

Change of Levels of 12no Houses Approved Under Planning Permission 16/00362/FULL

KEY INFORMATION

Ward Lochee
Address
 44 Gray Street, Dundee

Applicant

Rialto Properties Ltd
 7 Nappers Mews
 Kirk Street
 Dundee

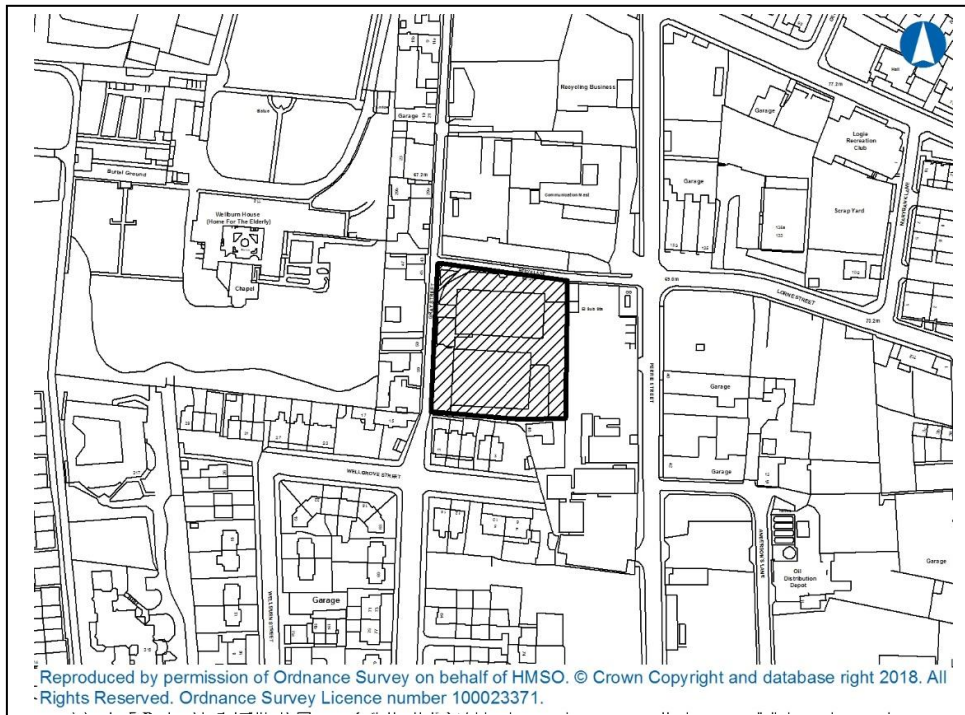
Agent

Peter Inglis Architects

Registered 7 Dec 2018

Report by: Head of Planning
 & Economic Development

Contact: Claire Myles



SUMMARY OF REPORT

- Planning permission is sought for the change of levels of 12 of the 14 houses approved under planning permission 16/00362/FULL.
- This is a new full application for 12 houses and is required to be fully considered against the new Dundee Local Development Plan 2019. However, the principle of 14 houses on the site has been established through application 16/00362/FULL. The only difference between the approved houses and those now proposed is the level/height changes.
- The application is not in accordance with the Dundee Local Development Plan 2019.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. 2 letters of objection and 1 petition with 6 signatures have been received. No letters of support have been received.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee at the discretion of the Head of Planning and Economic Development as the previous application 16/00362/FULL was contrary to the Development Plan and approved by the Development Management Committee in June 2016.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/simpleSearchResults.do?action=firstPage>.

RECOMMENDATION

The proposal is not in accordance with the Development Plan. There are no material considerations that would justify approval of planning permission. It is therefore recommended that planning permission is REFUSED.

1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission was granted by the Development Management Committee in June 2016 (16/00362/FULL) to demolish an existing warehouse on the site and erect 14 houses.
- 1.2 The warehouse has been demolished and construction works have commenced on site. This application seeks to alter ground levels and to raise the ground floor level, the floor level and the height of 12 of the 14 houses approved under planning application 16/00362/FULL by between 750 mm and 1700mm. This relates to plots 3-14 inclusive as shown on the site plan. There is no change to the houses approved on Plots 1 and 2 of the site.
- 1.3 This is a new full application for 12 houses and is required to be fully considered against the new Dundee Local Development Plan 2019. However, the principle of 14 houses on the site has been established through application 16/00362/FULL. The only difference between the approved houses and the current proposal is the change in levels.
- 1.4 A Notice of Initiation of Development was received by the Council on 1 February 2017. On receipt of this, the agent was informed that the relevant prior to commencement of development conditions were outstanding and were required to be discharged before construction could commence on site. There remains an outstanding breach of planning control in relation to conditions to be discharged including drainage.
- 1.5 The applicant has submitted the following in support of the application:
 - Supporting Statement.



Figure 1: Proposed Site Plan

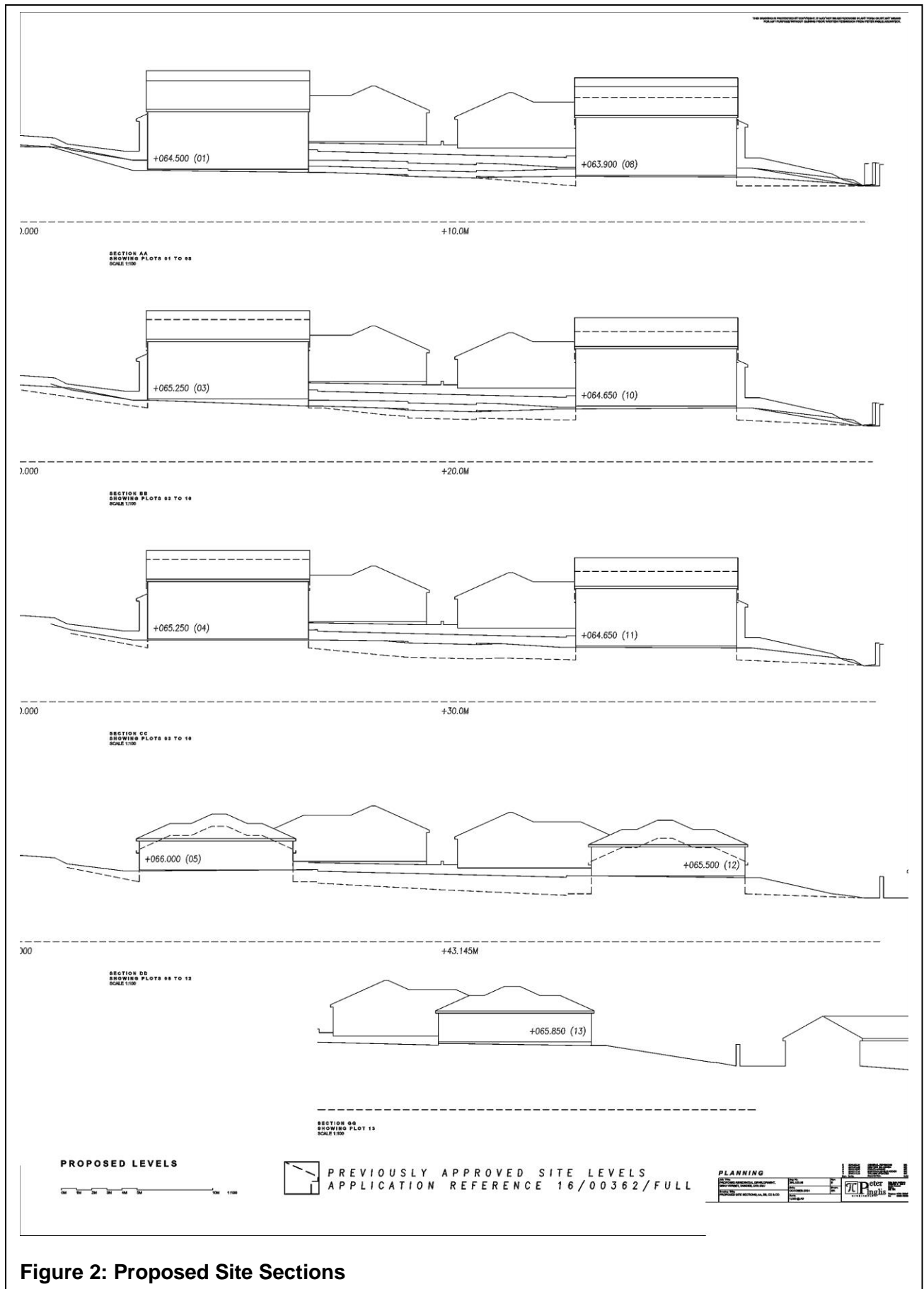


Figure 2: Proposed Site Sections

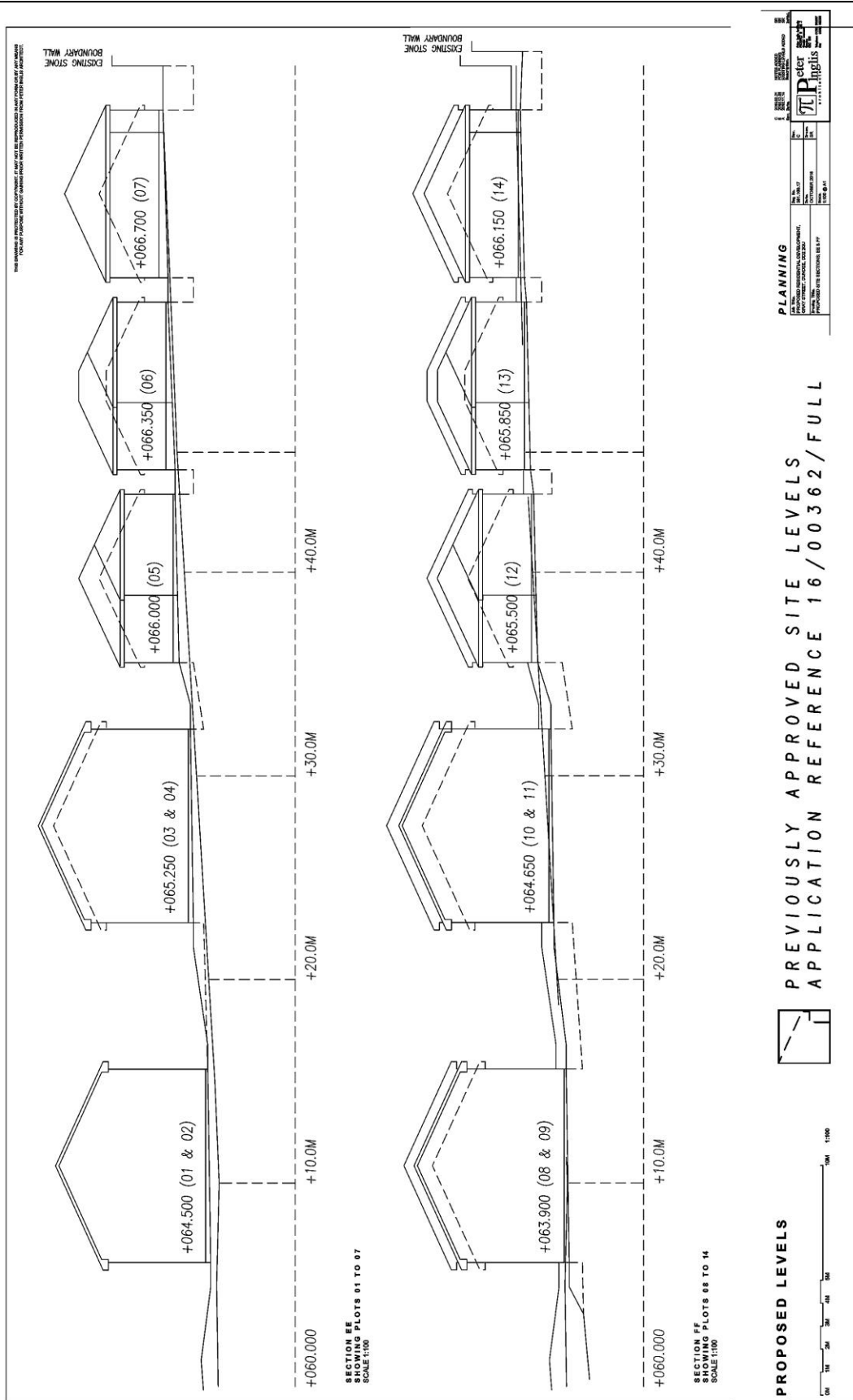


Figure 3: Proposed Site Sections

2 SITE DESCRIPTION

- 2.1 The site is located on the east side of Gray Street, south of Reids Lane.
- 2.2 Gray Street is a narrow road sloping down from Liff Road to South Road which widens out to the south of the application site. Reids Lane is a narrow road accessing Perrie Street to the east. There is a high stone wall increasing from 1.8 to 2.5 metres forming the east boundary of the site.
- 2.3 Land to the south and west is residential with mainly traditional stone cottages to the west and terraced housing to the south. A detached house, south east of the site, gains pedestrian access along the southern boundary of the site. Land to the north and east is industrial with a mixture of yards including scrap yards. The ground level to the east and southeast is higher than the application site.



Figure 4: Site Photo – Southern Boundary of Application Site



Figure 5: Site Photo – Existing Property South East of Application Site

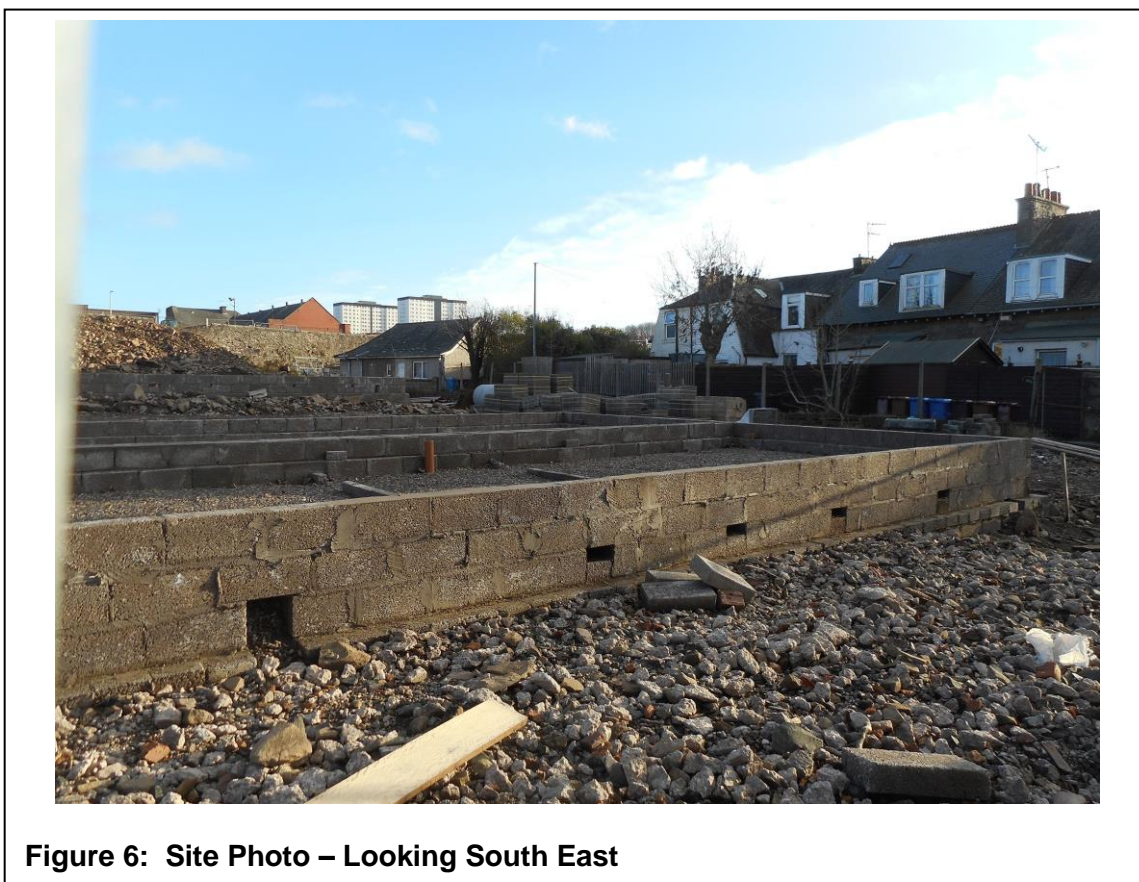


Figure 6: Site Photo – Looking South East

3 POLICY BACKGROUND

3.1 The following plans and policies are considered to be of direct relevance:

TAYPLAN 2016-2036

The application raises no issues of relevance.

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 1: High Quality Design and Placemaking
Policy 5: General Economic Development Areas
Policy 10: Design of New Housing
Policy 37: Sustainable Drainage Systems
Policy 39: Environmental Protection
Policy 41: Land Contamination

SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS

The application raises no issues of relevance.

NON STATUTORY STATEMENTS OF COUNCIL POLICY

The application raises no issues of relevance.

3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

4 SITE HISTORY

4.1 Planning permission (08/00124/FULL) for 18 houses was approved in June 2008.

4.2 Planning application (10/00133/FULL) under Section 42 Town & Country Planning (Scotland) Act 1997 as amended to vary condition 1 of 08/00124/FULL and extend the period of commencement of the development to 30 June 2012 was refused by the Council and allowed at appeal.

4.3 Planning permission (16/00362/FULL) for 14 houses was approved in June 2016.

5 PUBLIC PARTICIPATION

5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.

5.2 2 individual objections and 1 petition with 6 signatures have been received raising the following valid material grounds:

- loss of privacy;
- impact on existing residential amenity; and
- overlooking.

5.3 The valid grounds of representation are taken into account in the material considerations section of this report.

6 CONSULTATIONS

- 6.1 **The Head of Community Safety and Protection** – was consulted on this application and has no comment to make on the proposal as the houses within 20 metres of the east boundary are single storey and the supporting documents state that windows will still be below the height of the stone boundary wall.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.**

THE DEVELOPMENT PLAN

The provisions of the development plan relevant to the determination of this application are specified in the Policy Background section above.

DUNDEE LOCAL DEVELOPMENT PLAN

TAYPLAN 2016 – 2036

- 7.2 The application raises no issues of relevance.

DUNDEE LOCAL DEVELOPMENT PLAN 2019

- 7.3 **Policy 1: High Quality Design and Placemaking** - states all development proposals should follow a design-led approach to sustainable, high quality placemaking. Development should contribute positively to the quality of the surrounding built and natural environment and should be planned and designed with reference to climate change mitigation and adaptation. The design and siting of development should respect the character and amenity of the place, create a sense of community and identity, enhance connectivity and incorporate creative approaches to urban design, landscaping and green infrastructure, appropriate to the local context and the scale and nature of the development. New development will be required to meet the six qualities of successful place in accordance with the guidance provided in Appendix 1.
- 7.4 The approved development under construction comprises 14 new houses situated to front a new cul-de-sac running west to east through the centre of the site. 8no 2 storey semi-detached houses are proposed on the western part of the site (plots 1-4 and plots 8-11) and 6no single storey houses are proposed on the eastern part (Plots 5-7 and Plots 12-14). The single storey houses to the east are set against the backdrop of an existing high stone boundary wall which is to be retained as it provides separation from the surrounding industrial land. The single storey houses in Plots 7 and 14 are situated immediately adjacent to the wall.
- 7.5 This application proposes changing the approved levels on 12 of the 14 plots. The submitted site plan shows that proposed floor levels vary between 750mm and 1,700mm across the site with the highest increase on Plot 6 (1,350mm); plot 7 (1,700mm); Plot 12 (1,500mm); and plot 13 (1,350mm).
- 7.6 The Supporting Statement highlights that Plot 7 and 14, nearest to the east boundary wall, *“will benefit from raising the floor levels as the negative impact of the over-bearing east*

boundary wall will not have the same impact". It states that "the relationship of the houses on Plots 7 and 14 to the east boundary wall is improved by raising the ground level and consequently the quality of the amenity ground associated with these houses is greatly improved - the wall will not overwhelm physically or psychologically over-shadow them to the same extent."

- 7.7 In summary, the Supporting Statement acknowledges that the living environment and amenity of the proposed houses adjacent to the existing stone boundary wall is compromised and the raising of ground levels helps to mitigate this.
- 7.8 The Supporting Statement states that the two storey houses on the south side of the cul-de-sac (Plots 8-11) have maintained the 18 metre distance to the frontages of the houses on Wellgrove Street and there will be the 1,800mm high brick wall built along the south boundary. It confirms that the ground level at the south end of the site will not change. Also the garden ground to these houses still provides useable amenity space and its privacy is aided by the building of the new boundary wall. The driveway to 48 Gray Street, to the south-east of the boundary of the site, will be widened as per the original approval proposal. It further notes that as the proposed new houses lie on the north of the existing houses on Wellgrove Street, there is no sun-shading caused by them.
- 7.9 The proposed level changes to the plots on the southern boundary are 900mm for Plots 8 and 9; 1,150mm for Plots 10 and 11; 1,500mm for Plot 12 and 1,350mm for Plot 13. The result of this level change is that the rear garden ground will slope down to the proposed brick boundary wall which impacts the usability of the garden ground for the proposed homes.
- 7.10 The Supporting Statement notes that the 18 metre distance from the two storey houses (Plots 8-11) to the existing houses to the south of the site on Wellgrove Street will be retained and there will be no shadowing. However, the proposal will exacerbate the impact on existing residents on Wellgrove Street due to the increased height and over bearing nature of the new housing with the rear bedroom windows of the houses overlooking the garden ground and windows of the existing houses.
- 7.11 Further, plot 12 (proposed floor level rise 1,500mm) and Plot 13 (proposed floor level rise 1,350mm) are to be situated 14m and 15m respectively from an existing single storey house located at 48 Gray Street, to the south-east of the site. As such the facing windows of habitable rooms are less than 18 metres. The proposed new houses will sit above 48 Gray Street resulting in an over bearing development further exacerbated by the proposed brick wall (1,800mm) being positioned 3 metres from the front elevation of the existing house (see Figure 5).
- 7.12 With reference to Appendix 1, the proposal is required to meet the 6 qualities of successful place - distinctive; safe and pleasant; easy to move around and beyond; welcoming; adaptable and resource efficient.
- 7.13 The proposal does not demonstrate compliance with the six qualities of successful place. Overall the design and layout of the proposed development is poor. The design and siting of the proposed housing is inward looking and fails to provide an active frontage onto surrounding streets; it fails to positively address the public spaces to be created within the development with blank gables fronting parking spaces; and will be surrounded by high brick walls or fencing which will result in a rather oppressive environment to live in.
- 7.14 The proposed layout gives the impression that the houses have been squeezed in as demonstrated by the irregular shaped plots and garden grounds; houses fronting the gable ends of neighbouring properties and houses positioned against an existing high stone boundary wall with window openings facing this outlook. The proposal has no respect for the

character and amenity of the place and as such it fails to create a sense of community and identity.

7.15 The proposed level changes will exacerbate the poor design and layout of the site and will have a detrimental impact on the amenity of the existing houses on Wellgrove Street and 48 Gray Street. Further, the supporting statement fails to fully consider the impact of the proposed level changes on all the existing residential properties to the south.

7.16 Overall a poor quality development is proposed which has been designed to maximise the number of houses to fit into the site as opposed to a design-led approach to create a high quality residential development as advocated by Policy 1 and Appendix 1.

7.17 **The proposal is not in accordance with Policy 1 and Appendix 1.**

7.18 **Policy 5: General Economic Development Areas** - in areas designated as General Economic Development Areas, proposals for Class 4, 5 and 6 developments will be supported. Other uses of a wider industrial nature such as car showrooms, wholesaling and scrap yards may be permitted provided:

- 1 there is no detrimental impact on neighbouring uses and local residential amenity;
- 2 there is no unacceptable traffic impact; and
- 3 the scale of development is appropriate to the size and location of the site.

7.19 Other uses within these areas will not be supported.

7.20 The site is located within an area designated as a General Economic Development Area. The proposal is solely for housing which is not a use that falls within Classes 4, 5 or 6. The policy clearly states that "other uses within these areas will not be supported" and the application is contrary to the policy. However, planning permission has been granted for 14 houses and work has commenced on site therefore the principle of housing on the site has been established.

7.21 **The proposal is not in accordance with Policy 5.**

7.22 **Policy 10: Design of New Housing** - the design and layout of new housing developments in Dundee should be of a high quality and contribute to creating places that respect and enhance the distinct character and identity of the different parts of the city. All new housing developments should meet the six qualities of successful place, as set out in Policy 1 and should provide a balanced choice and type of housing. All new housing developments will be required to conform to the guidance on the Design of New Housing set out in Appendix 4. All new housing developments will need to ensure that the design and layout respects and enhances the character of adjoining properties and the surrounding area and does not have a detrimental impact on residential amenity and parking.

The site is located within the Inner City area as defined in the Local Development Plan. The standards in Appendix 4 for sites for 5 or more houses requires the following:

7.23 **House Type** - all houses to have a minimum of 2 bedrooms, and 65% to have 3 or more bedrooms or a gross internal floor areas of 100m².

7.24 **Car Parking** - all tenures should have at least one space within the curtilage of each house, with 40% of the private houses having 2 spaces.

- 7.25 **Cycle Provision** - One secure, covered space is required per house unless a suitable garage or other secure area is provided within the curtilage of the house.
- 7.26 **Amenity/Garden Ground** - a minimum of 50m² of private, useable garden ground should be provided for all houses in addition 30% require more than 75m².
- 7.27 **Privacy** - a minimum of 18m between the facing windows of habitable rooms is required.
- In respect of the above standards:
- 7.28 **House Type** - 10 of the proposed houses have 3 bedrooms and four houses have 2 bedrooms. The proposal meets the standard.
- 7.29 **Car Parking** - there is remote parking provision for the 6no houses in the eastern section of the site which do not have a parking space within the curtilage as required by the standard. 6no houses have 2 spaces meeting the 40% required by the standard. 4no visitor parking spaces have been provided. The proposal does not meet the standard.
- 7.30 **Cycle Provision** - the proposed site plan shows a covered bicycle store in the curtilage of each house in line with the standard.
- 7.31 **Amenity/Garden Ground** - the proposed site plan indicates that rear garden areas of 105m² to 195m² would be provided in line with the standard. However, the garden areas adjacent to the north boundary and the south boundary of the site would be on a slope. Also due to the different levels across the site and the layout of the houses the gardens on the eastern section of the site would be overlooked. Although meeting the size requirements set out in this standard, the standard is not met in respect of the usability and amenity of the proposed garden ground.
- 7.32 **Privacy** - the proposed houses would meet this standard in relation to each other. The 18 metre distance from the two storey houses (Plots 8-11) to the existing houses to the south of the site on Wellgrove Street will be retained. Plot 12 (proposed floor level rise 1500mm) and Plot 13 (proposed floor level rise 1,350mm) are to be situated 14m and 15m respectively from an existing single storey house located at 48 Gray Street, to the south-east of the site. The distance between facing windows of habitable rooms is less than 18 metres. The site plan shows a 1.8m high brick wall would be provided on the boundary of the site and 3 metres from the front elevation of 48 Gray Street. The proposal will exacerbate the impact on the amenity of existing residents due to the increased height and overbearing nature of the new housing which will overlook the rear garden ground and windows of the properties to the south. The proposal fails to meet this standard.
- 7.33 The design and layout of the new housing is of a poor quality and it fails to respond positively to the character and identity of the surrounding area. The proposed increase in ground levels and floor levels and increase in height of the houses will further exacerbate the poor visual quality of the site and will have a detrimental impact on the amenity of the existing houses on Wellgrove Street and 48 Gray Street. As outlined previously, the proposal does not demonstrate compliance with the six qualities of successful place and fails to satisfy the requirements of Policy 1 and Appendix 1.
- 7.34 **The proposal is not in accordance with Policy 10 and Appendix 4.**
- 7.35 **Policy 37: Sustainable Drainage Systems** - surface water discharging to the water environment from new development must be treated by a Sustainable Drainage System (SuDS) except for single houses or where discharge is to coastal waters. SuDS should be designed so that the water level during a 1:200 year rainstorm event plus allowances for

climate change and future urban expansion is at least 600mm below finished floor levels. This incorporates an allowance for the effect of climate change. In addition, proposals will be encouraged to adopt an ecological approach to surface water management, ensure an appropriate level of treatment and exploit opportunities for the system to form an integral part of the Dundee Green Network through habitat creation or enhancement through measures such as the formulation of wetlands or ponds. Proposals should have no detrimental impact on the ecological quality of the water environment.

- 7.36 A condition was attached to the approved application 16/00362/FULL requiring submission of a detailed surface water drainage/SUDS design for the Council's written approval prior to the commencement of development. This condition was not satisfied prior to the commencement of works on site and no drainage design details have been submitted with this current application.
- 7.37 It has not been demonstrated that surface water from the development can be adequately drained by SUDS. However, if Committee is minded to approve the application it is recommended that a condition is attached to any planning permission granted to request full details and design of the drainage scheme.
- 7.38 **The proposal is in accordance with Policy 37 subject to conditions.**
- 7.39 **Policy 39: Environmental Protection** - all new development or an extension to an existing development that would generate noise, vibration, odour, emissions to air, dust or light pollution will be required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area. New development or an extension to an existing development in close proximity to existing sources of noise, vibration, odour, emissions to air, dust or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on the viability of existing businesses or uses.
- 7.40 The site is located on land designated as a General Economic Development Area and bound by industrial land to the north and east. As such, there is potential for the proposed houses to be adversely affected by noise, odour and vibration.
- 7.41 The previous application (16/00362/FULL) addressed this matter through a Noise Impact Assessment. At the time the Head of Community Safety and Protection considered the proposal in the context of the Noise Impact Assessment and had no objection provided that the houses within 20m of the east boundary were single storey.
- 7.42 The principle of housing on the site has been established through the extant planning permission 16/00362/FULL. The Head of Community Safety and Protection was consulted on this application and has no comment to make on the proposal as the houses within 20 metres of the east boundary are single storey and the supporting documents state that windows will still be below the height of the stone boundary wall.
- 7.43 **The proposal is in accordance with Policy 39.**
- 7.44 **Policy 41: Land Contamination** - states that development of potentially contaminated land will be considered where a site investigation is submitted establishing the nature and extent of contamination and the Council is satisfied that remediation measures proposed adequately address the risks to all receptors.
- 7.45 The applicant submitted a Preliminary Risk Assessment with the approved application 16/00362/FULL which concluded that there was a source of diesel oil from a storage tank on site which requires ground investigations to be undertaken. The Head of Community Safety

and Protection considered the assessment and had no objection to the application subject to conditions in relation to land contamination.

7.46 The Head of Community Safety and Protection advised that the conditioned remediation strategy includes a 600mm cover and installation of ground gas membranes as part of the proposed development. The applicant has confirmed that the proposed new levels will not affect the agreed remediation.

7.47 **The proposal is in accordance with Policy 41 subject to conditions.**

7.48 **It is concluded that the proposal is not in accordance with the Development Plan.**

MATERIAL CONSIDERATIONS

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

A - SUPPORTING INFORMATION

7.50 The applicant has submitted a Supporting Statement. It notes that the position of the houses and the style of houses has not changed. The Supporting Statement reports that the houses on Plots 7 and 14, following detailed risk assessments, will benefit from raising the floor levels as the negative impact of the over-bearing east boundary wall will not have the same impact. The maintenance of the mutual boundary wall will also be simpler. Accessibility to these plots will be fully compliant. On setting these levels then the remainder of the site levels follow. It notes the following reasons for the raised floor levels:

- the large east boundary stone wall, which is mutual, is to be retained and whilst it was acknowledged at the time of the 2016 planning application that remedial works would be required to the wall, the extent of these remedial works at detailed design stage would have meant the complete demolition of the wall, extensive under-building prior to the re-building of the wall. Even with the raised floor levels there will still require to be partial demolition and remedial work before re-building but not to the same extent. Reducing the amount of demolition addresses the Health and Safety Risk Assessment;
- immediately on the east side of the boundary wall referred to above there is a sub-station and it is understood that the live services run parallel with the wall. To avoid a major hazard, the decision was taken to reduce the extent of demolition, again, addressing another risk assessment;
- the house floor levels also have to achieve accessibility standards, in that the route from the roadway/pavement to the accessible entrance of the house has to be graded accordingly and avoid steps. The road level design starts from the junction with Gray Street and then has to achieve the same level of accessibility as the paths. The design of the cul-de-sac has been approved by the Roads Department and a Road Construction Consent has been issued; and
- the house floor levels on the south side of the new cul-de-sac have been designed so that no surface water from the roadway can fall into these curtilages, clearly to avoid any possibility of flooding. The drainage design has been approved by Scottish Water.

7.51 In response to the applicant's reasons for the raised levels, the proposed site layout should have responded to any infrastructure requirements and constraints in and around the site. This includes the road design and accessibility which should have been fully considered as part of the site layout. Whilst the need for accessibility is fully supported, this could be achieved across the site without the need to increase the levels of certain plots to the detriment

of neighbouring properties. The Supporting Statement clearly acknowledges that the living environment and amenity of the proposed houses adjacent to the existing stone boundary wall is compromised and the raising of ground levels helps to mitigate this. As outlined previously in the report, the agent was informed that the relevant prior to commencement of development conditions were outstanding and were required to be discharged before construction could commence on site. This includes evidence of Scottish Water technical approval for the proposed foul sewer connection, surface water drainage connection (as appropriate) and water supply for the development. There remains an outstanding breach of planning control in relation to drainage conditions as it has not been demonstrated that surface water from the development can be adequately drained by SUDS. The Supporting Statement does not fully justify raising the site levels across the site.

- 7.52 The Supporting Statement states that the two storey houses on the south side of the cul-de-sac (Plots 8-11) have maintained the 18 metre distance to the frontages of the houses on Wellgrove Street and a 1,800mm high brick wall built along the south boundary. It confirms that the ground level at the south end of the site will not change. Also the garden ground to these houses still provides useable amenity space and its privacy is aided by the building of the new boundary wall. The driveway to 48 Gray Street, to the south-east of the boundary of the site, will be widened as per the original approval proposal. It further notes that as the proposed new houses lie on the north of the existing houses on Wellgrove Street, there is no sun-shading caused by them.
- 7.53 The proposed level changes to the plots on the southern boundary are 900mm for Plots 8 and 9; 1,150mm for Plots 10 and 11; 1,500mm for plot 12 and 1,350mm for Plot 13. The site sections show the result of this level change whereby the rear garden ground will slope down to the proposed brick boundary wall which will impact the usability of the garden ground for the proposed homes.
- 7.54 The Supporting Statement notes that the 18 metre distance from the two storey houses (Plots 8-11) to the existing houses to the south of the site on Wellgrove Street will be retained and there will be no shadowing. However the proposal will exacerbate the impact on existing residents on Wellgrove Street due to the increased height and over bearing nature of the new housing with the rear bedroom windows of the houses overlooking the garden ground and windows of the main living areas of the existing houses.
- 7.55 Further, Plot 12 (proposed floor level rise 1500mm) and Plot 13 (proposed floor level rise 1,350mm) are to be situated 14m and 15m respectively from an existing single storey house located at 48 Gray Street, to the south-east of the site. This is less than 18 metres between the facing windows of habitable rooms. The proposed new houses will sit above 48 Gray Street resulting in an over bearing development further exacerbated by the proposed brick wall (1,800mm) being positioned 3 metres from the front elevation of the existing house.
- 7.56 The Supporting Statement as a material consideration is not of sufficient weight to justify approval of this application contrary to the Development Plan.

B - LOCHEE PHYSICAL REGENERATION FRAMEWORK

- 7.57 The Lochee Physical Regeneration Framework notes that there is pressure to release certain sites within Kirk Street Industrial Area, particularly housing, and concludes that this is inappropriate due to the value of sites to the supply of industrial land and the inevitable impact on existing industrial uses when new residents complain about noise, traffic, fumes, and odour. It states that demand for housing will be met from allocated housing sites which will provide for a better quality residential environment in keeping with the objective of providing the best quality of life for residents in the area. The Lochee Physical Regeneration Framework also identified a range of environmental improvements around the Kirk Street area, including the

provision of landscape treatments to separate the industrial and residential areas and enhance the local residential amenity.

- 7.58 The proposed development fails to meet the objective of providing a quality residential environment and the best quality of life for residents in the area.

C - SITE HISTORY

- 7.59 Planning permission was granted by the Development Quality Committee, contrary to the recommendation, for 18 houses on the site in June 2008. The permission was subject to a condition requiring the development to commence within 2 years. This was to enable the Council to manage the supply of housing land and to encourage the removal of a derelict site that had an adverse impact on the environment.
- 7.60 The development did not progress within the 2 year time frame and an application to extend the timescale by a further 2 years, to 30 June 2012, was submitted in 2010. That application was refused by the Development Quality Committee, but a subsequent appeal of the decision was upheld. The previous approvals were made in the context of the superseded 2005 Dundee Local Plan.
- 7.61 The 2016 application was granted planning permission by the Development Management Committee contrary to recommendation. The approval was made in the context of the superseded Dundee Local Development Plan 2014 which reinforced the site as a General Economic Development site and stated that housing would not be supported on the site. The principle of housing on the site has been established through the extant permission (16/00362/FULL).
- 7.62 This current application is being assessed under the newly adopted Local Development Plan. The proposed site level changes, increase in ground and floor levels and the increase in height of the houses will exacerbate the poor design and layout of the site and will have a detrimental impact on the amenity and privacy of the existing houses on Wellgrove Street and 48 Gray Street.
- 7.63 As a result, the previous approvals as material considerations are not sufficient to justify approval of this application contrary to the Development Plan.

D - REPRESENTATIONS

- 7.64 2 individual objections and 1 petition with 6 signatures have been received raising the following valid material grounds:
- loss of privacy;
 - impact on existing residential amenity; and
 - overlooking.
- 7.65 The grounds of objection are considered and assessed as follows.
- 7.66 **Objection** - loss of privacy, overlooking and impact on residential amenity. The existing ground level on the site is the same as the properties on Wellgrove Street. Once the construction of foundations began it became clear how much higher the houses were going to be. A complaint was registered with the Planning Department and works stopped and subsequently restarted until a further complaint stopped work again. The raised level means

that the new houses are going to overlook the existing properties on Wellgrove Street which are 1.5 storeys high.

- 7.67 **Response** - the 18 metre distance from the rear of the proposed two storey houses (Plots 8-11) to the existing houses to the south of the site on Wellgrove Street will be retained. The floor level rise proposed on each of these plots is as follows - Plot 8 (900mm), Plot 9 (900mm), Plot 10 (1,150mm) and Plot 11 (1,150mm). The single storey houses proposed at Plot 12 (1,500mm) and Plot 13 (1,350mm) are to be situated 14m and 15m respectively from an existing single storey house located at 48 Gray Street, to the south-east of the site. An 1800mm high brick wall will be built along the south boundary. The proposal will exacerbate the privacy and overlooking issues for the existing residents to the south of the application site and will have a detrimental impact on their residential amenity. The proximity and height of the proposed new houses will result in an over bearing development which will be further exacerbated by the proposed brick wall (1800mm) being positioned 3 metres from the front elevation of the existing house on 48 Gray Street.
- 7.68 No representations in support of the application have been received.
- 7.69 The issues raised in the representations have been considered and addressed in the report and the grounds raised are of sufficient weight to justify refusal of planning permission
- 7.70 **There are no material considerations of sufficient weight to justify approval of planning permission.**

8 CONCLUSION

- 8.1 The application to vary the ground floor levels, floor levels and height of 12 of the 14 houses approved under planning permission 16/00362/FULL is not in accordance with the Development Plan. There are no material considerations of sufficient weight that would justify approval of planning permission. Therefore it is recommended that planning permission be refused.

9 RECOMMENDATION

- 9.1 It is recommended that consent be REFUSED for the following reason:
- 1 **Reason** - the proposed development is contrary to Policy 1 and Appendix 1 (High Quality Design and Placemaking) and Policy 10 and Appendix 4 (Design of New Housing) of the Dundee Local Development Plan 2019. The proposal to vary the ground floor levels, the floor levels and the height of 12 of the 14 houses approved under planning permission 16/00362/FULL will exacerbate the poor quality design and layout of the site and will result in an overbearing development which will have a detrimental impact on the amenity of the existing houses by virtue of overlooking and loss of privacy. There are no material planning considerations of sufficient weight to justify approval of the application contrary to the Development Plan.