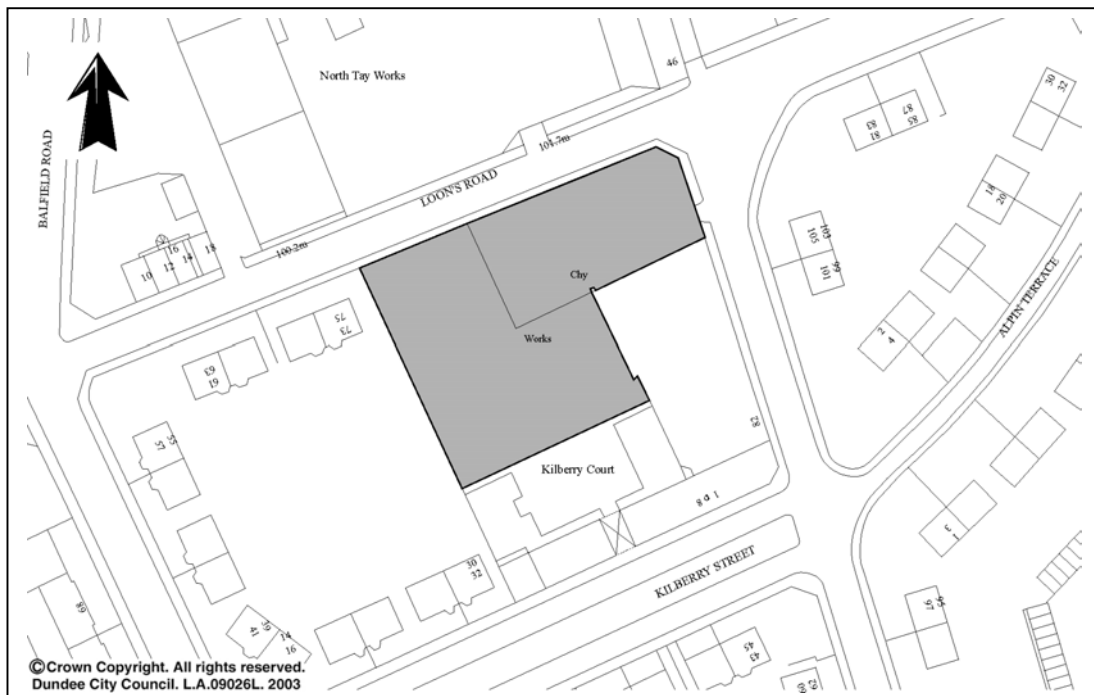


KEY INFORMATION**Ward** Lochee East**Proposal**
Erection of 12 Dwelling
houses**Address**
Land at Corner of Loons
Road
Lawside Road
Dundee DD3 6BA**Applicant**
Fernbuild Ltd
128 Nethergate
Dundee
DD1 4ED**Agent**
George Johnston Architects
138 Nethergate
Dundee
DD1 4ED**Registered** 2 May 2003**Case Officer** R Anderson

The erection of 12 dwelling houses is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal for the development of 12 houses does not conform to local plan policy and there are not sufficient material considerations for setting aside policy in this case, therefore refusal of the application is recommended.

SUMMARY OF REPORT

- This application was presented to the Development Quality Committee of 25th August 2003. It was deferred in order to allow the council to consider the issues of vehicular access and the existing unsightly appearance of the site.
- The application covers the erection of 12 houses on a brownfield site, a former foundry works, at the corner of Lawside and Loons Road. The houses are to be mainly two storey in height and at a density and scale which generally respects the surrounding land uses. There are some difficulties however with the back gardens of plots 1-7 facing onto Loons Road, potentially creating a "dead" frontage. The external materials will be render, reconstituted stone and concrete tile but will add some colour to an otherwise drab former industrial site. The site investigation report into soil contamination is not conclusive and further analysis will be required to assess the extent and nature of contamination and the remediation works necessary thereafter.
- One letter of objection has been received regarding accessing an adjacent printing works. The proprietor of the printing works has a right to use the area for deliveries and therefore such vehicular movements may well present a hazard to pedestrians and motorists within the development.
- The development presents a layout that conforms to local plan policies in terms of amenity and visual impact and in this respect could make a positive contribution to the appearance and character of the wider area. However the problems with the potential shared access arrangements with the neighbouring industrial unit present a significant hazard that cannot be overlooked in this case. The proposal does not conform to development plan policy in terms of access/traffic safety and there are no material considerations which warrant overturning policy considerations in this case. Accordingly refusal of the application is recommended.

DESCRIPTION OF PROPOSAL

It is proposed that 12 dwellinghouses be developed at the above site. The layout shows 4 detached 2 storey houses (3 bedrooms), 2 detached one and a half storey houses (4 bedroom) and 6 semi detached two storey houses (3 bedroom). The houses are to be finished in a combination of roughcast and reconstituted stone with concrete tile roofs. The access to the site is via a cul de sac off Lawside Road to the east of the site some 25m south of the Loons Road junction. The access runs east/west into the site with 7 houses located to the north (ridges parallel with Loons Road) with the remaining five houses located to the south and west of the access road, again in a linear formation. 6 houses will take access off a driveway extending from the access road. The boundary wall to the north of the site is to be demolished and rebuilt in a roughcast finish and concrete coping stones. It is to have small railings attached at regular intervals. The height of the wall will vary in length to cater for the slope on Loons Road between 2 and 3.1m, although it will remain consistent at 2m when measured from ground level within the site.

SITE DESCRIPTION

The site measuring some 0.63Ha in area is located on the corner of Loons Road and Lawside Road. The site of a former foundry it is generally flat, has been cleared and is finished in concrete. It has 1.5 - 2.5m high boundary walls on all sides finished in a combination of brickwork and concrete block. The site is surrounded on three sides by residential uses in the form of current and former council housing whilst to the south there are flatted properties. Bounding the site to the south and east is a substantial stone industrial unit, which is currently operated as a printing works. Access to the site is immediately adjacent to this unit off Lawside Road to the east. Older substantial industrial units are located to the north of the site across Loons Road.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

Housing Policy 1: Housing Land Provision

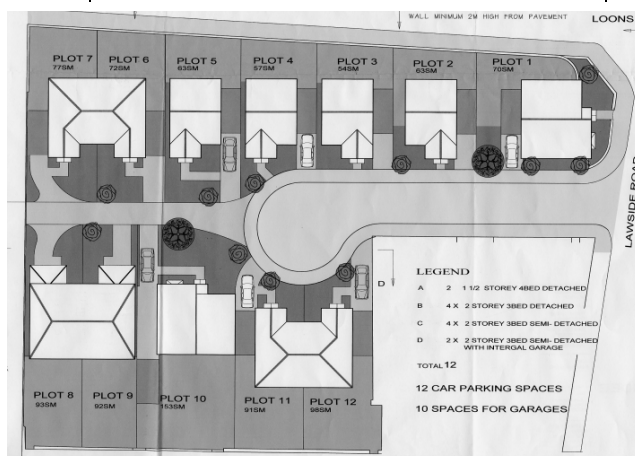
Housing Policy 2: Dundee and South Angus Housing Market Area

Dundee Local Plan 1998

The following policies are of relevance:

Policy H5: Land Allocation and Availability

Proposal HS5: Loons Road



Policy H10: Design of New Housing

Policy BE1: Design Quality

Policy BE30: Contaminated Land

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 2: Housing Land Release

Appendix 2 Brownfield Housing Development Proposals (H22)

Policy 4: Design of New Housing

Policy 55: Urban Design

Policy 79: Contaminated Land

Scottish Planning Policies, Planning Advice Notes and Circulars

Planning Advice Note 67 - Housing Quality

Non Statutory Statements of Council Policy

Dundee Urban Design Guide

LOCAL AGENDA 21

Key Theme 8 - Health is protected by creating safe, clean, pleasant environments

Key Theme 13 - Places, spaces and objects combine meaning and beauty with utility

SITE HISTORY

02/00384/ADV - Erection of 5 free-standing illuminated Advert hoardings - refused 29/07/03

D24650 - Erection of Occupational Therapy Facility - Approved 1st September 2000

PUBLIC PARTICIPATION

One letter of objection has been received regarding the application the main issues arising relate to the access of a neighbouring industrial unit. This will be discussed in more detail in the Observations section.

CONSULTATIONS

Environmental and Consumer Protection have indicated that the surrounding land uses have the potential to cause noise pollution and recommend that internal noise levels within the proposed houses be set at an appropriate level.

With regard to contaminated land they indicate that the submitted survey shows there is some contamination on the site. However the report neither assess the extent or the exact nature of the contamination. Accordingly further analysis of the site will be required and full remediation proposals put forward.

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 Dundee and Angus Joint Structure Plan 2001-2016

Housing Policy 1: Housing Land Provision - The site is included in the allocated sites for the period 2001 - 2011

Housing Policy 2: Dundee and South Angus Housing Market Area - the proposal conforms to this policy in as much as it reuses previously developed land and focuses on houses rather than flats.

Dundee Local Plan 1998

Policy H1: This policy indicates that suitable environmental quality should be maintained for existing or proposed residents and should not be adversely affected by virtue of design, layout, parking or traffic movements. However the access to the site causes problems because of the proximity of the industrial building to the southeast. It also takes access for deliveries in the area where the site access is proposed. As long as there is the potential to undertake vehicular movements on the access road into the site then there is a potential traffic and pedestrian safety hazard. Although the applicants have produced a legal title, which indicated that the owner of the industrial building could not undertake deliveries, this department has no control over this situation on the ground to ensure that such movements do not take place. It is also the case that such evidence is merely someone's interpretation rather than being conclusive. If land use concerns cannot be alleviated by either having all the

relevant issues satisfied or by the imposition of planning conditions, consent should be refused on land use grounds. This is the case here. It is also the case that the access road will become adopted by the Council as Roads authority - at which point anyone would have a right of access over it. This would include the owners of the industrial building. The positioning of the access is the main problem in this development. As long as the print works remains in its current position it is difficult to see how suitable access can be taken off Lawside Road in close proximity to the building.

An existing consent on the site covers the development of an Occupational Therapy building with associated parking and turning access. The access arrangements were satisfactory, even given the proximity of the industrial building. The consent includes a generous turning area within the site, which caters for the proposed and existing vehicular movements. The nature of users of the OT building is different to users of the proposed residential development, which importantly, includes pedestrians and in particular children playing. There is a clear difference between the access issues of the current proposal and that already granted consent.

The only alternative point of access at the present time would be off Loons Road to the north. Loons Road is a category C road and is fairly heavily trafficked, especially at peak times of the day. It acts as a "district distributor" which requires visibility splays of 4.5m x 70m with a design speed of 50kph. It is doubtful whether this can be achieved, given roadside parking to the west. Under the current Roads standards it is not desirable to encourage short cul-de-sacs onto this classification of Road. It is also the case that some smaller accesses onto Loons Road in this immediate vicinity serving industrial units, render an access from the site onto Loons Road more problematic. In design terms access off Loons Road is the least favoured option. The idea of a cul de sac is alien to the surrounding area, which is generally characterised by frontage development. In addition to this the site levels are up to 1.5m higher than Loons Road, so not only would the cul-de-sac be located in a conspicuous location it would also

necessitate a fairly steep rise with high boundary walls following the line of the access road into the site. Such a feature is unlikely to be an attractive feature and would be at odds with the townscape in this area. Even though a cul de sac may be the alternative option for future access off Lawside Road, this road is not as conspicuous and a longer access road could be achieved. It is also on a similar land level to the site and again would be less of a conspicuous feature.

Policy H5: Land Allocation and Availability - The site forms part of the Brownfield housing land supply local plan allocation and is proposed for residential development under HS5: Loons Road.

Policy H10: Design of New Housing - This policy indicates that any residential development should provide suitable standards of design and amenity. It further suggests that new development should address surrounding streets and in most case front onto streets. The proposed housing development goes some way to fulfilling these criteria. The design and external appearance of the houses, the garden ground, distances between windows and parking provision have all been satisfied. The layout has been the subject of significant negotiation with the department. It is considered that the type of housing i.e. two storey predominantly detached housing is in keeping with surrounding residential uses to the east and west in terms of the massing and to a degree the external appearance. The linear nature of the development reflects a need to respect Loons Road and the prominent views of the site to the north. It also allows for views into the site from the east, which in turn allow for glimpses onto Balgay Hill further west. The spaces between the houses are also important as they help to maintain the general density and character of the wider area. However there is a concern that the position of the road has restricted, to a degree, the siting of the plots 1 to 7. Dundee's Urban Design Guide advocates street frontages to be as "active" as possible. There is a concern that, as back gardens front onto Loons Road, there is more chance of pressure from residents for larger fences, sheds and other such garden furniture to be sited in the back gardens. This has the potential to add clutter to the streetscape. The wall has

been redesigned, including attractive features, to try and compensate for this. However there is still a worry that the design as submitted will lead to a dead frontage onto Loons Road which has been exacerbated by the internal road layout and the space restrictions between it within the site that it has caused. The materials used in the construction of the houses are modern materials of concrete roof tiles and coloured render with reconstituted stone. It is accepted that the development is a modern housing layout and these materials do not present a significant issue. The use of grey and red roof tiles is acceptable and reflects the pattern of roofs on the neighbouring housing layout to the east. The boundary walls will be rebuilt and coloured with additional railings. This will improve the appearance of the site and help to improve the immediate area, which is characterised by rather drab industrial/commercial uses.

It is clear that there are aspects of the layout, which are to be welcomed and will enhance the appearance of the area. However there are also aspects, which render the development unacceptable, notably the positioning of the road and the conflict of land uses with the neighbouring industrial building. For these reasons the proposal is contrary to Policy H1.

The local plan and the finalised local plan zoning include the printing works within the zoned area. The problems that have been encountered with the proposed layout stem largely from this existing unit, both directly and indirectly. The site cannot be developed in a satisfactory way promoting good design and a comprehensive layout, which will benefit the surrounding area, whilst the print works remains in its current situation, both in terms of its industrial use and its physical presence. This reality has only been arrived at once all aspects of the development have been assessed in great detail. During negotiations for this proposal, it is clear that whatever scheme is proposed on the part of the site available for development at present, there are always some constraints(s) which ultimately render development unacceptable.

Policy BE1: Design Quality - as indicated above it is considered that the development has been designed to

integrate with its surroundings regarding scale, form, alignment and materials and does relate to the surrounding land uses. However as mentioned above the rear gardens onto Loons Road is a potential problem and could nullify to a degree the positive aspects of the development. In this respect the development does not conform to all aspects of policy BE1.

Policy BE30: Contaminated Land - As the site is Brownfield and its previous use was a foundry there is the potential for ground contamination. The applicant's have submitted a ground contamination survey along with the application. It indicates that there is some contamination of the site at present. However it does not sufficiently survey the whole site and show the extent of the contamination. Subsequently it is not known at this stage what remediation is required and where. It is clear that further sampling and analysis will be required for the site. Although strictly speaking the proposal is not in conformity with the terms of this policy in the event of planning consent being granted it is a matter that could be the subject of a condition.

It is concluded from the foregoing that the proposal does not comply with all of the provisions of the development plan.

Other Material Considerations

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

Dundee Local Plan Review

Policy 1: Vibrant and Sustainable Communities - similar considerations are given to this policy as outlined in Policy H1 above.

Policy 2: Housing Land Release - similar considerations are given to this policy as outlined in policy H5 above.

Appendix 2 Brownfield Housing Development Proposals (H22) - similar considerations are given to this policy as outlined in Policy H2 above.

Policy 4: Design of New Housing - similar considerations are given to this policy as outlined in Policy H10 above

Policy 55: Urban Design - similar considerations are given to this policy as outlined in Policy BE1 above

Policy 79: Contaminated Land - similar considerations are given to this policy as outlined in Policy BE30 above

Planning Advice Note 67 - Housing Quality - The layout of the site generally conforms to the standards advocated in the document. However with regard to safety and security, although the houses are well spaced out and provide satisfactory amenity, there is a problem with safe and secure access into and out of the site. The issue of back gardens fronting onto Loons Road is also a factor, which is at odds with the guidance.

Points raised by the objector

The point raised by the objector, although strictly speaking a legal matter, has a bearing on the use of the site for residential uses. The objector is the owner of the printing works business to the south east of the site and uses an entrance on the north of the building for deliveries. This entrance fronts onto the access road to the site. If lorries were delivering to the premises they would in all likelihood block the road and present a potential hazard for traffic and pedestrian safety. The applicant's solicitor has indicated that the applicant wishes his objection to stand. Although a legal matter, the points made have an impact on valid land use planning grounds, regarding traffic and pedestrian safety discussed elsewhere in this report.

Current Unsightly Nature of the site

At present the site is a former industrial works which has been cleared. Although there are no major areas of detritus on the site it is a large area of concrete slabs with a high boundary wall to the north, which is a formed from a variety of materials. It is the case that the site does not contribute to the appearance of the area and development of an appropriate standard would be beneficial. Serving an amenity notice on the owners of the site has been investigated. However, in this case it is considered that the site is not sufficiently detrimental to the appearance of the area to merit this course of action.

It is concluded from the foregoing that sufficient weight can be accorded to

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 planning permission be refused.

Design

The applicants produced a planning/design statement with the application, which indicated that, the main thrust of the design and layout was dictated to by the constraints of the site, i.e. the printing works and the existing walls. However one of the main advantages is the view to the west over Balgay Hill which is to be made full use of. The applicant's intention is to obtain "Secure by Design" approval.

The original design was the subject of long negotiations with the department so much so that the layout was altered. The houses now have a relationship with Loons Road to the north, in terms of parallel ridge lines and being set back a consistent distance from the road (albeit that it is back gardens fronting onto the road) and spatially they are at a density which respects the surrounding land uses, with large gaps between them. The two linear strands of houses provide sufficient amenity space and privacy for all the residents. Views through to Balgay Hill are apparent from the east and should be a pleasant feature of the design. Appropriate boundary treatment could enhance this feature. The materials to be used are modern but will add some colour to a fairly drab former industrial area and respect surrounding land uses.

CONCLUSION

Although the site is zoned for residential uses in the local plan and the principle of residential use is acceptable, the existence of the neighbouring industrial building to the south east, and particularly the potential vehicular movements associated with this use, are a significant constraint for such development. It is possible that site access can be taken off Loons Road, away from the industrial use. However with the access being taken immediately adjacent to the entrance to the building where deliveries take place the potential for land use conflict is obvious. In its favour the layout takes account of other surrounding

land uses and would ultimately provide an attractive development with reasonable amenity for the occupants. It would also help to lift the appearance of this former industrial area and give use to and tidy up an area, which has lain fairly derelict for some time. However the issue of access and potential traffic and safety hazard is significant and outweighs all other considerations. Accordingly it is considered that the proposal does not conform to the policies of the development plan and the current Local plan review and is recommended for refusal.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reason(s):-

Reason

- 1 That the proposal is contrary to policy H1 of the Dundee Local Plan in so far as the environmental quality enjoyed by the proposed residents will be detrimentally affected by virtue of the road layout and the potential traffic movements associated with the industrial unit to the south east of the site and there are no material considerations which would justify setting aside policy in this case.
- 2 The proposal is contrary to the terms of PAN 67 - Housing Quality in so far as safe and secure environment is not being proposed for prospective residents by virtue of the access arrangements and the use of the neighbouring industrial building.
- 3 That the proposal is contrary to the policies 1 of the Dundee Local Plan Review in so far as environmental amenity will be detrimentally affected by the road layout and traffic movements associated with the neighbouring industrial unit.