

KEY INFORMATION

Ward Balgillo

Proposal

Erection of 13 dwelling houses

Address

Land to the North of Braemar Gardens
Elcho Drive
Broughty Ferry, Dundee
DD5 3TB

Applicant

Buddon Limited
30 Langlands Street
Dundee
DD4 6SZ

Agent

Hiddleston & Fiest
7 South Tay Street
Dundee
DD1 1NU

Registered 17 June 2003

Case Officer C Walker



The Erection of 13 dwelling houses is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development complies with the Development Plan and provides a satisfactory standard of residential amenity. The application is, therefore, recommended for **APPROVAL** with conditions.

SUMMARY OF REPORT

- Planning permission is sought to erect 13 large (all with 4 bedrooms) detached houses on the site taking access from a new northern extension to Elcho Drive. All the proposed houses have private garden areas in excess of 150 sq. metres.
- There is a separate application for outline planning permission to erect an indoor tennis centre on adjoining ground to the south and west the report on which is contained elsewhere in this Agenda (application 03/00515/OUT refers).
- Part of the site is allocated as falling within the existing residential area where Policy H1 seeks to protect residential amenity. The remainder of the site is allocated as open space and Policy OS1 contains a presumption in favour of retaining open space although it also recognises that alternative uses may be acceptable in certain circumstances. It is considered that the development of this site for housing falls within the exceptions set out in Policy OS1 and does not therefore contravene the adopted Local Plan.
- In the Finalised Dundee Local Plan Review the entire application site is allocated as part of the existing residential area.
- No public comment was received following neighbour notification and advertisement of the application.

DESCRIPTION OF PROPOSAL

Planning permission is sought to erect 13 detached houses on the site. It is proposed to access the houses from a new northern extension to Elcho Drive running to the east and north of the tennis courts. There are 2 proposed house types. The first house type appears as one and a half storey to the street and 2 storeys to the rear and includes an integral double garage and 4 bedrooms. The second house type is 2 storeys in height and includes an integral single garage and 4 bedrooms. Proposed finishing materials are harled walls with areas of artificial stone cladding and tiled roofs. All the proposed houses have private garden areas in excess of 150 sq. metres.

There is a separate application for outline planning permission to erect an indoor tennis centre on adjoining ground to the south and west the report on which is contained elsewhere in this Agenda (application 03/00515/OUT refers).

SITE DESCRIPTION

The site comprises vacant unkempt land owned by Broughty Ferry Tennis Club. The tennis club currently comprises 6 floodlight outdoor courts and a clubhouse. The land comprising the application site was intended for future development by the tennis club.

To the south and west is the Betts housing development at Balgillo Park. To the east is the Dighty Valley with an unmade track along the site boundary and self seeded trees on the steeply sloping bank down to the river. To the north is the A92 Arbroath Road, including an old section of that road bypassed by road improvements.

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:

Part of the site is allocated as falling within the existing residential area where Policy H1 seeks to protect residential amenity. The remainder of the site is allocated as open space and Policy OS1 contains a presumption in favour of retaining open space although it also recognises that alternative uses may be acceptable in certain circumstances.

Policy H10 sets out guidelines for new housing development.

Dundee Urban Nature Conservation Subject Local Plan



1995

There are no policies relevant to the determination of this application as the site is outwith the Dighty Wildlife Corridor.

Finalised Dundee Local Plan Review

The following policies are of relevance:

The entire application site is allocated as part of the existing residential area where Policy 1 seeks to promote vibrant communities and to protect amenity.

Policy 4 and Appendix 1 set out Design Standards for new housing.

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of this application.

Non Statutory Statements of Council Policy

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

LOCAL AGENDA 21

The proposed development is considered to be sustainable and in line with the Councils Agenda 21 policies.

SITE HISTORY

Planning permission was granted for Phase 1 of the tennis centre development in 1992 (applications ref. nos. D17394 and D17809 refer). This involved the erection of the clubhouse and the outdoor courts and was completed at that time.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposal was advertised as potentially contravening Policy OS1 of the adopted Local Plan. No public comment was received.

CONSULTATIONS

The Director of Environmental and Consumer Protection has suggested that there may be noise disturbance from the nearby A92.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- whether the proposals are consistent with the provisions of the development plan; and if not
- 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 Policies OS1 and H10 specified in the Policy background section above.

Policy OS1 contains a presumption in favour of retaining open space although it also recognises that alternative uses may be acceptable in certain circumstances. These are the amount and distribution of alternative areas of open space in the vicinity, the importance of the site to the visual amenity of the area and the nature conservation value of the site.

In terms of Policy OS1 it is considered that the following factors can be taken into account to justify the proposed development as an exception to the general rule that open space be maintained. These are:

- 1 In this case, the area of ground the subject of this application has been unused since the development of the Balgillo Park estate. It was earmarked for future phases of the tennis club development but these never took place and the ground now has a neglected appearance. It is not used as public open space due both to its private ownership and its overgrown condition.
- 2 There is a nearby area of open space at the Dighty Valley walkway immediately to the east of the site. Further to the west the principal area of open space for the Balgillo Park housing development is provided adjacent to Balgillo Road East.
- 3 The area does not add to the visual appearance of the area and indeed due to its unkempt state and incidents of fly tipping, it has a negative visual impact.
- 4 The site is not of any special nature conservation value.

In these circumstances it is considered that the development of this site for housing falls within the exceptions set out in Policy OS1 and does not therefore contravene the adopted Local Plan in this regard.

In terms of Policy H10 the proposed development complies with all the requirements on house size and type, private garden ground and parking.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

The other material consideration to be taken into account is the Finalised Dundee Local Plan Review.

Housing Policy 4 sets out standards for the design of new housing. The proposed development meets all the requirements on house size and type, private garden ground and parking.

In response to the concerns of the Director of Environmental and Consumer Protection a noise survey was carried out for the applicants. This indicates that noise levels both from the existing A92 and when it is dualled will not be problematic.

It is concluded from the foregoing that the material considerations weigh in favour of the proposed development. It is therefore recommended that planning permission be granted with conditions.

Design

The design and layout of the proposed development has been the subject of discussion. The layout involves a lower density of development compared to the adjoining housing areas, giving a more generous feel in terms of the set back of some of the houses and the spacing between houses. The individual houstypes are of satisfactory design. Planning conditions are proposed to ensure adequate landscaping of the development and appropriate boundary treatment.

CONCLUSION

The proposed development complies with the Development Plan and provides a satisfactory standard of residential amenity.

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following conditions:-

- 1 the development hereby permitted shall be commenced within five years from the date of this permission
- 2 Prior to the commencement of development, a landscaping

scheme for the application site shall be submitted to and approved in writing by the City Council.

The landscaping scheme shall include:

- a the retention and protection of existing trees where appropriate
- b the screening of the development from the A92 to the north and the proposed indoor tennis centre to the south and west
- c the provision of an attractive boundary to the Dighty walkway to the east
- d the provisions for the future management and maintenance of the planting
- e the timescale for the carrying out of the landscaping.

The development shall only be carried out in full accordance with the approved landscaping scheme. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.

- 3 samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples
- 4 details of all proposed boundary enclosures and in particular the boundaries around the perimeter of the site to the Dighty Walkway, A92 and tennis club shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details

Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area

- 3 to ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 4 In the interests of visual and residential amenity