

KEY INFORMATION

Ward West Ferry

Proposal

Erection of house in garden ground

Address

Land northwest of
27 Claypotts Road
Broughty Ferry

Applicant

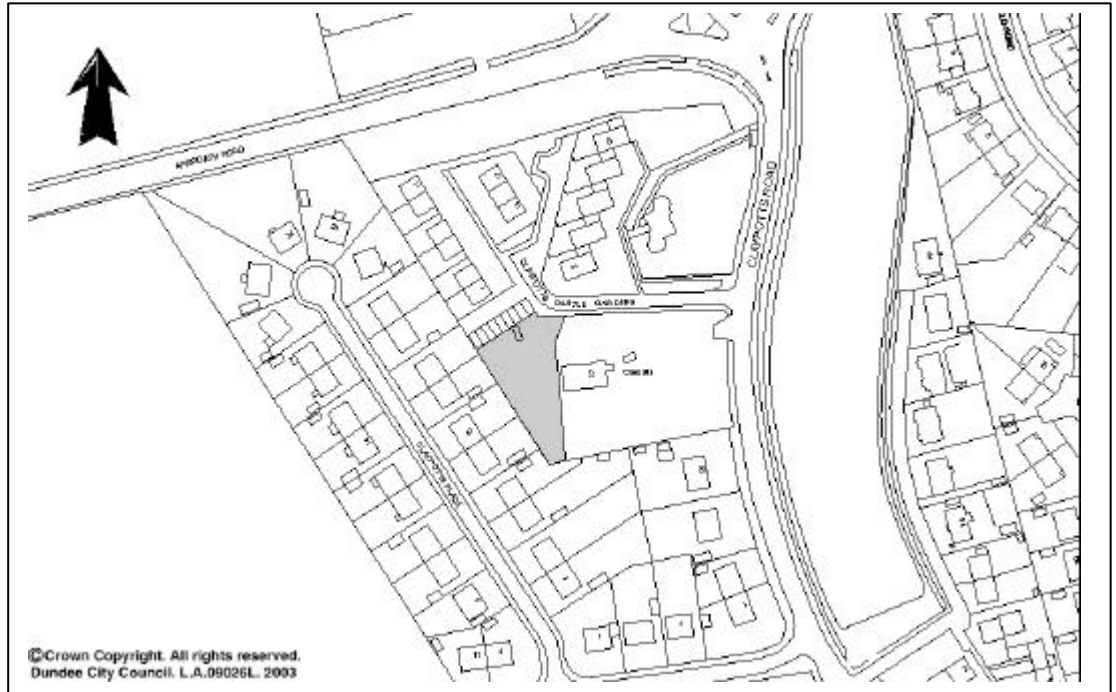
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Agent

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Registered 16 May 2005

Case Officer J Young



New House Proposed Adjacent to Claypotts Castle

The erection of a house is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed application complies with the policies of the development plan and the objections do not carry sufficient weight to merit refusal of the application.

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

SUMMARY OF REPORT

- Planning permission is sought for a single storey house within garden ground to the north west of 27 Claypotts Road.
- 3 letters of objection were received to the application and a petition with 13 signatures with the main issues being the potential impact on Claypotts Castle, traffic and access issues, loss of and damage to trees, appearance and height of proposal.
- The application was advertised as potentially contravening Policy BE25: Scheduled Ancient Monuments of the Dundee Local Plan 1998. The trees on the site are protected by a Tree Preservation Order (no 3/1983).
- Should Members be minded to approve the application, it will be necessary to refer it to Scottish Ministers under the terms of Circular 4/1997: Notification of Applications Direction.
- It is considered that the application complies with the relevant policies of the Dundee Local Plan Review 2005. The objections do not carry sufficient weight to merit refusal of the application.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the development of a single storey 3 bedroom house within garden ground to the west of 27 Claypotts Road. The floor area of the house is approximately 160sqm and garage is 24.5sqm. A new access will be formed from Claypotts Castle Gardens and a garage will be located to the south east of the house. The proposed finishing materials are dry dash rendered walls, bradstone basecourse and a slate roof. The house will be located at the north west end of the site with a 210sqm garden area to the south east.

This application is a re-submission as a previous application was refused on 28.02.2005. The differences are that the application site is 0.02 hectares (200sqm) larger, therefore providing more garden ground with the proposed development and the garage has been moved back further into the site. Three additional parking spaces are proposed opposite the castle and are outwith the site boundary. These are not supported by the Council as they are remote and are not adequate in length.

SITE DESCRIPTION

The application site is located on the south side of Claypotts Castle Gardens, west side of Claypotts Road and close to the main Claypotts junction. The site is the western section of garden ground associated with 27 Claypotts Road. There is an existing 1.5 storey house to the east which is finished in a dry dash render and slate roof with access from Claypotts Road. There are numerous mature trees within the garden and particularly to the east and south east of the existing house. There is a high block boundary wall along the north boundary facing onto Claypotts Castle Gardens. Claypotts Castle is located to the north and on the opposite side of this road. There are five single storey dwellings to the north and immediately behind the Castle. There is an open space area on the opposite side of Claypotts Road, to the east.

POLICY BACKGROUND

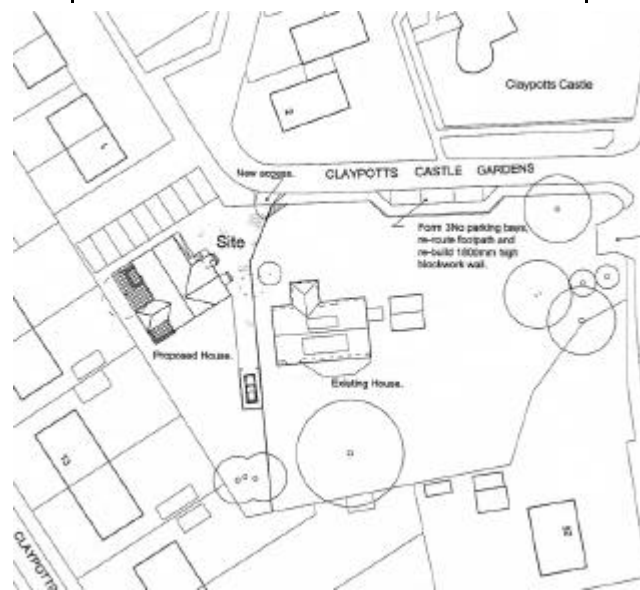
Dundee and Angus Structure Plan 2001-2016

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 - New development should seek to minimise any effect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues.



Policy 4: Design of New Housing - The design and layout of all new housing in Dundee should be of a high quality and design standards are specified for guidance.

Policy 15: Development in Garden Ground - there are specific criteria to be met including a high quality design, restrictions on percentage of garden ground which can be developed upon, prevailing densities to be respected and a tree survey is to be submitted.

Policy 64: Scheduled Monuments and Sites of Archaeological Interest - developments will not be permitted which would destroy or adversely affect Scheduled Ancient Monuments or their settings.

Policy 72: Trees and Urban Woodland - new developments must have regard to existing healthy mature trees.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

NPPG 5: Archaeology and Planning

NPPG 18: Planning and the Historic Environment

PAN 42: Archaeology

Non Statutory Statements of Council Policy

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

LOCAL AGENDA 21

Key Theme 15 of Local Agenda 21 is of relevance to the determination of the application. It seeks to ensure that diversity and local distinctiveness are valued and protected. It is considered that these aims are met.

SITE HISTORY

Planning permission was previously refused for a house on this site (ref: 04/01000/FUL) due to the potential adverse impact on the setting of Claypotts Castle, which is a scheduled ancient monument.

Planning permission was also refused for a 1.5 storey house to the east, which was on the same Committee agenda (ref: 04/00989/FUL).

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and three letters of objection and a petition with 13 signatures were received from neighbouring residents. The main objections relate to traffic and access issues, residential amenity, appearance and height of development, loss of and damage to trees and potential impact on Claypotts Castle which is a listed building and scheduled ancient monument. The application was advertised as a potential departure to Policy BE25: Scheduled Ancient Monuments on 30th May 2005 of the now superseded Dundee Local Plan 1998. This Policy is carried through as

Policy 64 in the Dundee Local Plan Review 2005 and is discussed under this Policy in the "Observations" section below.

Copies of the objection letters are available for viewing in the Members' Lounges.

CONSULTATIONS

The Council's Forestry Officer has requested details of replacement planting as two trees are proposed to be removed. Historic Scotland do not object to the proposal.

Historic Scotland were formally consulted on the application and support the proposal in these circumstances.

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.

Dundee Local Plan Review 2005

Policy 1 states that developments will be permitted 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. It is considered that the design of the house is acceptable as the original house to the west which was built in the 1970s is not of a traditional style, but has a dry dash render and slate roof. Parking will be provided within the curtilage of the site and it will be accessed from Claypotts Road. There are no noise or smell issues. It is considered that the proposal complies with this policy.

Policy 4 specifies criteria to be met by new housing development in suburban areas. This includes the requirement for three bedrooms, on greenfield sites an average useable garden ground of

150sqm should be provided, 18m between facing habitable rooms, one parking space, a garage or space for one and each development must form interesting, safe spaces with interesting architecture giving a unique sense of place. On the basis of the details provided, the proposal complies with the criteria for house type/mix, parking and garage.

Policy 15 is concerned with development in garden ground and specifies criteria to be met including a high quality design, use of appropriate materials, restrictions on the amount of new development within the garden ground and prevailing densities in the area should be respected. It is considered that the proposed development complies with all aspects of this policy.

Policy 64 states that developments will not be permitted where they would adversely affect scheduled ancient monuments or their settings and will not be permitted unless the development will satisfy an overriding and proven public interest which cannot be met in other less archaeologically important locations or by reasonable alternative means. This Policy is similar to Policy BE25 of the Adopted Local Plan and the proposal does not comply with this Policy for the same reasons. Historic Scotland support the proposal and provided background to the monument as follows. Claypotts Castle is scheduled as a monument of national importance under the Ancient Monuments and Archaeological Areas Act 1979 (scheduled monument no.90075). It is a property in the care of Scottish Ministers and is one of Dundee City's foremost historic assets. Claypotts Castle is an outstanding example of 16th century Scottish architecture and one of Scotland's most complete examples of a fortified house. It is an exceptionally rare survival as it is intact and little altered. The roof is a particularly remarkable survival; most of the timber survives in its late medieval state. Claypotts Castle was built by John Strachan between 1588 and 1569, and later owned by "Bonnie Dundee", John Graham of Claverhouse. The castle owes its striking appearance to its Z-plan and its asymmetrical square garret chambers corbelled out over two circular towers at diagonally opposite corners.

When the castle was taken into care (in August 1926), the guardianship area was necessarily restricted, particularly on the west side, by the (then) presence of an old farmhouse and steading. In 1960, Historic Scotland's predecessor body was informed of a proposal to demolish the farm buildings and erect a new housing scheme which came right up to the western boundary of the guardianship area. At the same time, the road proposals meant the loss of part of the castle grounds fronting onto Claypotts Road at the north east corner of the site. In those days, the value of the historic environment was generally less well understood or accepted, and there were fewer opportunities for the public to consider or object to the impact of modern developments on important historic assets. Nevertheless, the Misses Batchelor, who then owned the farm, showed considerable foresight in gifting a parcel of extra land in the north west corner of the site to the Ministry, to help safeguard the amenity of the castle. The subsequent housing development has undoubtedly had an adverse effect on the setting and amenity of Claypotts Castle. The castle is also compromised by busy roads to the north and east. Against this background, the surviving areas of open ground are especially important and contribute significantly to the setting and amenity of the castle. It is considered in these circumstances that the proposed house is located far enough away to protect the setting of Claypotts Castle.

Policy 72 seeks to protect existing healthy mature trees not only for their visual amenity value but also for their wider environmental significance in giving shelter, combating atmospheric pollution and providing an important habitat for wildlife. The trees on the site are protected by Tree Preservation Order 3/1983. The applicant indicates that two trees will be removed from the site. The Council's Forestry Officer does not object to the removal of the trees so long as there is replacement planting. If Members are minded to approve the application, a condition will be attached to ensure that suitable replanting occurs on site.

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:

National Policy and Guidance

The Scottish Executive policy for the protection of the historic environment is set out in NPPG 5: Archaeology and Planning and its accompanying PAN42 and NPPG 18: Planning and the Historic Environment. NPPG5 states that:

"Scheduled ancient monuments are of national importance and it is particularly important that they are preserved in situ and within an appropriate setting. Developments which would have an adverse effect on scheduled monuments or the integrity of their settings should not be permitted unless there are exceptional circumstances".

The above policy statement makes clear that the following issue needs to be considered in any assessment of impacts on a scheduled monument:

- The indirect impact of works beyond the protected boundaries of the monument on its setting, which raises landscape, visual and amenity issues. Scheduled monument consent is not required for this issue, but in cases where planning permission is required it is a material consideration in the planning system.

It is considered that the proposal is compliant with this national guidance as the proposed house is only single storey and is located far enough away from Claypotts Castle to not affect its visual setting.

Objections

Three letters of objection and a petition with 13 signatures were received from neighbouring residents. The main objections relate to traffic and access issues, residential amenity, appearance and height of development, loss of and damage to trees and potential impact on Claypotts Castle which is a listed building and scheduled ancient monument. These issues have been discussed above under the relevant policies of the Dundee Local Plan Review 2005. The proposed house is single storey and it is not considered that it will adversely affect the amenity enjoyed by local residents due to its appearance and height. The objections

in terms of the impact on Claypotts Castle are discharged in these circumstances as discussed above. Other objections relate to access and parking issues. Sufficient parking is provided within the application site and it will not alter the existing access arrangements within Claypotts Castle Gardens.

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 the application is approved.

Design

The design of the house is considered acceptable in terms of complementing the existing house at 27 Claypotts Road.

CONCLUSION

The proposed development is considered to comply with the relevant policies of the Dundee Local Plan Review 2005. There are no material considerations that would justify approval of the application contrary to the provisions of the development plan in these circumstances.

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 Details of the proposed finishing materials 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.
- 3 Details of proposed replacement planting 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

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 that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.