

Erection of 2 Storey Dwellinghouse With Flue

KEY INFORMATION

Ward Coldside

Address

Land To West of Bowling
Green
Adelaide Place
Dundee

Applicant

Mr Sean Davey
145 Inverary Avenue
Glenrothes

Agent

Gordon Morton/GLM designs

Registered 26 May 2023

**Report by Head of Planning
& Economic Development**

Contact: Edward Bean



SUMMARY OF REPORT

- Planning permission is sought for the erection of a detached two storey dwellinghouse.
- The application is fully in accordance with the Development Plan.
- The statutory neighbour notification process was undertaken. Fifteen letters of objection have been received raising issues including visual impact, loss of privacy and impact on the local road network.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as six or more valid written objections have been received and the recommendation is for approval.
- More details can be found at <https://idoxwam.dundeeecity.gov.uk/idoxpa-web/applicationDetails.do?keyVal=RV3NH4GCK7H00&activeTab=summary>

RECOMMENDATION

The proposal is fully in accordance with the Development Plan. There are no material considerations of sufficient weight to justify refusal of planning permission. It is therefore recommended that planning permission be **APPROVED** subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission is sought for the erection of a detached two storey dwellinghouse.
- 1.2 The proposed dwelling would have a rectangular footprint of around 12m² and would sit within a plot measuring approximately 483m². The dwelling would accommodate 3 bedrooms, 2 bathrooms, living room, kitchen, en-suite and dressing room. The south facing dwelling would have two off-street parking spaces to the rear with a private rear garden ground area of 50m².
- 1.3 The proposed dwellinghouse would be finished in white painted render with a black slate base course and projecting front (south) component. It would have a grey tiled roof, with grey uPVC windows and composite doors. The elevation drawings show solar panels on the south facing roof slope elevation, together with a flue for a wood burning stove. The dwelling would measure 9.2m (h) (5.7m to eaves), 10.9m (w) and 12.5m (d). A low patio area would be formed forward of the south facing projecting component.
- 1.4 The dwellinghouse would retain the majority of the existing boundary treatments. In addition, a 1m high stepped timber fence would be erected atop the existing stone boundary wall along the south boundary and partial length of the west boundary. A new pedestrian gate would be formed within the south boundary wall on Adelaide Place. Vehicles would utilise a new vehicular access within the west boundary wall, with access taken from Fingask Street. The new access would have 1.8m high vertically panelled cedar gates fitted within it. A hard surfaced driveway would be formed to the north west of the proposed dwelling in addition to a footpath encircling the house and running down to the pedestrian access on Adelaide Place.
- 1.5 The applicant has submitted the following in support of the application:
- Drainage Scheme;
 - Location/ Block plan;
 - Existing and proposed floor plans; and
 - Proposed elevations.

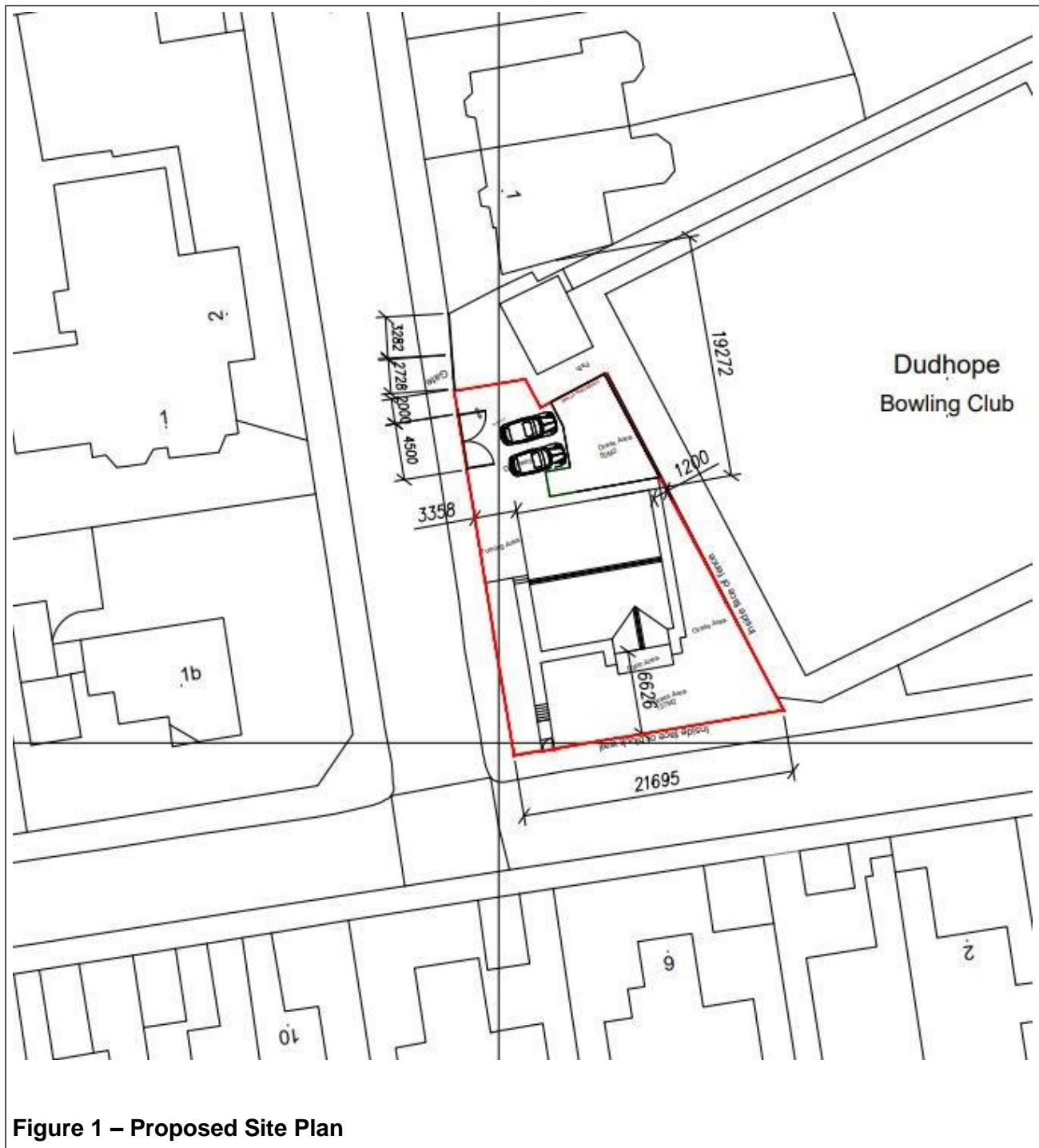
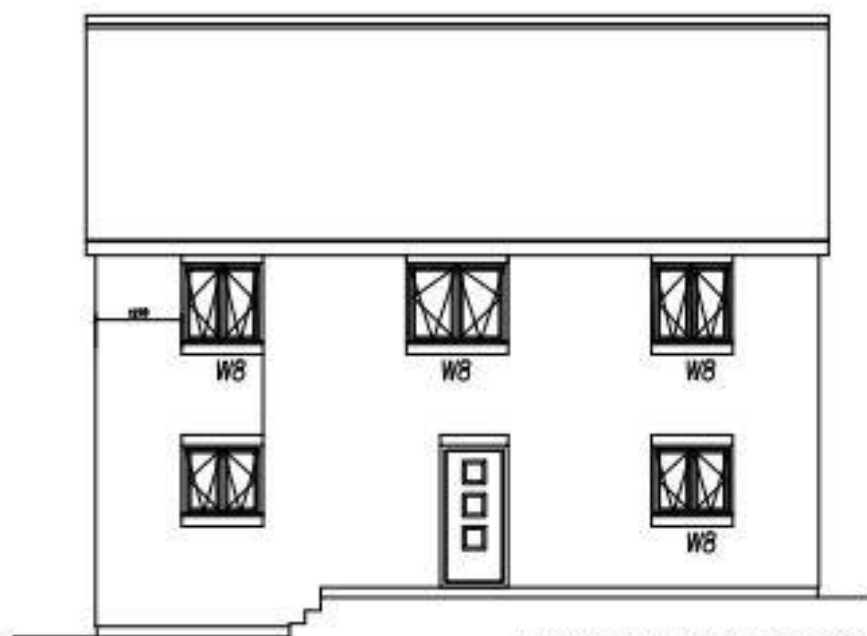


Figure 1 – Proposed Site Plan



SOUTH ELEVATION



NORTH ELEVATION

Figure 2 – Proposed North and South Elevations

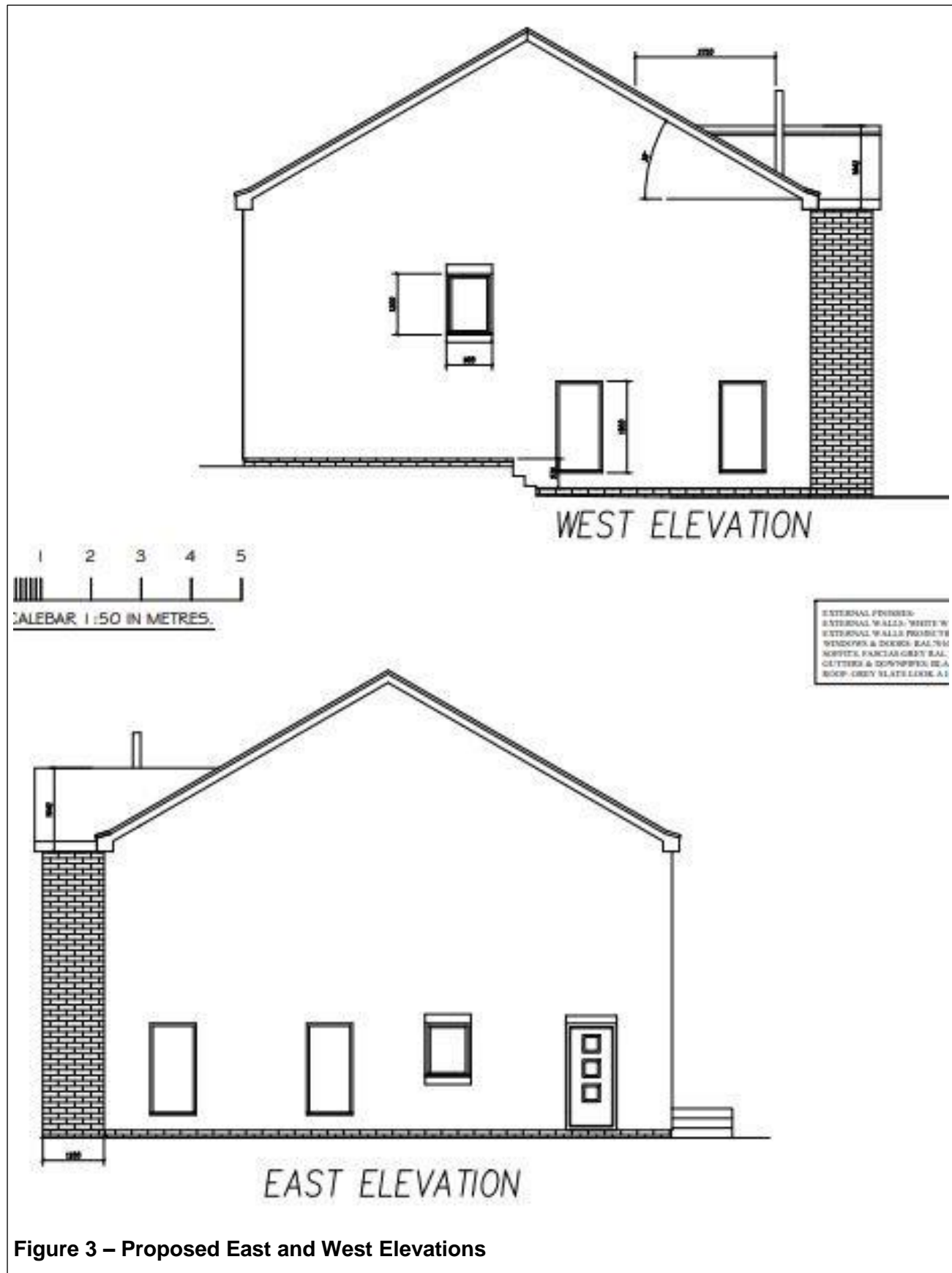
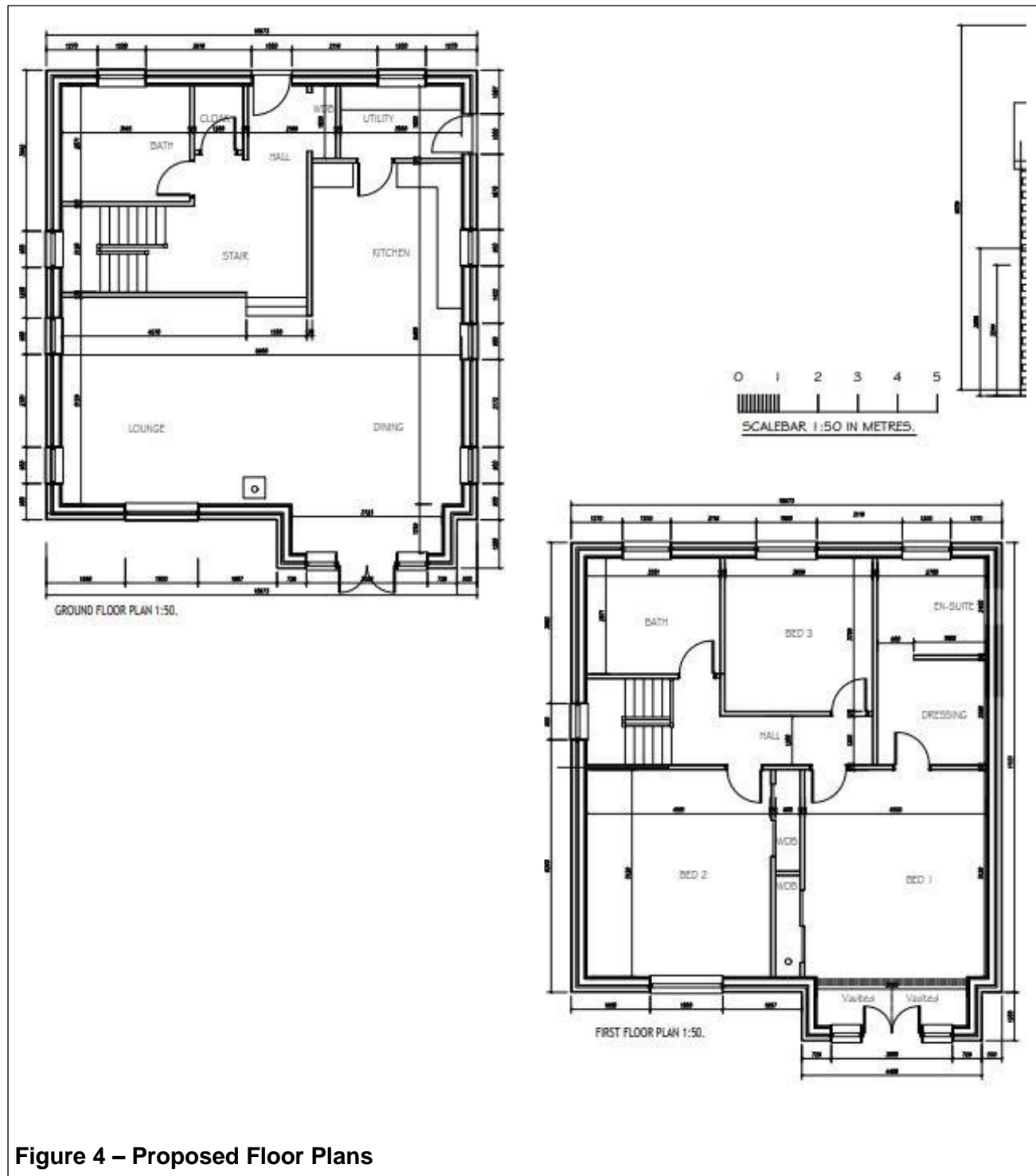


Figure 3 – Proposed East and West Elevations



2 SITE DESCRIPTION

- 2.1 The site is located within Dudhope Bowling Club which is located on the north side of Adelaide Place and the east side of Fingask Street.
- 2.2 The application site is located in the south-west corner of the bowling club. It is a prominent corner site located behind a stone wall (south and west) at the junction of Adelaide Place and Fingask Street. It is an area of ground separated from the main bowling green by a hedge and fencing (east). To the north there is an existing vehicular access and storage shed for the bowling club. An existing 1.8m high timber fence bounds the site along the east boundary. The other 3 boundaries are formed by stepped stone walling.
- 2.3 Fingask Street slopes steeply from north to south. The ground level within the site is higher than Fingask Street and Adelaide Place.
- 2.4 The surrounding area is residential with a mix of house types.



Figure 5 – View From Adelaide Place



Figure 6 – View From Fingask Street

3 POLICY BACKGROUND

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

NATIONAL PLANNING FRAMEWORK 4

Policy 2: Climate Mitigation and Adaptation
Policy 3: Biodiversity
Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings
Policy 13: Sustainable Transport
Policy 14: Design, Quality and Place
Policy 16: Quality Homes
Policy 21: Play, recreation and sport
Policy 22: Flood Risk And Water Management
Policy 23: Health and Safety

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Policy 1: High Quality Design and Placemaking
Policy 10: Design of New Housing
Policy 28: Protecting and Enhancing the Dundee Green Network
Policy 39: Environmental Protection
Policy 41: Land Contamination
Policy 48: Low and Zero Carbon Technology in New Development
Policy 54: Safe and Sustainable Transport
Policy 56: Parking

- 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 20/00310/PPPL - Erection of Dwellinghouse - planning permission in principle granted consent on 4 September 2020.
- 4.2 10/00735/FULL - Erection of 2 x 13.75m tall replica flagpoles supporting Vodafone and O2 antenna within GRP shrouds plus equipment cabinets at ground level to each (one being replacement of existing flagpole) - withdrawn.

5 PUBLIC PARTICIPATION

- 5.1 The statutory neighbour notification procedure has been undertaken
- 5.2 Fifteen objections have been received raising the following valid material grounds:
- a change in building type compared to previously consented scheme;
 - the height of the building would be out of keeping with the plot size and surrounding built environment;
 - the proposed materials are out of character with the surrounding environment;

- the proposal will result in loss of privacy due to overlooking;
- the proposals will have a detrimental effect on the conservation area;
- the proposals will result in increased congestion and difficulty parking;
- the parking area shown on the drawings is not suitable;
- the boundary wall has already been altered prior to permission being granted, and the new openings within the boundary wall would be harmful to the conservation area; and
- loss of daylight/sunlight.

5.3 The valid grounds of representation are taken into account in the material considerations section of this report.

6 CONSULTATIONS

- 6.1 The following consultation responses were received from the Head of Community Safety and Protection:
- 6.2 Noise - advised of previous noise issues arising from the bowling club. They are aware of complaints to the Licensing team about noise from the bowling club and advise that noise mitigation measures in the form of 1.8m high acoustic fencing along the eastern boundary of the application site shall be required. The Head of Community Safety and Protection is content for the details of the fencing to be required and approved via a planning condition upon grant of consent. Subject to the inclusion of such a condition, the Head of Community Safety and Protection does not object to the proposals.
- 6.3 Contaminated land - advised that due to the sensitivity of the proposed use and as a precaution due to apparent earthworks associated with the bowling green, an advisory note should be applied to any planning permission granted. The advisory requires the applicant to notify the Council in writing if any ground contamination is found during construction of the development.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Town and Country Planning Act 1997 as amended 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

- 7.2 The provisions of the Development Plan relevant to the determination of this application are specified in the Policy Background section above.

NATIONAL PLANNING FRAMEWORK 4

- 7.3 **Policy 2 a) (Climate mitigation and adaptation)** - requires development proposals to be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.

- 7.4 **Policy 2 b) (Climate mitigation and adaptation)** - requires that development proposals will be sited and designed to adapt to current and future risks from climate change.
- 7.5 In this case the application site is located on a brownfield site within the inner city, which allows local living with less transport trips, and compact urban growth. The submitted drawings include indicative details to show the potential position of solar PV panels. It is considered appropriate to attach a planning condition to ensure further details of steps to reduce carbon emissions are provided for written approval prior to the commencement of development.
- 7.6 **Policy 2 of National Planning Framework 4 has been complied with subject to condition.**
- 7.7 **Part c) of Policy 3 (Biodiversity)** - states that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.
- 7.8 Given the nature of the site there would be scope for additional planting and measures that could attract and introduce biodiversity opportunities within the site. There is no detail included within the submitted planning application to demonstrate the measures that could be introduced to enhance the biodiversity opportunities onsite. It is therefore considered reasonable to attach a condition to any approval to ensure that full details of biodiversity enhancement measures that will be introduced as part of the development are provided for written approval prior to the commencement of development. These details are expected to include measures such as those highlighted within NatureScot's Developing with Nature Guidance. Typically these are relatively low cost measures such as swift bricks, bee bricks, rain gardens and wildlife friendly planting.
- 7.9 **Policy 3 of National Planning Framework 4 has been complied with subject to condition.**
- 7.10 **Part a) of Policy 9 (Brownfield, vacant and derelict land and empty buildings)** - states that development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
- 7.11 The application is for the reuse of a vacant brownfield site which is currently laid to grass. The reuse of a brownfield site is supported by Policy 9 Part a), and there is little to no naturalisation of the existing site and therefore limited existing biodiversity value.
- 7.12 The proposal is in accordance with Part a) of Policy 9 of National Planning Framework 4.
- 7.13 **Part c) of Policy 9 (Brownfield, vacant and derelict land and empty buildings)** - states that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- 7.14 An advisory note will be attached upon grant of consent which requires the applicant to notify the Council in writing if any ground contamination is found during construction of the development.
- 7.15 The proposal is in accordance with Part c) of Policy 9 of National Planning Framework 4.
- 7.16 **Overall, the proposal is in accordance with Policy 9 of National Planning Framework 4.**
- 7.17 **Part b) of Policy 13 (Sustainable transport)** - requires that development proposals will be supported where it can be demonstrated that the transport requirements generated have been

considered in line with the sustainable travel and investment hierarchies and where appropriate they::

- i provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
- ii will be accessible by public transport, ideally supporting the use of existing services;
- iii integrate transport modes;
- iv provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
- v supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
- vi are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
- vii have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
- viii adequately mitigate any impact on local public access routes.

7.18 In respect of the criteria above, the application site is located in a predominantly residential area with Hilltown District Centre a 12 minute walk away to the east, and Dundee City Centre around a 15 minute walk to the south east. There are 2 bus stops on Albany Terrace, some 0.25km to the south, providing public transports links to Dundee City Centre. Within the curtilage of the property is parking provision for two vehicles. This is a safe and convenient location for the installation of electric vehicle charging points. The requirement to install such points would be controlled through building standards.

7.19 Provision for cycle storage has not been shown and it is considered appropriate to attach a condition to any approval that requires details of appropriate cycle storage to be agreed and installed prior to occupation.

7.20 The application has been considered by the Council's Head of Sustainable Transport and Roads, who is content that the proposed development would not result in any detrimental effect on the capacity or safe functioning of the existing road network, subject to conditions relating to the design and construction of the vehicle access.

7.21 **Therefore, subject to conditions in respect of the provision of secure covered cycle storage and the design of the vehicle access the proposal satisfies Policy 13 of National Planning Framework 4.**

7.22 **Part a) of Policy 14 (Design, quality and place)** - requires that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

7.23 The application is for a single dwelling on a site which has remained vacant for an extended period of time. The proposal seeks the siting of a modern style detached two storey house. The principal elevation would face onto Adelaide Place, which would assimilate with the majority of existing dwellings on the north side of Adelaide Place. The two storey height of the proposed dwelling would be in keeping with the nearby houses along Adelaide Place and

Fingask Street, where there is a mix of single, one and a half, and two storey properties with different roof types. The siting of the proposed dwelling in terms of the house size to plot ratio is similar to other plots within the existing street scene, and would not be an overdevelopment of the plot.

- 7.24 The dwelling would be finished in white painted render, a black slate base course and projecting component on its front (south) elevation, and a grey tiled roof. Whilst the majority of buildings are finished with sandstone, there are numerous examples of houses finished with white painted render on both sides of Fingask Street, as well as both sides of Adelaide Place, some with feature cladding panels. The proposed access gates would be formed from vertically boarded cedar planks which would be similar to the existing gates which provide access to the bowling club on Fingask Street, as well as neighbouring 1A Adelaide Place to the east of the application site.
- 7.25 Therefore, the proposed materials would be generally in keeping with those in the surrounding area, and would result in a high quality development.
- 7.26 Overall, the proposals would result in an improvement to the quality of the built environment in this location.
- 7.27 The proposal is therefore in compliance with Policy 14 Part a) of NPF4.
- 7.28 **Part b) of Policy 14 (Design, quality and place)** - requires that development proposals will be supported where they are consistent with the six qualities of successful places:
- Healthy: supporting the prioritisation of women's safety and improving physical and mental health.
 - Pleasant: supporting attractive natural and built spaces.
 - Connected: supporting well connected networks that make moving around easy and reduce car dependency
 - Distinctive: supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.
 - Sustainable: supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.
 - Adaptable: supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.
- 7.29 The proposals are consistent with the quality: Pleasant, supporting attractive built spaces. The proposal is otherwise broadly in accordance with the other five qualities of successful places, as relevant.
- 7.30 The proposal complies with Policy 14 Part b of the National Planning Framework 4.
- 7.31 **Part c) of Policy 14 (Design, quality and place)** - states that development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

- 7.32 As discussed below in relation to LDP Policy 10, the proposals would not result in any loss of privacy due to harmful overlooking. Furthermore, the proposals would be a sufficient distance away from neighbouring properties that a harmful loss of sunlight or daylight would not occur.
- 7.33 The proposal complies with Policy 14 Part c of the National Planning Framework 4.
- 7.34 **Overall, the proposal complies with Policy 14 Parts a, b and c of the National Planning Framework 4.**
- 7.35 **Part f) of Policy 16 (Quality Homes)** - states that development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:
- i the proposal is supported by an agreed timescale for build-out;
 - ii the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods; and
 - iii either:
 - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
 - the proposal is consistent with policy on rural homes; or
 - the proposal is for smaller scale opportunities within an existing settlement boundary; or
 - the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.
- 7.36 An agreed timescale for build-out is not relevant given the small-scale, single dwelling nature of this proposal.
- 7.37 The application site is located with Hilltown District Centre a 12 minute walk away to the east, and Dundee City Centre around a 15 minute walk to the south east. There are 2 bus stops on Albany Terrace, some 0.25km to the south, providing public transports links to Dundee City Centre. Therefore this development of one additional dwelling within the inner city, would allow local living with fewer transport trips, and compact urban growth. The proposals are therefore compatible with the expectations of local living and as such it is considered that the proposal would comply with Policy 16 f) in this instance.
- 7.38 The proposal is for a smaller scale opportunity within an existing settlement boundary.
- 7.39 **The proposal complies with Part f) Policy 16 of the National Planning Framework 4.**
- 7.40 **Part a) of Policy 21 (Play, recreation and sport)- states that a)** development proposals which result in the loss of outdoor sports facilities will only be supported where the proposal:
- i is ancillary to the principal use of the site as an outdoor sports facility; or
 - ii involves only a minor part of the facility and would not affect its use; or

- iii meets a requirement to replace the facility which would be lost, either by a new facility or by upgrading an existing facility to provide a better quality facility. The location will be convenient for users and the overall playing capacity of the area will be maintained; or
- iv can demonstrate that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision.

7.41 The application site once formed part of Dudhope Bowling Club as an area of ancillary landscaping, with the majority of the area being separated from the bowling club via a 1.8 high hedge. It is therefore considered that the application site was only a minor ancillary part of the bowling club. The use of the application site for a dwelling would not affect the use of the wider bowling club site as a sports facility.

7.42 **The proposal complies with Policy 21 of the National Planning Framework 4.**

7.43 **Part c) of Policy 22 (Flood risk and water management)** - states that development proposals will:

- i not increase the risk of surface water flooding to others, or itself be at risk;
- ii manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer; and
- iii seek to minimise the area of impermeable surface.

7.44 Detailed information of a proposed sustainable urban drainage system (SUDS) has not been provided by the applicant at the time of reporting. However, the details of the application site have been reviewed by City Engineers, who are satisfied that a SUDS system would likely be able to be installed within the curtilage of the property. It is therefore considered reasonable to attach a condition to any approval to ensure that a detailed surface water drainage/SUDS design including appropriate drawings, calculations, full modelling, simulation results, design risk assessment, etc is provided for written approval prior to the commencement of development.

7.45 **Subject to the above condition, the proposal complies with Policy 22 of the National Planning Framework 4.**

7.46 **Part d) of Policy 23 (Health and safety)** - states development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.

7.47 The Head of Community Safety and Protection has been consulted and notes that the application includes provision for a wood burning stove and flue. They therefore advise that the applicant be made aware that the application site lies within a Smoke Control Area, as designated under The Clean Air Act, 1993. This means that only authorised fuels are permitted to be burnt. Alternatively, if the intention is to burn unauthorised fuels such as wood then an exempt appliance must be used. An informative shall be included upon grant of consent informs the applicant accordingly.

7.48 **The proposal complies with Part d) of Policy 23 of the National Planning Framework 4.**

- 7.49 **Part e) of Policy 23 (Health and safety)** - states that development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.
- 7.50 The application site is directly adjacent to Dudhope Bowling Club. The Head of Community Safety and Protection has advised of noise issues from the bowling club. They are aware of complaints to licensing about noise. To reduce the likelihood of complaints from future residents about noise arising from the use of the bowling club the Head of Community Safety and Protection advises that noise mitigation measures in the form of 1.8m high acoustic fencing along the eastern boundary of the application site shall be required. Details of the fencing have not been provided with the application but will be secured via a planning condition upon grant of consent.
- 7.51 Subject to condition, the proposal complies with Part e) of Policy 23 of the National Planning Framework 4.
- 7.52 **Overall, the proposal complies with Policy 23 of the National Planning Framework 4.**

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- 7.53 **Policy 1 (High Quality Design and Placemaking)** - states that all development proposals should follow a design-led approach to sustainable, high quality placemaking. Development should contribute positively to the quality of the surrounding built and natural environment and should be planned and designed with reference to climate change mitigation and adaptation. The design and siting of development should respect the character and amenity of the place, create a sense of community and identity, enhance connectivity and incorporate creative approaches to urban design, landscaping and green infrastructure, appropriate to the local context and the scale and nature of the development. New development will be required to meet the six qualities of successful place in accordance with the guidance provided in Appendix 1.
- 7.54 **For similar reasons to those set out in the assessment against Policy 14 of the National Planning Framework 4 above, the proposal complies with Policy 1 of the Dundee Local Development Plan.**
- 7.55 **Policy 10 (Design of New Housing)** - requires that the design and layout of new housing developments in Dundee should be of a high quality and contribute to creating places that respect and enhance the distinct character and identity of the different parts of the City. All new housing developments should meet the six qualities of successful place, as set out in Policy 1 and should provide a balanced choice and type of housing. All new housing developments will be required to conform to the guidance on the Design of New Housing set out in Appendix 4. All new housing developments will need to ensure that the design and layout respects and enhances the character of adjoining properties and the surrounding area and does not have a detrimental impact on residential amenity and parking.
- 7.56 The proposed development is required to meet the Inner City Standards set out in Appendix 4:
- House Type** - houses should have 2 or more bedrooms or a minimum gross internal floor area of 100m². A 3 bedroom house is proposed which is in line with this standard.
- Car Parking** - all tenures should have at least 1 parking space within the curtilage of each dwellinghouse. Two parking spaces are proposed in the curtilage of the proposed dwelling which surpasses the requirements of this standard.

Cycle Provision - one secure, covered space per house must be provided unless a suitable garage or other secure area is provided within the curtilage of the house. The site plan fails to show provision for cycle storage within the curtilage of the house. A condition has therefore been applied to require full details of secure and covered cycle storage provision and its installation.

Amenity/Garden Ground - a minimum of private useable garden ground of 50m² should be provided for all houses. The proposed private garden ground at the rear of the property covers 50m² which meets the requirement. The property will also benefit from an additional 180m² of garden ground including a patio area to the front and sides of the house.

Privacy – a minimum of 18 metres between the facing windows of habitable rooms. Dudhope Bowling Club lies to the east of the application site and would not be affected by any overlooking. To the south, the nearest elevation with habitable rooms would be some 23m away, meeting this standard. To the west, the nearest elevation with habitable rooms would be some 24m away, meeting this standard. To the north, the nearest elevation with habitable rooms would be some 18.8m away, meeting this standard. The proposal includes a patio area to the front of the house. The distance from this patio area to the nearest area of private neighbouring garden ground to the south is some 16.2m, and some 21m to the nearest area of private neighbouring garden ground to the west. The distance from this patio area to the facing windows of habitable rooms is also greater than the minimum 18 distance requirement. Overall, the proposals would not result in any loss of privacy due to harmful overlooking. Furthermore, the proposed dwelling would be a sufficient distance away from neighbouring properties that a harmful loss of sunlight or daylight would not occur.

General Requirements - provision for waste and recycling should be provided in accordance with the Council's waste management strategy. Also, parking areas should include provision for electric car charging points. Whilst no reference to waste provision is shown on the application drawings, there is sufficient space for waste and recycling bins to be stored within the curtilage of the property in line with this requirement. No reference is made to the provision of EV charging points. However, the driveway is capable of accommodating their installation as required through the Building (Scotland) Regulations.

- 7.57 The application submission demonstrates that the proposal meets the six qualities of successful place in line with Policy 1. The proposed development is of high quality and the design and layout respects and will enhance the character of the surrounding area, without having a significant detrimental impact on residential amenity.
- 7.58 **The proposal therefore satisfies Policy 10 and Appendix 4 of the Dundee Local Development Plan.**
- 7.59 **Policy 28 (Protecting and Enhancing the Dundee Green Network)** - states that proposals affecting outdoor sports facilities will be safeguarded from development except where:
- 1 the proposals affect only a minor part of the site or are ancillary to the principal use of the site as an outdoor sports facility and either improve or do not affect its use and potential for sport, training and amenity use; or
 - 2 the facility which would be lost is to be replaced by a new or upgraded compensatory facility of equal benefit and accessibility in; or
 - 3 adjacent to the community most directly affected; or
 - 4 the proposals are consistent with the Dundee Physical Activity Strategy or Dundee Pitch Strategy and supported through consultation with sportscotland.

- 7.60 As discussed above in relation to assessment under Policy 21 of NPF4, the use of the application site for a dwelling would not affect the use of the wider bowling club site as a sports facility.
- 7.61 **The proposal complies with Policy 28 of the Dundee Local Development Plan.**
- 7.62 **Policy 39 (Environmental Protection)** - states all new development or an extension to an existing development that would generate noise, vibration, odour, emissions to air, dust or light pollution will be required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area. The policy also requires that new development or an extension to an existing development in close proximity to existing sources of noise, vibration, odour, emissions to air, dust or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on viability of existing businesses or us
- 7.63 As discussed above in relation to Policy 23e of NPF4, the bowling club is an existing source of noise that could be detrimental to the amenity of occupiers of this proposed dwelling. The use of an acoustic fence along the eastern boundary is required to mitigate that potential noise source. This would be required via the inclusion of a condition upon grant of consent.
- 7.64 As discussed above in relation to Policy 23e of NPF4, the applicant will be made aware via an informative that the site lies within a Smoke Control Area, as designated under The Clean Air Act, 1993. This means that only authorised fuels are permitted to be burnt or otherwise an exempt appliance must be used.
- 7.65 **The proposal complies with Policy 39 of the Dundee Local Development Plan with the inclusion of a condition.**
- 7.66 **Policy 41 (Land Contamination)** - states that the development of potentially contaminated or statutorily identified contaminated land will be considered where:
- 1 a site investigation is submitted establishing the nature and extent of contamination; and
 - 2 the Council is satisfied that remediation measures proposed for the development, adequately address contamination risks to all receptors, such that the land demonstrably does not meet the statutory definition of contaminated land and is suitable for the planned use.
- 7.67 **For similar reasons to those set out in the assessment against Policy 9 c) of the National Planning Framework 4 above, the proposal complies with Policy 41 of the Dundee Local Development Plan.**
- 7.68 **Policy 48 (Low and Zero Carbon Technology in New Development)** - requires proposals for all new buildings to demonstrate that a proportion of the carbon emissions reduction standard set by Scottish Building Standards will be met through the installation and operation of low and zero carbon generating technologies. The relevant Building Standards and percentage contribution required is set out in supplementary guidance. The supplementary guidance will be kept under review to ensure the proportion of the carbon emissions reduction standard to be met by these technologies will increase over time. A statement will be required to be submitted with an application for planning permission to demonstrate compliance with this requirement.
- 7.69 No details have been submitted with the planning application to address this policy requirement. Generally such measures are required through building standards and as such

the submission and assessment of a statement prior to commencement of works commencing on site can ensure compliance with this condition.

7.70 **For similar reasons to those set out in the assessment against Policy 2 of the National Planning Framework 4 above and subject to the addition of a planning condition to require the submission details of measures to reduce carbon emissions, the proposals would comply with Policy 48 of the Dundee Local Development Plan.**

7.71 **Policy 54 (Safe and Sustainable Transport)** - requires all development proposals that generate travel to be designed to be well served by all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be afforded priority and provide for easy access to local amenities, education facilities and other services.

Development proposals will be required to:

- 1 minimise the need to travel by private car;
- 2 provide facilities on-site (and/or off-site through developer contributions or by direct delivery) for walking, cycling and public transport networks, including road/junction improvements and cycle parking. Developments without high quality, safe and convenient links to adjacent walking and cycling networks will not be supported;
- 3 incorporate measures to permit access to public transport networks within a walking distance of no more than 400 metres from all parts of the development;
- 4 have no detrimental effect on the capacity or safe functioning of the existing road or rail networks;
- 5 ensure that safe and adequate provision is made for road freight and waste access, loading and unloading;
- 6 comply with the National Roads Development Guide and any local variations within Dundee City Council's roads design standards; and
- 7 be supported by a travel plan to mitigate transport impacts and improve the accessibility of developments where the Council considers that the development will generate significant travel.

Walking and cycling routes should be fully useable prior to the first occupation of a new development.

7.72 **For similar reasons to those set out in the assessment against Policy 13 b) of the National Planning Framework 4 above, the proposal complies with Policy 54 of the Dundee Local Development Plan.**

7.73 **Policy 56 (Parking)** - of the Dundee Local Development Plan states that all new developments shall be required to comply with Dundee City Council's adopted guidance on road standards; with the national maximum parking standards and residential developments should include infrastructure to provide electric car charging points, either through electrical connections adjacent to private driveways, or through infrastructure for the installation of charging points within communal car parking areas.

7.74 In this instance the proposal includes two off street parking spaces in line with the requirements of Appendix 4. As discussed above, the driveway is capable of EV charger installation as required through the Building (Scotland) Regulations.

- 7.75 The application has been considered by the Council's Head of Sustainable Transport and Roads, who is content that the proposed off-street parking to serve the development is suitable, and would not result in any detrimental effect on the capacity or safe functioning of the existing road network, subject to condition.
- 7.76 **The proposal can comply with the requirements of Policy 56 of the Dundee Local Development Plan.**
- 7.77 **It is concluded that the proposal fully accords with the Development Plan.**

MATERIAL CONSIDERATIONS

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

A - REPRESENTATIONS

- 7.79 In total, fifteen letters were received objecting to the proposal. The objections raised the following valid material grounds:
- a change in building type compared to previously consented scheme;
 - the height of the building would be out of keeping with the plot size and surrounding built environment;
 - the proposed materials are out of character with the surrounding environment;
 - the proposal will result in loss of privacy due to overlooking;
 - the proposals will have a detrimental effect on the conservation area;
 - the proposals will result in increased congestion and difficulty parking;
 - the parking area shown on the drawings is not suitable;
 - the boundary wall has already been altered prior to permission being granted, and the new openings within the boundary wall would be harmful to the conservation area; and
 - loss of daylight/sunlight.
- 7.80 The grounds of objection are considered and assessed as follows:
- 7.81 **Objection** - a change in building type compared to previously consented scheme.
- 7.82 **Response** - this application has been assessed on the merit of the current proposals only.
- 7.83 **Objection** - the height of the building would be out of keeping with the plot size and surrounding built environment.
- 7.84 **Response** - as discussed above in relation to NPF4 Policy 14, it is considered that the two storey height of the proposed dwelling would not appear at odds with the nearby houses along Adelaide Place and Fingask Street, where there is a mix of single, one and a half, and two storey properties. In addition, the assessment finds that the siting of the proposed dwelling in terms of the house size to plot ratio would not be at odds with the existing street scene, and would not be an overdevelopment of the plot.

- 7.85 **Objection** - the proposed materials are out of character with the surrounding environment.
- 7.86 **Response** - as discussed above in relation to NPF4 Policy 14, the assessment finds that the proposed finishing materials would not be significantly at odds with those in the nearby built environment, and would result in a high quality development.
- 7.87 **Objection** - the proposal will result in loss of privacy due to overlooking.
- 7.88 **Response** - as discussed above in relation to LDP Policy 10, the proposals would not result in any loss of privacy due to harmful overlooking. Including the patio area to the south of the house, the proposals would meet the minimum 18 metres between facing windows of neighbouring habitable rooms requirement of LDP Policy 10. To the south, the nearest elevation with habitable rooms would be some 23m away. To the west, the nearest elevation with habitable rooms would be some 24m away. To the north, the nearest elevation with habitable rooms would be some 18.8m away.
- 7.89 **Objection** - the proposals will have a detrimental effect on the conservation area.
- 7.90 **Response** - whilst the application site is adjacent to the Law Terraces Conservation Area, it is not within it. Nevertheless, the above assessment finds that the proposed development would not be at odds with the existing street scene, which includes Adelaide Place, the southern half of which is in the Law Terraces Conservation Area. It is therefore considered that the proposals would not have a detrimental effect on the conservation area.
- 7.91 **Objection** - the proposals will result in increased congestion and difficulty parking.
- 7.92 **Response** - the application has been considered by the Council's Head of Sustainable Transport and Roads, who is content that the proposed development would not result in any detrimental effect on the capacity or safe functioning of the existing road network.
- 7.93 **Objection** - the parking area shown on the drawings is not suitable.
- 7.94 **Response** - the application has been considered by the Council's Head of Sustainable Transport and Roads, who is content that the proposed off-street parking to serve the development is suitable, and would not result in any detrimental effect on the capacity or safe functioning of the existing road network, subject to condition.
- 7.95 **Objection** - the boundary wall has already been altered prior to permission being granted, and the new openings within the boundary wall would be harmful to the conservation area.
- 7.96 **Response** - the alterations to the boundary wall that have occurred to date do not require planning permission. Furthermore, the proposed gates to be installed within the openings are considered above under Policy 14 of NPF4 to be high quality and not significantly at odds with those in the nearby built environment. The new openings within the boundary wall would therefore not be harmful to the conservation area.
- 7.97 **Objection** - loss of daylight/sunlight.
- 7.98 **Response** - the loss of daylight/sunlight is discussed above in relation to LDP Policy 10, where it is considered that the proposed dwelling would be a sufficient distance away from neighbouring properties that a harmful loss of sunlight or daylight would not occur.
- 7.99 The issues raised in the representations have been considered and addressed in the report and the grounds raised are not of sufficient weight to justify refusal of planning permission.

B – PREVIOUS PLANNING PERMISSION

- 7.100 The 2020 planning permission (Reference 20/00310/PPPL) was a Planning Permission In Principle for a new dwelling. This has established the principle of residential development in this location. The information submitted with the application, specifically the design statement, indicated that a single storey dwelling would be constructed. Based on the level and scope of information provided at that time officers concluded that a single storey dwelling was the only form of development acceptable in this location. Accordingly the permission was granted subject to a planning condition that restricted any subsequent Approval of Matters Specified by Condition application to a single storey dwelling.
- 7.101 This current application is for full planning permission and through the drawings submitted with the application the applicant has successfully demonstrated that a two storey dwelling can be sited and designed with no significant detrimental impact on the character of the street or area, or on the residential amenity of neighbouring properties, as assessed above against NPF4 Policy 14 and LDP Policy 10.
- 7.102 **It is concluded that there are no material considerations of sufficient weight to justify refusal of planning permission.**

8 CONCLUSION

- 8.1 The application for a dwellinghouse is in accordance with the Development Plan. There are no material considerations of sufficient weight that would justify refusal of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

- 9.1 It is recommended that planning permission be GRANTED subject to the following conditions:
- 1 **Condition** - the development hereby permitted shall be commenced within three years from the date of this permission.

Reason – to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.
 - 2 **Condition** - prior to the commencement of any works on site, a detailed surface water drainage/SUDS design including appropriate drawings, calculations, full modelling, simulation results, design risk assessment, signed Dundee City Council Design Compliance and Independent Check Certification, evidence of compliance with the Simple Index Approach as described in section 26.7.1 of the CIRIA SUDS Manual (C753), and where appropriate SEPA comments shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to the first use of the development hereby approved.

Reason – to ensure proper management of surface water in the interests of flood prevention.
 - 3 **Condition** - prior to the commencement of any works on site, full details of an acoustic fence shall be submitted to the Council for written approval. Thereafter, the fence shall be completed as the approved details prior to the first occupation of the dwelling hereby

approved. For the purposes of clarity, the acoustic fence shall be 1.8m high and extend along the full length of the east boundary of the application site.

Reason – in the interests of residential amenity.

- 4 **Condition** - prior to any works on site, full details of the proposed vehicular access shall be submitted to the planning authority for agreement and approval. Thereafter, the access must be formed and constructed to Dundee City Council standards and specifications.

Reason – in the interests of vehicle and pedestrian safety.

- 5 **Condition** - the proposed gates must open into the driveway and not over the adjacent public footway.

Reason – in the interests of vehicle and pedestrian safety.

- 6 **Condition** - any existing accesses that are no longer required as part of the proposed development must be made good as footway to Dundee City Council specifications. Details of these alterations must be agreed prior to any works on site.

Reason – in the interests of vehicle and pedestrian safety.

- 7 **Condition** - the hard surface within the curtilage should be made of porous materials or provision should be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

Reason – to ensure that surface water from within the curtilage of the site does not drain to the adjacent adopted road.

- 8 **Condition** - prior to the commencement of any works on site, the details for the building fabric and heating and hot water systems, together with a sustainability statement to demonstrate that the development will comply with Scottish Building Standards in relation to carbon emissions reduction shall be submitted for the approval of the planning authority. Thereafter, the works shall be completed in accordance with the approved details.

Reason – in the interests of promoting renewable energy and reducing carbon emissions associated with the proposed development.

- 9 **Condition** - prior to the commencement of development, a scheme of features or measures to enhance biodiversity, such as those measures set out in the NatureScot Developing with Nature guidance, shall be submitted to and agreed in writing by the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

Reason – to ensure that a satisfactory biodiversity enhancement scheme is proposed and implemented, mitigating the biodiversity impact that development has on the site.

- 10 **Condition** - prior to the occupation, details of secure, covered cycle storage/parking shall be submitted for the written approval of the planning authority. Thereafter, the provision of the secure, covered cycle storage/parking shall be installed in accordance with the approved schedule.

Reason – in the interests of sustainable travel measures.

Informatives

- 1 The property lies within a Smoke Control Area, as designated under The Clean Air Act, 1993. Therefore, only authorised fuels are permitted to be burnt. Alternatively, if the intention is to burn unauthorised fuels such as wood then an exempt appliance must be used. Compliance with the appliance manufacturer's guidance forms part of the conditions for exemption. Particulars generally include maximum fuel moisture content and minimum flue termination heights: such details should be adhered to. Advice on this matter may be obtained from Neighbourhood Services Community Safety and Protection or <https://www.dundee.gov.uk/service-area/neighbourhood-services/community-safety-and-protection/air-quality-in-dundee/smoke-control-areas-authorised-fuels-and-exempt-appliances>
- 2 The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council Planning Authority. The scheme shall include a full timetable for the remediation measures proposed. Verification shall be provided by the applicant or his agent, on completion, that remediation has been undertaken in accordance with, and to the standard specified in, the agreed remediation scheme.
- 3 A Vehicular Access (VA) application (found via the following link on DCC website: <http://www.dundee.gov.uk/citydevelopment/vehicularaccess>) must be submitted to Dundee City Council as Roads Authority for work on the adjacent public road or footway and consent for this must be obtained prior to the commencement of any work on the public road or footway. For further details please contact 01382 433341 or developmentroads@dundee.gov.uk.