

New House on Site of Lock Ups

KEY INFORMATION

Ward The Ferry

Address

Lock-ups, New Road
Broughty Ferry

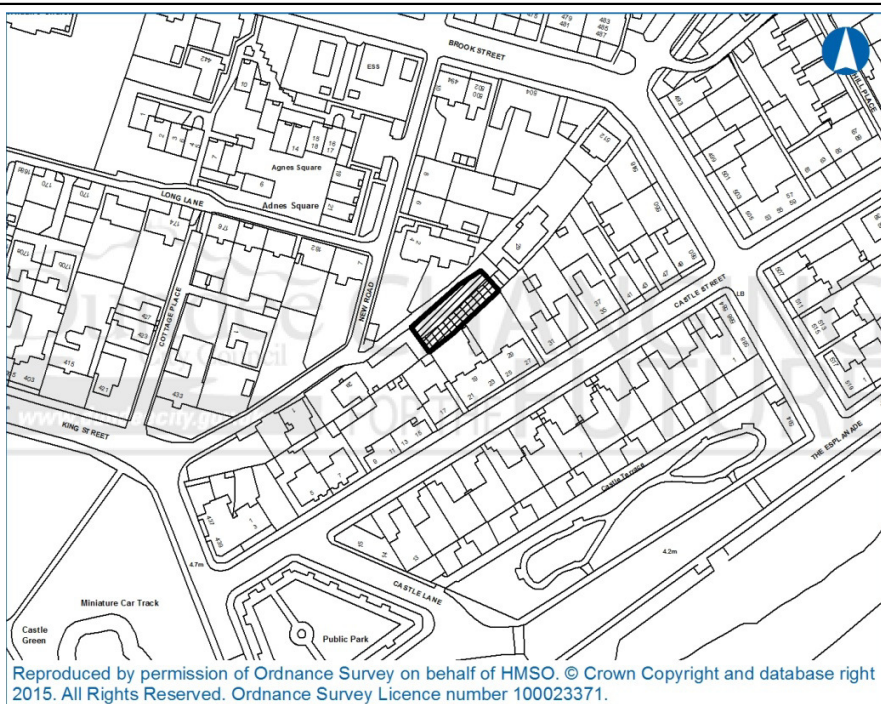
Applicant

Mr & Mrs David & Lorraine
Grant
2B New Road
Broughty Ferry
Dundee
DD5 2EE

Agent

Registered 26 Jan 2016

Case Officer David Gray



SUMMARY OF REPORT

- The application proposes to demolish 14 timber lock up garages and erect a single storey, two bedroom house, with associated garden ground, parking and boundaries on the site.
- Policy 7 (High Quality Design), Policy 9 (Design of New Housing), Policy 29 (Low and Zero Carbon Technology), Policy 45 (Land Contamination) and Policy 50 (Development in Conservation Areas) are relevant to the proposed development.
- The application requires to be determined by the Development Management Committee at the request of a local member.
- 5 valid letters of objection and 2 valid letters of support have been received in relation to the application.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=O1K2I1GC04Q00>.

RECOMMENDATION

The proposal is contrary to the requirements of the Development Plan. There are material considerations that would justify approval of planning permission. Therefore, it is recommended that this application be recommended for APPROVAL subject to conditions.

1 DESCRIPTION OF PROPOSAL

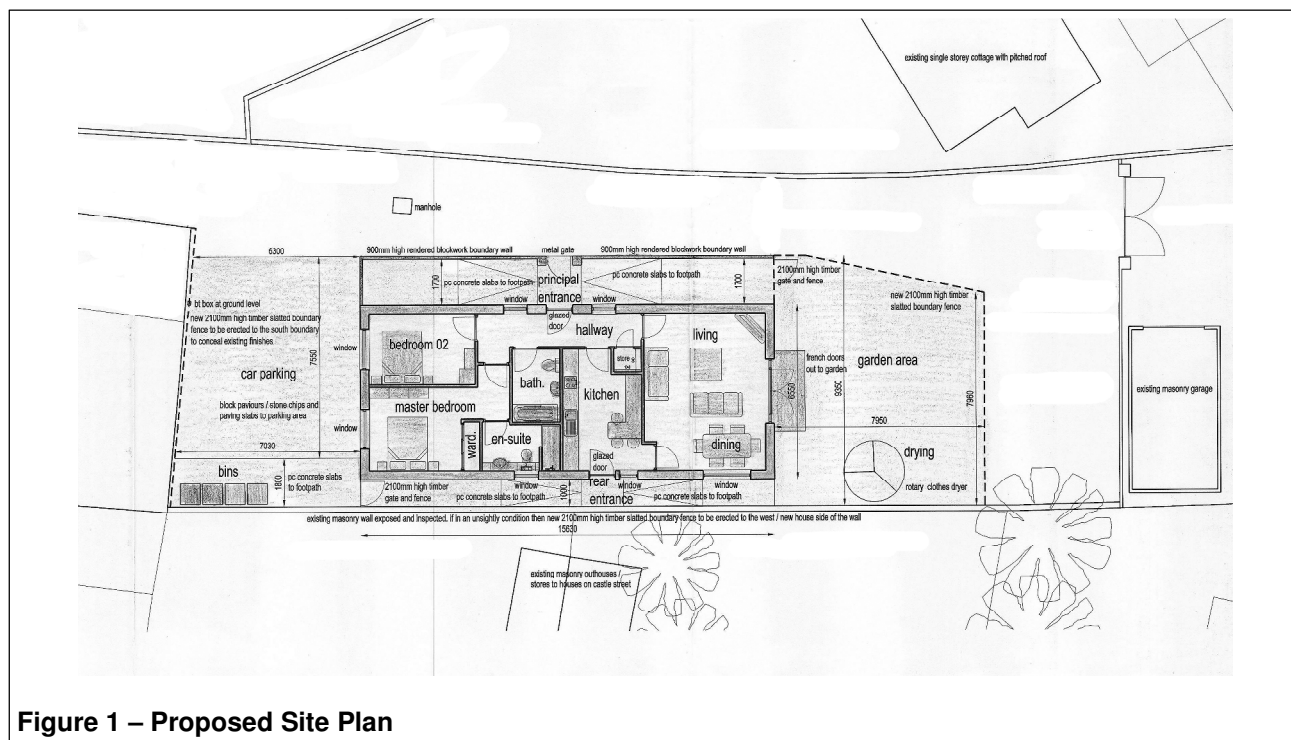


Figure 1 – Proposed Site Plan

- 1.1 The application seeks planning permission to demolish 14 timber lock up garages and erect a single storey, two bedroom house on the site. The proposed house would be rectangular in form and have a footprint of 102m². The applicant proposes to finish the exterior of the house with a second hand dark grey welsh slate roof, off white rendered walls, white UPVC windows, white timber doors and black UPVC rainwater goods.
- 1.2 An enclosed garden area measuring 68m² is proposed to the northeast of the house. A parking area and bin store is proposed to the southwest. A 900mm high rendered wall would enclose the front (north) of the site and a 2.1 metre high close boarded timber fence would enclose the proposed garden area. An existing stone wall is located behind the lock ups on the southeast boundary. It is proposed to expose and inspect this, and erect a 2.1 metre timber slatted fence if the condition of the wall deems it necessary.

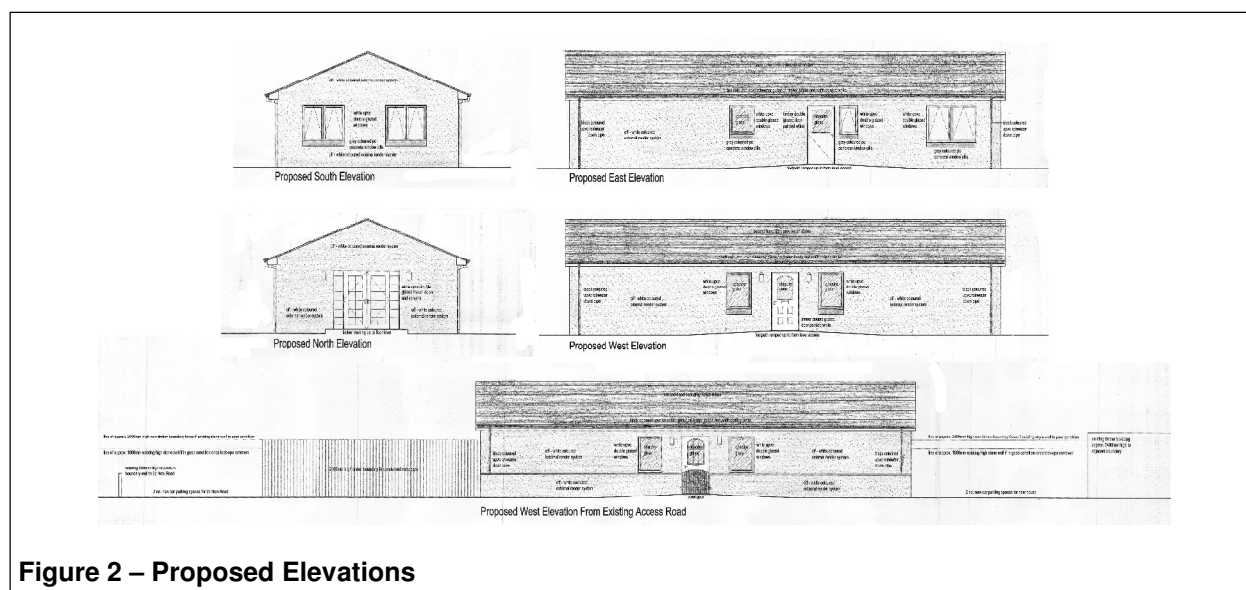


Figure 2 – Proposed Elevations

- 1.3 In accordance with the Council's Scheme of Delegation this application is being reported to the Development Management Committee at the request of an Elected Member.

2 SITE DESCRIPTION

- 2.1 The site comprises a block of 14 timber lock ups and the existing access to the house at 2B New Road. It is located in the centre of a perimeter block between New Road, Castle Street, Brook Street and King Street in Broughty Ferry. It is accessed via the junction of New Road and King Street which is located 90 metres to the west of the site.

- 2.2 Residential land uses surround the site on all sides, and there is a mix of traditional and modern, single and two storey properties in the area. Finishing materials on surrounding properties include, stone, timber and dry dash rendered walls, and natural slate and red/grey roof tiles.

- 2.3 The site is located within the Broughty Ferry Conservation Area.



Figure 3 – View of Site From New Road



Figure 4 – View of Site



Figure 5 – View of Rear of Lock-ups From Gardens on Castle Street

3 POLICY BACKGROUND

- 3.1 The following plans and policies are considered to be of direct relevance:

DUNDEE LOCAL DEVELOPMENT PLAN

Policy 7: High Quality Design

Policy 9: Design of New Housing

Policy 29: Low and Zero Carbon Tech in New Development

Policy 45: Land Contamination

Policy 50: Development in Conservation Areas

SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS

Scottish Planning Policy 2014

Scottish Historic Environment Policy 2011

NON STATUTORY STATEMENTS OF COUNCIL POLICY

Broughty Ferry Conservation Area Character Appraisal

- 3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

4 SITE HISTORY

- 4.1 Planning application 15/00676/FULL and conservation area consent application 15/00677/CON relating to the demolition of the existing timber lock-up garages and the erection of a single storey dwelling house within the existing grounds of 2B New Road were both withdrawn prior to their determination.
- 4.2 There is also a concurrent application for Conservation Area Consent (16/00149/CON) to demolish 14 timber lock garages on the site that is currently pending consideration.

5 PUBLIC PARTICIPATION

- 5.1 The Council carried out the statutory neighbour notification procedure detailed in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. This application was also advertised in the Dundee Evening Telegraph.
- 5.2 In response, a total of 5 valid objections were received, citing the following concerns:
- design;
 - impact on parking;
 - land contamination;
 - impact on residential amenity/privacy;
 - adverse effect on listed buildings and their setting;
 - adverse effect on Conservation Area;
 - contrary to Development Plan and guidance;
 - detrimental to environment;
 - inadequate drainage;
 - gross internal floor area;
 - roof pitch, and use of slates on a 22.5 degree roof;

- density;
- shadowing;
- insufficient access, including access for emergency vehicles; and
- structural damage to property.

5.3 A total of 2 valid letters of support were also received, stating the following:

- removal of lock ups would reduce traffic;
- ample parking is available in King Street/Windmill Gardens;
- the proposed design would improve the site;
- there is demand for this type of property in central Broughty Ferry.

5.4 Members will already have access to the letters of representation and the issues raised are considered in the Observations section below.

6 CONSULTATIONS

6.1 **Environment Department** – The Head of Environmental Protection has no objection to the application subject to conditions being attached to any permission granted to require the submission of an investigation and risk assessment, and any necessary remediation being carried out in relation to the possibility of land contamination.

7 DETERMINING ISSUES

7.1 **Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.**

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 DEVELOPMENT PLAN

7.2 **Policy name and final policy conclusion in bold –**

OTHER MATERIAL CONSIDERATIONS

7.3 **Policy 7: High Quality Design** - requires all new development proposals to have a high quality design that positively contributes to the surrounding built and natural environment. It states that the design and siting of development should respect the character and amenity of the place, create and improve links within the site and into the wider area, and incorporate appropriate landscaping and planting works.

- 7.4 The design of the proposed house incorporates a simple rectangular plan form and low pitched roof with a ridge height of 4.2 metres. Whilst the site sits one metre higher than the surrounding land to the north and south, it is enclosed by the surrounding buildings and the proposal would not impact on any surrounding important landmarks, views or skylines. The predominant building lines in the area are along Castle Street to the south and New Road to the northwest. The proposed plot would respect the building pattern of infill between Castle Street and New Road along the former railway siding, similar to the existing houses at 1, 2A, and 2B New Road and 512 Brook Street.
- 7.5 It is clear that the layout and design of the proposed house has been specifically selected in response to the tight nature of the site and the proximity of the adjacent properties. As a result, the design of the house has been compromised in a number of places. The number and location of windows has been chosen to minimise overlooking and this results in a rather blank frontage. The roof pitch, at 22.5 degrees is also shallower than those in the surrounding area. However, the house is relatively small in scale and simple in design. The site is relatively well hidden from public view. Therefore, the proposed house would have a minimal impact on the appearance and character of the New Road streetscape. The style of buildings in the area varies considerably and the surrounding houses range from traditional stone built properties with slate roofs to modern, dry dash rendered buildings with red tiled roofs. Corrugated sheds and flat roofed garages are located at the entrance to the site on New Road and these would further screen the proposed house from public view. The proposed house would not look out of character with the surrounding area which comprises a variety of different building sizes, designs and materials. The development would therefore not diminish the character or appearance of the surrounding area.
- 7.6 Policy 7 also encourages the retention of all buildings, structures and features that contribute to the local townscape. The existing timber lock ups contribute little to the townscape, and their loss would have no significant adverse impact on the character or appearance of the area. It should also be noted that Historic Environment Scotland has no objection to the demolition of the buildings in the context of the related application for conservation area consent.
- 7.7 **The proposal satisfies the requirements of Policy 7.**
- 7.8 **Policy 9: Design of New Housing** - states that the design and layout of all new housing in Dundee should be of high quality and contribute to creating places that build on and enhance the distinct character and identity of the city. In seeking to achieve this, the policy requires proposals to comply with the requirements of Appendix 3 of the Local Development Plan.
- 7.9 The site is located within Central Broughty Ferry as defined in the Dundee Local Development Plan and as such, the Inner City and Central Broughty Ferry standards of Appendix 3 apply. These require houses to have a minimum of two bedrooms or a minimum gross internal floor area of 100m². The proposed house has two bedrooms and this complies with Appendix 3. In terms of parking, at least one space is required. The applicant proposes a parking area measuring 50m² to the west of the house and provision for more than one space is available. A minimum of 50m² of private useable garden ground is required, and the application proposes a 68m² garden area enclosed by a 2.1m high timber fence to the east of the house. Lastly, Appendix 3 requires a minimum of 18m between the facing windows of habitable rooms. The proposed living room French doors on the east elevation would face the blank gable of a garage at 2B New Road. The bedroom windows on the west elevation would face the blank elevation of the outbuildings at 2A New Road. The dining room window on the south elevation would be 17m away from the rear elevation 25-29 Castle Street and this is 1m less than required. For this reason, the proposal does not meet the requirements of Appendix 3 and the application is contrary to Policy 9 as a result.

- 7.10 Policy 9 also requires the layout and design to respect and enhance the character of adjoining properties and the surrounding area and does not have a detrimental impact on parking. For the reasons set out above, the design and layout would be acceptable. Whilst the proposal would result in the loss of 14 lock ups, these are private lock ups on private land. The proposal would not result in the loss of any parking associated with any of the surrounding properties. Public parking is available nearby at the Mill Street car park and on street in the surrounding area. The proposal would therefore have no significant detrimental impact on parking.
- 7.11 **As the proposed dining room window is less than 18m from facing habitable rooms, the proposal does not meet the requirements of Appendix 3 or Policy 9.**
- 7.12 **Policy 29: Low and Zero Carbon Tech in New Development** - requires the applicant to demonstrate that the 10% of carbon emission reduction standards set by the Scottish Building Standards (2007) will be met through the installation and operation of zero-carbon generating technologies.
- 7.13 This matter can be addressed by condition should committee be minded to approve the application.
- 7.14 **The proposal would satisfy the requirements of Policy 29 through the addition of a condition.**
- 7.15 **Policy 45: Land Contamination** - states that development of potentially contaminated land will be considered where a site investigation is submitted establishing the nature and extent of contamination and the Council is satisfied that remediation measures proposed adequately address the risks to all receptors.
- 7.16 The site forms part of an old railway and there is potential for land contamination. A Stage 1 Risk Assessment was submitted with the application and this concluded that ground investigations and a Stage 2 Risk Assessment are necessary to establish the level of land contamination and remediation measures if necessary. The Head of Environmental Protection has no concerns regarding the application subject to conditions requiring further investigations, risk assessments and remediation measures to be carried out as necessary.
- 7.17 **The proposal meets the requirements of Policy 45 through the addition of conditions.**
- 7.18 Policy 50: Development in Conservation Areas expects that all development proposals will preserve or enhance the character of the surrounding area, retaining all features that contribute to the character and appearance of the conservation area.
- 7.19 For the reasons set out above, the existing lock ups do not make any significant contribution to the character or appearance of the Broughty Ferry Conservation Area and their removal would be acceptable. The site is well screened from public view with only glimpses of the site available from certain points on New Road. The siting and design of the house is acceptable in the context of the surrounding area and it would have no significant detrimental impact on the character or appearance of the conservation area.
- 7.20 **The proposal meets the requirements of Policy 50.**
- 7.21 **It is concluded from the foregoing that the proposal complies/does not comply with the provisions of the Development Plan.**

STATUTORY DUTIES

- 7.22 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 7.23 For similar reasons to those set out above, the layout and design of the proposal would preserve the character and appearance of the Broughty Ferry Conservation Area.

OTHER MATERIAL CONSIDERATIONS

The other material considerations to be taken into account are as follows:

A - PRIVACY AND AMENITY

- 7.24 The existing site comprises 14 lock up garages that could be used by 14 separate individuals or groups at any time of the day or night. The existing site therefore already has capacity to significantly overlook and impact on the privacy and amenity of the surrounding properties. The proposed house would result in the removal of all of the lock ups and the erection of a single, private dwellinghouse. This would result in less overlooking and less activity at the site than could take place at present. The windows on the north elevation of the proposed house would be hall windows and they would be installed with obscure glazing. The access to 2B New Road already exists along the boundary of 2 New Road, and the south elevation and garden area of 2 New Road is not currently private as a result. The proposal would not exacerbate this issue.
- 7.25 Whilst the proposed dining room window on the south boundary is 17m away from facing habitable room windows, and immediately adjacent to the garden area to the south, that garden area is already overlooked by the nature of the existing flatted properties on Castle Street. The applicant proposes to retain the existing stone wall and supplement it with a fence between the two sites. Provided the detail of the fence was agreed by condition, it would block all views from the proposed house to the south.
- 7.26 **It is concluded that the proposal would improve the privacy and amenity of the site and this would support the approval of the application.**

B - NATIONAL AND LOCAL POLICY AND GUIDANCE

- 7.27 Scottish Planning Policy (2014) and Scottish Historic Environment Policy (2011) should be taken into account when determining applications for planning permission for development which may affect the historic environment. The SPP considers that the designation of a conservation area provides the basis for the positive management of an area. A proposed development that would have a neutral effect on the character or appearance of a conservation area (i.e. does no harm) should be treated as one which preserves that character or appearance. Scottish Historic Environment Policy acknowledges that the protection of the historic environment is not about preventing change but seeking to ensure that where change is proposed, it is appropriate, carefully considered and if appropriate, reversible.
- 7.28 Broughty Ferry Conservation Area Character Appraisal is a management tool to help produce a high design quality to ensure the preservation or enhancement of the special character and appearance of the area. It states that the historic grid-iron street pattern is a key contributor to the overall character of the area and notes that there is a variety of architectural styles, scales, roofscapes and materials used in the area. The proposal would

not alter the grid iron pattern and the particular design would have no significant impact on the character or appearance of the conservation area due to the discreet site and simple design.

7.29 **The proposal complies with national and local policy and guidance.**

C - VIEWS OF OBJECTORS

7.30 5 letters of objection have been received in relation to the application. These raised concerns about design, impact on the conservation area, impact on parking, land contamination, contrary to development plan, gross internal floor area, roof pitch, density, impact on residential amenity and privacy. These matters are considered above.

7.31 The letters also raised additional concerns which are considered as follows:

Shadowing

7.32 **Response:** the proposed house would be 4.2m high to the ridge and 2.6m to eaves. The existing lock ups are 2.4m high and closer to the south boundary of the site than the proposed house. The level of shadowing would not exacerbate the existing situation to the extent that refusal would be justified.

Adverse Effect On Listed Buildings and Their Setting

7.33 **Response:** the nearest listed buildings to the site are the terraced properties on the south side of Castle Street, St Aidans Church on Brook Street, and Galls Cottage on King Street. The site is not prominently visible from any of these buildings due to its discreet location and there would be no adverse impact on the setting of any listed building.

Inadequate Drainage

7.34 **Response:** the application proposes to connect the house to the public sewer. This would be acceptable in principle provided Scottish Water grant technical approval for connection to their drainage network. The site currently contains 14 lockups with a roof area of 170m² and the proposed house would have a roof area of 120m². The surface water from buildings requiring to be discharged from the site would therefore be less than it is at present.

Use of Slate On A Roof Pitch of 22.5 Degrees

7.35 **Response:** slates can be used on roof pitches as low as 22.5°. The outbuildings to the south of the site illustrate this.

Insufficient Access, Including Access For Emergency Vehicles

7.36 **Response:** current access to the site is restricted to a width of 2.8m at the entrance from New Road due to the presence of garages and outbuildings. The application proposes no alterations to the access, and the existing situation regarding access to the site and the surrounding properties would not alter as a result of the development.

Structural Damage to Other Property

7.37 **Response:** this is not a valid material planning consideration. Matters of structural works would be controlled through Building Standards, and damage to property is a private matter between the interested parties.

7.38 The concerns of the objectors are not supported.

D - APPLICANT SUPPORTING INFORMATION

- 7.39 A supporting statement was submitted with the application. It states that the lock ups are 53 years old are nearing the end of their life expectancy. Seven are occupied at the moment and only one by a resident of New Road. It states that it is the fishing settlement and its grid iron extension which provides the conservation area with its essential character, and the proposed site does not link visually to that. It notes that the existing building stock is of varied height, design and colour and offers no visual cues to the design of the proposed building and it appears logical to provide a design that is subdued and does not impact on its neighbours beyond the effect of the existing lock ups.
- 7.40 The supporting statement also states there is a shortage of single storey accommodation in Central Broughty Ferry, the proposed house would decrease traffic flow on New Road and increase privacy/reduce noise for surrounding properties. The nature of the proposed roof provides no scope for expansion. It lastly states that the proposal complies with the development plan in respect of parking, house size and garden ground.
- 7.41 The applicant also submitted a Stage 1 Risk Assessment with the application to address land contamination. This is considered above and conditions are proposed to deal with this matter.
- 7.42 **The supporting information supports the approval of planning permission.**
- 7.43 **It is concluded from the foregoing that the material considerations support the approval of planning permission.**

8 CONCLUSION

- 8.1 The proposal fails to satisfy the requirements of the Development Plan because the proposed dining room window, at 17m from facing habitable rooms, does not meet the required minimum distance of 18m. This matter can be overcome by the use of planning conditions pertaining to the erection of a boundary fence between the facing windows. In addition to the use of planning conditions there are material considerations that justify approval of planning permission, namely that the proposal would reduce the level of impact on the privacy and amenity of the surrounding area with the removal of 14 lock ups. Therefore, it is recommended that this application be approved subject to the conditions set out below.

9 RECOMMENDATION

- 9.1 It is recommended that consent be GRANTED subject to the following conditions:
- 1 Prior to the commencement of the development hereby approved, a Sustainability Statement demonstrating that the development will meet the requirements of Policy 29 of the Dundee Local Development Plan 2014 in relation to the use of low and zero carbon technologies shall be submitted for the approval of the City Council, and if approved, the works shall thereafter be completed in accordance with the approved Statement prior to the use of any part of the building.
 - 2 Development shall not begin until the recommended investigation and risk assessment proposed in the submitted Stage I Desk Study are completed and, a remediation strategy to deal with any contamination at the site has been submitted to and approved

in writing by the planning authority. The strategy shall contain proposals to deal with contamination to include:

- i the nature, extent and type(s) of contamination on the site;
 - ii measures to treat/remove contamination to ensure the site is fit for the use proposed and does not contain any significant pollution linkages, including radon protection measures;
 - iii measures to deal with contamination during construction works; and
 - iv verification of the condition of the site on completion of decontamination measures.
- 3 Before any unit is occupied the remediation strategy shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority.
 - 4 Prior to the commencement of the development hereby approved, full details of all of the proposed boundaries to the site shall be submitted to and approved in writing by the planning authority. For the avoidance of doubt, the existing stone wall on the south boundary shall be retained and all proposed fences shall be built to ensure privacy between the existing and proposed houses. The approved boundaries shall be implemented in full prior to the occupation of the house hereby approved and be maintained as such in perpetuity thereafter.
 - 5 Prior to the commencement of the development hereby approved, full details of the external wall finishing material(s) shall be submitted to and approved in writing by the planning authority. The approved material(s) shall be implemented in full prior to the occupation of the house hereby approved and be maintained as such in perpetuity thereafter.
 - 6 All glazing within the windows and doors on the north elevation of the house hereby approved shall be fully obscured.

REASONS

- 1 In order to demonstrate that the new development will meet the required carbon emissions reduction standards in the interests of the environment.
- 2 To minimise the risk of land contamination in the interests of residential amenity.
- 3 To minimise the risk of land contamination in the interests of residential amenity.
- 4 In the interests of visual and residential amenity.
- 5 In the interests of visual amenity.
- 6 In order to minimise overlooking.