

KEY INFORMATION

Ward Balgillo

Proposal

Handing of Plot 2, and re-orientation of plots 3&4 from previous application 02/00094/FUL

Address

Land to West of Lawers Road, South of Lawers Drive
Broughty Ferry
Dundee

Applicant

Stewart Milne Homes
Osprey House
Westhill Business Park
Aberdeen
AB32 6JQ

Agent

Registered 26 July 2002

Case Officer C Walker



Minor Amendments sought to Housing Layout at Lawers Road

Handing of Plot 2, and re-orientation of plots 3 & 4 from previous application 02/00094/FUL is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development fully complies with the requirements of Policy H10 of the Local Plan and will not adversely impact on the residential amenities enjoyed by adjoining occupiers. The application is therefore recommended for **APPROVAL**.

SUMMARY OF REPORT

- Planning permission is sought to amend a 40 house development which recently was granted permission by handing the house on Plot 2 and reorienting the houses on Plots 3 and 4. The house types are unchanged and garden sizes are similar to those on the previous application (all of which achieved a private garden area of 120 sq. metres).
- The site is allocated as part of an existing housing area in the adopted Dundee Local Plan 1998 where Policy H1 seeks to protect residential amenity. Policy H10 of the Plan sets out standards for new housing developments.
- A letter of objection was received from the occupier of the house in the Wimpey development immediately to the east of the proposed house on Plot 2 stating concerns that the development of a house on Plot 2 will overlook and overshadow his property.
- The changes to the application will have no impact whatsoever on the objector's property (nor indeed any other property). The finished floor level of the proposed house on Plot 2 will be some 2.5 metres below the objector's house so that any overlooking or overshadowing that might take place would be from the objector's house to the proposed house. In addition the houses are set at right angles to each other so that any potential overlooking from windows is minimised.

DESCRIPTION OF PROPOSAL

Planning permission is sought to amend a 40 house development which recently was granted permission by handing the house on Plot 2 and reorienting the houses on Plots 3 and 4. The house types are unchanged and garden sizes are similar to those on the previous application (all of which achieved a private garden area of 120 sq. metres).

It is proposed to drain the site using a Sustainable Urban Drainage System. However the provision of roadside swales on this section of the site has meant that the approved positions for the driveways cannot be achieved and for this reason it is proposed to make changes to the approved application.

SITE DESCRIPTION

The site comprises 3 plots at the northern corner of the Stewart Milne site at Panmurefield. The larger 40 plot site extends to some 1.88 hectares of ground which was formerly agricultural land. To the east of Plot 2 and the north of Plot 4 are the rear gardens of Wimpey houses enclosed by timber fences. Otherwise these 3 plots are surrounded by the balance of the Stewart Milne site and land to the west which is within the ownership of Wimpey and which has outline permission for housing.

The site slopes downward north to south and lies well below the existing Wimpey houses. It contains no landscaping features. Lawers Road has been formed to the north of the site linking West Grange Road to Panmurefield Road.

POLICY BACKGROUND

Dundee Local Plan 1998

The site is allocated as part of an existing housing area in the adopted Dundee Local Plan 1998 where Policy H1 seeks to protect residential amenity. Policy H10 of the Plan sets out standards for new housing developments.

LOCAL AGENDA 21

The site is allocated in the Local Plan for housing and it is considered that

with the development of community facilities and public transport linkages at Panmurefield Village to the west that the development of this area complies with the sustainability requirements of the Council's Local Agenda 21 policies.

SITE HISTORY

In June 1998 outline planning permission was granted to Wimpey Homes for a major housing development at this location - application ref No D22366 refers. That consent was issued following the conclusion of a Section 75 Agreement covering a number of matters including the provision of access roads and open space for the overall development.

Also in June 1998 detailed consent for the first 109 houses of this



development was granted - application ref no D23095 refers. This phase of the development is now substantially complete.

In April 2002 planning permission was granted for the 40 house Stewart Milne development including the 3 plots the subject of the current application - application ref no 02/00094/FUL refers.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and a letter of objection was received from the occupier of the house in the Wimpey development immediately to the east of the proposed house on Plot 2 (copy available for inspection in the Members' Lounges). The objector is concerned that the development of a house on Plot 2 will overlook and overshadow his property.

CONSULTATIONS

No adverse comment on the development was received from Statutory Consultees.

OBSERVATIONS

The determining issue for the Committee in this instance is, taking into account the current consent for housing at this location, whether the proposed development will adversely impact on the amenities enjoyed by the neighbouring occupier to such an extent as to warrant a refusal of the application.

In this case the development complies with all the requirements of Policy H10 both as in the adopted Local Plan and as amended by the Committee in its review of Policy H10 in August 2001.

The site is part of a larger housing development which has already been approved. The changes to the application will have no impact whatsoever on the objector's property (nor indeed any other property). The positioning of the house on Plot 2 is the same as before and the handing of the house does not result in any change to the impact of the house in terms of overlooking or overshadowing. Discussions with the objectors

have established that they moved into their house after neighbour notification took place on the original Stewart Milne application in February 2002 but before it was approved in April 2002. They state that they were unaware of that application and were under the impression that no houses would be built to the west of their house.

However even if planning permission had not previously been granted for houses on these 3 plots, it is considered that this development would not adversely impact on the amenities of the adjoining houses. The finished floor level of the proposed house on Plot 2 will be some 2.5 metres below the objectors house so that any overlooking or overshadowing that might take place would be from the objectors house to the proposed house (but in any event this would be minimal and would not impinge on amenity). In addition the houses are set at right angles to each other so that

any potential overlooking from windows is minimised.

As with the previous application the developers will be requested to advise potential house purchasers about education catchment areas at this location as well as their specific proposals for street lighting and construction traffic routes.

Design

The design and layout of the development has already been approved. However as the reorientation of the house on Plot 3 would result in a blank gable wall facing the street the design has been modified following discussion to include 2 windows and a reconstituted stone finish on the roadside elevation.

CONCLUSION

The proposed development fully complies with the requirements of Policy H10 of the Local Plan and will not adversely impact on the residential amenities enjoyed by adjoining occupiers.

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 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, a scheme of landscaping for the site shall be submitted to and approved in writing by the City Council. This scheme shall include the timescales for implementation of the planting and provision for the future maintenance of the planting. In particular street trees shall be planted prior to the occupation of the houses closest to them. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of

planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.

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 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area