

KEY INFORMATION

Ward Logie

Proposal

Alterations and extension to Plot 1

Address

Land South of Logie Gardens East Of
Glenagnes Road
Dundee

Applicant

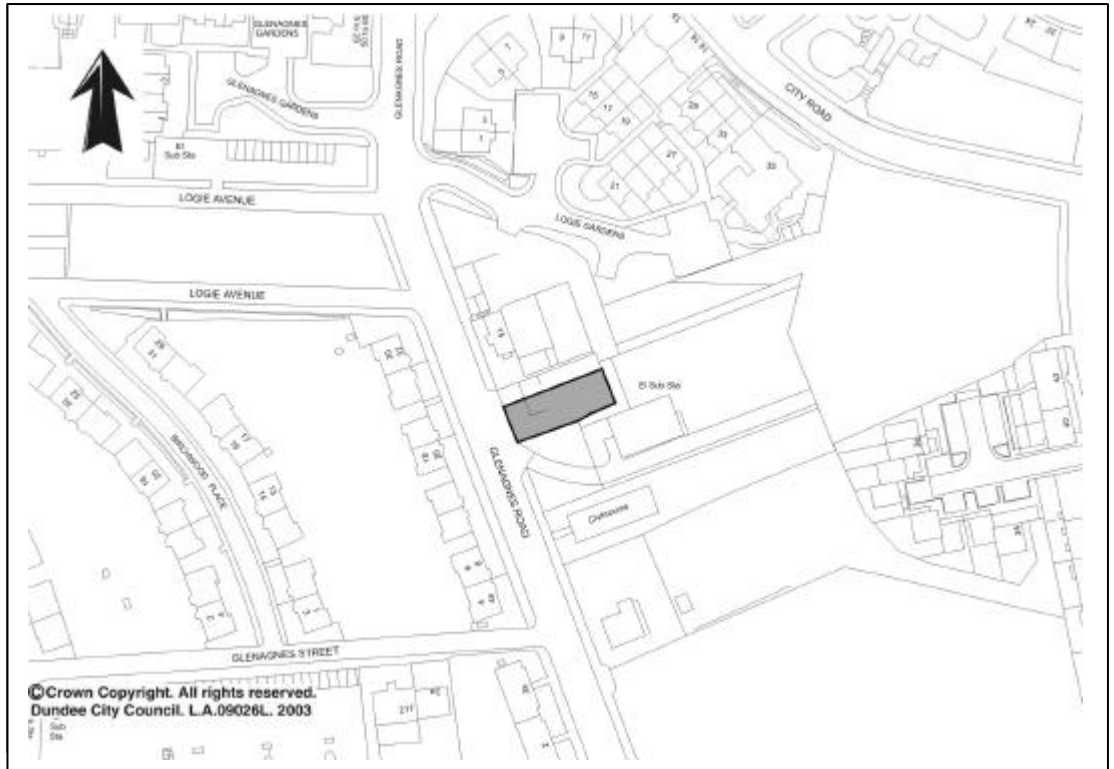
Glenagnes Developments
Ltd
15 Glenagnes Road
Dundee
DD2 5BB

Agent

AIM Architecture Interiors
Media
Castle Chambers
26 Castle Street
Dundee DD1 3AF

Registered 9 Feb 2006

Case Officer Eve Jones



Changes Sought to Approved Development

The alterations and extension to Plot 1 are **RECOMMENDED FOR APPROVAL** subject to conditions.
Report by Director of Planning and Transportation

RECOMMENDATION

<The proposal is for alterations and extension to a townhouse which forms part of a larger site recently approved by Development Quality Committee. It complies with Policy 4. Accordingly, the application is recommended for **APPROVAL** subject to its inclusion in a Section 75 agreement to restrict potential HMO use and appropriate conditions.

SUMMARY OF REPORT

- Planning permission is sought for the alteration and extension to a 4 bedroom, end terrace townhouse, part of a development of 12 townhouses which was approved by Development Quality Committee on 23 January 2006, subject to the conclusion of a Section 75 agreement to restrict HMO use. This agreement has yet to be signed and the permission has not been issued. In order for the house on Plot 1 to be included within this legal agreement, this planning application must be referred to Committee for determination.
- The house is on the southern end of the terrace and is proposed to be widened by approximately 2 metres. There will be an additional terrace formed on the first floor. The house will have 5 bedrooms, 1 en-suite, a study, lounge and large kitchen/dining area. It will have a garage and parking space.
- The sloping site, currently used for car repairs and sales, is on the east side of Glenagnes Road with housing on three sides and an electricity sub-station to the south. The proposal complies with all of the requirements of Policy 4.
- The developer is aware of concerns regarding use of new houses for multiple occupation in locations close to the City Centre and have agreed to conclude an appropriate Section 75 legal agreements.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the alteration and extension to a 4 bedroom, end terrace townhouse, part of a development of 12 townhouses which was approved by Development Quality Committee on 23 January 2006, subject to the conclusion of a Section 75 agreement to restrict HMO use. This agreement has yet to be signed and the permission has not been issued. In order for the house on Plot 1 to be included within this legal agreement, this planning application must be referred to Committee for determination.

The house is on the southern end of the terrace and is proposed to be widened by approximately 2 metres. There will be an additional terrace formed on the first floor. The house will have 5 bedrooms, 1 en-suite, a study, lounge and large kitchen/dining area. It will have a garage and parking space.

SITE DESCRIPTION

The site lies on the east side of Glenagnes Road and the south side of Logie Gardens. It is currently occupied by a car repair and used car sales business with a bungalow facing on to Glenagnes Road. The site lies below the road level of Glenagnes Road which slopes down and around the corner into Logie Gardens. There are traditional 4-in-a-block houses on elevated ground on the west side of Glenagnes Road. Newer houses and flats on the north side of Logie Gardens; open ground to the east and a very large electricity sub-station in a large compound to the south.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan Review 2005

Policy 4 - Design of New Housing.

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

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

LOCAL AGENDA 21

The proposal complies with a number of Key Themes as it represents beneficial re-use of a brownfield site to provide new family housing in an attractive environment.



SITE HISTORY

05/00909/FUL Erection of 12 townhouses approved by Development Quality on 23 January 2006, subject to conditions and the signing of a Section 75 Agreement.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and there were no objections.

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 policy sets out the objective that the design and layout of all new housing in the City should be of a high quality.

The larger development, of which this forms part, was approved by the Development Quality Committee on 23 January 2006. That development complied with the majority of the provision of Policy 4 other than the provision of rear garden paths. This proposal for the alteration and extension to Plot 1 complies fully with the policy as this unit is at the end of the terrace and has a path to the side.

The site lies adjacent to an electricity sub-station which produces noise at certain frequencies. The previous application had a detailed acoustic report which made specific recommendations with

regard to the specifications of windows and ventilators in order to mitigate against the noise. This can be the subject of the same specific planning condition.

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:

HMO use. With regard to the matter of the potential of the new house to be used for Multiple Occupation purposes, the applicants are fully aware of the concerns that have previously been expressed by the Committee about the conversion of residential units in the city centre and the west end of the city to HMO's with resulting adverse impacts on residential amenity. In September

2005, the Planning and Transportation Committee approved, for consultation, draft supplementary guidance for controlling HMO's. This states that within a specific area of the City, the occupation of dwellings in new residential developments by 3 or more unrelated persons will be prevented through the use of Section 75 Agreements.

It is therefore considered that it would be appropriate in this instance to restrict the use of the house as an HMO. Such a restriction by means of a legal agreement has been discussed with the applicants and their acceptance of this has been obtained.

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.

Design

The design issues have been considered in the Observations above.

CONCLUSION

It is concluded from the foregoing that the proposal complies with the provisions of Development Plan Policy 4. The whole development provides large, well designed, modern family houses with gardens and parking and this particular proposal increases the size of the end terrace unit. The developer has agreed to conclude a Section 75 legal agreement to restrict possible HMO uses on the site.

It is therefore recommended that planning permission be granted with conditions subject to the recording of a Section 75 agreement.

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 parties with appropriate interests in the land, has been recorded. This agreement will relate to the prohibition of the dwelling hereby approved becoming a house in multiple occupation.

Recommendation 2

It is recommended that planning permission be GRANTED subject to the following condition(s):

- 1 The development hereby permitted shall be commenced within five 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 Prior to the commencement of development the comprehensive Site Investigation Report in accordance with PAN 33 Development of Contaminated Land submitted with application reference 05/00909/FUL must be approved by the City Council.
- 4 Prior to the commencement of development any required remediation measures identified in the Site Investigation Report to be approved in accordance with Condition 03 shall be carried out and the completion of the works shall be notified in writing to the City Council for verification. No construction can commence until the verification process has been completed in writing.
- 5 Prior to the commencement of development, the developer shall submit full details of the noise mitigation measures to be carried out on the site in accordance with the report "Glenagnes Road, Dundee, Noise Assessment for Proposed Housing, 23/11/2005 submitted by New Acoustics of Clydebank. If approved, such measures shall be carried out in full and shall be confirmed in writing by the developer prior to the occupation of any of the houses hereby approved.
- 6 The footway ex adverso the site on Glenagnes Road shall be reinstated in accordance with details to be submitted to and approved by the City Council prior to the commencement of the development. The works to the footway shall be completed prior to the completion of the works hereby approved.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 In the interests of the amenities of the future occupants of the residential accommodation.
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- 6 In the interests of highway safety and the amenities of the occupiers of nearby properties.