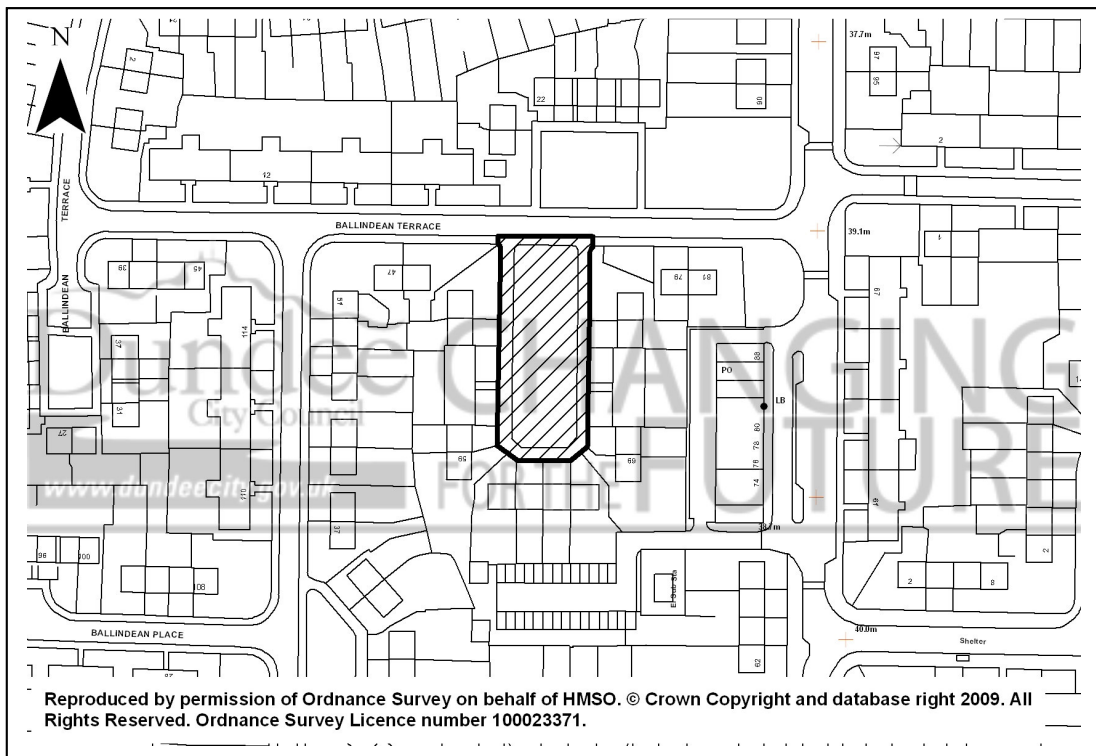


KEY INFORMATION

Ward East End

Proposal

Construction of New Car Park

AddressLand at 51-77 Ballindean Terrace
Dundee**Applicant**Housing Department
Dundee City Council
28 Crichton Street
Dundee
DD3 8PL**Agent**City Development
Department
Dundee City Council
365 Clepington Road
Dundee
DD3 8DZ**Registered** 9 July 2009**Case Officer** Paul Macari

New Residents Car Park Proposed in Ballindean Terrace

The construction of a new car park is **RECOMMENDED FOR APPROVAL** subject to conditions.
Report by Director of City Development

RECOMMENDATION

The proposals comply with the requirements of the Development Plan. The concerns of the objectors are not supported. Accordingly, it is recommended that planning permission be the application be **APPROVED** subject to conditions.

SUMMARY OF REPORT

- This application seeks planning permission for the formation of a car park at 51-77 Ballindean Terrace, Dundee.
- Policy 1 (Vibrant and Sustainable Communities) of the Dundee Local Plan Review 2005 is relevant to the outcome of this application.
- 2 letters of objection have been received from neighbouring residents concerned about loss of green space/ trees, over provision of car parking and adverse impact on safety.
- The concerns of the objectors are not supported.

DESCRIPTION OF PROPOSAL

This application seeks planning permission for the change of use to form a car park at 51-77 Ballindean Terrace, Dundee.

The proposed car park will be located on an area of existing open space that is used by residents of Ballindean Terrace as an ad-hoc car park. The works will involve the felling of 2 mature trees, the formation of a vehicle access from Ballindean Terrace and the surfacing of the existing area of open space with tarmac. The existing tarmac footpaths providing access from Ballindean Terrace to the properties at 51-77 Ballindean Terrace which surround the application site will be retained.

It is proposed to plant 4 trees in place of the trees being removed.

In accordance with the Scheme of Delegation of Dundee City Council as approved by Scottish Ministers on 2 July 2009, this application is being reported to the Development Quality Committee as the Council is the applicant.

SITE DESCRIPTION

The application site comprises an area of open space located on the southern side of Ballindean Terrace. The open space is bound by a 2m wide tarmac footpath which provides access from Ballindean Terrace to the 4 storey flats bounding the site to the east and west, and, the 2 storey terraced housing bounding the site to the south.

There are several trees and shrubs which separate the open space from Ballindean Terrace. A small metal fence forms the northern boundary to the application site.

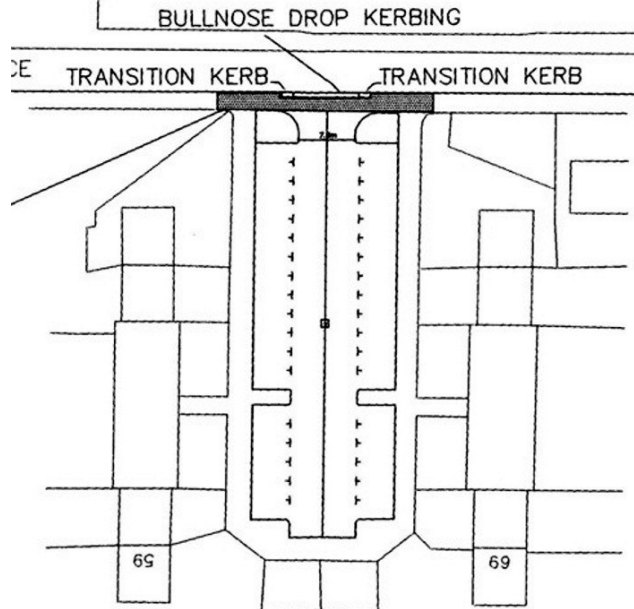
There are 2 grassed areas of open space located on the northern side of Ballindean Terrace opposite the application site.

The footpath surrounding the application site is used as a vehicular access whereby residents park their cars on the existing area of open space.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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



Dundee Local Plan 2005

The following policies are of relevance:

Policy 1: Vibrant And Sustainable Communities - the policy is supportive of development which will enhance the level of facilities and services available to the local communities. Such proposals should also 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.

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.

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

There is no planning history of relevance to the outcome of this application.

PUBLIC PARTICIPATION

The applicant has followed the statutory neighbour notification procedure as stipulated by the Town and Country Planning (General Development Procedure) (Scotland) Order 1992. 2 letters of objection have been received from neighbouring residents concerned about:

- overprovision of car parking facilities;
- loss of green space/trees; and
- adverse safety impact.

Members will already have had access to these letters and the points raised are considered in the Observations Section of this Report.

CONSULTATIONS

No adverse comments have been received from Consultees.

OBSERVATIONS

Statutory Requirements

In accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997 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.

It is the aim of Policy 1 (Vibrant and Sustainable Communities) to support development which aims to enhance the range of services and facilities close to and within housing areas. While the provision of such facilities can be considered positive development only proposals that seek to minimise any effect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell will be supported.

The application site comprises of a poor quality area of open space which has been used as an ad-hoc car park for several years. This has resulted in the grassed surface of the open space has been ploughed by the tyres of cars and vans parking on it. As a consequence of cars parking on the grassed surface, there are small gullies where water accumulates. Areas of surface water are visible during wet weather. This is indicative that the area has poor drainage.

Ballindean Terrace suffers from high levels of on street car parking pressure whereby the street is heavily congested during school hours and in the evening due to high levels of car ownership and low levels of in-curtilage parking.

The proposed car park attempts to enhance the environmental quality of Ballindean Terrace through reducing on street car parking pressure. Although the provision of a formal car parking facility will lead to the loss of an area of open space, there are several areas of enclosed high quality open space located throughout Ballindean Terrace and the surrounding streets. The poor quality and low level of usability of the application site in comparison to the high quality enclosed areas of open space located through out the local area makes its loss acceptable in order to enhance the

level of environmental quality afforded to the residents of Ballindean Terrace.

The formation of the car parking area will lead to a loss of 2 trees. However, the applicant's propose to plant 4 replacement trees in their place. The location of these trees will be controlled by condition should the Development Quality be minded to grant planning permission for this development.

The proposals are therefore considered to comply with the requirements of Policy 1 (Vibrant and Sustainable Communities).

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:

- a Views of the Objectors

2 letters of objection have been received from neighbouring residents. The concerns raised include:

Loss of green space/trees - these concerns have been addressed in the assessment of the proposed development against the criteria of Policy 1 (Vibrant and Sustainable Communities) of the Dundee Local Plan Review 2005 in the Observations section of this Report.

Over-provision of car parking - there are over 40 houses/flats surrounding the application site. The occupiers of these premises currently park their cars on Ballindean Terrace or on the existing area of open space that forms the application site. Given that there are over 100 dwelling units on Ballindean Terrace, the provision of 38 car parking space is not considered over provision but rather responsible measures to reduce the level of on street car parking pressure which will improve the level of road safety and environmental quality afforded to residents of Ballindean Terrace.

Concern has also been expressed that the car park will be used by delivery drivers delivering to the local services located on Ballindean Road. It is unlikely

that delivery vans and lorries will use the car parking facilities proposed. This is because there is a service area immediately to the rear of the shopping parade on Ballindean Road.

Adverse safety impact - concerns have been expressed by objectors that the proposed car park will give rise to significant issues of road safety. The proposed car park will be constructed in accordance with the Council's transportation development guidelines "Streets Ahead". The size and location of the vehicle access to the car park are considered to comply with the requirements of "Streets Ahead". Therefore the proposals will not lessen existing levels of road safety.

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 site layout and design of the proposed car park will respect the appearance of the existing built form surrounding the application site.

CONCLUSION

The proposals comply with the requirements of the Development Plan. The concerns of the objectors are not supported. Accordingly it is recommended that planning permission be granted subject to conditions.

RECOMMENDATION

It is recommended that consent be GRANTED subject to the following conditions:

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
- 2 Prior to the commencement of work on site, details of the 4 proposed replacement trees to be planted in place of the 2 trees to be felled shall be submitted to the Council for written approval. Thereafter, the replacement trees

will be planted and maintained in accordance with the details approved by this condition. For the avoidance of doubt, the replacement trees will be planted prior to the car park hereby approved being brought into use. 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 as amended.
- 2 In the interests of maintaining the level of environmental quality afforded to the area surrounding the application site.