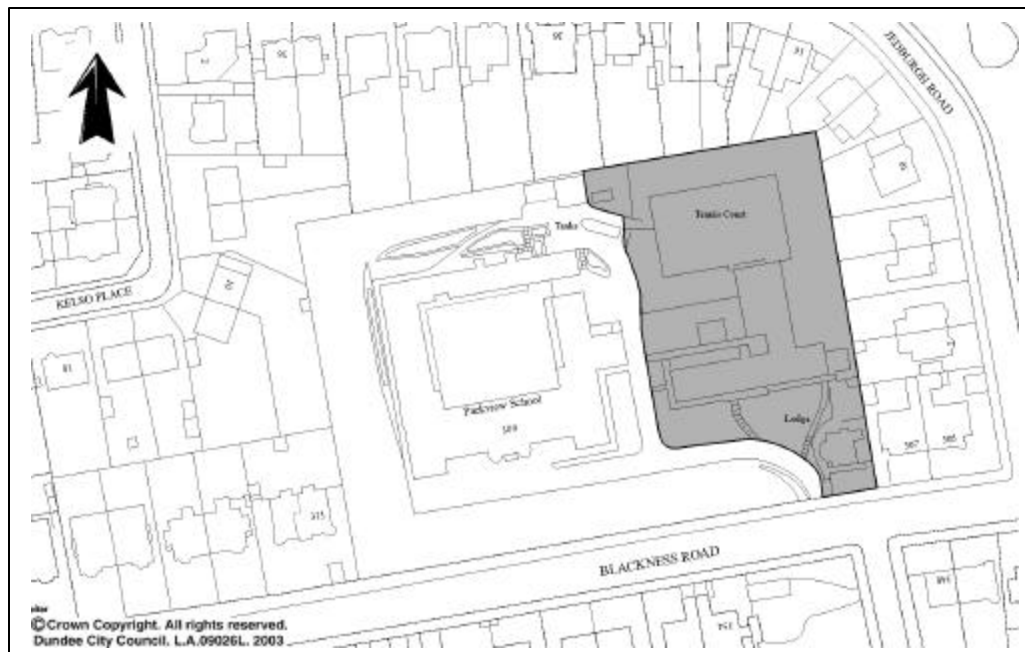


KEY INFORMATION**Ward** Riverside**Proposal**

Outline consent for the erection of 8 dwellinghouses

AddressLand to east of 309
Blackness Road
Dundee**Applicant**Balgay Children's Society
Per Henderson Loggie
Royal Exchange
Panmure Street
Dundee
DD1 1DZ**Agent**Wellwood Leslie Architects
Fort Street House
Broughty Ferry
Dundee
DD5 2AB**Registered** 19 June 2003**Case Officer** R Anderson

Proposed Housing Development at Blackness Road

The outline consent for the erection of 8 dwelling houses is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

It is considered that the principle of development has not been established in this case and the proposal is contrary to local plan policy. Accordingly, the application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- An application has been received for Outline Planning Permission to erect 8 houses on a site currently in use as part of an Independent School.
- Eight letters of objection have been received. The main issues concerned relate to residential amenity, security, access, parking, setting of listed building, design/layout, overlooking, surface water discharge, loss of trees, contrary to development plan, loss of school amenity and wildlife and landscaping.
- The principle of development has not been established on site as a suitable case has not been made justifying the loss of the ground for the school or the provision of alternative ground. This concern is also shared by the Care Commission and the Scottish Executive, who assess such schools and maintain them on a national register.
- The proposal is contrary to policy SCE1 of the Dundee Local Plan 1998 and there are also material considerations to support a recommendation of refusal.

DESCRIPTION OF PROPOSAL

It is proposed, in principle, that 8 dwellinghouses be developed on the above site to the east of the existing Balgay School. The proposal will involve the demolition of a vacant student housing unit sited to the north of the site. Indicative plans submitted by the applicants demonstrate that this number of houses can be achieved on the site, in compliance with the council's spatial criteria and amenity standards. The access to the site is to be via an existing access to the adjacent school, to the west of the site forming a hammerhead. The indicative plots range from 306m² - 477m² in area. Land levels have been shown on the plans which show varying levels but generally the site slopes to the north. Indicative finished ground levels have been provided showing the main portion of the site as levelled with the northern portion remaining sloping.

SITE DESCRIPTION

The site, measuring some 0.4Ha in area, is immediately to the east of the existing Parkview School (formerly Balgay School) on the north side of Blackness Road some 40m west of its junction with Jedburgh Road. It currently houses a vacant former student housing block, formed with concrete roof tiles and dry dashed render walls and a tennis court with high mesh fence. The former Balgay School is a substantial three-storey category B listed building formed from natural stone walls with slate roofs. To the east south and north of the site are residential uses - mainly low density detached dwellings, and in the case of the southern boundary, the lodge house serving the main school building to the east. The access to the site and the main building is off Blackness Road to the south east which runs westwards across the southern boundary. The site has varying levels within it but generally slopes northwards.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 1998

The following policies are of relevance:

SCE1 - Retention of Existing Facilities

H10 - Design of New Housing

BE4 - Development in Garden Ground

Dundee Urban Nature Conservation Subject Local Plan 1995

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

Finalised Dundee Local Plan 2003

The following policies are of relevance:

Policy 4: Design of New Housing

Policy 15: Development in Garden Ground



Scottish Planning Policies, Planning Advice Notes and Circulars

The following documents are of relevance:

The Memorandum of Guidance on Listed Buildings and Conservation Areas.

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 8 - Health is protected by creating safe, clean, pleasant environments.

Key Theme 13 - Places, spaces and objects combine meaning and beauty with utility.

SITE HISTORY

There is no site history of relevance to the application.

PUBLIC PARTICIPATION

8 Letters of objection have been received. The main issues arising are impact of the development on residential amenity, security of the existing school residents and surrounding residents, problems with shared access, lack of parking spaces, detriment to the setting of the listed building, design of the proposed houses, overlooking, surface water drainage, loss of the trees on site, the development is outwith the established character of the area, it is contrary to the local plan policy, the amenity space for the school will be removed and the proposal will have a negative effect on wildlife and landscaping. These will be assessed in greater detail in the Observations section.

CONSULTATIONS

The Care Commission, referring to national care standards, have indicated that part of the site (the tennis courts) are used as a recreational area by pupils from the school. Although the loss of this ground would not affect the ongoing registration of the school as a private facility, the school would have to justify the loss to the commission.

The Scottish Executive Education Department Schools Division have indicated that Parkview is an independent school and subject to inspections by Her Majesty's Inspectorate and the Care Commission. When HMIE undertake inspections one of the criteria they assess is whether a school has suitable recreational ground and/or the use of alternative local facilities. Such a loss can affect the registration of the facility as an independent school.

No other adverse comments have been made.

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.

Policy SCE1 - Although the policy specifically relates to the retention of existing social, community and health buildings and their sites, the principle involved here warrants similar considerations. The use in question is an independent school which could justifiably be considered as a community resource. In this respect the policy has a presumption in favour of retaining such uses. The site in question is within the curtilage of the school and is actively used by the school. No case has been put forward by the applicants as to why the ground is surplus or even that the facilities are to be provided elsewhere. The rector of the school has indicated in an objection letter that the school pupils use the site and the ground is leased to the school. The consultees have suggested that the ground should not be lost to the school without an adequate alternative or it being surplus to requirement. As no justification for the loss on these grounds has been made and no alternatives have been put forward the proposal is contrary to the principles underlining policy SCE1 and therefore the general principle of development in this case has not been established.

Policy H10 - Design of New Housing - Although the design of the new houses is not known or agreed the applicants have demonstrated that 8 houses can be accommodated on the site providing satisfactory amenity standards, conforming to policy H10. The removal of the existing vacant former student flats is acceptable as this building has little architectural merit and does not contribute positively to the streetscene or character of the area. The indicative plans do show substantial 2 storey detached villas, which in some cases are close to existing boundaries and could have an impact on existing

residential amenity. To this end the number of units may be better sited within the site and may be different houstypes. However it is considered that given the right layout and amenity considerations the site could accommodate the number of units proposed. The character of this area of Blackness Road is largely derived from substantial buildings set back from the street sighted on elevated positions. The site frontage presents an opportunity to maintain this character, whilst giving more flexibility to the layout behind. In principle the proposal conforms to policy H10.

BE4 - Development in Garden Ground - this policy includes a number of criteria which are aimed at maintaining the setting of older substantial properties in large grounds and providing satisfactory residential amenity for existing and proposed residents. With regard to the setting of the main building, it is three stories high and set on an elevated part of the site. It is substantial in both mass and scale and has a prominence when viewed from both the immediate and wider areas. The ground adjacent to the house is at a lower level and generally slopes away from the building as well. It is considered that development on this ground will not compete with the main building and subsequently alter its setting, which is largely its immediate surroundings anyway. The remaining criteria of the policy is aimed at satisfying amenity and could be dealt with at detailed stage. It is considered that the proposal does not conflict with policy BE4.

It is concluded from the foregoing that although the proposal complies with certain development plan policies, crucially it does not conform with the principles underlying policy SCE1. The principle of development has not been established.

Other Material Considerations

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

Policy 4: Design of New Housing - consideration of this policy is similar to that given to policy H10 above.

Policy 15: Development in Garden Ground - consideration of this policy is similar to that given to policy BE4 above.

Terms of the Memorandum of Guidance on Listed Buildings and Conservation Areas - section 10.0.0 outlines the main concerns regarding development which may affect the setting of a listed building. The main issues stated are that development should always be subordinate to the main building, should not disrupt main elevations and the listed building should always remain the focus of its setting. In this case the setting of the listed building is largely its immediate surroundings and it's prominent elevated position. The site to the east has had a large flatted block for many years. Although this is to be removed as part of the proposal it is considered that the frontage buildings which could be developed will be sited in such a position so as to ensure a suitable gap between the existing building and any new development. This will maintain it's setting but importantly maintain the general character and pattern of development in the wider area. In this respect the proposal does not conflict with the guidance of the memorandum.

The points raised by the objectors:

The points regarding overlooking, residential amenity, design of houses, setting of the listed building, development outwith the character of the area, contrary to local plan policy and surface water drainage have either been discussed above or are subsequent detailed matters which cannot be covered under an outline application. They will require to be the subject of (a) further application(s) if outline consent is granted. With regard to the parking and access issues the existing school has a number of parking spaces which satisfy the function of the school. The existing access to the school, which is currently served off a driveway onto Blackness Road, is also acceptable. It provides safe and secure access at present. The proposed development is to be served off an additional driveway onto this main access driveway. Such an arrangement is in principle acceptable and will not adversely affect access and parking for the school. With regard to the loss of trees and the effectiveness of the site as a wildlife habitat, the trees on the site are impressive mature trees and provide effective landscaping. However they are not part of a TPO and the site is not in a Conservation Area. They form a peripheral screen at best around the

site. The loss of the trees from an amenity viewpoint would not affect the site to an unacceptable degree especially if suitable replacement planting was included as part of the new development. The site is not included as part of any wildlife corridor and has little value as a wildlife habitat. It may well be that it is used by wildlife but with no formal designation or recognition of its value this in itself is not a reason for refusing development. The security of the residents is not a land use matter and is more appropriately dealt with by the education authorities and the police. The issue of removing school amenity space is a valid one. The site is currently in use as a school and the ground in question is part of that use. If the loss of the site cannot be justified in terms of the ground being surplus to requirements or provision made elsewhere then it is considered that the principle of development has not been established.

The latter point above is echoed by the consultation responses. As the school is an independent facility it is not the subject of the same criteria as public schools for the amount and type of facilities that it must provide. Instead such schools are inspected annually and if standards are maintained they are kept on a register of such facilities. The Care Commission have indicated that the site in question is used as part of the school's recreation facilities and the Scottish Executive Education Department Schools Division have indicated that its loss would be detrimental to the operation of the school. Clearly the ground in question is of value to the existing use i.e. Parkview school. Its loss is not supported by the aforementioned consultees and has not been justified by the applicants.

It is concluded from the foregoing that sufficient weight can be accorded to some of the material considerations such as to justify refusal of planning permission. It is also considered that the proposal is contrary to the provisions of the development plan. It is therefore recommended that planning permission be refused.

Design

As the application is for Outline Planning Permission, there are no design issues to consider at this stage.

CONCLUSION

In general terms it may be that a development of 8 houses could be accommodated on the site. It appears that the site is adequate to meet the spatial criteria outlined in the local plan and amenity and access considerations can also be satisfied. However the land is in use as part of the school and the indications are that it is an integral part of the schools amenity/recreation ground. This in itself is not an insurmountable constraint, however appropriate alternative provision must be made or sufficient justification given for the removal of the ground. None has been put forward by the applicants and therefore it is considered the principle of development has not been established. Subsequently the application is recommended for refusal.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reasons:

Reasons

- 1 The proposal is contrary to the principles underlining policy SCE1 of the Dundee Local Plan 1998 in as much as it does not represent the retention of a site related to a community facility and would result in the diminution of the function of this facility. There are no material considerations to outweigh policy in this case.
- 2 That the principle of development has not been established in this case as justification for the loss of the ground as a school facility has not been made and no alternative provision has been proposed.