

**KEY INFORMATION**

**Ward** Balgay

**Proposal**

Outline consent for erection of 15 houses

**Address**

Land to Rear of  
83-105 Charleston Drive  
Dundee

**Applicant**

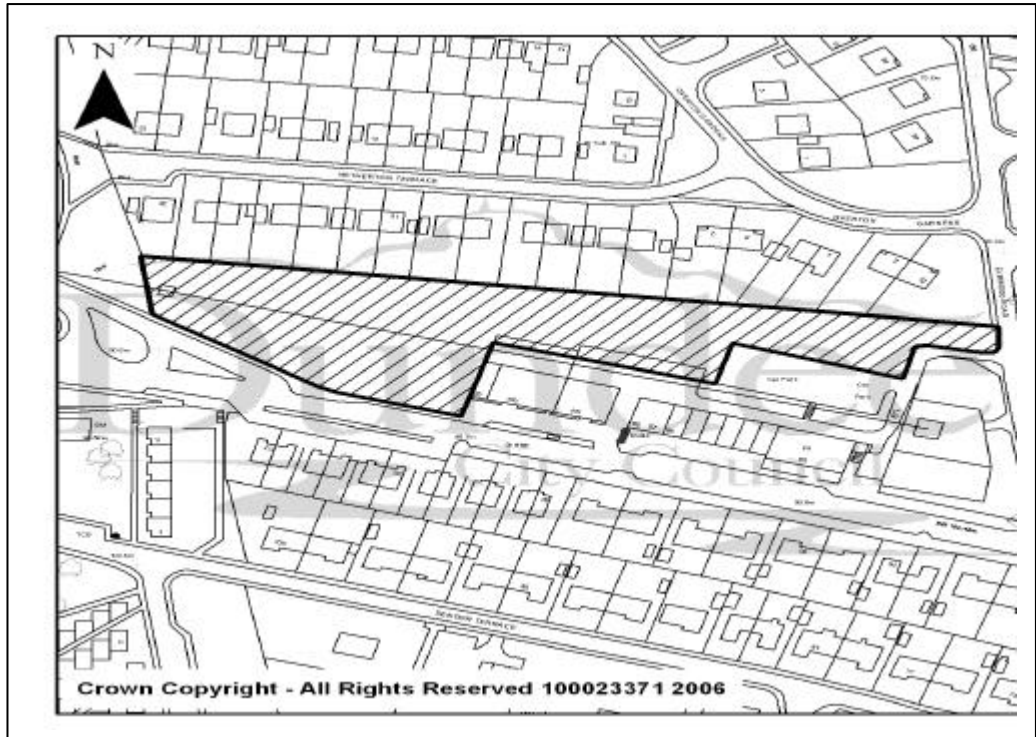
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**Agent**

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7 Ward Road  
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**Registered** 18 Aug 2006

**Case Officer** D Gordon



## Proposed Housing Development to Rear of Charleston Drive

An outline consent for erection of 15 houses 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 for residential purposes of this poor amenity site could make a positive contribution to the appearance of the site and the setting of the surrounding area. Recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- Outline planning permission is sought for the development of a vacant and derelict site located on the north side of Charleston Drive for residential purposes. No formal details have been submitted although indicative drawings of the house types, layout and access accompany the application.
- The site is not allocated for any specific purpose in the Dundee Local Plan Review 2005.
- The application has been the subject of 11 letters of objection and 2 letters of representation. The main issues raised by the objectors include potential overlooking, a reduction in privacy and daylight, traffic matters, drainage and future ground conditions.
- It is considered that the proposed development, in principle, is in accordance with the relevant land-use policies of the Dundee Local Plan Review 2005 and is capable of accommodating 15 units. There are no material considerations, including the issues raised by the objectors, which would justify setting aside the adopted policies and refusing the outline application.

## DESCRIPTION OF PROPOSAL

The proposal under consideration seeks outline planning permission for the development of the site for residential purposes. The applicants have submitted indicative layout plans that advise of a potential development of 15 houses. This shows new housing to be located on the north and south sides of the site ie adjacent to the rear garden areas of the residential properties to the north and on the Charleston Road frontage. Indicative designs of these proposed dwellings have also been submitted with the application. Access into the site will be from Elmwood Road to the east. Overhead power lines cross the site in an east to west direction.

The existing car park located to the rear of the commercial units is not included in the application site.

## SITE DESCRIPTION

The site under consideration is located on the north side of the parade of commercial units on Charleston Drive, to the west of Elmwood Road and to the east of Arran Drive. The residential properties of Netherton Terrace and Overton gardens bound the north boundary of the site.

The land measures approximately 0.69 hectares in size and is in a generally overgrown state. It is approximately 450 metres wide (from east to west) and between 25 metres to 50 metres in depth (from north to south). The south western section of the site, adjacent to Charleston Drive, is generally level. The majority of the remainder of the site, which includes an embankment, slopes to the north towards the rear gardens of the houses at Overton Gardens and Netherton Terrace. A service yard and car park are located to the rear of the parade of commercial units located on Charleston Drive. These take access from Elmwood Road which runs northward from Charleston Drive, to the east side of the site. The southern section of Elmwood Road, to a point beyond the access, is one-way, northbound. These commercial units to the north accommodate a variety of uses including public house, hot food carry outs and retail. The rear elevations of these properties are very poorly

maintained. To the western end of the parade there is a garage premises that has a ramped access from Charleston Drive to a rear open yard.

The wider surrounding area is predominantly residential in character.

## 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 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 maximize energy efficiency and promote sustainable waste management.

Where conversion of a listed building or other building worthy of retention is proposed, there may be limited flexibility in applying parking and garden ground requirements where compliance is impractical. The development of flats through conversions of buildings of merit may also be acceptable where conversion to flats is the only appropriate action.

#### **Policy 55: Urban Design**

For all new developments the emphasis will be on design quality and the City Council will seek the creation of new public places and points of interest which incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. All development should respect the setting of listed buildings.

The City Council require the use of Design Statements for planning applications or listed building applications for new buildings or extensions to existing buildings on significant sites.

All development will, in its design and layout, be expected to contribute to an environment which is safe and accessible to all.

#### **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

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 the benefits of Home Zones.

Designing Spaces: 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.

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## SUSTAINABILITY ISSUES

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The proposal involves the development of a brownfield site resulting in the improvement and enhancement of this overgrown and neglected site. The application raises no concerns in relation to the Council's Sustainability policies.

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## SITE HISTORY

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The site has been the subject of previous planning applications. The most recent application sought permission for the formation of a car sales yard that was refused permission, on appeal, on 7 August 2002 (01/30061/FUL refers).

Due to the unkempt condition of the site, a Wasteland Notice was served on the owner by this Council in September 2003, the terms of which were complied with within the requisite period.

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## PUBLIC PARTICIPATION

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The applicants have carried out the statutory neighbour notification process. In addition, the proposal was advertised in the local press as being potentially to Policy 4 (Design of New Housing) of the Dundee Local Plan Review 2005. The proposed development has attracted 11 letters of objection and 2 letters of representation.

Several of the adjacent residents have advised that they are not against the principle of new housing providing appropriate boundary enclosures are considered for the north boundary on the site. However, the main issues of concern raised by the objectors relate to:

- 1 Impact of the proposals on the privacy and daylight of the adjacent occupiers to the north
- 2 The drainage implications due to the sloping nature of the site
- 3 The impact the proposals will have on the existing road network, in particular Elmwood to the east side of the site.
- 4 Potential of ground slipping towards the residential properties on the north side of the site
- 5 The issue of the existence of power lines running through the site.

Copies of these objections can be viewed in the Members Lounges. It is intended to comment on the above matters in the 'Observations' Section of this report below.

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## CONSULTATIONS

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The Council's Head of Environmental Health and Trading Standards has advised that appropriate conditions relating to contamination and noise should be attached to any permission granted.

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## OBSERVATIONS

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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 for the erection of housing (15 units) on a

sloping site located to the rear of a parade of commercial units on Charleston Drive. 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 has been the subject of a number of applications for development (for various uses) in recent years and has also been a consistent source of complaints from neighbouring residential properties regarding its unkempt condition and appearance. The site and its immediate surrounds to the south are of a quality that is detrimental to the general appearance of the surrounding area.

The site is not allocated for any specific purpose in the Dundee Local Plan Review 2005 and consequently the use of the site for new housing is considered to be acceptable providing the proposals do not contravene other relevant policies of the development plan. Taking into account the predominantly residential character of the wider surrounding area, it is reasonable to consider that the principle of the use of the site for such purposes is consistent with the general aims of the Local Plan.

The details of the scheme that have been submitted for illustrative purposes only indicate that the houses are to be located on the north and south sides of the site. These are to be serviced by a new internal road running east to west across the site that will be accessed from Elmwood Road to the east. The new houses will be a combination of detached, semi-detached and terraced units that will be predominantly 2-storey in height. Due to the sloping nature of the land, there will be a requirement to provide retaining walls through out the site and this will elevate, in certain areas, any new housing above the level of adjacent existing housing. The plans indicate 3 - 4 bedroom accommodation with associated garden ground and off street car parking that are in accordance with the provisions of Policy 4 (Design of New Housing) of the Local Plan Review. In this respect it is considered that the site, in principle, can be developed for development proposed.

In addition the applicants have advised that the future development of the site

would involve the provision of hard landscaping, new lighting, paintwork to the shops and landscaping.

With regard to Policy 79 (Contaminated Land), it is considered that, due to the history of the site, a condition should be attached to any outline 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:

With regard to the objections that have been submitted that relate to reduction of privacy and daylight, drainage and ground condition, while these matters are of critical importance to the local residents of the area, it is considered that these issues should be discharged, if appropriate, at the time of the determination of any detailed application for the development of the site.

With regard to the issue of increased traffic generated by the proposed development, it is considered that the addition of the further housing proposed will not have a significant adverse effect on road traffic safety on the area. However, certain standards relating to vehicular access, road layout etc will require to be undertaken during the development of the land to ensure that the site operates in a safe and appropriate manner.

With regard to the issue relating to the existence of power lines running through the site, the applicants have advised that Scottish and Southern Electricity have been advised of the proposals and have not raised an objection.

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 proposal under consideration is for outline permission to establish the

principle of the provision of 15 houses on the site the subject of this application. The details of the new houses will be submitted at a later stage and the issues of design, scale, materials, access, parking and impact on the adjacent occupiers will be discharged, if appropriate, at that time.

### CONCLUSION

The development of the site for residential purposes is considered to be in accordance with the relevant land use policies of the Dundee Local Plan Review 2005. The site is currently in an untidy and overgrown state and its unkempt condition has been the source of consistent complaints from neighbouring residential properties to the north over a number of years. The appearance and condition of the rear elevation of the commercial units located to the south detracts considerably from the visual quality of the area. It is accepted that this is not ideal housing site due to the adjacent occupiers to the south. However, it is considered that the use of the land for residential purposes could assist in the visual improvement of the rear area of the units and of the adjacent un-used car park resulting in a positive contribution to the environmental quality of the area.

### RECOMMENDATION

It is recommended that consent 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:

- i the nature, extent and type(s) of contamination on the site
- ii measures to treat / remove contamination to ensure that 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.

5 Development shall not begin until a full Noise Impact Assessment for the proposed development, in terms of Planning Advice Note 56, has been submitted to and agreed in writing by the planning authority. For the avoidance of doubt, this Assessment should indicate existing ambient noise levels and final predicted noise levels for those habitable rooms which would be effected by noise either from the mechanical and electrical services from the commercial units to the south or the traffic noise using the appropriate noise parameters. The residential development shall not be brought into use until the measures in the approved noise prevention scheme operate to the satisfaction of the planning authority.

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.

5 To protect new occupants from mechanical, electrical services and traffic noise.

## 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.