

KEY INFORMATION

Ward West Ferry

Proposal

Erection of 10 detached houses

Address

Ballinard Hotel
26 Claypotts Road
Broughty Ferry
Dundee
DD5 1BU

Applicant

Justice Homes Plc
31 Hawkhill
Dundee
DD1 5DG

Agent

Peter Inglis Architects
30 South Tay Street
Dundee
DD1 1PD

Registered 22 Mar 2002

Case Officer Gordon Reid



Proposed Housing Development on Ballinard Hotel Site

The erection of 10 detached houses is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation.

RECOMMENDATION

The proposed development of 10 houses on the site of the Ballinard Hotel is considered to be in accordance with the policies of the development plan.

The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the development of 10 detached houses at the Ballinard House Hotel, Claypotts Road, Broughty Ferry, Dundee.
- The proposed development raises issues for consideration in terms of the Housing, Built Environment, Natural Environment and Leisure and Tourism Policies of the Dundee Local Plan 1998.
- The site is located within an area covered by a Tree Preservation Order and the impact of the proposals on the trees is a matter for consideration.
- Letters of objection, representation and support were received with regard to the application. Broughty Ferry Community Council also objected to the proposed development. The main concerns relate to the loss of the building, the loss of trees, the quality of the design of the houses, the impact on the conservation area and the loss of a hotel.
- It is considered that the proposed development is in accordance with the Housing, Built Environment, Natural Environment and Leisure and Tourism Policies of the Dundee Local Plan 1998. In addition it is considered that the concerns raised by objectors are not sufficient to warrant refusal of the application. Finally, conditions with regard to the protection of the trees should be attached to permission if granted.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a residential development at the Ballinard House Hotel, 26 Claypotts Road, Broughty Ferry, Dundee.

The proposal involves the demolition of the hotel and associated buildings and the erection of 10 detached houses within the grounds of the hotel. Access is to be taken from the existing hotel access from Claypotts Road.

The applicants originally applied for 13 houses. This was reduced to 10 houses as a result of concerns with regard to the impact on the trees.

The houses are all detached with garden ground well in excess of 120 sq. metres. The houses all have 4 bedrooms. All houses have garages and provision for off street parking.

As the proposals involve the demolition of the existing buildings within the site, an accompanying application for Conservation Area Consent (01/30372/CON) has been submitted. A report on this application is on this Agenda for consideration by Members.

The applicant submitted a letter in support of the proposed development.

SITE DESCRIPTION

The application site is located to the east side of Claypotts Road and to the north of Davidson Street. The site is currently occupied by the Ballinard House Hotel and associated buildings and extends to approximately 0.68 hectares. There are a large number of mature trees within the grounds of the Hotel. The main Hotel building is a former large mansion house, which has been substantially extended at various times. There is a modern three-storey bedroom block to the north of the hotel building and a coach house to the northeast. The main car park is to the east of the hotel. There are two lawn areas, one directly to the south of the hotel and the other to the south of the car park.

The main access to the site is from Claypotts Road with a secondary access from Davidson Street.

The site is located within the Forthill Conservation Area and is within an

area covered by a Tree Preservation Order.

POLICY BACKGROUND

There are no National or Structure Plan Policies of relevance to the consideration of the application.

Dundee Local Plan 1998: Housing Policy H10 sets out the guidelines for the design and layout of new housing development and applies to the application.

Built Environment Policy BE11 seeks to ensure that all developments both complement and enhance the character of the surrounding conservation area and applies to the application.

Built Environment Policy BE4 seeks to prevent the over-development of housing within the garden ground of existing houses and applies to the application.



Natural Environment Policy ENV12 seeks to ensure that development proposals have due regard for the survival and retention of mature trees within sites and applies to the application.

Leisure and Tourism Policy LT5 seeks to encourage the provision of a wider range of accommodation for visitors to the City having regard to the other policies in the Local Plan.

LOCAL AGENDA 21

Key Themes 13 and 15 are relevant to the consideration of the application. Key Theme 13 seeks to ensure that places, spaces and objects combine meaning and beauty with utility. Key Theme 15 seeks to ensure that diversity and local distinctiveness are valued and protected. The proposed development conforms to the aims of these Key Themes.

SITE HISTORY

There is no site history of relevance to the consideration of this application.

PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours. The application was advertised in the "Dundee Courier and Advertiser" on the 06 November 2002 as affecting the character of the Conservation Area.

Five letters of objection were received to the proposed development. The main grounds of objection were that:

- 1 The hotel building should be retained rather than demolished.
- 2 The proposed development would lead to the loss of a significant number of mature trees and hedges.
- 3 The proposed development would have a detrimental affect on the conservation area.
- 4 The proposed development would lead to the loss of hotel accommodation within Broughty Ferry.
- 5 The proposed houses were of a poor quality.

Four letters of representation were received regarding the proposed development. These did not object to the proposed development but sought that certain matters were addressed in the consideration of the proposal. These matters are:

- 1 The north boundary wall be retained and reinstated to ensure it matches the existing.
- 2 That the access from the site to Davidson Street is not used to serve the proposed development.
- 3 That the tree and shrub belt on the western boundary be retained.
- 4 That the number of houses should be reduced.

A single letter of support was received to the proposed development. The main grounds of support were that the proposed development would result in peace and quiet and reduced vehicular and pedestrian traffic.

The applicants re-notified neighbours on the 22 March 2002 of the changes

to the application. The changes included the reduction of the number of houses from 13 to 10 and amendments to the design of the house types.

As a result of the re-notification an additional letter of representation was received. This welcomed the reduction in numbers of the houses but still sought the assurances as outlined above.

In addition, a letter signed by 15 residents of the flats at Ballinard Gardens was received stating that they had no objection to the proposed development.

Copies of all letters of objection, representation and support are available in the Members' Lounges and are addressed in the Observations section of this report.

CONSULTATIONS

Broughty Ferry Community Council objected to the proposed development on the grounds that:

- 1 That the demolition of the hotel would adversely affect the character of the conservation area.
- 2 A number of attractive trees would be lost.
- 3 The design of the houses and the plot sizes are not in keeping with character of this part of the conservation area.
- 4 The loss of the hotel would not conform to the Council's intention to promote tourism in Broughty Ferry.
- 5 It would reduce the total number of jobs in the area.

The Council's Forestry Officer advised that he has no objections to the proposed development subject to the imposition of appropriate conditions covering the protection of the trees to be retained and the submission of a detailed replanting scheme.

No adverse comments were received from any of the other consultees.

OBSERVATIONS

The determining issues for the Committee in this instance are whether:

- 1 The proposed development is in accordance with the Housing, Built Environment, Leisure and Tourism and Natural Environment Policies of the Dundee Local Plan 1998.
- 2 The proposed development can be accommodated within the site without a detrimental affect of the trees covered by the Tree Preservation Order.
- 3 The demolition of the existing buildings is considered to be acceptable.

The proposed development involves the demolition of all of the existing buildings on the site and the development of 10 detached houses. As indicated above the applicants have applied for Conservation Area Consent for the demolition of the existing buildings. The issues concerning the loss of the existing buildings are addressed in the report relating to the Conservation Area Consent application which is on this Agenda. This report recommends approval of the demolition of the existing buildings.

The proposed development is for 10 detached houses. Housing Policy H10 is relevant to the proposal and sets out the guidelines for the design and layout of new housing. In terms of the guidelines the proposed houses easily meet the requirements in terms of house type, garden size, parking/garaging, privacy and design. As such the proposals are considered to be in accordance with Housing Policy H10.

The application site is located within the Forthill Conservation Area. Built Environment Policy BE11 applies to these areas and seeks to ensure that developments both complement and enhance the character of the surrounding area. The application site is set back from Claypotts Road and contains a substantial number of mature trees. As such the proposed housing will not be highly visible from the surrounding area. The design of the housing is considered to be of good quality. Therefore given the location and design of the housing it is considered that it would not detract from the visual character of the surrounding area. As such the proposals is considered to be in accordance with Built Environment Policy BE11.

The application site is also located within an area covered by Built Environment Policy BE4. This policy seeks to ensure that developments in garden ground do not result in the over-development of these areas. As it is intended to remove all of the existing buildings, the proposals do not raise any issues of concern with regard to most of the criteria contained within Policy BE4. The Policy does require a full tree survey to be submitted with applications. This is to allow for an assessment of the impact of proposals on any trees within the site. As indicated above this site has a significant number of mature trees and is covered with a Tree Preservation Order. In addition, Natural Environment Policy ENV12 also seeks to ensure that development proposals pay due regard to the survival and retention of trees within sites. Built Environment Policy BE4 also indicates that where development is permitted new tree planting and landscaping will be required.

In order to address the issues surrounding the impact of the proposals on the trees the applicants appointed consultants to carry out and submit a tree survey of the site. This identified all of the trees on the site and set out which of the trees were to be retained or removed. In addition, plans setting out details on new tree planting were submitted. The Council's Forestry Officer advised that the proposals set out by the applicants for the removal and retention of trees were acceptable. However, the replanting proposals required further consideration with regard to the choice of species and that a condition should be attached to permission, if granted, to require the submission of a detailed replanting scheme.

In addition, if permission were to be granted, provision for the protection of the trees to be retained during the construction phase would have to be carefully considered and enforced. It is considered that the proposed development is in accordance with Built Environment Policy BE4 and Natural Environment Policy ENV12.

Leisure and Tourism Policy LT5 seeks to encourage the provision of a wider range of accommodation for visitors to the city. The applicants closed the Ballinard Hotel on the 31 December 2001. They stated that the Hotel was not sufficiently viable to justify

keeping it open. They also indicated that the costs of upgrading the buildings etc to provide a better quality facility were prohibitive. It is considered that the loss of the hotel would not adversely impact on tourism facilities in the Broughty Ferry Area.

As indicated in the "Public Participation" section above, letters of objection, representation and support were received in connection with the proposed development. The following addresses the objections raised.

- 1 "The hotel building should be retained rather than demolished." As indicated above, this matter is addressed in the report relating to the application for Conservation Area Consent (01/30372/CON) which is on this Agenda. The report recommends approval of the demolition.
- 2 "The proposed development would lead to the loss of a significant number of mature trees and hedges." The proposals do result in the loss of trees. However, it is considered that the most important trees are to be retained and the replanting proposals will alleviate the impact of the trees to be lost.
- 3 "The proposed development would have a detrimental affect on the conservation area." This matter is discussed above and it is considered that the proposals can be accommodated without detriment to the conservation area.
- 4 "The proposed development would lead to the loss of hotel accommodation within Broughty Ferry." This matter is discussed above and it is considered that the loss of the hotel would not provide sufficient grounds for refusal of the application.
- 5 "The proposed houses are of a poor quality." The applicants have amended the house types and as a result improved the quality of the design. It is considered that the design of the houses is now much improved.

In addition to letters of objection, letters of representation were also received. The following addresses the issues raised in these letters.

- 1 "The north boundary wall be reinstated to ensure it matches the existing." A condition can be attached to permission if granted to address this matter.
- 2 "That the access from the site to Davidson Street is not used to serve the proposed development." A condition can be attached to permission if granted to cover this matter. The applicant has indicated verbally that they would not intend to use this access to serve the development.
- 3 "That the tree and shrub belt on the western boundary be retained." The planting proposals includes tree planting along this boundary which should help to address this concern.
- 4 "That the number of houses should be reduced." This concern was received prior to the reduction of house numbers by the applicant from 13 to 10. It is considered that the loss of three houses addresses this concern.

Design

As indicated above the applicant has amended the design of all of the house types. It is considered that the amendments have resulted in considerable improvements to the quality of the design. The design of the proposed houses is now considered to be acceptable.

CONCLUSION

It is considered that the proposed development accords with the Housing, Built Environment, Natural Environment and Leisure and Tourism Policies of the Dundee Local Plan 1998.

It is considered that the objections and concerns raised are not justified in this instance. However, as there are a significant number of important trees within the site it will be necessary to attach conditions to permission, if granted, to ensure the protection of the trees during the demolition of the buildings and the construction of the new houses.

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 a detailed reinstatement scheme for the boundary wall to the north of the site be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out only in full accordance with such approved details
- 3 That the existing road from Davidson Street shall not be used as a means of access/egress to the proposed development.
- 4 The existing trees indicated on the approved plans to be retained, shall not be cut down, grubbed out, topped, lopped, uprooted or root pruned without the written consent of the of the City Council. Any trees removed without such consent or dying, or being severely damaged or diseased, shall be replaced with trees of such size and species as may be directed by the City Council and to the standard as approved by the City Council.
- 5 Prior to the commencement of development a plan setting out details of the protective fencing for all of the trees, in accordance with BS5837, shall be submitted to the Council for approval and if approved development shall be carried out only in accordance with such details. In addition, this fencing shall be retained and thereafter maintained in place throughout the construction period.
- 6 A qualified arboriculturalist shall be employed to supervise all excavations within the canopies of trees as well as all tree felling and pruning and on completion of the works a certificate shall be submitted to the Council certifying that the works have been carried out to the standards set out in BS3998:1989 and BS5837. No excavation works shall be carried out until the agreed fencing has been erected.
- 7 That a detailed method statement for the proposed tree works including timescales shall be

submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out only in full accordance with such approved details.

- 8 That details of alignment and construction of all new roads shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out only in full accordance with such approved details.
- 9 Details of the proposed location, alignment and construction of all services including drainage shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out only in accordance with such approved details.
- 10 That a detailed tree replanting scheme be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out only in accordance with such approved details.
- 11 That a detailed method statement for the protection of trees during the construction phase, in accordance with BS5837, shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out only in full accordance with such approved details.
- 12 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.

Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the integrity and visual appearance of the wall

within the conservation area is not compromised.

- 3 The existing road is not of a suitable standard to accommodate the traffic from the proposed development.
- 4 To protect those landscape features which are of significant amenity value to the area and which would ensure a satisfactory standard of appearance of development.
- 5 To protect those landscape features which are of significant amenity value to the area and which would ensure a satisfactory standard of development.
- 6 To protect those landscape features which are of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development.
- 7 To ensure that the method to the works on the trees within the site is fully set out and agreed with the Council prior to development in order to ensure no damage to the trees occurs.
- 8 To ensure that the proposed roads do not damage the roots of the trees within the site.
- 9 To ensure that the services to the houses do not damage the root systems of the existing trees.
- 10 To ensure that the replacement trees are acceptable in terms of the species, numbers and location.
- 11 To ensure that the existing trees within the site are not damaged during the construction phase of the development.
- 12 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.