

KEY INFORMATION

Ward Lochee West

Proposal

Outline consent for erection of 71 dwellings, 6 flats & associated garages and garden ground

Address

Land to North & South of Donalds Lane, Dundee

Applicant

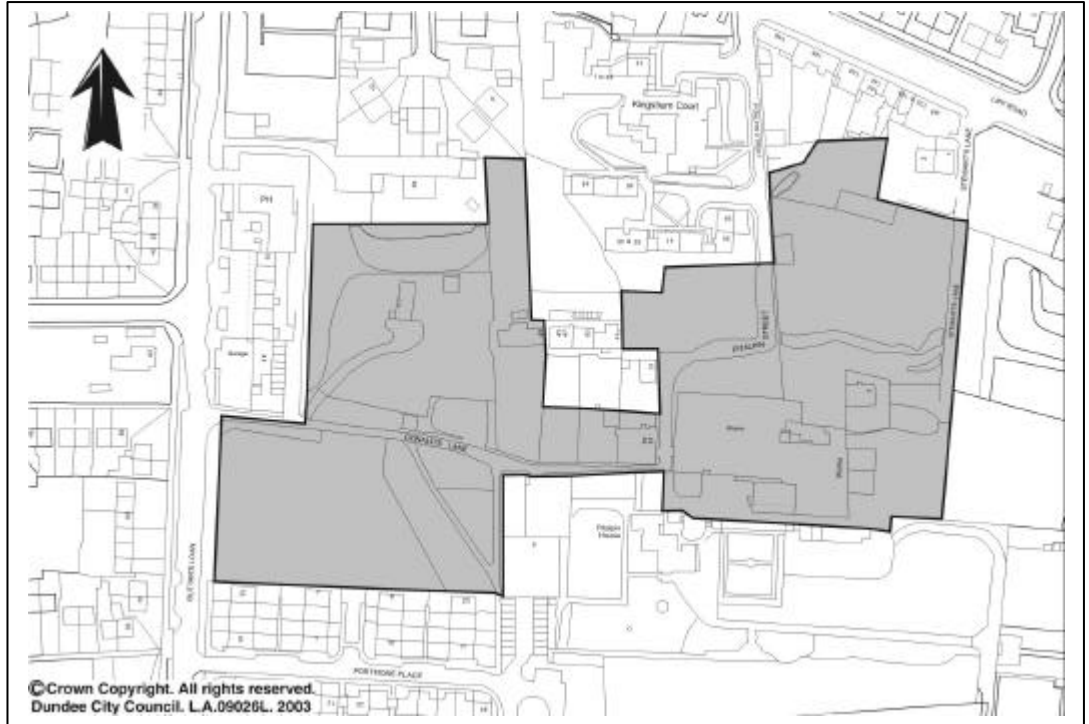
Various Applicants
c/o KDM Architects
15 Camperdown Street
Broughty Ferry
Dundee DD5 3AA

Agent

KDM Architects
15 Camperdown Street
Broughty Ferry
Dundee
DD5 3AA

Registered 26 Aug 2005

Case Officer D Gordon



New Houses for Pitalpin Area of Lochee

The Outline consent for erection of 71 dwellings, 6 flats and associated garages and garden ground is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The submitted outline proposals establish the provision of a high quality residential development on a semi-derelict site located in the suburban area of the city. The proposals are viewed as an important step in the successful regeneration of this local area. The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Outline planning permission is sought for the erection of 71 new houses and 6 flats on a site located in the Pitalpin area of the city. A Masterplan which indicates the proposed layout of the site has been submitted in support of the application.
- The site is currently in a semi-derelict and neglected state and accommodates a variety of uses including former industrial properties. These buildings are listed for architectural and historical reasons.
- The area, as part of a larger development site, is identified as a brownfield housing site, in the Dundee Local Plan Review 2005 (Proposal 43 refers). In addition, a Planning Brief for the development of the land for residential purposes was approved by the Council in 2004.
- The original plans submitted for consideration attracted a petition of 198 signatures and 70 individual objections. An amendment to the scheme generated 132 objections from local residents. A further amendment, that deleted the development of the existing area of open space for housing, was submitted and has been welcomed by the local residents. No objections to this final amendment have been received.
- The proposal is considered to be in accordance with the relevant land-use requirements of the development plan and the approved Planning Brief for the site.
- There are no material considerations that would justify the refusal of this application contrary to the policies of the development plan.

DESCRIPTION OF PROPOSAL

The proposal under consideration seeks outline planning permission to develop the area around Pitalpin Mill/Pitalpin Street/Donalds Lane/Stewart's Street for residential purposes.

The applicants have submitted an indicative Development Masterplan for the site that shows a potential provision of 71 new houses (including 3 conversions) and 6 new flats (conversion of existing building).

All new houses will have a minimum gross internal floor area of living accommodation of 80 sq.m. with 75% of the houses having a minimum of 100 sq.m. with 3 or more bedrooms. The dwellings will have a minimum 120 sq.m. of private garden ground with 45% of the houses accommodating 160 sq.m. or above. With regard to the proposed new flats, a minimum garden ground area of 15 sq.m. / flat is to be provided.

The application proposes the removal of a number of trees from the site. A Tree Survey has been submitted to accompany the outline application.

SITE DESCRIPTION

The site forms the northern section of a larger development site and stretches from Buttars Loan in the west to Stewart's Lane in the east and from the north of Pitalpin House to the rear of the properties on Liff Road.

At present the site accommodates a number of vacant buildings comprising former weaving sheds, stores and warehouses of Pitalpin Works. These buildings are listed as being of architectural or historic interest. All of these buildings are vacant, some are in a semi-derelict condition and some have been partially demolished for safety reasons. The site also accommodates redundant stone quarries.

Other sites within the application site are vacant and derelict and a number of cottages occupy the site. A north to south slope through the site is evident and the land accommodates a number of mature trees.

The surrounding area accommodates a variety of uses including residential to the north and south, commercial to the

west on the Buttars Loan frontage and industrial to the east. A small area of open space that is used by the local residents is located to the south side of Pitalpin House, the site of which forms the southern boundary of this application and for which a separate outline planning application is being considered.

The site is currently accessed by Donalds Lane to the west and by Pitalpin Street and Stewart's Lane 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:

Proposal 43: The site is identified as a suburban brownfield housing development site.

Policy 1: Vibrant and Sustainable Communities. The Council will promote vibrant communities, encouraging the development of a 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 effect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

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 developments will be required to conform to the Design Standards

contained in Appendix 1 of the Dundee Local Plan Review 2005 unless:

- a the 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 area 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.

Policy 55: Urban Design. For all new developments the emphasis will be on design quality. In addition, all development will, in its design and layout, be expected to contribute to an environment that is safe and accessible to all.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

Scottish Planning Policy 3: Planning for Housing (2003).

SPP3 reflects the key planning policies in Scottish Planning Policy 1: The Planning System, addressing them in relation to new housing. The measures are intended to promote a more attractive and sustainable living environment as part of the wider investment in new housing.

Planning Advice Note 67: Housing Quality 2003. This seeks to promote high quality design in new housing developments. This Note supports the preparation of design statements in conjunction with planning applications and the need for successful residential developments not to be limited by road standards or to benefits of Home Zones.

Designing Places: A Policy Statement for Scotland. This Statement from the Scottish Executive sets out their aspirations on the design and the role of the planning system for delivering these aims. It promotes the need for high quality design of buildings and layout for proposed developments and in particular it highlights the advantages of the Masterplan process.

Non Statutory Statements of Council Policy

The following policy statements are of relevance:

Dundee - The Urban Design Guide

Site Planning Brief for Pitalpin Village - Approved 2004.

LOCAL AGENDA 21

Key themes of Local Agenda 21 include combining places, spaces and objects to achieve beauty with utility and protect diversity and local distinctiveness. The proposed development, together with the larger comprehensive redevelopment of the area to the south, on this brownfield site will achieve this aim.

SITE HISTORY

02/00827/LBC - Part Demolition of Mill - Refused 25.06.2003.

05/00961/OUT - Erection of 33 dwellings and associated garages - Application yet to be determined.

PUBLIC PARTICIPATION

In addition to the required neighbour notification procedure, this proposal was advertised in the local press on 19.09.2005 as being contrary to Policy 66A (Protection of Playing Fields) of the Dundee Local Plan Review 2005.

This outline planning application has been the subject of considerable and protracted discussions between this Council and the various interested parties including the applicants and their agents.

The application was originally submitted in August 2005 for the development of 83 houses and 6 flats. This advised that, in addition to the proposed provision of new housing on the north side of Pitalpin House, the west side of the area of open space located to the south side of the Pitalpin House was to be developed for 12 new houses. A new access to these houses was to be provided off Portmore Place to the west. The east side of the open space was to remain a local play area. This proposal attracted a petition of objection (198 signatures) and 70 individual letters of objection from the surrounding residents with the main issues of concern being the use of the open space for housing and the use of

Portmore Place as a new access to this site.

Taking into account the large volume of local objection to the proposals, the application was amended in November 2005. The amended proposal still provided housing to the north side of Pitalpin House but now proposed the development of 12 houses on the east side of the open space area. Access to this would be taken from a single track that led northwards from South Road to the south. The neighbouring properties were notified of the amended details and on this occasion 132 objections were received. The main issues raised by the objectors again related to the use of the open space for new housing and the inappropriateness of the proposed access from South Road.

Following further consideration of the layout by the applicants, the application was the subject of further amendments in December 2005. This resulted in the proposed development of the area of open space for new housing being withdrawn and access to the site would taken from the existing roadways in the area ie Donalds Lane, Pitalpin Street and Stewart's Lane. The neighbouring properties were once again notified of the amendments and to date, no objections to the most recent amendments have been received.

Copies of the objections to the first amendments are available in the Members Lounges.

It is intended to deal with this matter further in the 'Observations' Section of this report below.

CONSULTATIONS

The Council's Forestry Officer has advised that there are a number of trees within the site that should be retained and protected. A Tree Survey of the area has now been submitted by the applicants for consideration and it is intended to attach an appropriate condition to any permission granted requiring the retention and protection of certain trees within the site.

The Head of Environmental Health and Trading Standards has commented that, due to the previous use and condition of the site, a condition should be attached to any consent granted requiring the remediation of any contamination within the site prior

to its occupation for residential purposes.

The Head of Environmental Health and Trading Standards has also advised that an assessment of the potential effect the commercial properties located to the west of the site may have on the new houses, by virtue of noise and smell, should be investigated. It is intended to attach an appropriate condition to any permission granted requiring such a study to be 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 seeks outline permission to develop the northern and western section of the Pitalpin Village for residential purposes. This site forms part of a larger development site to the south that is identified for residential purposes in the Local Plan. This current application involves the provision of 71 new houses and 6 flats. The proposal involves both new build provision and the conversion of former mill buildings that are listed for architectural or historic reasons. The applicants have not submitted details of the proposed house types. However, a Masterplan for the proposed layout of the site has been submitted for consideration. This Masterplan, although not 'cast in stone' does provide a framework for development and design quality and will form the basis for the consideration of any future detailed planning applications for the development of the site.

The site of the application is identified in the Dundee Local Plan Review 2005 as being a brownfield housing site (Proposal 43 refers). In addition, the

site was the subject of a Planning Brief for the development of Pitalpin Village for residential purposes in 2004.

It is considered that the proposed layout submitted for consideration meets with the criteria of both the Local Plan policy requirements and the aspirations of the approved Planning Brief. The open space area that is located to the south side of Pitalpin House, while included in the application site, is not to be developed and will remain available to the local residents for open space purposes.

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:

As advised in 'Public Participation' above, the application was the subject of a considerable volume of objections, particularly with regard to the development of the open space for new housing and the use of either Portmore Place or the track from South Road being used to access the development. These matters have now been successfully resolved by the deletion of the proposed new housing from the play area.

The remaining issues raised by the objectors relate to:

- 1 The impact of the development on the trees within the site. This matter is currently being pursued with the applicants. A Tree Survey of the area has now been submitted for consideration that will help identify the trees that should be retained and protected within the site.
- 2 Protection of the existing sewerage system. It is considered that this is a matter that will be discharged at the detailed stage of the development of the site.

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 planning permission be granted with conditions.

Design

The outline planning application drawings for the proposed layout of the site are indicative in nature. Therefore the detailed development of the site shall be reserved for the future approval of the Council. However, the housing layout, as submitted, should form the basis for the determination of any future residential development for the site. It should be noted that it is also intended, and indeed appropriate, to deal with the issue of waste recycling within the site at the full planning application stage of the development.

CONCLUSION

The outline planning application currently under consideration is considered to comply with the principles of the approved Planning Brief for the site. In addition, the use of the site for residential purposes is in accordance with the Local Plan proposals for this local area.

The development of the site for residential purposes, together with the additional site to the south, is welcomed as a positive step in the regeneration of this vacant and semi-derelict area. The submitted layout plan will ensure that the site is developed in an appropriate manner that will reflect the Council's aspirations for a quality development in this local area.

There are no material considerations, including the submitted objections, which would justify the refusal of the application contrary to the provisions of the development plan.

RECOMMENDATION

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 of the site shall not begin until a scheme that identifies all the trees that are to be retained within the site has been submitted to and approved in writing by the planning authority. For the avoidance of doubt, all trees to be retained shall be fenced off in accordance with BS5837, 2005 prior to the commencement of any works.
- 5 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:
 - i the nature, extent and type(s) of contamination on the site
 - ii measures to treat/remove contamination to ensure the site is fit for the use proposed
 - iii measures to deal with contamination during construction works
 - iv 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.

- 6 Development shall not begin until a scheme for protecting the new residential units located on the west side of the site from noise from the adjacent commercial properties located on the Butters Loan frontage has been submitted to and approved in writing by the planning authority. This scheme shall be in the form of a Noise Impact Assessment that should identify existing noise sources, report existing and predicted noise levels as they will effect the

housing both internally and externally and identify necessary mitigation measures.

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 To protect those trees which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance of the development.
- 5 In order to ensure that the site is fit for the use proposed.
- 6 To protect future residents from electrical and mechanical noise from surrounding commercial properties.