

ITEM NO: .

APPLICATION FOR FULL PLANNING PERMISSION REF: 07/03971/WFULL

SITE ADDRESS: HILLPARK HOUSE 37 TOWNHILL ROAD DUNFERMLINE

PROPOSAL : DEMOLITION OF EXISTING DWELLINGHOUSE AND
ERECTION OF 15 FLATTED DWELLINGS INCLUDING
ASSOCIATED CAR PARKING AND LANDSCAPING

APPLICANT: C D J WATSON LTD C/O GEORGE WALKER BUILDING
DESIGN SERVICES

CONSULTATIONS

Scottish Civic Trust
Transportation Service
Education
Housing Service

Object
Approve subject to conditions
Object
Approve subject to conditions

REPRESENTATIONS

53 letters of representation have been received in connection with the current proposal. The contents of these letters are summarised below:

- height
- traffic/car parking
- design
- demolition of existing dwellinghouse
- loss of privacy

It should be noted that the above is a mere summary of the concerns of the objectors and the full letters of representation are available with the Committee papers.

The one letter of support which has been submitted is summarised below:

- Development is of a quality currently lacking in Dunfermline
- Proposal will have broad appeal
- Proposal is a welcome break from the norm with regards to flatted developments.

STATUTORY POLICIES AND APPROVED GUIDANCE

Fife Structure Plan 2002
SS1 Settlement Development Strategy

Dunfermline and the Coast Local Plan 2002
S1 Sustainability

Document 1

BE2 Development within Town and Village Envelopes
BE3 Development Design
BE4 House Curtilages
BE6 Play Areas
COU15 Trees and Development
H6 Development Adjacent to Residential Areas

PLANNING SUMMARY

1.0 PROPOSAL

Planning permission is sought for the demolition of an existing dwelling house and erection of 15 flats including 30 car parking spaces and associated landscaping.

2.0 SITE

2.1 The application site is located to the north of Dunfermline City centre and is on the corner of Townhill Road and Methven Drive. The site is bound by residential properties to all sides including a large 3 storey detached dwelling house to the east, 2 storey semi-detached dwellings to the north, detached bungalows to the west and a relatively modern bungalow to the south.

2.2 The existing dwelling house on the site is located in the centre of the plot to the north of the site. The western boundary was lined with tall mature trees, however, these were felled prior to the application being submitted since they were deemed to be a potential risk as a result of being diseased. A formal hedge extends from the western extent of the gable in a southerly direction and the eastern and southern boundaries are also well screened by mature vegetation.

2.3 The application site is relatively level in a east-west direction, however does slope pronouncedly in a southerly direction. As a result of this, the dwelling house to the south is lower than the existing dwelling house on the site.

2.4 The application site is not in a conservation area and the existing building is not listed. Furthermore, the trees on the site are not afforded any additional protection by way of a Tree Preservation Order.

3.0 TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

3.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires all applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

In this instance, the material considerations are considered to be:

- impact on privacy
- impact on residential amenity
- impact on visual amenity
- the views of the consultees and
- the views contained in the letters of representation.

4.0 ASSESSMENT

4.1 The application site is located within the settlement envelope of Dunfermline and as such, the principle of development on the site is considered to be acceptable and in

accordance with Policy SS1 of the Structure Plan (2002) and Policy S1 and BE2 of the Dunfermline and the Coast Local Plan (2002).

4.2 The northern, eastern and western gables of the proposed block of flats would be in excess of 18 metres from the elevations of the adjacent properties. This is in accordance with current Fife Council policy relating to window to window distances. The distance between the proposed block of flats and dwelling to the south is approximately 14.5 metres. Whilst this is below the required 18 metre window separation distance, only bathroom windows are proposed on this gable and will not result in overlooking or loss of privacy. This is in accordance with Policies BE2, BE4 and H6 of the Dunfermline and the Coast Local Plan (2002) which seek to protect existing residential amenity.

4.3 A total of approximately 600sqm of open space is proposed with current layout and this is 150sqm short of the required 50sqm per flat dwelling. This is not considered to be a significant shortfall and is not sufficient to merit refusing the application alone. Given the size of the proposed development, it is also considered to seek a contribution to improve existing play facilities within the immediate area. This will be calculated at £950 per unit and result in a total of £14 250.

4.4 Whilst Policy COU15 seeks to protect trees from development pressures, it is of lesser importance in this instance given that the most valuable trees were condemned and felled prior to the application being submitted. However, given that there are still other trees on site which are worthy of retention, it is considered appropriate to require a detailed tree survey to be submitted to establish what effect the development would have on the trees and what, if any, mitigation measures will be required. A condition seeking tree protection methods to be adopted during the construction phase is also considered appropriate and is also recommended.

4.5 Policy BE3 relates specifically to design of developments and requires new developments to make a positive contribution to its immediate environment. Whilst it is acknowledged that the new build block of flats would be higher than the properties to the west of Townhill Road, the height of the proposed block of flats is a mere 1 metre higher than the existing house on the site. The ridge of the bungalows to the west of Townhill Road is 119.7 metres above ordnance datum whereas the ridge of the highest part of the block of flats is 124.5 metre, resulting in a difference of 4.8 metres above ordnance datum. As stated above, the proposal is not considered to result in a significant loss of privacy or overlooking and the increase in height will not result in any disamenity which would support refusal of the application.

The proposed location of the block of flats will furthermore not result in a significant loss of light due to the blocks orientation and distance to surrounding properties. The existing dwelling to the south will not suffer any noticeable loss of light due to the path of the sun. The properties to the north will be impacted upon the most by virtue of overshadowing, however, it is the side gable of the semi-detached dwelling which would be affected and the impact of the residential amenity of the dwelling is therefore not significant.

One element of the proposal which is a significant departure from the established character of the area is the overall massing of the proposed block of flats. The area is characterised by large relatively low density development which is typical of historical ribbon development along arterial routes. In terms of the sites geography, it is located on the outer edge of the city centre albeit still within walking distance. In terms of furthering the development of Dunfermline as a City, it should be recognised that in certain instances, demolition of old buildings to allow for a more sustainable use of land should be supported.

Given that the dwelling house on the site is not listed, nor considered worthy of listing by Historic Scotland, and since it is not in a conservation area, the re-development of this site to create a denser more compact form of residential development is considered appropriate. Furthermore, the application site is within walking distance of the local convenience stores on Townhill Road and is served by a local bus route which runs along Townhill Road. In addition, the sites location on a prominent corner lends itself to being developed to create an improved street scene and address its principle public elevation, Townhill Road, significantly better than status quo.

However, it should be noted that a similar development within the heart of this historic part of Dunfermline (north, east and south of the site) would generally not be supported in principle as this area is well defined with a street pattern laid out in a regular grid style with a strong character and charm as a result of the similar style and design of these historic houses.

5.0 CONSULTATIONS

5.1 The Scottish Civic Trust originally objected to the proposal on the grounds of the demolition of the existing dwelling and the design of the proposed block of flats. However, the applicant has submitted evidence demonstrating that the house is structurally unsound and therefore financially unfeasible to retain and/or convert to flats. The Civic Trust amended their response to remove the reference to the loss of the existing dwelling house, however, maintained their objection to the new build block of flats which they consider would result in a development totally out of scale and character with its surroundings. They also raise concern with regard to the loss of the existing garden which they fear will furthermore damage the character and amenity of the area.

These issues have been addressed in detail in the assessment of the proposal and found, whilst significantly different to the surrounding properties, still to be acceptable.

5.2 Housing Services raised no objection subject to an appropriate contribution to meet the terms of the affordable housing requirements for Dunfermline, set at 25% of the total number of units proposed. In accordance with their guidance, a commuted sum is appropriate since the scheme proposes less than 20 units. An appropriate legal agreement will secure this requirement.

5.3 Education Services have raised an objection to the proposal as it would significantly increase the number of pupils which could live within the catchment area of Bellyeoman Primary School which is currently operating close to capacity. Furthermore, Education Services have also advised that a commuted sum in this instance would not overcome the capacity issues as the primary school does not have the physical capacity to be extended without impacting on the quality of the teaching.

Whilst this is normally sufficient grounds to recommending refusal of a proposal, Education Services have advised that the application site is currently benefits from a dual catchment arrangement whereby if the primary catchment school does not have capacity, children will be referred to the secondary catchment school. Education Services have advised that the secondary catchment school for Bellyeoman Primary school would be able to accommodate the proposed development and is currently operating at approximately 68%.

In light of the above, it is deemed appropriate and more sustainable to support the proposal as it will result in the more efficient and effective use of a school which is currently operating significantly below its capacity. Accordingly, the concerns of Education in this instance are not considered sufficient to merit recommending refusal of the currently proposal.

5.4 Transportation Services have raised no objection subject to various conditions which are recommended to be attached in the event that members are minded to approve this application.

6.0 REPRESENTATIONS

6.1 The comments made in the various letters of representations are considered to have been sufficiently addressed above in the report.

7.0 CONCLUSION

7.1 On balance, having taken all material considerations into account, none were found which are considered to outweigh the Development Plan presumption in favour of the proposed development.

Accordingly, it is recommended that the application be approved subject to an appropriate legal agreement and listed conditions.

Approve subject to:

- A) An appropriate legal agreement to secure:
- i) a contribution of £131 250 for affordable housing provision;
 - ii) a contribution of £14 250 to improve play areas in the immediate vicinity

and

- B) The following conditions:

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| RECOMMENDATION: |
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Approve subject to the following condition(s):

1. The development to which this permission relates must begin no later than 5 years from the date of this permission.
2. The development hereby approved shall be implemented in accordance with the plan(s) stamped as forming part of this permission unless a variation is required by a condition of the permission or a non-material change has been agreed in writing by the Planning Authority.
3. Development shall not begin until a landscaping scheme that complies with the details contained in the attached Advice Note 3, 'Potential Bird Hazards from Amenity Landscaping and Building Design' i.e. type and spacing of trees and design details of any water features, has been submitted to and approved in writing by the local Planning Authority.
4. BEFORE ANY WORKS START ON SITE, the developer shall establish a fixed datum point and shall submit to this Planning Authority a plan indicating the exact location and value of this datum point. The finished floor level(s) of the development relative to the fixed datum shall also be indicated on this plan. This agreed datum point shall be used for future reference as the development proceeds. The developer shall notify this Planning Authority at the stages listed below in order to obtain their written approval that works are proceeding in accordance with details approved as part of their planning permission:-
 - (a) Immediately prior to the completion of the ground floor, finished floor level
 - (b) When the roof trusses have been erected but before roof covering takes place.

5. BEFORE ANY WORKS START ON SITE, the developer shall institute an accurate survey to be carried out by a qualified arboriculturist of all trees existing on the site and all trees adjacent to or overhanging the site and submit details of those trees proposed to be felled or lopped and those to be retained. The survey shall contain details of the position, canopy spread, bole diameters, health, size and species of all trees within the curtilage of the site. No trees shall be felled, topped, lopped or have roots cut or damaged without the prior written approval of this Planning Authority.

6. BEFORE ANY WORKS START ON SITE, the developer shall submit, details and specifications of the protective measures necessary to safeguard the trees on the site during (demolition) (development) operations. This Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the demolition/development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.

7. BEFORE ANY WORK STARTS ON SITE, details of the specification and colour of the proposed external finishes shall be submitted for approval in writing by this Planning Authority.

8. BEFORE ANY WORKS START ON SITE, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for approval in writing by this Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is the sooner.

9. BEFORE ANY WORKS START ON SITE, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. For the avoidance of doubt, the developer shall be responsible for any costs associated with this. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details.

10. All planting carried out on site shall be maintained by the developer in accordance with good horticultural practice for a period of 5 years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually.

11. The new vehicular crossing of the footway shall be constructed in accordance with the current Fife Council Transportation Development Guidelines and to the satisfaction of this Planning Authority prior to the development being occupied. These works shall include the provision of adequate vertical curves to ensure sufficient ground clearance for vehicles taking access to and egress from the site.

12. The 2 existing vehicular crossings of the footway shall be reconstructed back to footway to the satisfaction of this planning authority, prior to the hereby approved development being occupied.

13. The construction and delineation of the parking, manoeuvring, servicing, turning and access driveway areas shall be to the satisfaction of this planning authority, prior to the hereby approved units being occupied.

14. Visibility spays 2.5 metres x 40 metres shall be provided and maintained clear of all obstructions exceeding 1 metre in height above the adjoining road channel level - to a point 1 metre out from the road channel in the oncoming direction - at the junction of the access to the site and Methven Drive. This shall be to the satisfaction of this planning authority and shall thereafter be retained for the lifetime of the development.

15. A 2.4 metre x 60 metre visibility splay in the South direction shall be provided and maintained clear of all obstructions exceeding 0.75 metres in height above the adjoining road channel level, at the junction of Methven Drive and Townhill Road to the satisfaction of this planning authority. This shall be implemented prior to the occupation of the hereby approved units and thereafter, shall be retained for the lifetime of the development.

16. There shall be provided within the curtilage of the site, 2 off street car parking spaces per flat. These spaces shall be communal and shall be retained for the lifetime of the development to the satisfaction of this planning authority.

17. Prior to works commencing on site:

- a) a list of architectural features, fixtures and fittings of the existing dwellinghouse - hereby consented for demolition - shall be submitted to this planning authority for consideration.
- b) thereafter, the items identified in writing by this planning authority shall be salvaged, catalogued and made available for inspection to this planning authority within 2 weeks of having been recovered.
- c) thereafter, these items shall be passed to a salvage agent within 2 months, approved in writing with this planning authority, to be sold and re-used.

For the avoidance of doubt, demolition of the existing dwelling house on the site shall not commence until such time that the authority have examined the list of items required by part b) of the above, in addition to having inspected the interior of the dwelling house to establish whether additional items are worthy of salvage.

Reason(s):

- 1. To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997.
- 2. To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- 3. To avoid endangering the safe operation of aircraft through the attraction of birds.
- 4. To enable this Planning Authority to establish that the development is commencing from the correct level based on an agreed fixed datum point; and
 - (a) In order to ensure that site works are progressing in accordance with the stamped approved plan.
 - (b) In order to ensure that the floor levels conform to the stamped approved plan illustrating floor levels.
 - (c) In order to ensure that the height of the roof conforms to the stamped approved plan.

To ensure that the development as implemented does not result in any changes in levels to those as approved which may be unacceptable in relation to either site circumstances or the relationship with surrounding sites.

5. In the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during (demolition) construction works.

6. In order to ensure that no damage is caused to the existing trees during (demolition and) development operations.

7. In the interests of visual amenity; to ensure that the external finishing materials are appropriate to the character of the area.

8. In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

9. In the interests of visual amenity; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.

10. In the interests of visual amenity; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.

11. In the interest of vehicle and pedestrian safety.

12. In the interest of vehicle and pedestrian safety.

13. In the interest of vehicle and pedestrian safety.

14. In the interest of vehicle and pedestrian safety.

15. In the interest of vehicle and pedestrian safety.

16. In the interest of vehicle and pedestrian safety.

17. In the interest of safeguarding historic period features worthy of preserving in accordance with the principles of sustainability.

BACKGROUND PAPERS

The documents, guidance notes and policies referred to in "Statutory Policies and Approved Guidance".

Report prepared by Kevin Treadwell, Planner