

KEY INFORMATION**Ward** Balgillo**Proposal**

Erection of four semi detached dwelling houses

Address80 Balgillo Road
Broughty Ferry
Dundee
DD5 3LX**Applicant**P & S Developments
(Scotland) Limited
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DD3 8DF**Agent**ARKTX Chartered Architects
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DD4 7BL**Registered** 30 July 2003**Case Officer** Julie Finlay

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

RECOMMENDATION

It is considered that the redevelopment of this site from a derelict petrol garage site will be beneficial for the visual amenity of the area. The proposal complies with the policies of the Adopted and Finalised Draft Local Plans and there are no material considerations that would justify refusal in these circumstances.

SUMMARY OF REPORT

- Planning permission is sought for the erection of four 2 storey semi-detached houses on a former petrol garage site on the north side of Balgillo Road.
- Policy H10 of the Dundee Local Plan 1998 provides design guidelines for new residential development including the required garden size, parking and window to window distance. Policy H1 seeks to protect the environmental quality enjoyed by local residents and requires the development to comply with other Policies in the Local Plan. Policy H4 supports infill development which is not to the detriment of neighbours' amenity and privacy. Policy BE1 provides advice on design quality of developments.
- The development has been the subject of pre-application discussions and a former application for six houses on the site was withdrawn by the applicant as it was proceeding to Committee with a recommendation for refusal. This proposal has taken on board advice from the Council particularly regarding density, design and retention of open space to the north.
- It is considered that the proposal complies with Policies H1 and BE1 as the proposal integrates with its surroundings. Sufficient consideration has been given to the scale, form and materials of the buildings.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of four two storey semi-detached houses on a former petrol garage site on the north side of Balgillo Road. Each dwelling will comprise 4 bedrooms, living room, kitchen/dining room, bathroom and integral garage. The houses will be finished in a cream render, blue engineering brick on basecourse and feature panels and red cedar boarding feature panels. There will be dark slate grey concrete roof tiles and timber double glazed windows and timber boundary fence enclosure.

SITE DESCRIPTION

The application site is located on the north side of Balgillo Road and it is a former petrol garage site. The petrol pumps have been removed from the site and there is evidence of test pits on the site. There is a vacant forecourt shop at the north end of the site. A 2m high wall runs along the west boundary of the site, wire and post fence along the north and east boundaries. Security fencing has been erected along the south boundary as the site is vacant. There are two existing accesses onto Balgillo Road from the west and east ends of the site. There is a mixture of housing in the surrounding area, with traditional detached bungalows to the east, detached 2 storey modern houses to the west and detached and semi-detached bungalows immediately opposite and 2 detached storey houses to the south east. An access road to Rossie Avenue is located 45m to the west and there is a bus stop to the west of the site.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 1998

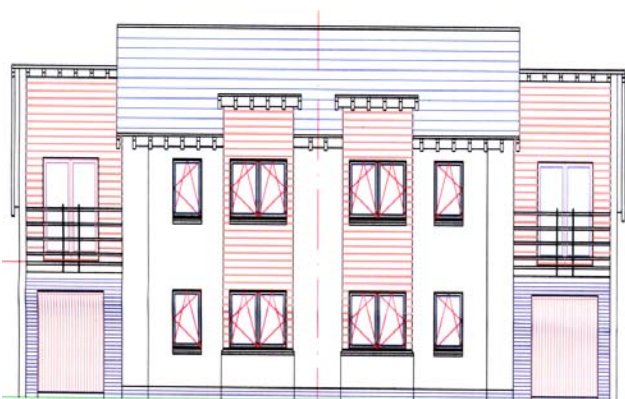
The following policies are of relevance:

H1: Existing Residential Areas - Developments will be permitted within

residential areas 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 they are in accordance with other policies and proposals in the Local Plan.

H4: Protection of Amenity – Infill development will be supported where it is not to the detriment of neighbours' amenity and privacy.

H10: Design of New Housing - The design and layout of any new housing will generally conform to the guidelines. Architecture and scale of buildings must respect the surroundings, and new development should address surrounding streets and most buildings should front onto streets.



BE1: Design Quality - The Council will expect the highest standards of composition and design in all new development and its careful integration with its surroundings as regards scale, form, siting, alignment, materials and landscaping. Infill development should relate closely to the established building spacing, alignment, orientation and roof lines.

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 1: Vibrant and Sustainable Communities

The City Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities 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 or smell.

Policy 4: Design of New Housing

The design and layout of all new housing in Dundee should be of a high quality. New development will be required to conform to the attached design guidelines.

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 which incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. The Council require design statements for applications and all development will be expected to contribute to an environment which is safe and accessible to all.

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 key themes of Local Agenda 21 relevant to this application are Key Themes 8 and 13. Key Theme 8 seeks to ensure that health is protected by creating safe, clean, pleasant environments. Key Theme 13 seeks to ensure that places, spaces and objects should combine meaning and beauty with utility.

SITE HISTORY

An application was submitted for the same site in May 2003 and was contrary to advice provided by the Council during pre-application discussions. It included an additional open space area to the north and was for the development of six semi-detached houses. The application was proceeding to Committee in June 2003 with a recommendation for refusal, when the application was withdrawn by the applicant before it could be determined.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and one letter was received with the following points of objection:

- 1 Overshadowing of garden area and loss of privacy.
- 2 Overlooking into rear garden.

CONSULTATIONS

The Director of Contract Services requires a condition to protect the trees to the north of the site.

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.

Background

A previous application was submitted for the same site but included an additional piece of land to the north (which is currently open space at Rossie Avenue). It was for the development of six semi-detached houses and was proceeding to Committee with a recommendation for refusal in June 2003. The applicant had been advised during numerous pre-application discussions that the proposal was contrary to Policy H10 and it was unlikely that the Council could support the loss of the open space and trees to the north. The application was withdrawn by the

applicant before determination. The current application is for 4 dwellings and has been the subject of pre-application discussions.

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

In terms of Policy H1 it is considered that the design of the proposed development is considerably different from the housing in the surrounding area, however it provides an interesting contrast. The height of the detached traditional bungalows to the east have been taken into consideration in the design of the proposed houses which step down in height with the integral garages located at the ends of the building. The proposed development has a similar density to the surrounding area. The access and parking for the development are considered acceptable. Vehicles will enter each property from Balgillo Road and there will be sufficient space for parking and turning at the front of the houses. Therefore the proposal complies with Policy H1.

The proposal complies with Policy H4 as it is for infill development and it is not considered it will have an adverse impact on the amenity or privacy enjoyed by neighbouring residents.

The application complies with Policy H10 in terms of number of bedrooms, garden ground requirements and provision of parking spaces.

Policy BE1 specifies that the Council will expect the highest standards of composition and design in all new development and its careful integration with its surroundings as regards scale, form, siting, alignment, materials and landscaping. It is considered that the proposal integrates successfully with its surroundings and sufficient consideration has been given to the scale, form and materials of the development in comparison to the surrounding properties. The applicant has not submitted a landscape plan for consideration but this will be addressed with an appropriate 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:

Finalised Dundee Local Plan 1998

Policy 1 reiterates the advice in Policy H1 of the adopted Local Plan. It is considered that the proposal complies with this Policy for the previous reasons discussed.

Policy 4 requires 75% of houses to have 3 or more bedrooms, 120sqm of garden ground and 40% of houses to have 160sqm of garden ground, two car parking spaces, 50% to have a garage or space for one and 18m between facing windows of habitable rooms. The submitted proposal complies with this revised policy. Policy H4 specifies that the proposed development should reflect the density of the surrounding area and the proposal complies with this advice.

Policy 55 provides advice on urban design. As discussed above, the proposed development takes into consideration the scale and form of the surrounding area and results in an innovative and contrasting design. Therefore the proposal complies with this revised policy.

Objections

The objection refers to overshadowing, overlooking and loss of privacy. There are no windows on the east elevation of the nearest dwelling to the objector's property. There is a balcony on the front elevation but this is positioned in such a manner that there will be no overlooking to the rear garden of the neighbouring property. It is considered that there will not be an unacceptable degree of overlooking from windows as the ground floor rooms are a kitchen and dining room and the upper floor windows are a bathroom and bedroom. In addition, there will be a 1.8m high timber fence along the east boundary.

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 design and use of materials for the proposed development is imaginative and innovative. The height of the surrounding properties is taken into consideration as the dwellings step down at the east end, which is adjacent to a traditional bungalow.

CONCLUSION

The proposal complies with Policies H1, H10 and BE1 of the Dundee Local Plan 1998 and there are no material considerations that would justify refusal of the application. Therefore the application is recommended for APPROVAL.

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 Before development begins, the applicant shall submit a detailed site investigation and risk assessment to determine whether the site is affected by soil or water contamination arising from a previous use as a filling station. Any contamination shall be dealt with by a scheme of remediation, which will require validation before the commencement of development and shall be in accordance with details submitted to and approved by the Council
- 3 Prior to the commencement of development a landscaping scheme shall be submitted for the written approval of the Council. This scheme shall include a timescale for its implementation and the development shall only be carried out in accordance with the approved scheme. 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
- 4 There shall be no demolition of existing buildings on the site

until details of fencing along the north boundary have been submitted to and approved in writing by the Council

Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 To ensure that any contamination is removed from the site in the interests of residential amenity
- 3 to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area
- 4 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