

**KEY INFORMATION**

**Ward** Law

**Proposal**

Erection of 18 dwelling houses

**Address**

Land North of Law Crescent  
East of Kinpurnie Place  
Dundee

**Applicant**

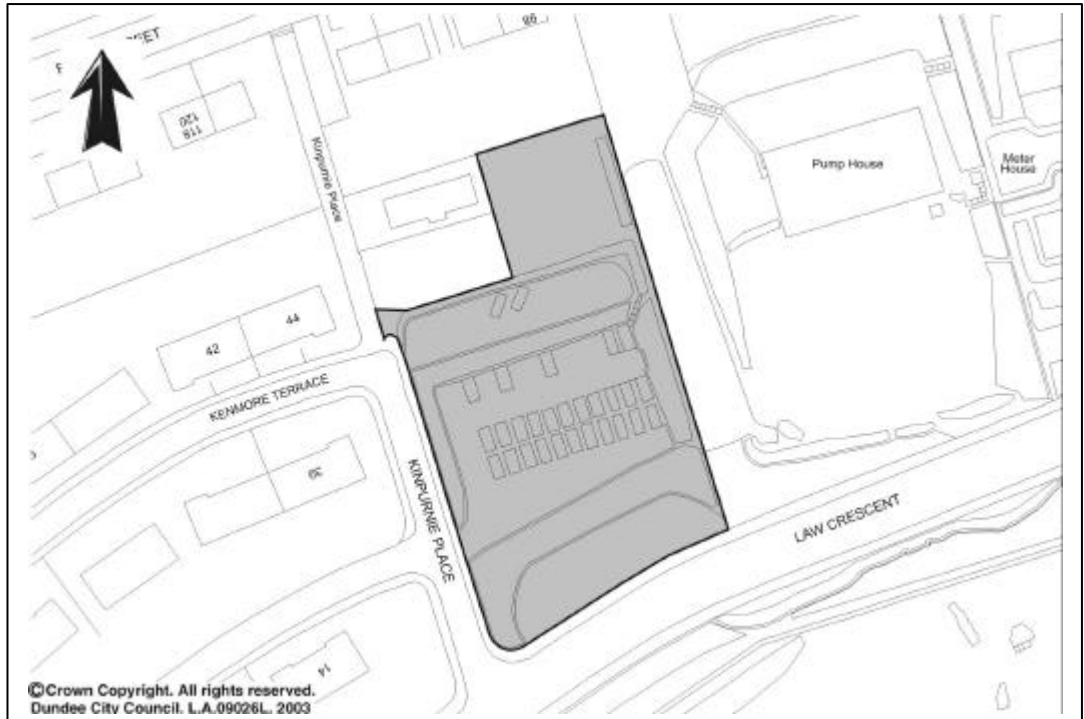
West Residential  
Unit 17  
City Quay  
Dundee DD1 3JA

**Agent**

KDM Architects  
15 Camperdown Street  
Broughty Ferry  
Dundee  
DD5 3AA

**Registered** 10 Feb 2006

**Case Officer** S Cooper



## Housing Use Proposed for Former Lock-up Site

The Erection of 18 dwelling houses is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

**RECOMMENDATION**

It is considered that the proposal would result in the development of a high quality residential scheme on a vacant brownfield site. The site is covered by Policy 66B of the Dundee Local Plan Review 2005 which seeks to protect open space. However, it is considered that there are material considerations that justify a departure from Policy 66B of the Dundee Local Plan Review 2005 in this case. Accordingly it is recommended that the application be **APPROVED** with conditions

**SUMMARY OF REPORT**

- Planning permission is sought for the erection of 18 houses on land to the north of Law Crescent and east of Kinpurnie Place.
- The application site was previously occupied by lock up garages that have since been demolished and the site has been grassed over. The site is characterised by its relatively steep north facing slope.
- Statutory neighbour notification was carried out by the applicant and one individual letter of objection and a petition of 52 signatures have been received. The grounds of objection relate to the loss of open space and increase in traffic on nearby streets.
- The application was advertised in the press as being a departure from Policy 66B of the Dundee Local Plan Review 2005.
- It is considered that the proposal would result in the development of a quality residential scheme on a vacant brownfield site, that due to its topography is not an attractive usable space. It is considered that this justifies a departure from Policy 66B of the Dundee Local Plan Review 2005. The views of the objectors are not supported.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of 18 houses on land to the north of Law Crescent and east of Kinpurnie Place, Dundee. The houses would be arranged in three rows, combining a mixture of terraced and semi-detached houses. A new access road would be formed from Kinpurnie Place to access the middle and northern row of houses. The houses at the southern end of the site would front onto and would also have vehicular access from Law Crescent.

The houses would be a mixture of 2, 2½ and 3 storeys in height, and would be of a modern, innovative design accommodating integral garages, bathrooms, kitchen, family room/home office space, utility room, lounge and 3 bedrooms.

The proposed finishing materials for the houses are white dry dash render and cedar timber (walls) and smooth finished dark grey roof tiles. Retaining walls would be erected in the terraced rear gardens of the southern and middle row of houses by virtue of the topography of the site.

## SITE DESCRIPTION

The application site is a vacant strip of land located to the north and Law Crescent and east of Kinpurnie Place. The site was formerly occupied by lock up garages, although they were demolished some years ago. The land is presently grassed.

The land slopes down quite steeply from Law Crescent to the north of the site, and also slopes upwards from Kinpurnie Place, effectively forming a raised plateau of land.

There is a small, equipped play park to the north west of the site. The Law is located to the south of Law Crescent. To the west side of Kinpurnie Place there are 3 rows of terraced housing and '4 in a block' flats. There are also '4 in a block flats' to the north of the site. The east boundary of the site is presently enclosed by a row of mature trees, beyond which is a covered reservoir and a pumphouse.

## 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

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 affect 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 is relevant. It refers to the Design Standards contained with Appendix 1. For the purposes of the Design Standards, the application site is located within the 'Inner City' area. Accordingly the following criteria must be met;

House Type: Minimum of 2 bedrooms. 65% should have 3 or more or minimum gross internal floor area of 100 sq m This part of the City is particularly suited to the development of townhouses.

Car/Cycle Parking: All tenures should have at least 1 space within the curtilage. In addition, 40% should have a garage or space for one. Where on street parking is a problem 30% visitor space should be provided.

Amenity/Garden Space: Minimum of 50 sq. m. useable private garden ground and 30% should have more than 75 sq. m. All mid terraced gardens should be serviceable by a private path to the street

Privacy: 18 metres between facing windows of all habitable rooms.

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 66b: Protection of open space. This Policy presumes against the development of designated sites.

### 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

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

### 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. It is considered that the proposed development on this brownfield site is consistent with the aims of Local Agenda 21.

### SITE HISTORY

There is no planning history of relevance.

### PUBLIC PARTICIPATION

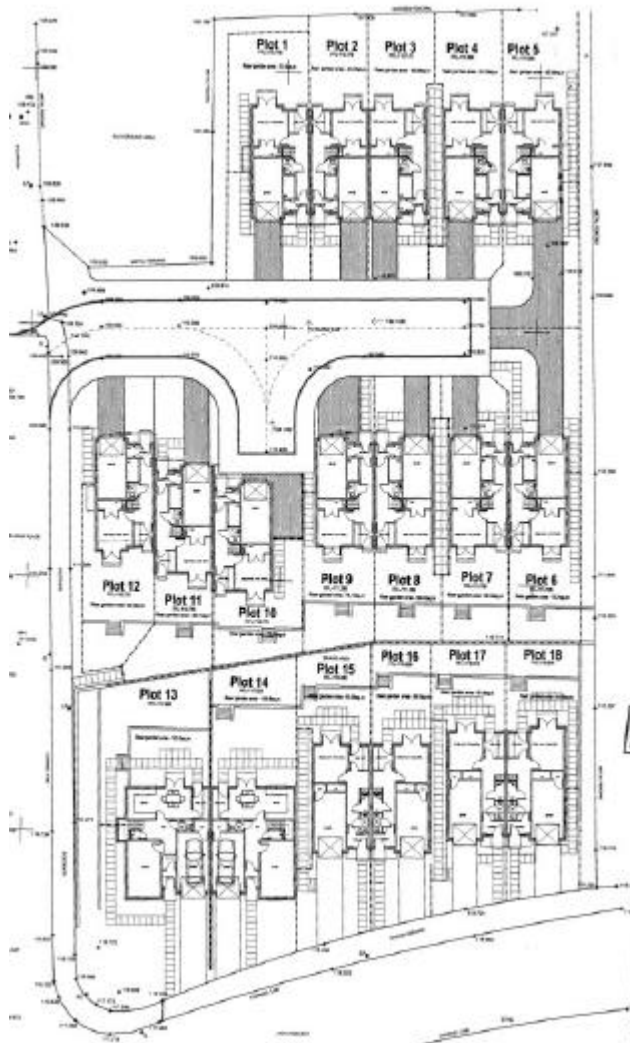
The applicant has carried out the Statutory Notification of Neighbours. Additionally, the application was advertised in the Dundee Courier & Advertiser as a departure from Policy 66b of the Dundee Local Plan Review 2005.

1 letter of objection and a petition of 52 signatures have been received. The grounds of objection are that the proposed development would result in the loss of a pleasant green area, and would increase traffic problems in the area. It is intended to comment on these issues in the 'Observations' section of this report.

Copies of the objection letter are available for inspection in the Members Lounges.

At the request of the members, the applicant and their agent met with a number of objectors on site on the 10 April 2006. The objectors raised a number of concerns, including car parking provision, impact of construction traffic, loss of a greenfield site and the detrimental impact of the introduction of a number of young families (who the objectors believe would be most likely to occupy the proposed houses) in an area mainly

populated by the elderly. In order to ease the concerns relating to construction traffic using adjacent streets of Killin Avenue and Kenmore Terrace the applicant advised that he could stipulate that contractors only park on Law Crescent and access the site via Kinpurnie Place. However, the objectors' viewpoint is such that they do not wish to see any development of



the site at all, regardless of the attempts made to resolve their concerns.

### CONSULTATIONS

No adverse comments were made by 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.

The proposal is for the erection of 18 new dwelling houses on a vacant site that lies to the north of Law Crescent and the east of Kinpurnie Place. The site was previously occupied by lock-up garages that have subsequently been demolished. A new vehicular access road would be formed from Kinpurnie Place to the west of the site.

The houses would be arranged in three rows running east to west across the site, combining a mixture of semi-detached and terraced houses that range from 2 to 3 storeys in height. The two northern rows would comprise of a mixture of terraced and semi detached 3 storey townhouses and would face onto the new access road. The southern row would comprise of one pair of semi detached 2 storey houses at the western end, and two pairs of two and a half storey townhouses. The southern row of houses would face onto and would have vehicular access direct from Law Crescent. Ground levels would be lowered at the central row to accommodate the new houses and their gardens.

The proposed finishing materials for all house types 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.

In terms of Policy 4, the overall aim is to promote high quality new housing. The means of achieving the high quality are set out in the associated design standards. Therefore the main criteria to consider are the design of the houses, the provision of car parking, garden space and privacy, and the residential amenity of both new and the existing houses around the site.

Each of the houses would have at least three bedrooms as well as a lounge,

bathrooms, kitchen, family room / home office space, and a utility room. Accordingly the proposed housing accords with the criteria of Policy 4 regarding house type.

The proposed houses would be a mixture of 2, 2 and half, and 3 storeys in height. A number of the houses would combine both monopitched and pitched roofslopes, providing visual interest. The front and rear elevations, and main side elevations would contain a mix of small, standard and full height windows resulting in a lively and attractive appearance. Furthermore, the southern row of houses would front onto Law Crescent, contributing to a lively and attractive streetscene. The limited palette of materials - smooth white render and cedar cladding - would give the buildings a crisp, sharp finish, giving the development a sense of consistency and cohesiveness.

The layout of the proposed development is such that the 18 houses are arranged in three rows, with a distance of at least 18 metres between facing windows. This layout respects and mirrors the pattern of development in the surrounding area. A new access road would be constructed from Kinpurnie Place to provide vehicular access to the middle and northern row of houses.

As originally submitted, the southern row of houses would have comprised of 6no. three storey townhouses. Given the elevated ground levels in comparison with Kinpurnie Place, it was considered that this arrangement would be too bulky, and the scale of the southern row of houses and the associated rear garden retaining walls would not relate well to the rest of the site or the surrounding area. Furthermore these townhouses would have a dominating effect on the middle row of houses by virtue of the differing ground levels.

Through negotiations with the applicant's agent the design of the southern row has been revisited and revised. It is now proposed that a pair of 2 storey semi-detached houses would be built at the south western corner. There would also be two pairs of 2 ½ storey townhouses at the southern end. The rear gardens would be terraced by virtue of the topography of the site.

The middle row of houses has also been revised from the original

submission. It was originally proposed to keep the floor level of those houses level with the access road. Accordingly a large amount of land would have to be cut out of the slope to provide the level houses and the garden ground at the rear. The effect of this was to accentuate the difference between the floor level of the middle and southern rows of houses. It is now proposed that the ground levels of the houses would be raised from the road level and the rear gardens would be terraced.

The rear gardens would be on two levels, one level would be flat and one would have a slight slope, with a retaining wall between the two levels and at the rear. The garden slopes would be fairly modest and would not adversely affect the usability of the garden ground. The provision of terraced gardens is considered to be the most effective way of providing useable gardens on such a steeply sloping site, whilst minimising the bulk of having one large retaining wall and gardens on markedly different levels, as shown in the original drawings. As originally proposed the garden arrangement and large retaining wall would have impacted adversely on the Kinpurnie Place streetscene, and the usability of the south facing gardens of the middle row. The amended drawings are considered to satisfactorily address this issue. The rear garden areas of the proposed mid terraced properties would be accessed by private paths to the street. Accordingly the proposal complies with these particular criteria of Policy 4.

A new access road would be taken from Kinpurnie Place to provide vehicular access to the middle and northern row of houses. The southern row would be accessed directly from Law Crescent.

Each new house would have an integral garage as well as one car parking space in front of the house. The Design Standards require at least 1 parking space within the curtilage of each house, and the additional provision of a garage, or space for one, for 40% of houses. Therefore it is considered that the proposal accords with Policy 4 in this respect.

By achieving the relevant requirements of the Design Standards it is considered that the proposal accords with the overall aim of Policy 4 to

promote housing that in its design and layout is of a high quality.

Policy 55 (Urban Design) states that for all new developments the emphasis will be on design quality, and will in its design and layout, be expected to contribute to an environment that is safe and accessible to all. As stated above it is considered that the layout of the proposed development respects the historic street layout of surrounding streets. Furthermore, the houses will present an attractive, active street frontage. The quality design of the proposed housing is further enhanced by the proposed materials, which would ensure a cohesive, sharp finish. It is therefore considered that the proposal complies with Policy 55 of the Dundee Local Plan Review 2005.

The northern half of this site is covered by Policy 66B of the Dundee Local Plan Review 2005. Policy 66B presumes against the development or redevelopment of such designated land. The site is characterised by its relatively steep north facing slope. Given the characteristics of the site it is considered that the site is of little recreational, sports or amenity value, and as such does not contribute positively to the open space network within the City. Notwithstanding the Local Plan allocation, it is considered that the proposed development would result in the development of a high quality residential scheme on a presently vacant brownfield site. The proposal complies with all other Policy requirements. It is considered that these factors together would justify a departure from Policy 66B of the Dundee Local Plan Review 2005.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan. However it is considered that there are material considerations that would justify the approval of the proposed development, contrary to the provisions of the Local Plan.

## Other Material Considerations

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

### **The views of the objectors**

The objectors are concerned that the proposed development would result in the loss of a pleasant green space.

The issue of the loss of open space is considered in respect of Policy 66B above. The site was previously

occupied by a number of lock up garages, which have now been demolished and the site has been grassed over. The topography of the site is such that it rises fairly steeply up from the north to the south, and also rises up from Kinpurnie Place. Given the characteristics of this previously developed site, with its steep, north facing slope it is not considered to be a particularly attractive or useable open space. The existing play area would be retained. The proposal would create a high quality residential development of a brownfield site, which would justify the loss of this particular area of open space, in these circumstances. Accordingly, in this case the objector's views are not supported.

The other material consideration raised by the objector is that the additional traffic as a result of the proposed development would lead to road safety problems in the surrounding area. This issue has also been considered above. It is considered that the proposal complies with the Local Plan standards in terms of car parking provision. It is considered that the new access and new road layout are also of an acceptable standard.

Of the proposed 18 units, 6 of them would have vehicular access direct from Law Crescent and therefore would not use Kinpurnie Place, Kenmore Terrace or the other surrounding streets. Of the remaining 12 houses, it is most likely that the majority of vehicles gaining access to the proposed access road will not travel along Kenmore Terrace but will come via Law Crescent and along Kinpurnie Place. These are wider roads with minimal on street parking and would give the most direct route to the development.

In the worst case scenario where each house would have two cars, this would mean an extra 24 cars on the existing road network. This would equate to approximately 12/13 cars entering and leaving the development site in the peak hour. This is not a significant increase and with the expected flow of traffic as described above, the increase of traffic on Kenmore Terrace and Killin Avenue would be negligible.

In such circumstances, the objectors concerns regarding the traffic impact of the proposal are not supported.

In order to attempt to resolve the concerns of the objectors, the applicant and their agent met with some of the

objectors on the Xth April 2006. However, the objectors' viewpoint is such that they do not wish to see any development of the site at all, regardless of the attempts made to resolve their concerns.

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. It is therefore recommended that planning permission be granted with conditions.

### Design

It is considered that the overall layout, and the scale, form, appearance and finishing materials of the housing, together would create a residential development of a high design standard.

### CONCLUSION

It is considered that the proposal would result in the development of a high quality residential scheme on a vacant brownfield site. The northern half of the site is covered by Policy 66B of the Dundee Local Plan Review 2005 which seeks to protect open space. Given the topography of the site it is considered that this particular area of open space is of little recreational, sports or amenity value. The proposal would make a positive contribution to the urban environment and would comply with the key objective of the Local Plan to promote good quality new housing development, and would result in the development of a vacant brownfield site. It is considered that this would justify a departure from Policy 66B of the Dundee Local Plan Review 2005.

### Recommendation 1

As the Council has a financial/ownership interest in respect of this proposed development and, as the proposed development does not accord with the adopted Local Plan, should the Committee be minded to approve the application, it will have to be notified to Scottish Ministers under the provisions of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997.

### Recommendation 2

It is recommended that the application be APPROVED, subject to the following conditions:

### RECOMMENDATION

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 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:
  - 1 indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration.
  - 2 location of new trees, shrubs, hedges and grassed areas
  - 3 schedule of plants to comprise species, plant sizes and proposed numbers / density
  - 4 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.

- 4 Details of all proposed boundary and other enclosures, including walls, fences and railings, shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 5 details of refuse storage measures to be provided shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details

- 6 No construction shall commence on site until an investigation of potential contamination, under the terms of Planning Advice Note 33: Development of Contaminated Land, has been carried out and the results have been submitted to and verified by the City Council.
- 7 Any measures required to remediate the site as detailed in the report, required by condition 6, shall be fully implemented as detailed by that report and validated in writing for the approval of the City Council prior to the occupation of any of the dwellings.

## Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area
- 3 to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area
- 4 to ensure a satisfactory standard of appearance of the development
- 5 to ensure a satisfactory standard of appearance of the development
- 6 In the interests of the amenities of the future occupants of the residential accommodation.
- 7 In the interests of the amenities of the future occupants of the residential accommodation.