

KEY INFORMATION

Ward Maryfield

Proposal

Change of Use to Residential and the Erection of 131 Dwellings

Address

James Keillor Buildings
32-34 Mains Loan
Dundee

Applicant

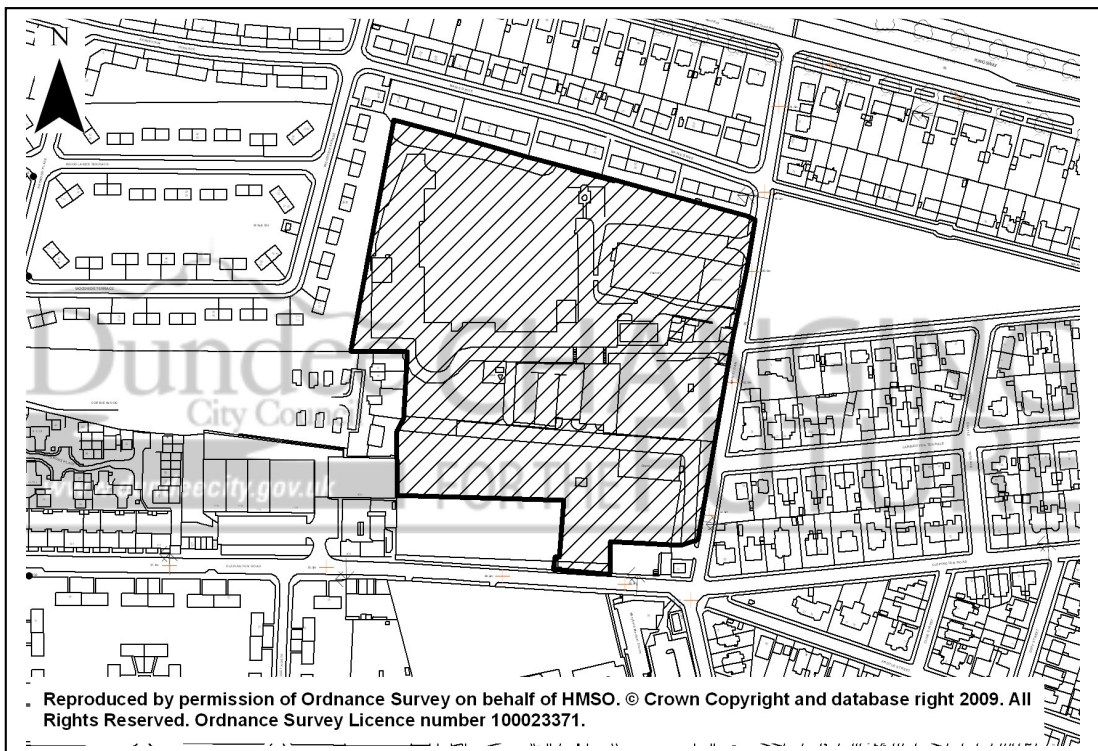
James Keillor Estates Ltd
East Kingsway Business Centre
Mid Craigie Trading Estate
Mid Craigie Road
Dundee DD4 7RH

Agent

Roy Mitchell Design Ltd
1 Glenbervie
Glenbervie Business Park
Larbert FK5 4RB

Registered 18 June 2009

Case Officer Julie Young



Residential Use for Former Factory Complex

Change of use to residential and the erection of 131 dwellings are **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of City Development.

RECOMMENDATION

There are material considerations that justify a departure from Policy 4 of the Dundee Local Plan Review 2005. The objections have been taken into consideration and do not carry sufficient weight to merit refusal of the application. Accordingly, the application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the development of 131 detached, semi-detached and terraced houses on the site of the former Keillor Buildings on Mains Loan, Dundee.
- Seven letters of objection were received from neighbouring residents with the main concerns related to loss of residential amenity; traffic, parking and access issues, maintenance of trees and landscaping, drainage/infrastructure problems, noise from road traffic and safety of pedestrians.
- Policies 4, 5, 26 and 55 of the Dundee Local Plan Review 2005 are of relevance to the determination of the application.
- It is considered that the applicant has submitted sufficient justification for departure from Policy 4 of the Local Plan and the proposal for residential development is supported. The development will greatly enhance this site on the corner of Mains Loan and Clepington Road and provide a wide mix of high quality housing at this location adjacent to the Inner City.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of 131 houses on the site of the former Keiller Buildings, Mains Loan, Dundee.

The site extends to an area of 5.843 hectares.

A traditional street layout is proposed with frontage development and a range of house types. Some houses will front onto Mains Loan. The houses will consist of a mixture of 69 detached, 50 semis and 12 terraced and they will all have either 3 or 4 bedrooms. Provision is made for two children's play areas and there is a pedestrian footpath link through the site to Clepington Road, where there is a bus stop and a range of local shops. A further footpath is proposed to the west of the site to integrate with a residential development at Corbie Woods, which is currently under construction.

The breakdown of different house types is demonstrated clearly below:

- 12 Pentland 3 bedroom terraced villas;
- 12 Pentland 3 bedroom semi detached villas;
- 50 Cheviot 3 bedroom detached villas;
- 20 Ochil 4 bedroom terraced villas;
- 19 Campsie 4 bedroom terraced villas; and
- 18 Cuillin 4 bedroom terraced villas.

This gives an overall total of 131.

The proposed materials are clay facing brick and render walls, concrete roof tiles, white UPVC windows and doors, 1.8m high facing brick walls and timber vertical boarding fences around the boundaries of the site and houses.

Justification from Applicant

A Planning Statement was submitted by the applicant in support of the application. It provides a site description, details regarding the application including the proposed development and pre application

discussions that have occurred, Planning Policy Context, Economic Justification and Detailed Design Considerations.

The applicant submitted an economic justification which is summarised as



follows.

The former James Keiller Estate has, since the decline of the jam industry, been used for a variety of large and small light industrial, storage and distribution uses generally on short term leases and with varying degrees of success. The applicant has spent a considerable amount of money to both



retain and attract new businesses into the estate, but to no avail. It is clear from consultation with businesses that the particular requirements and business needs cannot be met by the accommodation available within the estate. The manoeuvrability of commercial traffic though what is essentially a residential area

surrounding the estate has resulted in particular conflicts of use becoming apparent. Complaints have been received from neighbouring residents regarding the noise from traffic within the estate, particularly when servicing is required outwith normal daytime hours. In addition to traffic management problems, reasons of restricted area, height and volume have been cited by previous tenants as contributing factors for them relinquishing leases and seeking more modern premises which more satisfactorily address their current and evolving business needs.

At the time of writing the justification, the applicant saw evidence of an increase in vacant tenancies and a number of existing tenants actively seeking relocation to other areas of the City.

The applicant provided a breakdown of where tenants are being offered other premises within the City. It is considered that the relocation initiatives will assist in the regeneration of the

Dunsinane, Dryburgh and Wester Gourdie Estates and will result in the creation of more vibrant and varied uses to the overall benefit of the sustainability of both estates.

SITE DESCRIPTION

The site is a corner site situated on the west side of Mains Loan and north side of Clepington Road and is within the Maryfield area of Dundee. It is immediately adjacent to the boundary between the inner city and suburban boundaries and is located within a predominantly residential area. The site extends to approximately 5.843 hectares and was last used for business, light industry and storage and distribution. A substantial number of industrial buildings within the northern part of the site have been demolished. There are various level differences between the north and south parts of the site. There is a difference of some 10m between the north east corner of the site and the mid point of the west boundary of the site. The site lies between two main arterial routes which cross the City, that is, the Kingsway to the north and Clepington Road to the south. The area to the east, west and north, up to the boundary with the Kingsway is

primarily residential. There is a new residential development to the west of the site. A taxi office is located immediately to the southeast of the site. The site excludes a rectangular piece of ground fronting onto Clepington Road, which will be the subject of a future planning application for residential development. There are local shops and bus service provision located along Clepington Road. Caird Park and Caird Park Golf Course are located to the north of the Kingsway and the DISC and associated sports facilities are located a short distance to the south of the site. Stobsmuir Park, which provides open space, play areas and a boating lake is located a short distance to the east.

There are two accesses into the site off Mains Loan, with subsequent access onto the Kingsway and Clepington Road.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan 2005

The following policies are of relevance:

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 20mph or less. New housing should have regard to opportunities to maximise energy efficiency and promote sustainable waste management.

Policy 5: Open Space Provision As Part Of New Housing Developments - as a matter of priority, the Council will update and evaluate the existing open space audit for Dundee to enable a rigorous and rounded analysis of established supply and future needs in the city. A strategy statement in the form of Supplementary Guidance will establish clear policies for the future provision and management of open space along with priorities to address any identified deficiencies in supply, distribution and/or quality. This will also establish the level of any developer contributions required to provide open space as part of new developments.



New spaces must be carefully designed and should support local biodiversity, accommodate sustainable drainage systems where appropriate, and promote environmental education. Future maintenance of open space in new housing developments will be secured in accordance with Policy 67 of the Local Plan.

In addition, major housing proposals will be required to ensure that new open space is well integrated with the existing open space network by incorporating green access corridors which link up with existing path networks and open spaces, to allow ease of movement for pedestrians, wheelchair users and cyclists.

Policy 26: General Economic Development Areas - in areas

designated as General Economic Development Areas, proposals for Class 4, 5 and 6 developments will be supported. Other uses of a wider industrial nature such as car showrooms, wholesaling, taxi offices and scrap yards may be permitted provided;

- a there is no detrimental impact on neighbouring uses and local residential amenity, and
- b there is no unacceptable traffic impact; and
- c the scale of development is appropriate to the size and location of the site.

Class 1 retail will not be permitted unless in accordance with other policies in the Local Plan.

Residential development is generally not supported within General Economic Development Areas unless a satisfactory standard of residential amenity can be achieved; housing will not adversely impact on the ongoing operation of adjacent industrial areas; and evidence demonstrates that the site is no longer suitable for economic development purposes.

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 80: Waste Management Facilities - proposals for new housing and commercial developments will be required to make appropriate on-site provision to accommodate recycling facilities. This will include provision for the separate collection of recyclates

within the curtilages of individual houses.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

Scottish Planning Policy 3: Planning for Housing reflects the key planning policies in Scottish Planning Policy 1: The Planning System and addresses them in relation to new housing.

Designing Places - Policy Statement for Scotland (Scottish Executive 2000). This document sets out the policy context for raising the standards of urban development in Scotland.

Planning Advice Note 67: Housing Quality explains how "Designing Places" should be applied to new housing. It identifies the qualities found in successful places and provides examples of successful development in order to promote good design.

Non Statutory Statements of Council Policy

Dundee Urban Design Guide, 2001.

SUSTAINABILITY ISSUES

The proposal involves the re-development of a brownfield site resulting in the improvement and enhancement of this derelict site and overall enhancement of the area. It will result in what would otherwise be a potentially contaminant site, due to previous industrial uses, being cleaned up and re-used to the benefit of the wider community. The application raises no concerns in relation to the Council's Sustainability policies.

SITE HISTORY

The majority of the buildings at the northern end of the site have been demolished and businesses relocated to other areas within the City such as Dunsinane, Dryburgh and Wester Gourdie Industrial Estates.

PUBLIC PARTICIPATION

The application was advertised as a departure to Policies 4 and 26 of the Dundee Local Plan Review 2005 on 7 July 2009.

Statutory neighbour notification was carried out and seven letters of objection were received, including a second objection letter from one neighbour, on receipt of a re-notification notice. The main grounds of objection are loss of residential amenity; traffic, parking and access issues; maintenance of trees and landscaping; drainage/infrastructure problems; noise from road traffic and safety of pedestrians.

Members will already have had access to these letters and the points raised are considered in the Observations Section of this Report.

CONSULTATIONS

The Head of Environmental Health and Trading Standards advises that due to the historic use of the site, a predetermination preliminary risk assessment is required. The applicant has submitted this information and it is considered acceptable, on the basis that conditions are attached to seek further information before development of the site commences.

Transport Scotland has considered the planning application and confirm that they have no specific requirements for further assessment of the development proposals with regard to impact on the trunk road network.

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 proposed development is for 131 houses on the site of the former Keiller Buildings, Mains Loan, Dundee. The proposal was advertised as contrary to Policy 4 of the Dundee Local Plan Review 2005 due to the shortfall in garden ground and parking.

Policy 4 of the Dundee Local Plan Review 2005 requires 75% of houses to have 3 bedrooms or more or a minimum gross internal floor area of 100m². All the houses have 3 or 4 bedrooms and provide a choice of detached, semi-detached and terraced houses and so the proposal complies with this requirement. Parking requirements are at least two spaces per dwelling and 50% should have a garage or space for one. There is one area at the east end of the site, where a courtyard of 8 car parking spaces has been provided for 4 terraced houses. The spaces are very slightly remote from one of the houses, but not so distant to be considered an issue. This arrangement is considered acceptable as the only other alternative would be to provide the parking from Mains Loan, which would not be acceptable due to the level difference and for traffic safety reasons. This number provides two car parking spaces for 8 houses, which is required by the Policy. It is concluded that the proposal complies with the parking requirements.

In terms of garden ground, the breakdown is provided as follows:

- 58 houses have a garden area of 160m² or more;
- 69 houses have a garden area of between 120m² and 160m²; and
- 4 houses have a garden area of between 100m² and 120m².

In conclusion, 44% of houses have more than 160m² of useable garden ground. Only 4 houses fall short of the 120m² requirement, which is a very small percentage (3%) of the overall development of 131 housing units.

Access

Two access points are proposed off Mains Loan to serve the proposed development. There are currently two access points into the industrial estate, albeit at slightly different locations. Pre application discussions have taken place regarding access and these points are considered acceptable.

The internal roads will be limited to 20mph speed limit and again pre-application discussions have taken place regarding the internal road layout and the principles have been agreed. Pedestrian routes are provided within the site to link houses to the bus stop on Clepington Road and a further

footpath links the Discovery Homes site to the west. There is an existing bus stop and frequent bus service immediately to the south of the site on Clepington Road.

The site is well located in terms of access to the City Centre, by bus and local services are available along Clepington Road. The site is immediately adjacent to a community wildlife site, recreational facilities at the DISC, a golf course and recreation ground at Caird Park and a park at Stobsmuir with boating facilities and a play area.

Policy 4 requires new housing development to meet "Secured by Design" standards. Measures that promote safety and security into the design and layout of the site have been introduced. Pedestrian links have been designed to be overlooked or along the shorter sections windows are provided on the side elevations of houses to provide for a degree of surveillance. It is proposed that footpaths will be well lit.

It is concluded that although the proposal falls very minimally short on the garden ground requirements of Policy 4, the level of amenity provided is considered acceptable and will provide a high quality living environment for future occupants.

Policy 5: Open Space Provision as Part of New Housing Developments

As well as protecting existing open spaces, the Plan must secure appropriate provision as part of new housing consents to ensure a suitable range and distribution of open space that meets the needs of households. Whether on or off site, new or improved spaces must be suitably linked into an overall network which allows people to explore the City on foot, by bike, or by a combination of sustainable travel modes. Ultimately, the open space network will enhance the natural setting of Dundee and its environment, whilst allowing increased public enjoyment of the outdoors.

The site benefits from being within close proximity to nearby open space areas such as Caird Park and indoor sport facilities such as DISC. The proposal provides two equipped play areas, which are overlooked by adjoining dwellings for enhanced surveillance. The size of the play areas is approximately 1,156m². It is noted that there are no equipped children's

play areas within walking distance of the site, and this new provision will not only serve the proposed houses but also be beneficial to the wider area, including the new houses being developed to the west of the site. The applicant considers that the two children's equipped play areas provide for the appropriate open space provision for the site, taking into account the quantitative and qualitative supply in the surrounding area.

It is considered that the proposal complies with Policy 5.

Policy 26 of the Dundee Local Plan Review 2005 indicates that proposals for class 4, 5 and 6 developments will be supported. Residential development is generally not supported unless a satisfactory standard of residential amenity can be achieved; housing will not adversely impact on the ongoing operation of adjacent industrial areas; and evidence demonstrates that the site is no longer suitable for economic purposes.

It is considered that the proposed development is of a high quality, provides a wide range of family housing and provides a safe and secure environment with a range of outdoor play areas and open space areas for the benefit of residents and their amenity. There are no adjacent industrial areas that the proposed development will have an adverse impact upon. The applicant submitted a supporting planning statement, which includes an economic justification for the removal of the industrial uses from the site. The report goes some way to proving that the site is no longer effective as an economic development location. The majority of industrial businesses have now relocated to Principal Economic Development Areas at Dunsinane, Dryburgh and Wester Gourdie Industrial Estates. The arguments presented in the report are supported. Therefore the proposal for residential development of this allocated economic development site is supported in these circumstances. It is concluded that the proposal complies with Policy 26 for the reasons discussed above.

Policy 55 seeks to ensure that any proposed development is of a high design quality. It should incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. All development will, in its design and

layout, be expected to contribute to an environment which is safe and accessible to all.

The applicant submitted a planning statement, which includes detailed design considerations.

A traditional street layout is proposed with frontage development and a range of house types. The style and tenure of house type has regard to provide further choice of private housing within the locality. The proposed development uses simple forms which are expressed with a simple palette of materials. The proposed massing and materiality of the development contribute to a comfortable relationship with the surroundings and allow the buildings to integrate and enhance the existing urban fabric. Safety and security have been taken into consideration in the layout of the development as play areas and paths will be overlooked. A variety of planting and landscaping will provide a pleasant environment and contribute to the high quality living environment for residents. The design and detailed layout of the proposal illustrate that the development can comply with the overall design objectives of the Development Plan and result in the environmental regeneration of this part of Maryfield whilst improving the choice of housing type in the area.

Given the proposals and the objectives presented by the applicant, it is considered that the proposal complies with Policy 55.

It is concluded from the foregoing that the proposal complies with all the policies of the Development Plan other than a single strand of Policy 4 insofar as 4 houses out of the 131 fall slightly below the minimum garden size for a suburban housing development.

Other Material Considerations

Justification for Departure from Policy 4 - all the garden sizes of the houses in this proposed development are of a reasonable size with 44% of houses having more than 160m² of useable garden ground. Only 4 houses fall short of the 120m² requirement, which is a very small percentage (3%) of the overall development of 131 housing units. These 4 houses are terraced and have garden sizes ranging from 106 to 114m². It is difficult to achieve 120m² of garden ground for terraced houses without providing very long gardens, yet providing some terraced houses in

the development helps provide a wider range of house types. The actual garden sizes provided are satisfactory and it is considered that this minor departure from Policy 4 is justified by the high quality of residential environment provided, the establishment of a range of houses types on the site and the re-use of a brownfield site.

Objections

1 Loss of residential amenity

The houses have been designed in such a way that there will be no direct overlooking into neighbouring private garden spaces. There is substantial tree planting along existing boundaries and this will be added to by the developer to enhance the environment of the development site and also to further protect the amenity of residents in both this site and surrounding residential properties from unnecessary overlooking or loss of privacy. It is not considered there will be overshadowing or overlooking for residents adjoining the site.

2 Traffic, parking and access issues

The applicant has submitted a transport statement and road safety audit. The details contained within these reports are considered acceptable and conditions can be applied to cover these matters if Members are minded to approve the application.

3 Maintenance of Trees and Landscaping

The developer will be responsible for the maintenance of existing and new trees and landscaping within the site.

4 Drainage/Infrastructure Problems

Scottish Water has confirmed that the drainage design proposed is acceptable. The applicant submitted drainage details, as required and these are considered acceptable.

5 Noise from Road Traffic

The proposal is for a residential development and it is considered there will not be such a high increase in road traffic noise that would merit refusal of the

application. Indeed, it can be argued that by removing industrial businesses from the area, there will be a decrease in road traffic noise, particularly from HGV lorries and similar types of vehicles.

6 Safety of Pedestrians

There is adequate provision of footpaths within the site for pedestrians and any existing problems with footpaths outwith the site are not the responsibility of the applicant for this proposed development site.

PAN 67

The proposal can be assessed under six essential criteria as outlined in the PAN and they are as follows:

- 1 Distinctive identity - new buildings are created that will create new public spaces and demonstrate an architectural language which is sensitive to the surrounding area;
- 2 Safe and pleasant places - the buildings have been organised around 2 amenity spaces. The arrangement ensures that open spaces and footpaths are overlooked and a safe environment is encouraged. The mixture of hard and soft landscaping will provide alternative areas for residents to enjoy;
- 3 Easy to get around - routes through the site are connected to the main communal spaces and connections with other residential developments in the surrounding area have been provided;
- 4 Welcoming - amenity spaces are well defined and establish a sense of place. The layout is clearly legible with [paths and entrances to all accommodation clearly expressed;
- 5 Adaptable - a wide mix of residential accommodation for a variety of family types and living patterns is provided;
- 6 Resource efficient - the buildings have been orientated to maximise passive solar gain.

It is concluded that there are material considerations to justify the minor departure from garden ground standards in Policy 4 of the Local Plan.

The concerns of the objectors are not of sufficient weight to justify a refusal of the application and it is therefore recommended that planning permission be granted with conditions.

Design

It is considered that the proposed design and materials used for the residential development are appropriate for this location.

CONCLUSION

The proposed development complies with Policies 5, 26 and 55 of the Dundee Local Plan Review 2005. Although it does not comply with Policy 4 it is considered that there are material considerations that justify a departure from this policy in these circumstances.

RECOMMENDATION

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

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
- 2 Details of the proposed finishing materials and boundary treatments shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 3 No development shall take place on site until there has been submitted to and approved by the planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on this land, and details of any to be retained, together with measures for their protection in the course of development, in accordance with BS5837: 2005. A tree management plan and full details of any new planting and landscaping for the site shall also be submitted for approval. 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. 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.

- 4 A footway must be provided ex adverso the site on Mains Loan, to Dundee City Council specifications. Full details, including a timescale for implementation of the footpath, must be provided prior to work commencing on site and the approved footway shall only be constructed in accordance with such approved details.
- 5 Development shall not begin until the investigation and risk assessment proposed in the submitted Stage 1 Desk Study are completed and a remediation strategy to deal with contamination at the site has been submitted to and approved in writing by the planning authority. The strategy shall contain proposals to deal with contamination and shall 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 and does not contain any significant pollution linkages;
 - iii measures to deal with contamination during construction works; and
 - iv verification of the condition of the site on completion of decontamination measures.
- 6 Before any unit is occupied the remediation strategy shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved, shall be submitted to and approved by the planning authority.
- 7 Full details of bin storage facilities for the residential properties shall be submitted to the Council for approval before

any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.

- 8 Full details of drainage proposals shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details. Evidence that the details have approval from Scottish Water shall also be submitted.
- 9 Full details of a maintenance plan for the landscaped, open space and play areas shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 10 Full details, including a timescale for implementation, of a footpath link south of plot 15 to Corbie Woods to the west of the site, as indicated on drawing no RMDL/217/SL/001, shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.
- 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 there is adequate and safe footway provision for pedestrians.
- 5 To ensure the site is fit for the proposed residential use.
- 6 To ensure the site is fit for residential purposes.
- 7 To ensure that there are adequate waste management facilities

within the development site in the interests of sustainability and amenity provision for future occupants of the dwellings.

- 8 To ensure that adequate drainage facilities are incorporated into the development site.
- 9 To ensure the open space, landscaped areas and play areas are maintained in both the short and long term in the interest of the visual amenity of the site.
- 10 To ensure there is adequate and safe footway provision for pedestrians.