeal 23 July 2007.

07/01118/FUL - Erection of Dwelling House - Approved on Appeal 16 October 2008.

The adjacent sloping site located to the east of this current proposal was the subject of a planning application for the erection of a house which was approved permission by this Council on 21 April 2009 (09/00065/FUL).

PUBLIC PARTICIPATION

There have been no objections to the proposals submitted by members of the public.

CONSULTATIONS

An objection to the planning application has been received from the West End Community Council on the grounds that the new design details adversely affects the north, east, south and west elevations of the building. The terms of this objection are discussed in full in the 'Other Material Considerations' Section of this report below.

OBSERVATIONS

Statutory Requirements

In accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997 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.

In accordance with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the Council is required to have special regard to the desirability of preserving and enhancing the character or appearance of the conservation area.

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 1 (Vibrant and Sustainable Communities) - the policy seeks to ensure that new development does not adversely affect the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

The proposed development is very similar to a previously approved house and the alterations to the building are mainly on the east, west and south

elevations of the property, ie not facing the adjacent residential properties located to the north. It is concluded that the scale and nature of the proposed house will not adversely impact on the environmental qualities currently enjoyed by the local residents by virtue of design, layout, noise or smell.

With regard to the access and car parking arrangements, the proposed access into the site remains to be taken from Richmond Terrace to the east and the access gates are to be increased in width by an additional 5 metres. The previously approved vehicle turning head on the west side of the site is to be removed and replaced by two off street car parking spaces. It is considered that, as the proposed access meets current visibility requirements and that there would not be any significant increase in traffic from the proposed development, the proposed new parking arrangements are acceptable in this location in terms of road traffic and pedestrian safety.

In light of the above, it is considered that the proposals are consistent with terms of Policy 1 of the Local Plan.

Policy 4 (Design of New Housing) - this policy requires, amongst other things, that the design of new housing in the city should be of a high standard. Developments should conform to the Design Standards of Appendix 1 of the Plan.

The size and scale of the proposed house are satisfactory. It is concluded that the proposed changes will not prejudice the very high standard of modern design of the building that has already been approved for this site. It is also concluded that the design and appearance of the house will remain compatible with the character of the surrounding area.

The proposed amendments do not alter the approved living accommodation or garden ground provision for the scheme.

In this respect, it is considered that application details are consistent with the requirements of Policy 4 of the Local Plan.

Policy 61 (Development in Conservation Areas) - this policy seeks to ensure that all developments complement and enhance the character of the surrounding area. The site is located within the West End Suburbs Conservation Area.

It is concluded that the proposed house will have a neutral impact on the character and setting of the



surrounding area. In this respect, the proposals are considered to be consistent with the terms of Policy 61 of the Local Plan.

Policy 72 (Trees and Urban Woodland) - this policy requires that any new development must have regard to existing healthy mature trees. The amendments to the proposed



access and car parking arrangements will result in the retention of mature two trees to the west side of the building that were previously intended to be removed from the site. In this respect it is considered that the proposals will enhance the setting of the site and consequently it is concluded that the proposals are consistent with the terms of Policy 72 of the Local Plan.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

The statutory requirements under Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 have also been discharged in the assessment of the proposals against the criteria of the Development Plan above.

Other Material Considerations

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

Objections

The West End Community Council has objected to the proposals on the grounds that the amendments adversely affects the north, south, east and west elevations of the building by increasing and lifting the dominant glazed area away from the building making it even more visually intrusive.

It is considered that the cantilevering of part of the south elevation of the building by approximately 1.5 metres over the rear garden area significantly improves the appearance of the building particularly on the east, west and south elevations (these changes are not evident on the north elevation). These amendments give the glazed section of the upper floors of the building a 'floating' appearance above the visually robust lower ground floor finish of grey stone facing. It is concluded that the alterations improves on the high quality of design that was previously approved for this site.

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 scale, design, appearance, materials and impact of the proposed house are considered to be innovative and highly appropriate for the building, the site and the surrounding area.

CONCLUSION

The proposed development is considered to be in accordance with the relevant development plan policies

for the area. It is also considered that the design of the dwelling would have no adverse affect on adjacent occupiers or the setting of the surrounding conservation area. There are no material considerations that would justify the refusal of this application contrary to the requirements of the development plan.

RECOMMENDATION

It is recommended that consent be GRANTED subject to the following conditions:-

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
- 2 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
- 3 The landscaping of the site shall be carried out in full accordance with the details shown on drawing number 07-25/P1. The scheme shall be fully implemented within the first planting season following the first occupation of the dwelling house or within such other period of time as may be agreed in writing with the planning authority.
- 4 Development shall not commence on site until all the trees that have been identified for retention have been fenced off in accordance with BS5837, 2005. These trees shall remain fenced off until all development works have been fully completed.
- 5 Development shall not begin until a scheme to deal with any 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 that the site is fit for the use proposed and does not contain any significant pollution linkages.
- c measures to deal with contamination during construction works
- d verification of the condition of the site on completion of decontamination measures.

Before any unit is occupied the remediation strategy shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority.

- 6 The stage two bat survey shall be repeated, and the results agreed in writing with the planning authority, before any trees are felled on the site. In addition, details of new bat roosts to be provided within the site shall be submitted to and approved in writing by the planning authority before development commences on the site. These new roosts shall be provided within six months of the first occupation of the dwelling house or within such other period of time as may be agreed in writing with the planning authority.

(Scotland) Act 1997 as amended.

- 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 preserves the character and appearance of the conservation area.
- 4 To protect those trees which are of significant amenity value to the area, in order to preserve the character and appearance of the conservation area.
- 5 To ensure that the site is fit for the use proposed.
- 6 To verify that no licence is required and to ensure that provision is made for the possibility of bats using trees within the site.



Reasons

- 1 To comply with Section 58 of the Town and Country Planning