

**KEY INFORMATION**

Ward Craigiebank

**Proposal**

Outline consent for residential development

**Address**

Land South of Dundee Road West/East of Broughty Ferry Road, Dundee

**Applicant**

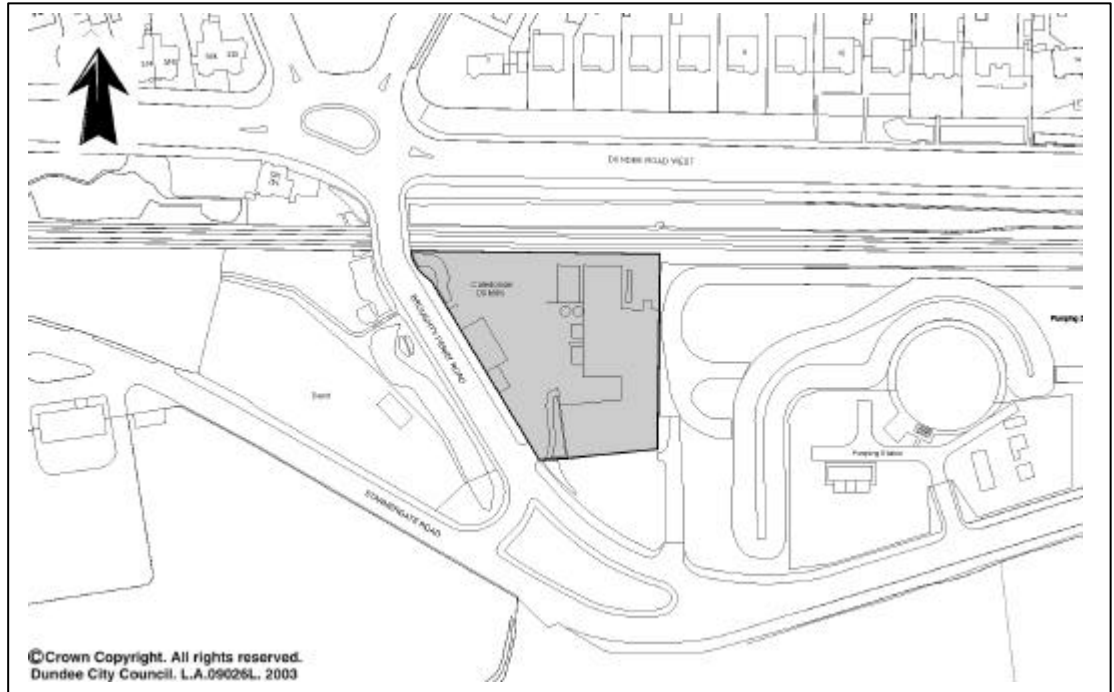
George Martin Builders Ltd  
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Dundee  
DD3 8HR

**Agent**

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Registered 14 Oct 2004

Case Officer C Walker



# Proposed Housing Development on Dog Food Factory

The outline consent for a residential development is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development contravenes policies regulating the design and layout of housing in the Adopted and Finalised Local Plans and, taking into account the industrial character of the area, the site is inappropriate for housing. The application is recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- Outline planning permission is sought for a housing development on this site. An illustrative plan was submitted showing a development of 38 flats in a building of 5 and 6 storeys.
- The site comprises the Wilson Dog Food factory on Broughty Ferry Road. To the east of the site is the Scottish Water pumping station and stormwater storage tanks. To the north is the Dundee to Aberdeen railway track and then Dundee Road West at a higher level. To the south and west is the operational port area.
- Catchment Tay Limited, who own and operate the adjoining sewage infrastructure, wrote to express their concerns about introducing a residential use into an industrial area. The Head of Environmental Health and Trading Standards has pointed out that the site is likely to be contaminated and that a noise impact statement is necessary due to the numerous industrial and commercial operations surrounding the site. This information has not been provided.
- The proposed development contravenes policies regulating the design and layout of housing in the Adopted and Finalised Local Plans. It is further considered that this industrial location is unsuitable for housing development.

## DESCRIPTION OF PROPOSAL

Outline planning permission is sought for a housing development on this site. An illustrative plan was submitted showing a development of 38 flats in a building of 5 and 6 storeys in a north to south linear form at the eastern end of the site. This illustrative plan indicates that the existing access point will be used leading to a parking area of 47 spaces to the west of the building with an incidental area of open space between the building and the parking area.

## SITE DESCRIPTION

The site comprises the Wilson Dog Food factory on Broughty Ferry Road. It sits at a low level compared with Broughty Ferry Road which climbs to the north to cross the railway line. The buildings on the site comprise a 3 storey brick building to the west (which has a 2 storey appearance from Broughty Ferry Road) and single storey stone and brick buildings to the east.

To the east of the site is the Scottish Water pumping station and stormwater storage tanks. To the north is the Dundee to Aberdeen railway track and then Dundee Road West at a higher level. To the south and west is the operational port area. The area to the south is reclaimed land surrounded by earth bunds and Forth Ports have previously stated that they intend to use this area in connection with North Sea oil activities.

## 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:

The site is allocated for a wastewater treatment plant under Proposal PP3. Part of this site has been developed by Scottish Water for a pumping station and stormwater storage tanks but the balance of the site is now no longer required since the wastewater treatment plant was constructed in Hatton in Angus.

Policy H10 sets out standards for new housing developments.

### Dundee Urban Nature Conservation Subject Local Plan 1995

The railway track and land to the south within the northern part of the application site is allocated as a wildlife corridor and Policy WC01 requires development to make suitable provision for nature conservation.

### Finalised Dundee Local Plan Review

In this plan the site is no longer allocated for a wastewater treatment plant or any specific purpose, but instead is indicated as part of an



existing housing area covered by Policy 1 Vibrant and Sustainable Communities.

Policy 2: Housing Land Release covers proposals for housing land release additional to the allocations in the Plan and Policy 4: Design of New Housing sets out standards for new housing developments.

Policy 79: Contaminated Land requires site investigations on sites where the presence of contamination is suspected.

### 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 of this site for housing is considered to run contrary to the Councils aim to protect health by creating safe, clean and pleasant environments.

## SITE HISTORY

There is no relevant planning history.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposal was advertised as potentially contravening Policy H10 of the adopted Local Plan. Catchment Tay Limited, who own and operate the adjoining sewage infrastructure wrote to express their concerns about introducing a residential use into an industrial area and particularly one so close to and overlooking their facility. They fear that residents will complain about the operation and maintenance of the facility which will involve the use of large vehicles including cranes.

A copy of this letter is available for inspection in the Members Lounges and the points raised are fully considered in the Observations Section of this Report.

## CONSULTATIONS

The Head of Environmental Health and Trading Standards has pointed out that the site is likely to be contaminated and that a noise impact statement is necessary due to the numerous industrial and commercial operations surrounding the site.

## 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. Although the site is allocated for a wastewater treatment plant under Proposal PP3, this allocation is clearly no longer relevant.

However it is unlikely that the proposed development could comply with Policy H10. For a location such as this the guidelines state that development should comprise houses and not flats (apart from an allowance of 15-20% flats for larger sites of over 30 units). Houses should have private garden areas of not less than 120 sq. metres and flats should have 10 sq metres plus drying areas. Parking should be not less than 1 space per unit, 2 spaces for larger units and with half the units having a garage space.

Although only illustrative plans have been submitted, it seems clear that the form and layout of the site could only sustain a flatted development which would contravene Policy H10. Furthermore the illustrative layout does not indicate any meaningful private garden area for the proposed flats. Finally it is considered that the site is not suitable for housing (this point will be developed below) and that there is no justification for approving housing on this site which would contravene Policy H10.

Although part of the site falls within a wildlife corridor as defined in the Urban Nature Conservation Subject Local Plan it is considered that the proposed development of the site for housing could make suitable provision for nature conservation under the terms of Policy WC01.

It is concluded from the foregoing that the proposal does not comply with the provisions of Policy H10 of the adopted Local Plan.

## Other Material Considerations

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

### **The Finalised Dundee Local Plan Review**

Although the application site is indicated as part of an existing housing area covered by Policy 1, in fact it is wholly industrial in character and surrounded on all sides by similar uses and transportation infrastructure.

Policy 2: Housing Land Release covers proposals for housing land release additional to the allocations in the Plan. This site is not allocated for residential use and it is considered that the proposed development fails to meet strands (a) and (c) of Policy 2 because it is not in accordance with Policy 4 of the Plan (this point is developed below), strand (b) because it will not make a positive contribution to the quality and choice of housing available in the local area and strand (d) because it will not contribute to wider community regeneration objectives.

Policy 4 makes no provision for flats at this location and the proposed development fails on this count and the illustrative layout suggests that no meaningful private garden area will be provided.

Policy 79 requires site investigations on sites where the presence of contamination is suspected. This matter is considered further below.

### **The Views of the Head of Environmental Health and Trading Standards**

The Head of Environmental Health and Trading Standards has pointed out that the site is likely to be contaminated and that a noise impact statement is necessary due to the numerous industrial and commercial operations surrounding the site.

The site was formerly occupied by the Tay Oil Cake Works and its industrial history suggests that there is likely to be a problem with contamination. In addition the site is surrounded by a number of noisy uses including the sewage works pumping station to the east, port activities to the south and west and the Dundee to Aberdeen railway line and Dundee Road West to the north.

The applicants were contacted by letter on 30 November 2004 and were advised that the Planning and Transportation Department had serious reservations about the principle of the proposed development and that there

were specific concerns about contamination and noise matters. They responded to state that they would carry out a noise assessment in January but in early February they advised this Department that work had not yet commenced.

In view of the serious concerns about the principle of housing on this site it is considered that there is no point in waiting indefinitely for the submission of further information on noise and contamination.

## The Views of the Objector

The concerns of the objector also relates to matters of noise on the adjacent site as well as issues of visual amenity. It is considered that there are serious problems in locating housing so close to the adjoining sewage infrastructure in terms of the amenities of the future occupiers of the proposed dwellings and any restrictions that might need to be placed on neighbouring business and industrial developments to protect residential amenity.

### **The Principle of Residential Use**

The application site is located in an area which is entirely industrial and commercial in character. To an extent it is overshadowed by the road to the west which is at a much higher level. More critically there is a very busy road and a railway track immediately to the north and sewage infrastructure to the east. To the south and west is the operational port area. Although much of this area is currently underutilised, Forth Ports have plans to use it in connection with North Sea oil activities. This could result in large buildings and extensive plant and machinery being located in this area. It is considered that taking into account all these factors that this location is unsuitable for housing development and that if housing were introduced the amenity conflicts would mean either a poor standard of residential amenity for the future occupiers of the dwellings or severe curbs on the adjoining industrial users that might affect the viability of their operations.

It is concluded from the foregoing that all the material considerations weigh against the grant of planning permission. It is therefore recommended that planning permission be refused.

## Design

No details of the proposed development have been provided at this stage.

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## CONCLUSION

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The proposed development contravenes policies regulating the design and layout of housing in the Adopted and Finalised Local Plans and taking into account the industrial character of the surrounding area the site is inappropriate for housing.

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## RECOMMENDATION

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

### Reasons

- 1 The proposed development would contravene Policy H10 of the adopted Dundee Local Plan 1998 because it would involve the provision of a flatted development in a suburban area and there are no material considerations that would justify the approval of this application contrary to the provisions of the Development Plan.
- 2 The proposed development would contravene Policy 2 of the Finalised Dundee Local Plan Review because it would involve the provision of housing on an unallocated site where the development is not in accordance with Policy 4 and the housing standards in Appendix 1 and would not contribute to the quality or choice of housing in the area or further community regeneration objectives.
- 3 The proposed development would contravene Policy 4 of the Finalised Dundee Local Plan Review because it would involve the provision of a flatted development in a suburban area.
- 4 The proposed site, being entirely surrounded by industrial uses and significant transportation infrastructure, would not be suitable for a residential development and if approved would result in a poor standard of residential amenity for the occupiers of the proposed dwellings.

- 5 The applicants have failed to adequately demonstrate that the site can be remediated to a standard fit for the proposed residential use.