

KEY INFORMATION

Ward Lochee

Proposal

Proposed housing development land to rear of 83-105 Charleston Drive (16 houses)

Address

Land to rear of 83-105 Charleston Drive Dundee

Applicant

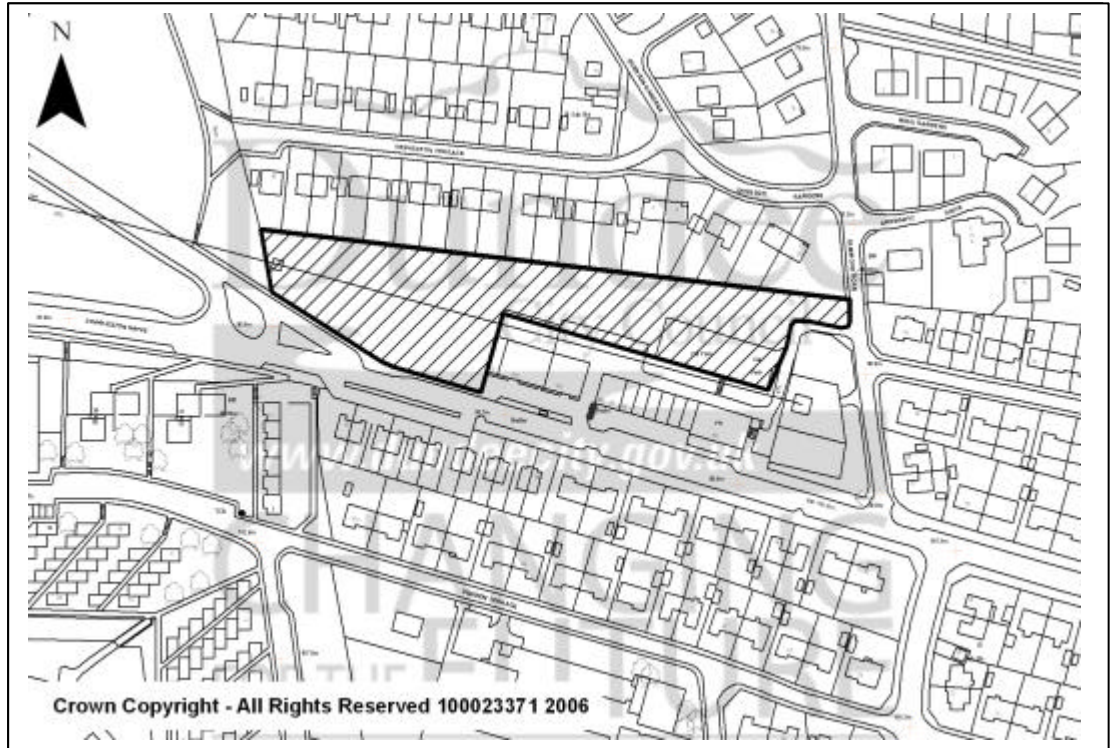
The Lindsay Gray Alan Beaton Partnership
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Agent

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Registered 3 Oct 2007

Case Officer D Gordon



New Housing Proposed at Charleston Drive

A proposed housing development on land to rear of 83-105 Charleston Drive is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposals represent an opportunity to develop a problem site for residential purposes resulting in a positive contribution to the appearance and setting of the surrounding area. The application is recommended for **APPROVAL** with conditions.

SUMMARY OF REPORT

- Planning permission is sought to erect 16 houses on a site located to the rear of the parade of shops located on the frontage of Charleston Drive. The site currently enjoys outline permission for the erection of 15 houses. An increase in the size of the site has resulted in the introduction of an additional housing unit.
- The application raises issues under the terms of Policy 1 (Vibrant and Sustainable Communities), Policy 4 (Design of New Housing) and Policy 79 (Contaminated Land) of the Dundee Local Plan Review 2005.
- The application has attracted eight letters of objection and a letter of representation. The applicants held a public meeting for the local residents to present and discuss the proposals prior to the submission of this detailed planning application. The objectors have raised, amongst other things, matters relating to a reduction in privacy, overshadowing and road traffic matters.
- The proposals are not fully compliant with Policy 4 of the Plan due to the provision of a remote car parking area for several of the proposed new houses. However, it is considered that there are material considerations of a sufficient weight that allow the setting aside the parking requirements of Policy 4 and granting planning permission for the development.

DESCRIPTION OF PROPOSAL

The planning application seeks permission to erect 16 houses on a vacant site located on the north side of Charleston Drive.

The site will be accessed from Elmwood Road to the east. A 5.5 metre wide access road will run east to west across the site serving 10 houses on the north side of the site and 6 houses on the south side.

The new dwellings will be predominantly 2 storey in height and will comprise of a mixture of 2, 3 and 4 bedroom units. The proposed finishing materials are brick / render (walls) and grey metal roofs.

The dwellings on the north side of the site are to front onto the proposed new access road. This has been proposed in order to achieve maximum separation distances from the proposed dwellings and the existing houses and garden ground located to the north in Overton Gardens and Netherton Terrace. Each new house will also accommodate 2 off street car parking spaces within the curtilage of the building. A new 1.8 high timber fence is to be erected along the north boundary of the site.

On the south side of the site, 6 dwellings are to be provided on the Charleston Drive frontage, adjacent to the existing shops located to the east. Due to the significant changes in the levels of the land in this section of the site, the land drops steeply to the north necessitating the introduction of high retaining walls requiring the provision remote off street car parking (12 spaces) for these 6 new units.

The proposals also introduce up-grading works to the area located to the rear of the Charleston Drive shops including painting the rear of the shops, resurfacing the car park, landscaping and the provision of additional street lighting.

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 0.82 hectares in size and is in a generally overgrown and derelict 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. The 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.

A row of high voltage overhead power lines run east to west through the site.

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 m.p.h. 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 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.

SUSTAINABILITY ISSUES

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.

SITE HISTORY

The site has been the subject of a number of previous planning applications. The most relevant in this instance is:

06/00802/OUT - Outline Permission for 15 Houses - Approved 4th December 2006

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.

PUBLIC PARTICIPATION

The statutory neighbour notification procedure has been completed by the applicants. In addition to this, the applicants organised a public meeting at a local venue and invited each householder adjoining the site to attend and view drawings and a visual presentation of the development proposals now under consideration. This meeting was held on 5th July 2007 with the applicants architect in attendance to answer any questions raised. It is understood that the meeting was well attended.

Notwithstanding the above, the application has attracted eight objections from neighbouring residents. A letter of representation has also been received. The main issues that have been raised relate to:-

- 1 Impact of the proposals on the privacy and daylight (overshadowing) of the adjacent occupiers to the north
- 2 The drainage implications of the development on the adjacent properties
- 3 The impact the proposals will have on the existing road network, in particular Elmwood to the east side of the site.
- 4 The issue of the existence of power lines running through the site.
- 5 Loss of the natural environment
- 6 Increase in noise from 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.

CONSULTATIONS

There have been no adverse comments received from any of the statutory consultees.

The Council's Head of Environmental Health and Trading Standards has offered comments on the applicants' submitted Noise Impact Assessment

and Contaminated Land Reports and has suggested that appropriate conditions should be attached to any permission granted.

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 planning application under consideration seeks permission for the erection of 16 dwelling houses on a sloping site located to the rear of a parade of commercial units on Charleston Drive. A breakdown of the proposals is outlined in the 'Description of Proposal' section of this report above.

The site has been the subject of a number of planning 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 currently 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, taking into account the residential character of the surrounding area, is considered to be acceptable providing the proposals do not contravene other relevant policies of the development plan. This conclusion has been confirmed by the approval of an outline planning application for the erection of 15 houses on part of this current site that was granted permission by this Council on 4th December 2006. The application site currently under consideration is slightly larger than the site that was

granted outline permission for 15 houses. This increase in the size of the site has resulted from the inclusion in the development proposals of the largely disused and vacant car park area located immediately to the north of the small parade of shops on Charleston Drive. This has allowed the agents the opportunity to improve access arrangements into the site, provide larger plots for the new houses, increase garden ground provision and introduce one additional unit into the site.

Policy 1 (Vibrant and Sustainable Communities) - This policy seeks to minimise any affect of new developments on the environmental qualities currently enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise and smell. It is considered that, due to the nature of the proposals, there are no issues relating to smell in this instance.

The proposed new housing is to be 2 storeys in height and of a design that is generally consistent with the appearance and character of neighbouring residential properties that are located to the north, south east and west of the site. Due to the restrictive rectangular nature of the application site, there is the potential for any new development to adversely impact on the privacy / daylight of the existing residential properties that are located to the north on Netherton Terrace / Overton Gardens. The applicant's agents have recognised importance of this issue and have, in the design of the scheme, positioned the houses on the north side of the site a maximum distance from the boundary of the neighbouring properties to the north. In addition, the applicants have also:-

- designed the houses with low roof pitches to reduce any overshadowing of existing houses
- kept the minimum distance between the proposed houses and the existing houses on Netherton Terrace / Overton Gardens to 25 metres
- have not provided north facing first floor windows (other than obscured glazing bathroom windows) on Plots 1, 2, 3, 4, and 5 to prevent overlooking of the closest residential properties

- positioned the proposed north facing first floor windows on Plots 6, 7, 8, 9, and 10 a minimum 31.5 metre distant from the neighbouring residential properties.
- enhanced the existing hedging on the north boundary by infilling any existing gaps with semi mature hedging and supplementing this with the erection a 1.8 metre high wooden fence along the entire length of the mutual boundary.

In light of the above, and also taking account of the differences in ground levels through the site, it is considered that the proposed development will not have any significant impact on the privacy of the adjacent dwellings and will not result in any significant overshadowing of these properties. The applicants, in support of their application, have submitted a significant amount of detailed cross sections through the site that demonstrates the minimal impact, in terms of overshadowing and privacy, the development will have in the local area.

With regard to the issue of increased traffic generation, it is considered that the addition of the new housing proposed will not have a significant adverse effect on road traffic safety on the area. The applicants have submitted a Safety Audit Report (Stage 2 - Detailed Design) to accompany their proposals and the conclusions are considered to be acceptable to this Council.

It is concluded from the above that the proposals under consideration are consistent with the requirements of Policy 1 of the Local Plan Review 2005.

Policy 4 (Design of New Housing) - This policy offers standards for all new residential developments in order to promote quality housing within the city.

The application site is located within the suburban area of the city. The site is restrictive in nature for various reasons including its narrow and elongated shape, the significant difference in levels that are evident throughout the site, the existence of existing residential and commercial properties on the mutual boundaries to the north and south and the limited opportunities for access into the site.

The Local Plan requires that each new dwelling should accommodate private garden ground (on brownfield sites) of a minimum of 120m². with 40% of the units having more than 160m². It is considered that the standards for the required for the garden sizes are met by the proposals although several of the gardens, due to the restrictive shape of the site, do not have a frontage onto the new access road proposed to serve the scheme.

With regard to car parking, the development proposes the provision of 200% for each new unit. The new houses to the north side of the site will each accommodate 2 off street spaces within the curtilage of the buildings. Due to the steeply sloping characteristics of the land on the south east section of the site, the proposed 6 new houses on the south boundary will have 2 remote car parking spaces per dwelling to be located adjacent to their north facing garden ground. These will be accessed by a set of steps running north south between the new houses and the west end of the parade of shops. The provision of remote car parking to serve new private housing is not encouraged by Policy 4. However, it is considered that in this instance the provision of this form of parking would be preferable to the introduction of new accesses onto Charleston Drive that would potentially serve to adversely impact on road traffic and pedestrian at a recognised busy junction.

With regard to the requirement to have a minimum of 18 metres between the windows of both new and existing houses, the applicants have achieved this particular requirement.

It is fully recognised that this is an extremely problematic site to develop for new housing. The scheme has resulted in significant retaining walls being required through certain sections of the site. The scale of the retention works is a relatively unusual in terms of new housing developments within the city. However, the details are considered to be acceptable and necessary for the successful development of the site.

In light of the above, the proposals fail to fully comply with the Policy 4 of the Plan by virtue of the provision of 12 remote car parking spaces to serve 6 of the new units. This form of off street car parking is not generally supported by the provisions of Policy 4.

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 permission granted that requires certain works, including any remediation measures, be undertaken prior to the commencement of certain works. The applicants have submitted an Environmental Site Assessment, Phase 1 Desk Study, the contents of which are generally acceptable to this Council. An appropriate condition relating to the decontamination of the site is to be attached to any permission granted.

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

Other Material Considerations

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

Views of the Objectors

With regard to the objections relating to reduction in privacy, potential overshadowing, impact of the proposals on the existing road network and the loss of the natural environment, it is considered that these matters have been discussed and discharged above.

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.

With regard to the issue relating to noise from the site, it is considered that the introduction of new residential properties on the site proposed would be unlikely to result in a significant increase in noise disturbance for the adjoining occupiers.

With regard to the drainage of the site, it is intended to attach a condition to any permission granted that requires the discharge of all drainage details for the site prior to the commencement of any works on the site.

The provision of suitable access and transportation matters is viewed as being a material consideration in the determination of any planning application. As mentioned above, the details of the proposed development indicate that 12 remote car parking

spaces are being provided on the north boundary of the garden ground proposed for housing plots 11 to 16. The provision of this form of parking is not encouraged by the requirements of the Local Plan. However, the alternative to this would be to form new access driveways into these plots which would be taken directly off Charleston Drive close to its junction with Arran Drive. This, it is considered, would result in an adverse impact on the road traffic and pedestrian safety at this particularly busy junction. The remote parking detail, while not ideal, is considered to be a significantly better alternative in terms of road safety.

The new housing is to be located to the rear of existing commercial and industrial uses. In this respect, the applicants have submitted a Noise Impact Assessment to assess the effects of commercial / industrial breakout noise from these units. The terms of this Report have been considered by this Council and the conclusions reached that there is no reason why noise issues should present any impediment, subject to certain conditions, to the grant of planning permission has been generally accepted.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations of transportation matters such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

The design and the layout of the proposed new houses are considered acceptable for the site and appropriate for the area. Due to the significant differences in ground levels throughout the site it has been necessary to introduce high retaining walls in certain areas. While this is not ideal, it has been necessary in order to provide the new houses with level ground for gardens and car parking spaces.

CONCLUSION

The principle of 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 grant of outline planning permission

for new housing in 2006 confirms this view. 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 also detracts considerably from the visual quality of the area. It is recognised that this is an extremely difficult site to develop for housing purposes due to a number of factors including the narrow and elongated shape of the site, the significant differences in land levels and the proximity of adjacent residential and commercial uses on both the north and south boundaries of the site. The applicants' agents have fully considered the characteristics of the site and the need to protect the environmental qualities of the neighbouring occupiers to the north and indeed held a meeting with the local residents to present and discuss their proposals prior to the submission of this application. It is considered that the layout and design of the new houses are appropriate for the area. It is considered that the development of the land for residential purposes will assist in the visual improvement of the area, particularly the area to the rear of the neighbouring commercial units to the south resulting in a positive contribution to the environmental quality of the area.

RECOMMENDATION

It is recommended that consent be GRANTED subject to the following condition(s):-

- 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 shall not begin until details of a scheme for landscape works, that shall include details of all boundary enclosures, have been submitted to and approved in writing by the planning authority. For the avoidance of doubt all landscaping works shall

- be carried out during the first available planting season following completion of the housing development or within a further period of time as agreed in writing with the planning authority
- 4 That no development shall take place on the site until all details relating to the required drainage arrangements for the development have been submitted to and approved in writing by the planning authority. For the avoidance of doubt, no residential unit shall be occupied until the required works have been carried out to a standard that has been agreed in writing with the planning authority
- 5 Prior to the first occupation of any of the residential units measures to decontaminate any contamination within the site shall be fully implemented as agreed with the planning authority
- 6 The residential development shall not be brought into use until the agreed measures in the submitted Noise Impact Assessment by The Charlton Smith Partnership, dated 3rd October 2007, have been implemented and operate to the satisfaction of the planning authority. For the avoidance of doubt, the proposed 1.5 metre high boundary wall referred to in paragraph 2.04 of this report shall be erected prior to the first occupation of any of the dwelling houses hereby granted permission.
- 7 That prior to the commencement of works, full written details of the proposed environmental improvement works to be carried out to the rear of the commercial properties located on Charleston Drive shall be submitted to and approved in writing by the planning authority. For the avoidance of doubt, these works shall be carried out only in full accordance with such approved details and shall be completed to the satisfaction of the planning authority prior to the first occupation of any of the new houses hereby granted planning permission.

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 proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 4 To ensure that the site has suitable and appropriate drainage arrangements in place prior to the first occupation of any of the residential units
- 5 In order to ensure that the site is fit for the use proposed.
- 6 To protect new occupants from mechanical and electrical noise.
- 7 To ensure that the appearance of the rear elevations of the existing commercial units to the south of the site is of a standard that will not detract from the environmental quality of the future occupiers of the new housing.