

KEY INFORMATION

Ward Logie

Proposal

Outline permission for the erection of 8 townhouses

Address

Larchfield Works
27 Larch Street
Dundee

Applicant

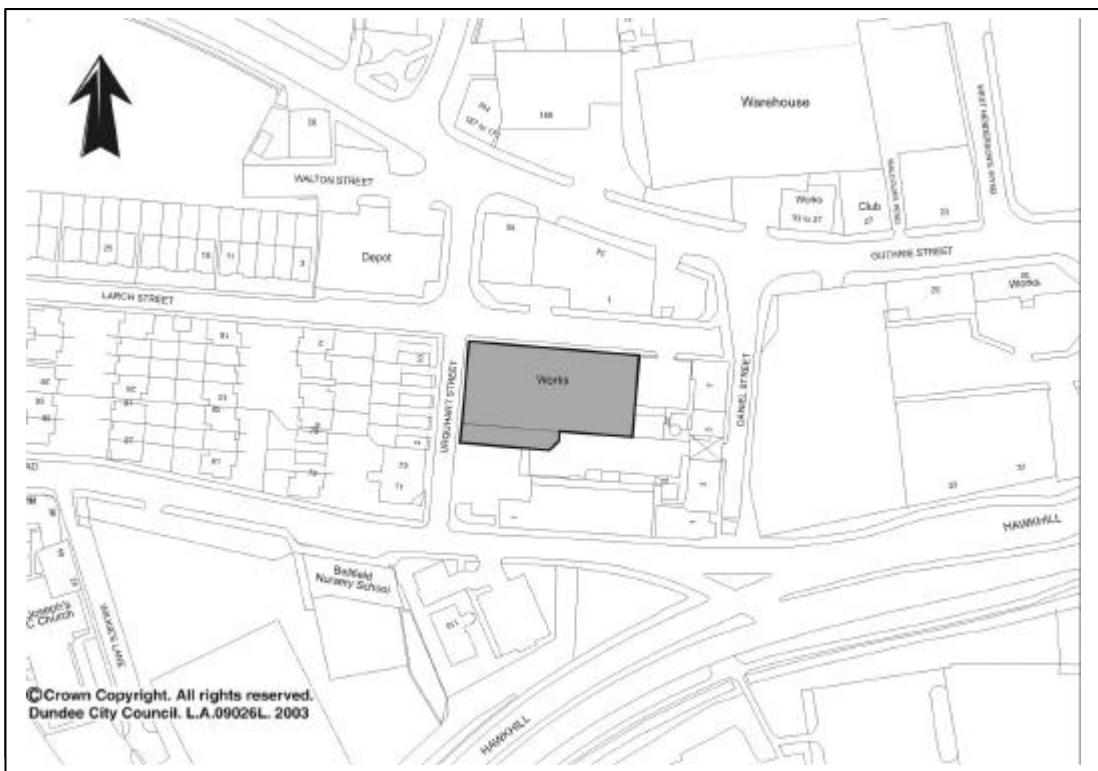
EP Engineering Co (Dundee)
Ltd
Larchfield Works
Larch Street
Dundee
DD1 5NW

Agent

Baxter Clark & Paul
(Dundee) Ltd
24 South Tay Street
Dundee
DD1 1PD

Registered 20 Mar 2006

Case Officer D Gordon



Townhouses Proposed in Larch Street

Outline permission for the erection of 8 townhouses is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal the subject of this outline planning application is considered, in principle, to be in accordance with the relevant land-use policies of the Dundee Local Plan Review 2005. The development of the site for residential purposes will assist in the improvement of the area and make a positive contribution to the continued revitalisation of the local area. Recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Outline Planning permission is sought for the demolition of an industrial building located at the junction of Larch Street and Urquhart Street and the erection of 8 townhouses on the cleared site. No formal details of the scheme have been submitted although indicative drawings of the house types and layout have been submitted.
- The site is not allocated for any specific purposes in the Dundee Local Plan Review 2005.
- The development has been the subject of a letter of objection from an adjacent occupier that raises issues relating to overlooking, overshadowing, traffic matters and noise.
- It is considered that the proposed development is in accordance with the relevant land-use policies of the Dundee Local Plan Review 2005 and that, in principle, the site is capable of accommodating the 8 residential units proposed. There are no material considerations, including the issues raised by the objector, that would justify the setting aside of the adopted policies and refusing the outline application.

DESCRIPTION OF PROPOSAL

The proposal under consideration involves an outline planning application for the demolition of an existing industrial building and the erection of 8 townhouses.

The applicants have submitted plans for the development of the site. These show the erection of a terrace of townhouses fronting onto Larch Street. The properties will accommodate integral garages at ground floor level. These plans are indicative only and do not form part of the consideration of this application.

SITE DESCRIPTION

The site is located on the east side of the Larch Street/Urquhart Street junction within the Blackness area of the city. The land is occupied by a stone built, pitched roof industrial building that is currently operational.

The immediate surrounding area accommodates a variety of uses including new residential developments, commercial, industrial and educational. The site is sandwiched between the University of Dundee Campus Area to the south and the Blackness Industrial area to the north.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan Review 2005

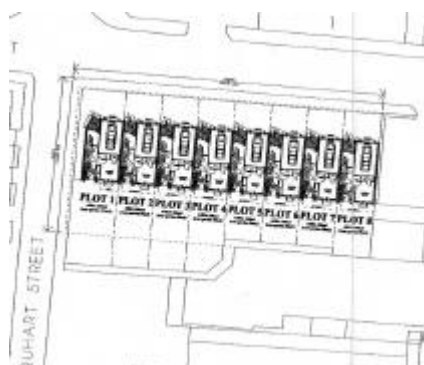
The following policies are of relevance:

Policy 1: Vibrant and Sustainable Communities

The City Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New development should be in accordance with other policies in the Plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

Policy 3: Housing Investment Focus Areas

The City Council will encourage investment in housing and related social and physical infrastructure in the Housing Investment Focus Areas identified on the Proposals Map, working in partnership with Communities Scotland and the private sector. More detailed development frameworks, masterplans and action plans for each of the focus areas will be brought forward as appropriate by the Council and will form supplementary guidance to this Local Plan.



Policy 4: Design of New Housing

The design and layout of all new housing in Dundee should be of a high quality. As a basis for achieving this, new development will be required to conform to the Design Standards contained in Appendix 1 of this Local Plan unless:

- a the City Council, through either site allocation in the Local Plan or site planning briefs, considers it appropriate to vary the standards to reflect the constraints or opportunities offered by the development of a particular site; or
- b The proposal is within an established low density residential area, in which case the density of the new development should reflect this and more generous external space standards will be required.

New housing development should also have regard to the principles of the City Council's Urban Design Guide.

In addition, new housing development should meet "Secured by Design" standards. New residential streets should be designed to promote low vehicle speeds of 20 mph. or less. New housing should have regard to opportunities to maximise energy

efficiency and promote sustainable waste management.

Policy 79: Contaminated Land

When considering development proposals involving sites where the presence of contamination is suspected, the City Council will require applicants to:

- a submit the results of site investigations which assess the nature and extent of any contamination which may be present; and
- b Where contamination is found to be present, notify the authority of the remediation measures proposed to render the site fit for its intended use including all receptors.

Appropriate conditions and/or legal agreements may be applied to ensure that such measures are implemented to the satisfaction of the Council.

Alternatives to the uses permitted by the Local Plan may be supported on contaminated sites in instances where evidence can be presented to establish that the severity of contamination is such that the site cannot be economically developed for its allocated use. In such instances the City Council will require to be satisfied that:

- * clear evidence has been provided to establish the nature and extent of the contamination present;
- * an economic appraisal has been provided which demonstrates that development based on the Local Plan allocation is not economically feasible due to the remediation requirement;
- * justification for the proposed alternative to the Local Plan allocation is supported by economic and market appraisals which include the assessment of other potential options; and
- * The proposed alternative use can be justified in relation to other policies of the Local Plan.

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 development of the site will result in the re-use of a brownfield inner city site and is therefore considered to be sustainable and consequently, consistent with the aims of Agenda 21.

SITE HISTORY

The surrounding area has been the subject of a number of successful planning applications for the development of former industrial sites for residential purposes. The site currently under consideration has no recent history of applications for development.

PUBLIC PARTICIPATION

The statutory neighbour notification procedure has been undertaken by the applicants' agents. An objection to the proposals has been received from a neighbouring property. The main relevant issues raised by the resident relate to:

- 1 Potential overlooking of adjacent properties
- 2 Potential overshadowing of neighbouring properties
- 3 Increase in road traffic to the detriment of road safety
- 4 Increase in noise due to construction works.

A copy of this objection can be viewed in the Members Lounges. It is intended to comment on the above matters in the 'Observations' Section below.

CONSULTATIONS

The relevant Council Departments and outside bodies have been consulted with regard to the proposal. The following comments have been received:

The Council's Head of Environmental Health and Trading Standards has advised that due to the industrial history of the site, a Site Investigation will be required on the potential contamination of the land. It is

intended to attach an appropriate condition to any permission granted requiring such an Investigation be undertaken prior to certain works being undertaken.

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

The proposal under consideration involves an outline application to demolish an existing industrial building and provide 8 townhouses on the cleared site. The applicants have submitted drawings of the potential development of the site. However, these details are indicative only and do not constitute a formal part of the current application.

The site is not allocated for any specific purpose in the Dundee Local Plan Review 2005 and consequently, the use of the site for residential purposes is considered to be acceptable providing the proposals do not contravene other relevant policies of the development plan.

The site under consideration is located within an identified Housing Investment Focus Area of the city. The area surrounding the application site has recently undergone significant changes particularly in land-use terms where the former industrial character is being replaced by new a residential environment. Consequently, the principle of the use of the land for further housing is considered to be appropriate.

The details of the scheme that have been submitted for illustrative purposes only indicate that the houses are to be terraced and will accommodate the required amount of off-street car parking spaces and private garden as directed by the terms of Policy 4 of the Dundee Local Plan

Review 2005. In this respect, it is concluded that, in principle, the provision of 8 houses on the site can be accommodated within the requirements of Policy 4 (Design of New Housing).

With regard Policy 79 (Contaminated Land), it is considered that, due to the industrial history of the site, a condition should be attached to any permission granted that requires certain works, including any remediation measures, be undertaken prior to the commencement of certain works.

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

Other Material Considerations

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

Objections

With regard to the objections that have been submitted to the proposed development that relate to overlooking and overshadowing, it is considered that these matters can be discharged at the time of the determination of any detailed application for the development of the site.

With regard to the issue of increased traffic and parking in the local area, neither Urquhart Street or Larch Street are considered as narrow streets and they have carried both industrial and residential traffic for a number of years. The addition of a further 8 houses with accesses off Larch Street will not have a significant effect on traffic numbers of safety. In addition, there are no current plans to amend the existing parking restrictions on Urquhart Street and Larch Street will remain closed to traffic at it's junction with Daniel Street.

With regard to any noise generated by construction works, it is considered that this can be pursued and controlled through the use of separate legislative procedures.

In September 2005, the Council's Planning and Transportation Committee approved draft supplementary guidance for controlling HMO's for consultation. This states, amongst other things, that the occupation of dwellings in new residential developments by 3 or more unrelated persons will be prevented

through the use of Section 75 Agreements.

It is therefore considered, particularly in view of the close proximity location to the campus area of the University of Dundee, that it would be appropriate to restrict any changes of use of the new units to Houses in Multiple Occupation. Such a restriction by means of a legal agreement (Section 75) has been discussed with the applicants and their acceptance of this has been obtained.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission contrary to the provisions of the development plan. It is therefore recommended that outline planning permission be granted with conditions.

Design

The proposal under consideration is for outline permission to establish the principle of the provision of 8 townhouses on the site the subject of this application. The details of the new houses will be submitted at a later stage and the issue of design, appearance, scale, materials, access, parking and impact on adjacent occupiers will be discharged at that time.

CONCLUSION

The demolition of the existing building and the use of the site for 8 townhouses are considered to be in accordance with the relevant land use policies of the development plan. It is considered that the use of the land for residential purposes will assist in the environmental improvement of the area and will make a positive contribution to the continued revitalisation of the local area.

RECOMMENDATION

Recommendation 1

This outline planning application shall not be issued unless and until an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 between the Council and parties with appropriate interests in the land has been recorded. This agreement will relate to the prohibition of any of the proposed

dwellings becoming a house in multiple occupation.

Recommendation 2

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

- 1 The approval of the City Council shall be obtained to the following reserved matters before any development is commenced viz: the siting of the building(s) the design of the building(s) the external appearance of the building(s) the means of access to the building(s) the landscaping of the site.
- 2 Application for approval of the matters referred to in condition (1) above must be made within 3 years of the date of this permission.
- 3 The development to which this permission relates shall begin within 5 years of the date of permission or 2 years of the final approval of the reserved matters, whichever is the later.
- 4 Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of proposals to deal with contamination to include:
 - 1 The nature, extent and type(s) of contamination on the site.
 - 2 Measures to treat remove contamination to ensure that the site is fit for the use proposed.
 - 3 Measures to deal with contamination during construction works.
 - 4 Condition of the site on completion of decontamination measures.

Before any residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

Reasons

- 1 To reserve these matters for future consideration by the Council.

- 2 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 3 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 4 In order to ensure that the site is fit for the use proposed.