

KEY INFORMATION

Ward Law

Proposal

Erection of 32 dwellinghouse

Address

Land to West of Dudhope
Garden Steps
Dudhope Terrace
Dundee
DD3 6TD

Applicant

West Residential Ltd
Castlecroft Business Centre
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Agent

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Registered 27 April 2004

Case Officer D Gordon



Proposed Housing Development on Former Dudhope Resource Centre

The erection of 32 dwellinghouses is **RECOMMENDED FOR APPROVAL** subject to conditions.
Report by Director of Planning and Transportation

RECOMMENDATION

The proposal will contribute to the improvement of this isolated and sheltered brownfield site with the provision of a quality residential development. The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of 32 dwelling houses on a brownfield site located on the east side of Lochee Road and Rankine Street and to the north of Dudhope Terrace.
- The site previously accommodated the Dudhope Resource Centre that has recently been demolished. The land is relatively isolated and sheltered by mature planting, particularly to the south, east and north. Residential properties are located to the north side of the site.
- The statutory neighbour notification procedure has been undertaken by the applicants on 2 separate occasions as amendments to the application have been submitted for consideration. To date, 21 objections to the proposals have been received. The issues raised relate to a wide variety of concerns that have been expressed by the local residents and adjacent occupiers including the potential adverse impact of the development on the environmental quality of the surrounding area.
- The details of the application are considered to be in accordance with the relevant development plan policies and there are no material considerations, including those issues raised by the objectors, that would justify refusal of the application contrary to these policies.

DESCRIPTION OF PROPOSAL

The application seeks permission to erect 32 dwellings on the site of the recently demolished Dudhope Resource Centre building. The houses will combine a mixture of detached, semi-detached and terraced buildings ranging from 1.5 storey to 3 storey's in height.

The proposed houses are innovative in design and will accommodate integral garages, bathrooms, kitchen, family room / dining room, utility room, lounge with a combination of 3 or 4 bedrooms.

The proposed finishing materials are white dry dash render and cedar timber (walls) and smooth finished dark grey roof tiles. Facing brick and wooden slatted fencing are proposed as boundary enclosures.

Access into the site is to be taken from the existing roadway that runs into the east side from Dudhope Terrace in the south. This road is to be improved as part of the development proposals. The existing footpath that links the west side of the site with Rankine Street is to be closed off, as part of the application proposals, at the west boundary of the development site.

A small landscaped village green is proposed for the central area of the site.

SITE DESCRIPTION

The site previously accommodated the Dudhope Resource Centre. This building has recently been demolished and the site is now vacant.

The application site sits in an elevated position above Dudhope Terrace and Rankine Street.

While the site is physically prominent in the local area it is heavily screened by the surrounding mature planting that wraps around the south and west slopes of the escarpment. The site itself, while being relatively flat, does generally run in an east to west direction. The flat area of grass located on the south side of the site provides stunning views westwards over the city towards the River and hills of Fife beyond. The remainder of the site sits in a private sheltered enclave that is enclosed by mature trees and planting that is under the

ownership and control of the City Council. A substantial stone wall forms part of the north boundary of the site that separates the development area from the rear gardens of the residential properties in Inverary Terrace. The residential properties on Rankine Street are located to the north west of the site.

Access into the site is by a narrow road that runs northwards from Dudhope Terrace. A footpath, that runs along the east boundary of the site, links this access road to Inverary Terrace to the north. A further footpath links the west side of the site with Rankine Street.

The surrounding area accommodates a variety of uses including residential, educational, religious and medical.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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



Dundee Local Plan 1998

The following policies are of relevance:

Policy H1 - Within areas where residential use predominates, developments will be permitted where they do not adversely affect the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell and where they are in accordance with the policies and proposals contained within the Local Plan.

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Policy H10 - The design and layout of any new housing will generally conform to the guidelines set out within the Local Plan. Architecture and scale of buildings must respect the surroundings and new development should address surrounding streets and most buildings should front onto streets.

Policy ENV4 - The application site is located on the north and west fringes of and adjacent to an identified Category B Wildlife Site. Where developments are likely to destroy or adversely affect sites of importance for nature conservation, the category of the site will determine the outcome of the application. In Category B sites, the applicants must conserve and enhance at least 25% of the site for nature conservation.

Policy ENV5 - Any development proposed within Wildlife Corridors must make suitable provision for nature conservation, taking account the scale and type of development and characteristics of the Wildlife Corridor. Development outwith development sites identified on the Proposals Map that would adversely affect the viability or continuity of Wildlife Corridors will not be permitted.

Policy BE1 - The Council will expect the highest standards of composition and design in all new developments and its careful integration with its surroundings as regards scale, form, siting, alignment, materials and landscaping. Infill development should relate closely to the established character of the surrounding area.

The application site is located adjacent to the Law Terraces Conservation Area.

Dundee Urban Nature Conservation Subject Local Plan 1995

The following policies are of relevance:

Policy SP1 - Site Protection

Policy WC01 - Wildlife Corridors

The terms of these policies are reflected in Policies ENV5 and ENV5 of the Dundee Local Plan 1998 above.

Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 1: Vibrant and Sustainable Communities. The Council will promote vibrant and sustainable communities, encouraging the development of an appropriate range of services close to and within housing areas. New development should be in accordance with other policies in the Plan and seek to minimise any effect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise and smell.

Policy 4: Design of New Housing. The design and layout of new housing in the city should be of a high quality. As a basis for achieving this, new development will be required to conform to the Design Standards contained within Appendix 1 of the Local Plan unless certain circumstances dictate otherwise.

Policy 55: Urban Design. For all new developments the emphasis will be on design quality and the City Council will seek the creation of new public places and points of interest that incorporate architectural and landscape features and reflect and enhance the historic street layouts, significant views and vistas. All development will, in its design and layout be expected to contribute to an environment that is safe and accessible to all.

Policy 70: Semi-Natural Greenspaces of Local Nature Conservation Importance. Development proposals must not adversely affect the nature conservation qualities of Sites of Importance for Nature Conservation or Local Nature Reserves. The site is located adjacent to a Site of Importance for Nature Conservation (SINC) and a Community Wildlife Site (CWS).

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

Scottish Planning Policy 3: Planning for Housing. SPP3 reflects the key planning policies in Scottish Planning Policy 1: The Planning System,

addressing them in relation to new housing.

Designing Places - Policy Statement for Scotland (Scottish Executive 2000). This document sets out the policy context for raising the standards of urban development in Scotland.

Planning Advice Note 67 - Housing Quality. PAN 67 explains how "Designing Places" should be applied to new housing. It identifies the qualities found in successful places and provides examples of successful development in order to promote good design.

Non Statutory Statements of Council Policy

The following policy statements are of relevance:

Dundee - The Urban Design Guide.

LOCAL AGENDA 21

Key themes of Local Agenda 21 include combining places, spaces and objects to achieve beauty with utility and protecting diversity and local distinctiveness. The proposed development on this brownfield site will achieve this aim.

SITE HISTORY

There is no relevant recent planning history for this site.

PUBLIC PARTICIPATION

The applicants have undertaken the required neighbour notification procedure on two separate occasions to cover amendments that were submitted during the processing of the application.

At the time of writing, 20 letters of objection from local and adjacent occupiers have, to date, been received. In addition, an objection has also been received from Shiona Baird MSP. The main issues raised relate to:

- 1 The proposed development will result in a reduction in privacy and light to the adjacent properties to the north of the site.
- 2 The proposed design of the new buildings is inappropriate in this local area.
- 3 The proposal will have an adverse impact on the surrounding trees and wildlife

- 4 The development will result in an increase in noise to the detriment of the adjacent properties.
- 5 The development will result in an increase in population to the detriment of the amenities of the adjoining occupiers.
- 6 The development represents an overdevelopment of the site for residential purposes.
- 7 The proposed access into the site is inadequate for the development proposed.
- 8 The use of the existing steps leading into the west side of the site will result in an increase in on-street car parking on Rankine Street.

CONSULTATIONS

The Head of Environmental Health and Trading Standards has advised that due to the size of the site and the sensitivity of receptors (garden areas) a phased ground investigation should be undertaken to ensure that the land is fit for the use proposed. The applicants have been made aware of this and are currently working on this matter. In addition, due to the location of the site in relation to main roads, the Department has carried out a limited noise survey and has advised that standard double glazing installed in the new houses will provide the necessary noise mitigation to ensure satisfactory internal noise levels. The applicants have advised that double glazed window units will be installed into all the new houses.

The Council's Forestry Officer has advised that the proposal is contrary to BS:5837 that offers guidelines to follow for trees on development sites. He estimated that approximately 40 immature trees may potentially have to be removed as part of the development proposals and that many of the adjacent younger trees on the west side of the site, on reaching maturity, may have an adverse impact on the residents of any new housing by virtue of overshadowing and other nuisance problems such as overhanging. He has also indicated that several of the new houses may be proposed too close to several of the trees within and adjacent to the site. It is considered that the proposals will not impact on the habitat of any red squirrels on the site (none have been noted or seen during 20 years of annual inspections) ie the

larch and pine plantations. However, concern has been expressed about the impact the disturbance, noise and new residents may have on the any squirrel population

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.

The proposal under consideration involves the erection of 32 new dwelling houses on the site of the recently demolished Dudhope Resource Centre. The houses will combine a mixture of detached, semi-detached and terraced buildings that range from 1.5 to 3 storeys in height. The proposed finishing materials are white dry dash render and cedar timber for the walls and smooth finished dark grey interlocking tiles on the roof. The new boundary enclosures will be facing brick and wooden slatted fencing.

The new houses will each accommodate a combination of integral garages, kitchen, bathrooms, lounge, dining room, family room, utility room and either 3 or 4 bedrooms. French / patio doors are to be provided on the rear elevation of the houses to allow direct access from the lounge / family rooms to the rear garden areas. The design of the new dwellings is innovative in approach with the development being enhanced by virtue of the established landscape setting located on the boundaries of the site. A number of the new buildings accommodate variety of pitched and mono-pitched roofs with many of the principle and secondary elevations of the houses combining a mixture of standard and full length windows resulting in an appearance that is lively, qualitative and innovative. The use of a limited amount of finishing materials ie white dry dash render and

cedar timber further enhances the crisp lines of the dwellings and also offers the scheme a cohesiveness that is appropriate for this isolated and sheltered site. In this respect, it is appreciated that the design of the new buildings do not relate to the building characteristics that exist in the local area. However, as this is an individual site by virtue of its location and sheltered position, its relationship to the surrounding buildings should be set aside in this instance and the proposal considered on its own merits. It is further considered that the proposal will not adversely impact on the adjacent conservation area located to the east.

The layout of the development is centred along the single access road that leads into the site from the existing road located on the east. The proposal offers a small village green in the centre of the scheme that is to be landscaped. The private garden ground of the new houses ie rear garden areas range in size from 50sq.m to 245sq.m in size with approximately 60% of the gardens being in excess of 75 sq. m. The rear garden areas of the proposed mid terraced properties will be accessed by private paths to the street. Each dwelling will also accommodate 2 off-street car parking spaces ie 200% provision.

The original housing layout submitted identified the erection of 7, three-storey townhouses on the north side of the site. It was considered that these houses, due to their mass and scale, may have had an adverse impact on the amenities currently enjoyed by the local residents located to the north side of the site. The applicants have now amended their proposals and are now proposing that only 4 houses be provided on this north boundary with the heights of the buildings being reduced from 3 storey to a mixture of two storey and one and a half storey. This alteration has necessitated a change to the housing layout and has resulted in the number of houses proposed being reduced from 33 to 32. The neighbours were notified of these changes and additional objections have been received. It is considered that this proposed amendment to the mass and scale of these buildings will significantly reduce any impact on privacy currently enjoyed by adjacent occupiers to the north. It is also considered that the new buildings will

not significantly impact on the daylight / sunlight of these adjacent houses.

The site of the demolished Resource Centre building is to form the main development area for the new houses. The site does incorporate a small area of the northern fringe of the adjacent Community Wildlife Site and a number of immature trees are to be removed as part of the development proposals. These trees are principally located on a small section of the boundary of the Wildlife site and amount to a small percentage of the total amount of trees within the Wildlife site. These trees are to be replaced within the village green area and garden areas of development site. In addition to this, several of the adjacent tree belts within the Wildlife site are to be reinforced with new planting. The applicants have been advised of the objection relating to the potential impact the development may have on the adjacent woodland and have commissioned and submitted an ecological assessment on the potential impact of the proposal in this area. This Ecological Appraisal and Assessment of the development proposals, carried out by an Environmental Consultancy firm, has advised that none of the habitats found during previous surveys carried out in 2000 and 2004 are of International or National significance. Also no species of higher plant or animal were found that were of International or National significance. Red squirrels protected under the Wildlife and Countryside Act 1981 (as amended) were not found during the survey and although adjacent habitat may be suitable for them, the development will not affect these habitats. It is also stated that the development will not affect habitats or species of significant ecological value. Large mature standard sycamore trees are locally the most important elements of the site but these are of local significance and will be retained. A small area of conifer plantation will be removed by the development resulting in the loss of a strip of some 25m x 5m. This loss of conifers can be mitigated by appropriate new planting in the proposed village green area and on the periphery of the site along the boundary with Dudhope Garden Steps. The proposed housing design will incorporate a small area of village green. This area will incorporate a few standard trees of native species origin including a mixture of bird cherry, ash and Scots pine, which is in keeping

with the surrounding environment and landscape.

Access into the site is currently achieved from the surfaced roadway that links into the east side of the site from Dudhope Terrace to the south. This road not only serves the development site but also provides access to the Child and Family Centre Psychiatry Services located to the east of the application site. It is intended that this road be improved by the provision of a 1.8 metre wide footpath on the west side of the road that will compensate for the lack of pedestrian facilities that currently exist at this location. It is considered that the width of the road is appropriate for the amount of additional traffic that will be generated by the development and indeed, the configuration and width of the road will act as a traffic calming measure to the benefit of road traffic and pedestrian safety. The introduction of a new footpath will materially improve the pedestrian safety of the users of the adjacent premises, including the residential properties to the north, and also the residents of the new development.

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:

Finalised Dundee Local Plan Draft

It is considered that the terms of Policy 1: Vibrant and Sustainable Communities, Policy 4: Design of New Housing, Policy 55: Urban Design and Policy 70: Semi-Natural Greenspaces of Local Nature Conservation Importance are reflected in Dundee Local Plan Policies H1, H10, ENV4, ENV5 and BE1 above. Consequently, the same conclusions are considered appropriate.

Objections

With regard to the objections raised by the adjacent occupiers, the following comments are offered:

- 1 It is considered that the matters relating to a reduction in privacy, overshadowing, inappropriate design and overdevelopment of the site and the appropriateness of the access arrangements have

been discussed and discharged in Development Plan issues above.

- 2 With regard to the additional population proposed increasing the noise levels in the local area, it is appreciated that the site previously accommodated a relatively noise free use. However, it is considered that any increase in noise generated by the additional new residents will be minimal and unlikely to adversely impact on the current amenities enjoyed by the existing residents. It is also considered that an increase in residential properties in the area will have no significant impact on the operational aspects of the current occupiers located to the east of the site.
- 3 With regard to the existing footpath that links the site with Rankine Street to the west, the applicants have advised that the footpath is to be closed at the point where the path reaches the rear garden areas of the west most housing on the site. This approach has been taken by the applicants to reflect the guiding principles of 'Secure by Design' and Planning Advice Note 46: Planning for Crime Prevention.
- 4 With regard to the issue relating to the detrimental impact of the development on the environmental and ecological quality of the adjacent woodland, the applicants have submitted an Ecological Appraisal and Assessment of the proposals (see Development Plan Observations above) that advises that the development will have minimal impact on the adjacent Site of Importance for Nature Conservation and Community Wildlife Site. The objectors have not submitted any evidence to substantiate their claim of the proposals having a negative impact on the adjacent woodland.

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, form, appearance, materials, layout and landscaping of this proposed development combine to achieve a residential scheme that is innovative and qualitative in design and appropriate for this isolated and sheltered site.

CONCLUSION

The proposed redevelopment of this vacant brownfield site with a quality residential scheme is welcomed. The proposals will not significantly impact on the environmental quality enjoyed by the surrounding local residents or detract from the amenities of the adjacent occupiers. The proposals are considered to be in accordance with the policies of the development plan and there are no material considerations that would justify the refusal of this application contrary to these policies.

RECOMMENDATION

It is recommended that planning permission 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 That the dwelling houses hereby permitted shall not be occupied until the vehicular and pedestrian access routes have been constructed and completed in accordance with the approved plans.
- 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 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 any contamination to include:
 - a The nature, extent and type(s) of contamination on the site.

- b Measures to treat / remove contamination to ensure the site is fit for the use proposed
- c Measures to deal with contamination during construction works.
- d Condition of the site on completion of decontamination measures.

Before any residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

- 5 Development shall not begin until details of a scheme of hard and soft landscaping works have been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- a indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;
- b location of new trees, shrubs, hedges and grassed areas
- c schedule of plants to comprise species, plant sizes and proposed numbers / density; and
- d programme for completion and subsequent maintenance.

For the avoidance of doubt, all hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the planning authority.

- 6 Development on the site shall not begin until trees marked for retention on the submitted layout plan have been protected by suitable fencing. Details of this fencing shall be submitted for the consideration of the planning authority and no work shall begin until written approval of the planning authority has been given

- 2 In order to ensure the safe access to and from the site for both vehicles and pedestrians.
- 3 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 4 In order to ensure that the site is fit for the use proposed.
- 5 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 6 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.

Reasons

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