

KEY INFORMATION

Ward Maryfield

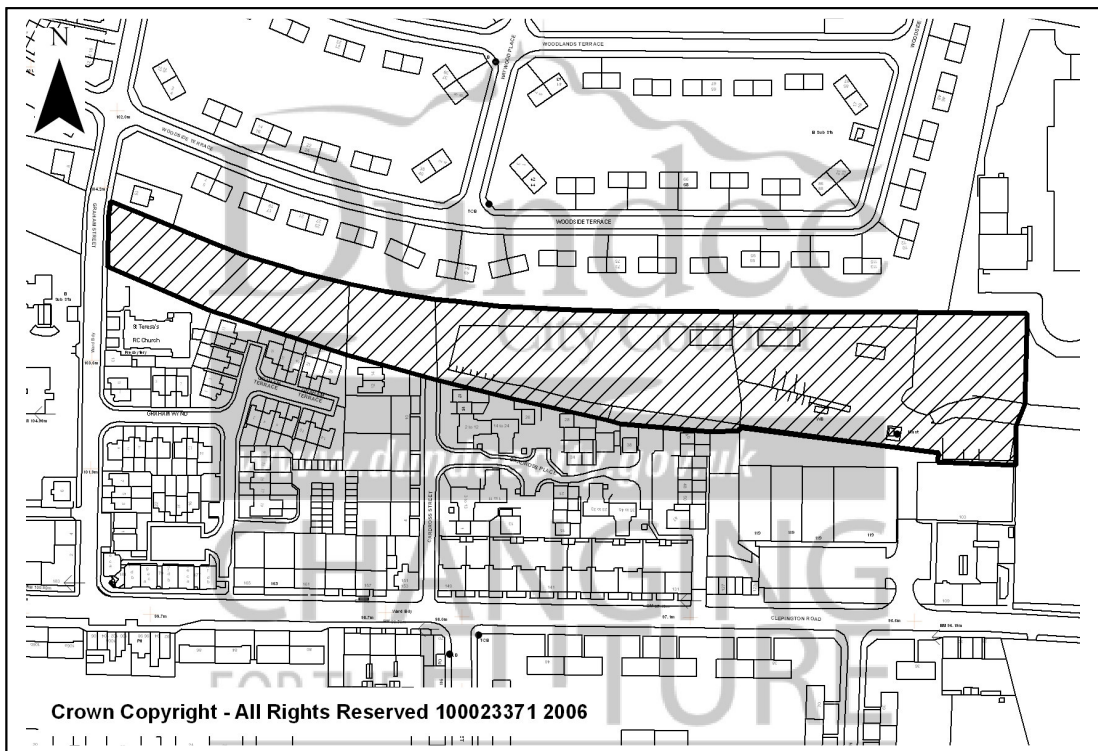
Proposal

Erection of 44 Houses

AddressLand to the East of Maryfield
Goods Yard
Graham Street
Dundee**Applicant**Discovery Homes
Orchardbank Industrial
Estate
Forfar
DD8 1TD**Agent**

Registered 6 July 2007

Case Officer C Walker



Residential Development Proposed at Maryfield Goods Yard

The erection of forty four houses is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is considered to be in accordance with the Housing and Employment Uses Policies of the Local Plan. In addition, it is considered that the objections raised are of insufficient weight to warrant refusal of the application. The application is recommended for **APPROVAL** with conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of 44 houses at the former Maryfield Goods Yard, Dundee. Vehicular access is to be taken from Graham Street with pedestrian access also via Cardross Street. Planning permission was granted in June 2004 for a development of 36 houses on this site.
- Policies 4 and 26 of the Local Plan are relevant to the determination of this application.
- 2 letters were received from neighbours, 1 objecting to the proposed pedestrian access onto Cardross Street and the other objecting to overshadowing of their garden by proposed fencing. The Head of Environmental Health and Trading Standards has concerns about contamination.
- The proposed development is considered to be of satisfactory layout and design and in accordance with the Local Plan. The concerns about the proposed pedestrian access and overshadowing are of insufficient weight to warrant refusal of the application and the concerns about contamination can be addressed by a planning condition.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of 44 houses at the former Maryfield Goods Yard, Dundee.

The house types include 2 detached bungalows, 20 detached villas and 22 semi-detached houses. All of the houses are to have 3 bedrooms, parking for 2 cars and at least 120m² of private garden ground. Proposed finishing materials are predominantly cream render with limited areas of artificial stone (stone is more prevalent on the bungalows) and grey tiled roofs.

Vehicular access is to be taken from Graham Street with pedestrian access also via Cardross Street. Provision is also made for future vehicular and pedestrian access to the east.

The proposals also include landscaping of the entrance road with entrance piers and walls. The landscaping includes trees along the entrance road and to the front gardens of the houses. The applicant also intends to erect a 1.8 metre close boarded fence around the perimeter of the site

SITE DESCRIPTION

The application site is located on the former Maryfield Goods Yard site which is to the east of Graham Street and to the north of Cardross Street. The site extends to approximately 2.1 hectares and slopes down from the west to the east. The site was last occupied by Edgar Plant Hire. Extensive site clearance works are nearing completion and these have involved the removal of buildings, equipment and waste material. There are various self seeded mature trees along the northern and southern site boundaries. The western end of the site is undeveloped and laid out in grass with various mature trees.

The site is bounded to the north by the communal gardens of the houses in Woodside Terrace, to the west by Graham Street, to the south by residential and commercial properties and to the east by commercial properties.

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:

Most of the site is not allocated for any specific purpose and Policy 1 states that the site falls within an existing residential area. New development proposals in such areas should not have an adverse impact on the environmental quality enjoyed by local residents.



Policy 4 Design of New Housing is of relevance and sets out standards for the design and layout of new housing.

Policy 26 General Economic Development Areas. A small part of the site in the north eastern corner is allocated as part of a general economic development area. Policy 26 advises that housing development will not be

permitted unless in accordance with other policies of the plan.

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no Scottish Planning Policies, Planning Advice Notes and Circulars of relevance 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.

SUSTAINABILITY ISSUES

It is considered that this is a sustainable development since it involves the regeneration of a brownfield site and because the proposed housing is close to existing facilities.

SITE HISTORY

Planning permission was granted in June 2004 for a development of 36 houses on this site - application 04/00040/FUL refers. That permission was not implemented and is still valid. The form and layout of that development is almost identical to the current proposals.

PUBLIC PARTICIPATION

The applicants carried out the statutory notification of neighbours and two letters of objection were received from residents in the surrounding area. One of the objectors is concerned about the proposed pedestrian access onto Cardross Street which they consider will cause noise and inconvenience for residents of this quiet cul de sac. The other objector is concerned about overshadowing of their garden at Woodside Terrace by the proposed close boarded fencing on the site boundary.

Copies of the letters of objection are available in the Members Lounges and the issues raised are addressed in the "Observations Section" of this report.

CONSULTATIONS

The Head of Environmental Health and Trading Standards requested that contaminated land risk evaluation and assessment be carried out prior to the determination of the application. Information was provided by the applicants but it did not consider the remediation required at this site in a sufficiently robust way to manage appropriately the contamination risks to the proposed development and groundwater.

No adverse comments were received from any of the other consultees.

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 majority of the application site is located within an area covered by Policy 1 in the adopted Local Plan. As such a residential use is acceptable in principle. Policy 1 seeks to protect the amenity of neighbours by ensuring that new development does not affect their amenity by reason of design, layout, parking and traffic movement issues, noise or smell. Although this policy is largely geared towards the introduction of commercial uses into residential areas the proposed development can be assessed against the same criteria.

It is considered that the design and layout of the development are satisfactory. The nature of the site means that it can only accommodate a long linear development. These matters are considered in greater detail in the Design section of this Report below. There is a single vehicular access to the site from Graham Street (the only realistic possibility of access) and adequate provision for car parking is made within the site. Finally there

will be no unacceptable impacts in terms of noise or smell.

Policy 4 Design of New Housing advises that all new housing should be of a high quality and will be required to conform to the Design Standards set out in Appendix 1 of the Local Plan. The standards are broken down into House Type, Car/Cycle Parking, Amenity/Garden Space and Privacy. In terms of the plan the proposal is located within the suburban area. On the basis of the details set out above it is considered that the proposed development accords with all the standards set out in Appendix 1. All private gardens are in excess of 120m² and 18 of the houses (41%) have private gardens in excess of 160m². Each house has off street parking for 2 cars and over half of the houses have space to accommodate a garage without infringing on the minimum garden area requirement.

A small area at the northeast end of the site in covered by Policy 26 General Economic Development Areas. This advises that housing developments will not be supported unless a satisfactory standard of residential amenity can be achieved, the housing will not adversely affect the ongoing operation of adjacent industrial areas and evidence demonstrates that the site is no longer suitable for economic development purposes.

It is considered that given the size and location of the area its loss would not undermine the larger designated area. In addition, the area would have a separate access from Graham Street so that a satisfactory standard of residential amenity could be provided. Finally this small area is divorced from the remainder of the area designated for economic development purposes and more importantly has an existing consent for residential use. It is considered that in these circumstances it is no longer suitable for economic development purposes the loss of the area covered by Policy 26 is acceptable in terms of that policy in this instance.

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:

A - The Concerns of Objectors

The provision of pedestrian access to Cardross Street repeats the arrangements in the approved development on this site under application 04/00040/FUL. As this is a long linear site pedestrian access to Clepington Road via Graham Street is quite lengthy and the proposed pedestrian access gives easy access to Clepington Road where there is a range of local facilities including shops, takeaways, public houses and an extensive network of bus routes. It is considered that such a link would encourage people to walk to these facilities and to use public transport to a greater extent.

An objector feels that this pedestrian access would result in additional people walking on this narrow street causing inconvenience and noise problems. However 92 dwellings currently take their vehicular and pedestrian access from Cardross Street. Compared with this the proposed development provides only 44 houses which is unlikely to generate significant levels of pedestrian activity or indeed noise disturbance. In addition account needs to be taken of the fact that a pedestrian access for 36 houses has already been permitted at this location. It is concluded that there are substantial benefits in providing this pedestrian link and that the concerns about noise and disturbance will not be realised.

The other objection is from a householder in Woodside Terrace who is concerned about overshadowing of their garden by the proposed close boarded fencing on the site boundary. However this fencing will also provide screening and security to residents at Woodside Terrace. When the previous application was submitted to develop this site for housing (04/00040/FUL) six letters of representation were received seeking to ensure that an appropriate fence was erected along the boundary with the communal gardens of the houses in Woodside Terrace. It is considered that it is appropriate to erect a fence at this location to ensure privacy and that any overshadowing will be minimal.

B - Contamination

The Head of Environmental Health and Trading Standards has concerns about the remediation of the site in order to manage the contamination

risks. The information provided to date by the applicants has not allayed these concerns although at the time of writing this Report further information was being prepared. Normally this matter would be dealt with by imposing a planning condition to ensure that the matter was resolved satisfactorily prior to the commencement of development. However in this case the matter is of sufficient importance that the Head of Environmental Health and Trading Standards is concerned that development might proceed prior to the condition being discharged.

In these circumstances it is suggested that should Members be minded to approve the application that a planning condition is imposed to ensure that the site is remediated satisfactorily but in addition that an informative is attached to the consent advising the applicant that this condition will be strictly enforced and that any development on site, including any ground preparation works, will be stopped if the condition has not been satisfactorily discharged.

It is concluded from the foregoing that there are no material considerations that would justify setting aside the policies of the development plan. It is therefore recommended that planning permission be granted subject to conditions.

Design

The proposed development is a mixture of detached and semi-detached houses in a linear format dictated by the nature of the site. The design and layout of the houses are considered to be of a good quality and the layout has utilised the best of this awkward site. An entrance feature is provided at Graham Street in the form of natural stone walls and secondary features are proposed within the site in the form of stone walls and gable windows at plots 1 and 44. The monotony of the linear layout is also relieved by street trees at strategic locations.

CONCLUSION

The proposed development is considered to be in accordance with the Housing and Employment Uses Policies of the Local Plan. In addition, it is considered that the objections raised are of insufficient weight to warrant refusal of the application.

RECOMMENDATION

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

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.
- 2 Samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples.
- 3 Development, including any site preparation works, 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:
 - a The nature, extent and types of contamination on the site.
 - b Measures to treat/remove contamination to ensure the site is fit for the use proposed.
 - c Measures to deal with contamination during construction works.
 - d Condition of the site on completion of decontamination measures.
- 4 Before any dwelling is occupied the measures to decontaminate the site shall be fully implemented as approved by the Council.
- 5 The landscaping of the site, including the timescale and provision for future maintenance shall be carried out only in full accordance with details to be submitted by the applicants and approved in writing by the Council prior to the commencement of development. In particular street trees in front gardens shall be planted prior to the occupation of the houses within whose curtilage the trees are planted. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of

planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.

- 6 The existing trees and shrubs, indicated on the approved plans to be retained, shall not be cut down, grubbed out topped, lopped, uprooted or root pruned without the written consent of the City Council. The protective fencing indicated on the approved plans shall be erected on site in consultation with the Council and its agreed location shall be confirmed in writing by the Council prior to the commencement of development, including site preparation and excavation works. Any trees or shrubs removed without such consent or dying, or being severely damaged or diseased, shall be replaced with trees and shrubs of such size and species as may be directed by the City Council and to the standard as approved by the City Council.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 To ensure that the site is fully investigated for any potential contamination and that any contamination that is found is adequately dealt with prior to development
- 4 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area
- 5 To protect those landscape features which are of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development.