

Change to conditions for Dunsinane Mixed Use Development

KEY INFORMATION

Ward Lochee

Address

Valentine Works Former
Factory, Kinnoull Road
Dunsinane Industrial Estate

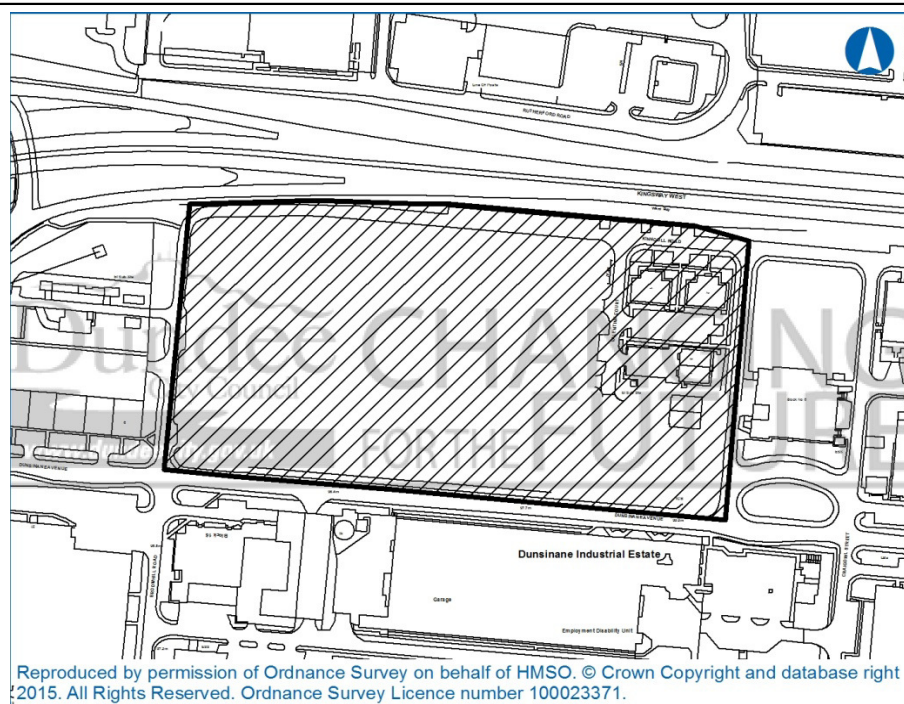
Applicant

Gladman Developments Ltd
2 Eliburn Office Park
Eliburn
Livingston
EH54 6GR

Agent

Registered 23 March 2015

Case Officer S Dorward



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SUMMARY OF REPORT

- Planning permission is sought to vary Condition 2 of planning permission 12/00367/PPM for a mixed use development including car showroom; to allow site remediation and a travel plan to be approved and carried out for part of the site, to allow incremental development.
- Policy 45 of the Adopted Dundee Local Development Plan (2014) is relevant to the determination of the application.
- The statutory neighbour notification procedure was undertaken, no representation has been received.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Development Management Committee as it constitutes a major development.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=NLB5MOGCG1A00>.

RECOMMENDATION

The application complies with Policy 45 of the Dundee Local Development Plan and also with PAN 33. There are no material considerations that would warrant the refusal of planning permission. Therefore, it is recommended that the application is **APPROVED** subject to conditions.

1 DESCRIPTION OF PROPOSAL

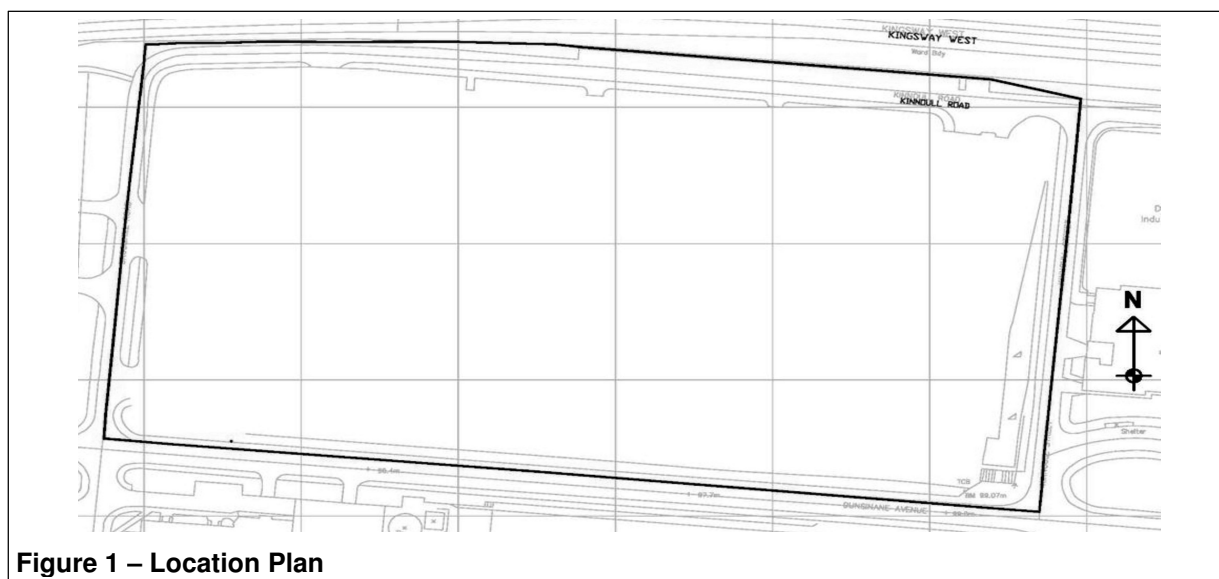


Figure 1 – Location Plan

- 1.1 This is an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 as amended, to vary Condition 2 of planning permission reference 12/00367/PPPM to allow an incremental development of the site.
- 1.2 Planning application 12/00367/PPPM gave planning permission at the current application site for a mixed use development comprising Class 4 business use, wholesale cash and carry use, trade counter use, car showroom use, autocare (motor vehicle maintenance) use, public house, restaurant and hotel use with car parking, access, environmental improvements and other associated works.
- 1.3 Condition 2 of planning permission 12/00367/PPPM states:

"Before any unit is occupied, the remediation requirements previously agreed in association with application 08/00076/FUL and proposed in the submitted review and summation of works shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority."
- 1.4 Remediation requirements in association with planning permission 08/00076/FUL were included in Condition 4 of that planning permission as:

"Development shall not commence on site until the investigation and risk assessment proposed in the submitted Environmental Site Assessment, Phase 1 Desk Study are completed and a scheme to deal with contamination at 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 site;
 - 2 measures to treat/remove contamination to ensure the site is fit for the use proposed;
 - 3 measures to deal with contamination during construction works; and
 - 4 condition of the site on completion of decontamination measures.

Before any unit is occupied the measures to decontaminate the site, if necessary, shall be fully implemented and a validation report should be submitted to and approved in writing by the planning authority."

- 1.5 By varying Condition 2 of planning permission 12/00367/PPPM, the applicant proposes to allow an incremental development of the site, addressing smaller parts of the site to be developed in isolation and removing the need to decontaminate the whole site before any unit is occupied. The applicant proposes to insert that decontamination would be required "in relation to that part of the site" within a re-worded condition.
- 1.6 A supporting statement has been submitted with the application.
- 1.7 In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Development Management Committee as it constitutes a major development. Members should note that in granting planning permission, the original permission would be re-issued and include all other relevant conditions as originally appended; the permission would remain extant for a further 3 years.

2 SITE DESCRIPTION

- 2.1 The application site is located in the north-west corner of the Dunsinane Industrial Estate on the former Valentines Card factory site. The site comprises approximately 4 hectares of level derelict land that has been vacant for a number of years.
- 2.2 The site is bounded by Kinnoull Street to the east, Dunsinane Avenue to the south and Broomhill Road to the west. Land has a prominent frontage onto Kingsway West to the north.
- 2.3 The surrounding area is predominantly industrial in character.

3 POLICY BACKGROUND

- 3.1 The following plans and policies are considered to be of direct relevance:

DUNDEE LOCAL DEVELOPMENT PLAN

Policy 45: Land Contamination

SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS

PAN 33: Development of Contaminated Land (2000)

- 3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

4 SITE HISTORY

- 4.1 Planning application 08/00076/FUL for the same application site was approved with conditions in October 2012 by the Development Management Committee, for the erection of 26 two and three storey office pavilions plus associated infrastructure works.
- 4.2 Planning application 12/00367/PPPM was then conditionally approved at the same application site by the Development Management Committee in October 2012 for a mixed

use development comprising class 4 business use, wholesale cash and carry use, trade counter use, car showroom use, autocare (motor vehicle maintenance) use, public house, restaurant and hotel use with car parking, access, environmental improvements and other associated works.

5 PUBLIC PARTICIPATION

- 5.1 No letters of representation have been received.

6 CONSULTATIONS

- 6.1 **The Head of Environmental Protection** – has recommended that the condition be reworded to ensure that the remediation requirements for each unit are fully implemented, as previously agreed in association with applications 08/00076/FUL and 12/00367/PPPM, and a verification report submitted to the planning authority for prior approval. It is further recommended that a re-worded condition should include that remediation proposals shall be subject to review and approval by the planning authority in the context of current site conditions and proposal details.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.**

THE DEVELOPMENT PLAN

The provisions of the development plan relevant to the determination of this application are specified in the Policy Background section above.

DUNDEE LOCAL DEVELOPMENT PLAN

- 7.2 **Policy 45: Land Contamination** - requires that development of potentially contaminated land will be considered where a site investigation has been submitted and establishes the nature and extent of the contamination, and where remediation is proposed that it would adequately address contamination risks and be suitable for the planned use.
- 7.3 In this case, the terms of Policy 45 could be fulfilled regardless of whether the entire application site was addressed at one time or in an incremental fashion for separate parts of the site. The applicant has suggested that the insertion of "in relation to that part of the site" is added to the original condition as applied to planning permission 08/00076/FUL. This is considered to be acceptable and it is recommended that remediation proposals should be subject to review by the planning authority, within the context of the site conditions and proposals for each part of the site to be developed.
- 7.4 A number of other planning conditions were applied to planning permission 12/00367/PPPM which would still apply; there would be no implications in terms of the remaining conditions by varying the terms of Condition 2.
- 7.5 **The proposal satisfies Policy 45.**

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

OTHER MATERIAL CONSIDERATIONS

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

A - PAN 33 DEVELOPMENT OF CONTAMINATED LAND 2000

- 7.8 This stresses the need to ensure that land is made suitable for the proposed new use and that this is the responsibility of the Planning Authority. This should be done through a requirement on application to include suitable remediation measures and this can usually be controlled through the imposition of suitable conditions.
- 7.9 It is considered that the re-worded condition would ensure that suitable remediation measures would be applied.
- 7.10 **The proposal accords with the requirements of PAN 33.**
- 7.11 **It is concluded from the foregoing that the material considerations support the approval of planning permission.**

8 CONCLUSION

- 8.1 The proposal satisfies the requirements of the Development Plan. There are no material considerations that would justify refusal of planning permission. Therefore, it is therefore recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

- 9.1 It is recommended that consent be GRANTED subject to the following conditions:
- 1 Prior to the commencement of any development on site, the approval of the Council shall be obtained in writing for the following details: 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 and the proposed boundary enclosures.
 - 2 Before any unit is occupied, the remediation requirements for that unit, as previously agreed in association with applications 08/00076/FUL and 12/000367/PPPM shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority.

For avoidance of doubt, remediation proposals for each plot should be subject to review and approval by the planning authority in the context of the current site condition and the proposal details.
 - 3 A barrier of a type approved by the Planning Authority, after consultation with the Roads Authority, shall be provided and maintained by the developer or subsequent owner of the land along the boundary of the site with the trunk road.

- 4 No part of the development shall be occupied until a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the planning authority, in consultation with Transport Scotland TRBO. In particular this Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.
- 5 Prior to the commencement of works hereby approved the recommendations set out in Table 17 Fugitive Dust Mitigation Measures as detailed in the Air Quality Assessment dated 12 June 2012 shall be fully implemented to the satisfaction of the Council.
- 6 Once the hotel is built and as and when 80% of the existing office space is occupied the developer will construct the second phase of office development comprising of c 9,700ft² NIA and a third phase of office development comprising of c 9,000ft² NIA once Phases 1 and 2 are 80% occupied.

REASONS

- 1 In order to ensure the design and layout will provide high standards of development which will complement the high quality of the location of this site.
- 2 In order to ensure the site is suitable for the use proposed.
- 3 To ensure that the movement of traffic and pedestrians is confined to the permitted means of access thereby lessening the danger to and interference with the free flow of traffic on the trunk road.
- 4 To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.
- 5 In order to ensure the site is suitable for the use proposed.
- 6 The revenue from the hotel development will be reinvested into the next phase of office development but in a manner which ensures there is not an oversupply of potentially vacant office space on site.