

Planning Permission in Principle for Residential Development

KEY INFORMATION

Ward East End

Address

Land at Former Stewart House, Kingsway East
Dundee

Applicant

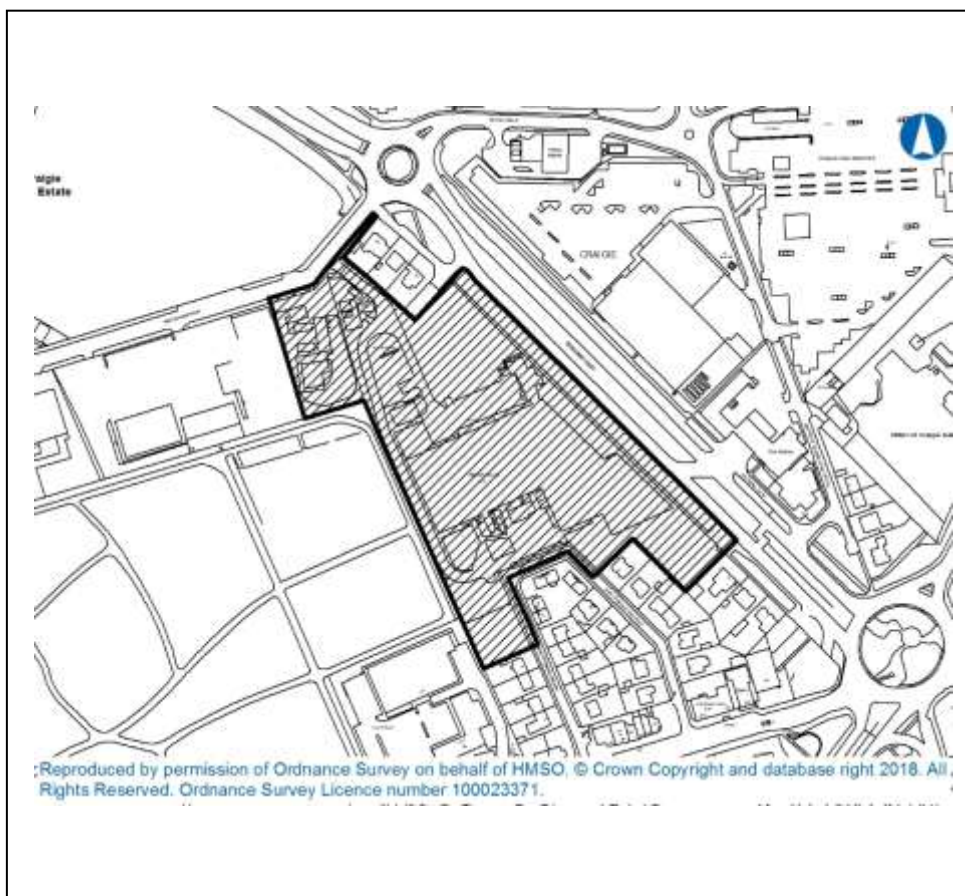
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Broxden Business Park
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Perth PK1 1RA

Agent

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Registered 1 June 2018

Report by: Executive
Director of City Development



SUMMARY OF REPORT

- The application seeks planning permission in principle for the erection of a residential development on land at Former Stewart House, Kingsway East, with access from Mid Craigie Road.
- The site is allocated as a General Economic Development Area in the Dundee Local Development Plan 2014.
- The principle of residential development at this site fails to comply with the relevant provisions of the Development Plan and there are no material planning considerations of sufficient weight that would justify approval of the application.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Development Management Committee as it constitutes a major development.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=P9MSXKGCKZR00>.

RECOMMENDATION

The principle of residential development at this site is contrary to the Development Plan. There are no material considerations of sufficient weight that would justify approval of planning permission. Therefore, the application is recommended for REFUSAL.

1 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks planning permission in principle for residential development on land at Former Stewart House, Kingsway East.
- 1.2 Access to the site would be taken from Mid Craigie Road via the existing site entrance to the north of the application site. The applicant has not provided any detailed site layouts, however Indicative Site Layout Plans are included within the supporting statement illustrating up to 84 new houses on the site.
- 1.3 The indicative site layout and design is not for consideration as part of this application and would a matter for determination as a part of a future application for approval of matters specified in condition should planning permission in principle be granted.
- 1.4 As the area of the application site exceeds 2 hectares the proposal constitutes a major development as defined by Regulation 2(1) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.
- 1.5 In accordance with the Council's Scheme of Delegation, all Major Planning Applications must be reported to the Development Management Committee.

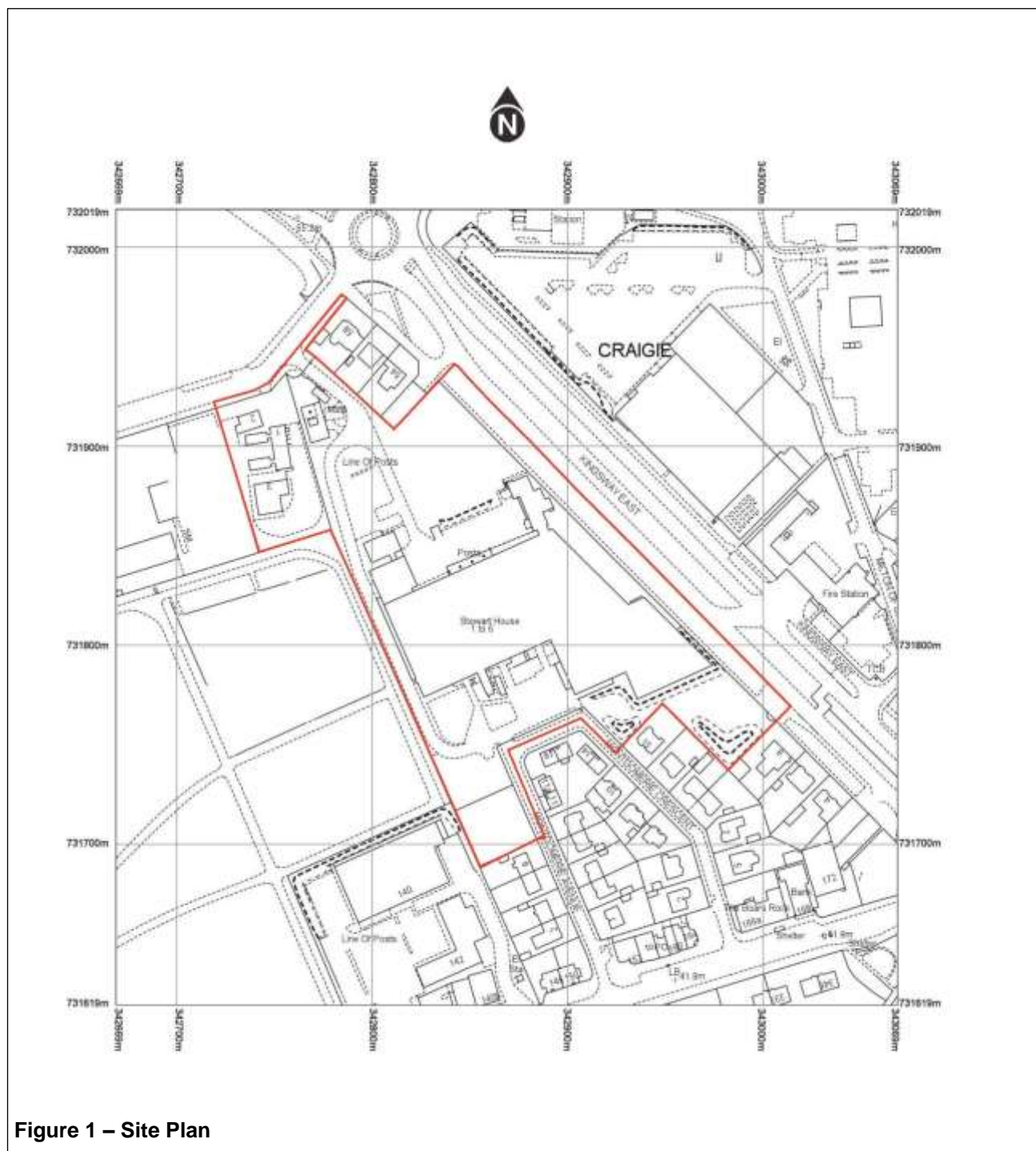


Figure 1 – Site Plan

2 SITE DESCRIPTION

- 2.1 The 2.9 hectare site is located in the east of the City. The site comprises a large, triangular area of land measuring 280 metres in length by 150 metres at its widest points. Following the demolition of Stewart House, the majority of the site has contained mounds of loose stone following use of the site for storage of crushed stone and rubble. The site has also served as a storage and distribution area during The Open golf tournament. There are small areas of amenity space remaining within the site which contain lawns. Trees within these amenity areas were recently felled. Within the North West corner of the site are a small number of existing industrial buildings. The site also includes the existing access onto Mid Craigie Road that leads to Kingsway East. The site which slopes from north to south is bound by fencing to the south, north and east boundaries. The sites west boundary is defined by a stone wall.
- 2.2 There are a number of land uses in the surrounding area, including industrial yards and premises to the north west on Mid Craigie Road. To the south of the site are residential properties on Montgomerie Crescent and Arbroath Road. Arbroath Road also contains a number of local shops and services. To the east of the application site is the Kingsway with Kingsway East Retail Park and a Fire Station beyond. To the west of the application site is Eastern Cemetery and associated stone boundary walls.
- 2.3 The application site and industrial premises to the north west are within the Mid Craigie General Economic Development Area.



Figure 2 – Site Photograph



Figure 3 – Site Photograph

3 POLICY BACKGROUND

- 3.1 The following plans and policies are considered to be of direct relevance:

TAYPLAN STRATEGIC DEVELOPMENT PLAN 2012-2032

Policy 3: A First Choice for Investment

Policy 4: Homes

DUNDEE LOCAL DEVELOPMENT PLAN

Policy 03: General Economic Development Areas

Policy 07: High Quality Design

Policy 08: Housing Land Release

Policy 09: Design of New Housing

Policy 29: Low and Zero Carbon Technology in New Development

Policy 41: Flood Risk

Policy 42: Sustainable Urban Drainage Systems

Policy 44: Air Quality

Policy 45: Land Contamination

Policy 47: Environmental Protection

Policy 54: Active Travel

Policy 55: Accessibility of New Developments

PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN 2

Policy 01: High Quality Design and Placemaking

Policy 02: Public Art Contributions

Policy 05: General Economic Development Areas

Policy 09: Housing Land Release

Policy 10: Design of New Housing

Policy 36: Flood Risk Management

Policy 37: Sustainable Drainage Systems

Policy 39: Environmental Protection

Policy 40: Air Quality

Policy 41: Land Contamination

Policy 48: Low and Zero Carbon Technology in New Development

Policy 54: Safe and Sustainable Transport

- 3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

4 SITE HISTORY

- 4.1 17/00882/PAN was a Proposal of Application Notice for a residential development at the site submitted in November 2017.

5 PUBLIC PARTICIPATION

- 5.1 The applicant has undertaken public consultation and submitted a Pre-Application Consultation (PAC) Report in accordance with Section 35B and C of The Town and Country Planning (Scotland) Act 1997 and Regulation 7 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

- 5.2 The PAC Report states that consultation was undertaken with the local community, and this included a public event held on 30th November 2017 at St Ninians Church which 27 people attended. The report provides a summary of the comments received from attendees and outlines the changes made to address concerns regarding access to the site and dwelling frontages onto the Kingsway. The submitted PAC report is accepted as a record of the statutory consultation process in accordance with the Act referred to above.
- 5.3 The Council carried out the statutory neighbour notification procedure detailed in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. This application was also advertised in the Dundee Evening Telegraph.
- 5.4 In response, one letter of objection was received, citing concerns about increased parking pressures and road safety issues on Montgomerie Crescent. Further concerns were raised in relation to design and overlooking should two storey properties be proposed as neighbouring dwellings are single storey.
- 5.5 Members will already have access to the letters of representation and the issues raised are considered in the Observations section below.

6 CONSULTATIONS

- 6.1 **Scottish Environment Protection Agency** - has no objection to the proposals. SEPA provides advice on further information which will be required in relation to drainage and air quality with any future planning application.
- 6.2 **The Head of Community Safety and Protection** - has requested a noise impact assessment is undertaken to assess the impact of surrounding land uses on the proposed residential development. The requirement to undertake a Noise Impact Assessment with any future planning application could be controlled by condition should Committee be minded to approve the application.
- 6.3 In relation to land contamination the Head of Community Safety and Protection has no objection subject to the addition of conditions requiring a Preliminary Risk Assessment is completed and any remediation works undertaken where necessary.
- 6.4 **Scottish Water** - has no objection and confirmed there is capacity within the existing network to serve the proposed development.
- 6.5 **Transport Scotland** - has no objection to the proposal, subject to the addition of conditions requiring suitable boundary treatments be provided to the east of the site. This is to ensure there is no direct access between the site and Kingsway East.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the Development Plan unless material considerations indicate otherwise.**

THE DEVELOPMENT PLAN

The provisions of the Development Plan relevant to the determination of this application are specified in the Policy Background section above.

DUNDEE LOCAL DEVELOPMENT PLAN

- 7.2 The provisions of the Development Plan relevant to the determination of this application are specified in the Policy background section above.

TAYPLAN STRATEGIC DEVELOPMENT PLAN 2016-2036

- 7.3 **Policy 3: A First Choice for Investment** - requires local Development Plans to identify and safeguard at least 5 years supply of employment land to support the growth of the economy and a diverse range of industrial requirements. This includes the identification and safeguarding of sites/locations for distribution and warehousing or industries with significant cargo movements adjacent/close to ports.
- 7.4 The aspirations of Policy 3 are satisfied by Policy 3 (General Economic Development Areas) of the Dundee Local Development Plan which safeguards land allocated for general economic development for uses falling within Classes 4, 5 or 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997.
- 7.5 The assessment of the proposed development against Policy 3 of the adopted Local Development Plan below concludes that this policy is contravened. The proposal would result in the loss of allocated economic development land which is within close proximity to the Port of Dundee and Kingsway. Residential development at this site would have a detrimental impact on the supply of employment land within the locality.
- 7.6 The proposed development is therefore contrary to Policy 3.
- 7.7 **The proposal fails to satisfy Policy 3.**
- 7.8 **Policy 4: Homes requires Local Development Plans** - to identify appropriate land to be allocated for housing to ensure a generous supply of effective housing sites. This includes provision of a mixture of sites to ensure an effective supply of housing which meet the needs of the region. Policy 4 provides flexibility to plan for housing numbers in excess of the housing land requirement in Dundee City only.
- 7.9 The Local Plan identifies and designates a generous supply of effective housing land that will contribute to meeting the identified housing supply target. The application site is not allocated for residential development.
- 7.10 Residential development at this brownfield site would not support the delivery of allocated housing sites and may undermine additional housing land release. The proposed residential development would result in a reduction in the quality and diversity of business land in Dundee. The principle of residential development would fail to support the aims of Local Development Plan in ensuring there is an effective supply of housing sites.
- 7.11 **The proposal fails to satisfy Policy 4.**

DUNDEE LOCAL DEVELOPMENT PLAN

- 7.12 **Policy 3: General Economic Development Areas** - advises that within General Economic Development Areas, proposals for Class 4, 5 and 6 developments would be supported and that other uses of a wider industrial nature such as a car showroom, wholesaling and scrap yards may be permitted with provisions; other uses within these areas will not be supported.

- 7.13 The proposed residential development falls within Class 9 (Houses) and is therefore contrary to the terms of Policy 3.
- 7.14 **The proposal fails to satisfy Policy 3.**
- 7.15 **Policy 7: High Quality Design** - requires all development to contribute positively to the quality of the surrounding environment, with reference to climate change adaptation. The design and siting of development should respect the character and amenity of the place and improve connectivity. Proposals should also incorporate new landscape and planting works appropriate to the development.
- 7.16 Proposals should also:
- consider and respect site topography and any surrounding landmarks, views or skylines;
 - contribute to a sense of identity by developing a coherent structure of streets, spaces, and buildings that are accessible and respect the existing building lines;
 - the design should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours;
 - existing buildings, streets and spaces should create safe accessible inclusive places for people which are easily navigable particularly on foot, bicycle and public transport and designed with future adaptability in mind; and
 - existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.
- 7.17 In this case, the application is for planning permission in principle and design details are currently unknown. Full details of the site layout, proposed dwellings and associated landscaping could be considered through the submission of an application for the approval of matters specified in conditions should Committee be minded to grant planning permission.
- 7.18 The development is likely to have construction costs of over £1million and as such, at least 1% of the construction costs require to be allocated for the inclusion of art projects in a publically accessible/visible place or places within the development.
- 7.19 **The proposal could comply with Policy 7 subject to the siting, design, external appearance, access and landscaping of the development being approved as part of any future application(s) for matters specified in condition.**
- 7.20 **Policy 8: Housing Land Release** - gives priority to the development of the allocated brownfield and greenfield sites and states that the sites allocated in Appendix 2 shall not be developed for uses other than housing.
- 7.21 The site is not allocated in Appendix 2. Whilst the site is brownfield, it is within a designated General Economic Development Area.
- 7.22 The proposed residential development would reduce the availability of quality and accessible business land in Dundee. Whilst detailed proposals have not been submitted with this application, there is no evidence to demonstrate that a development would improve the local tenure mix. The loss of designated employment land would not contribute to the regeneration objectives of the area and would not support the existing industrial uses along Mid Craigie Road.

- 7.23 The principle of re-developing this brownfield site for residential development is not considered to be in accordance with the requirements of Policy 8.
- 7.24 **The proposal fails to satisfy Policy 8.**
- 7.25 **Policy 9: Design of New Housing** - states that the design and layout of all new housing in Dundee should be of high quality and contribute to creating places that build on and enhance the distinct character and identity of the City. In seeking to achieve this, the policy requires proposals to comply with the requirements of Appendix 3 of the Local Development Plan.
- 7.26 In this case, the application is for planning permission in principle and design details are currently unknown. It is considered that an appropriate design could be developed with the submission of an application for the approval of matters specified in conditions, including homes with bedrooms and garden ground provision which meet the requirements of Policy 9 Appendix 3 Suburban Standards.
- 7.27 **The proposal could comply with Policy 9 subject to the siting and design of the development being approved as part of any future application(s) for matters specified in condition.**
- 7.28 **Policy 29: Low and Zero Carbon Technology in New Development** - requires the applicant to demonstrate that 15% of carbon emission reduction standards set by the Scottish Building Standards (2007) will be met through the installation and operation of zero-carbon generating technologies. This can be dealt with by condition should Members be minded to approve the application.
- 7.29 **The proposal would comply with Policy 29 through the addition of a condition.**
- 7.30 **Policy 41: Flood Risk Management** - requires a flood risk assessment to be submitted in support of proposals located in medium to high flood risk areas.
- 7.31 Land within the north of the application site is at a medium to high risk of flooding. The source of flooding at this location is from surface water. Any full application will be required to include a flood risk assessment which identifies the sources of flood water and mitigation measures to ensure any development is not at risk from flooding. The submission of a flood risk assessment can be dealt with by condition should Members be minded to approve the application.
- 7.32 **The proposal could comply with Policy 41 through the addition of conditions.**
- 7.33 **Policy 42: Sustainable Drainage Systems** - states that surface water from new development must be treated by SUDS except for single houses or where discharge is to coastal waters.
- 7.34 The applicant states the proposals would be able to address the requirements of Policy 42 through the provision of a sustainable urban drainage system and connections to the existing water and sewer networks. No specific drainage system(s) or details of a SUDS system have been submitted. However, such matters could be considered through a future application for matters specified in condition should Committee grant planning permission in principle. SEPA has reviewed the proposals and has no objection to the principle of a SUDS system at the site.
- 7.35 **The proposal could comply with Policy 42 through the addition of conditions.**

- 7.36 **Policy 44: Air Quality** - states there is a general presumption against development proposals that could significantly increase air pollution or introduce people into areas of elevated pollution concentrations unless mitigation measures are adopted to reduce the impact to levels acceptable to the Council.
- 7.37 Due to the site's proximity to the Kingsway, an air quality assessment would be required if any development is proposed within 10 metres of the trunk road. The applicant has stated the site can be developed with 10 metres separation provided between any residential dwelling and the Kingsway. However, the applicant has only provided an indicative site layout with no detailed site layouts proposed. The requirement for an Air Quality Assessment to be provided should any development be proposed within 10 metres of the Kingsway could be controlled by condition.
- 7.38 **The proposal could comply with Policy 44 through the addition of a condition.**
- 7.39 **Policy 45: Land Contamination** - states that development of potentially contaminated land will be considered where a site investigation is submitted establishing the nature and extent of contamination and the Council is satisfied that remediation measures proposed adequately address the risks to all receptors.
- 7.40 The Head of Community Safety and Protection has requested that a Preliminary Risk Assessment is submitted with any full planning application. The provision of a detailed contaminated land assessment and the implementation of any necessary remediation can be subject of conditions.
- 7.41 **The proposal could comply with Policy 45 through the addition of conditions.**
- 7.42 **Policy 47: Environmental Protection** - requires that all new development that would generate noise, vibration or light pollution demonstrates that it can be accommodated without an unsatisfactory level of disturbance to the surrounding area. New development in close proximity to existing sources of noise, vibration or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on the viability of existing businesses or uses.
- 7.43 The site is bound by the Kingsway to the east which is busy with traffic throughout the day. There are also industrial uses within close proximity to the sites north boundary within Mid Craigie General Economic Development Area and shops and services to the south which include mechanical and electrical services.
- 7.44 There is potential for noise from the surrounding land uses have a detrimental impact on the amenity of the proposed residential development. The applicant would be required to demonstrate that the proposal residential development could be accommodated at this site and achieve an acceptable level of amenity.
- 7.45 The proposed residential development could also prejudice the viability of proposed industrial/commercial uses within the designated general economic development area should restrictions on noise be required to protect amenity.
- 7.46 Due to the proximity of the site to sources of noise the Head of Community Safety and Protection has requested that a Noise Impact Assessment be submitted. The noise impact assessment should identify any sources of noise which could impact on the proposed development and identify mitigation measures. The applicant has not provide a noise impact assessment with the application. The proposal therefore fails to demonstrate that the principle of residential development at this site would not have an adversely affect, or be affected by existing land uses.

- 7.47 **The proposal fails to satisfy Policy 47.**
- 7.48 **Policy 54: Active Travel** - states that new development should be designed in order to minimise the need to travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel.
- 7.49 Dundee's Core Path Network runs along the Kingsway, immediately to the east of the site, which leads onto Dundee's Green Circular 400 metres to the south of the application site. As a result, the development should ensure that these active travel routes are easily accessible from the development by provision of appropriate facilities, such as footways, footpaths and cycle ways or shared surface paths.
- 7.50 The development should also make provision for walking and cycle access throughout the site, including cycle parking and walking/cycle routes, to a standard that affords it priority over motorised transport. Again, these are matters that would be considered in determining the acceptability of the siting, design, access and landscaping of the development should Committee grant planning permission in principle.
- 7.51 The proposal could comply with Policy 54 subject to the siting, design, access and landscaping of the development being approved as part of any future application(s) for matters specified in condition.
- 7.52 **Policy 55: Accessibility of New Developments** - requires all development that would generate travel to be well served by all modes of transport, with priority afforded to sustainable modes of walking, cycling and public transport.
- 7.53 The applicant has provided a transport statement which demonstrates the site is accessible by car and public transport. The design and layout of the proposed residential development will be required to ensure that houses are well connected to all modes of transport and existing active travel networks, as per the requirements of policy 55.
- 7.54 Due to the site's proximity to the Kingsway and to ensure road safety, Transport Scotland has requested any proposed development does not include direct access to the trunk road and that an unclimbable barrier is provided to the sites east boundary in the interest of road safety.
- 7.55 These are matters that will be considered in determining the acceptability of the siting, design and access of the development.
- 7.56 The proposal could satisfy Policy 55 subject to the siting, design and access of the development being approved as part of any future application(s) for matters specified in condition.
- 7.57 The principle of residential development within an allocated General Economic Development Area is contrary to the requirements of the Development Plan. Whilst matters of detail could be considered and agreed through further application(s), this does not change the fact that the principle of residential development in this location is completely at odds with the Development Plan strategy.
- 7.58 **The proposal could satisfy Policy 55 subject to conditions.**
- 7.59 **It is concluded from the foregoing that the proposal fails to comply with the provisions of the Development Plan.**

OTHER MATERIAL CONSIDERATIONS

A - PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN

- 7.60 The Proposed Dundee Local Development Plan 2 was approved by the Council on 21 August 2017. It sets out the spatial strategy that will guide future development up to 2029.
- 7.61 The proposed Dundee Local Development Plan 2 will in time replace the Dundee Local Development Plan 2014. Approval of the Proposed Dundee Local Development Plan 2 represents the Planning Authority's settled view as to what the final adopted content of the Plan should be. Whilst the Dundee Local Development Plan 2014 (along with TAYplan) constitutes the statutory Development Plan, the Proposed Dundee Local Development Plan 2 has the status of a material planning consideration to be taken into account in the assessment of planning applications.
- 7.62 The provisions of the Proposed Dundee Local Development Plan 2 relevant to the determination of this application are specified in the Policy background section above. There are no material changes to these policies which would affect the outcome of the present planning application.
- 7.63 **Policy 5: General Economic Development Areas** - the site is designated as a General Economic Development Area within the Proposed Plan. The requirements of Policy 5: General Economic Development Areas remain the same as Policy 3: General Economic Development Areas of the Local Plan.
- 7.64 **The principle of residential development at this site is therefore contrary to the requirements of Policy 5.**
- 7.65 **Policy 9: Housing Land Release** - the requirements of Policy 9: Housing Land Release remain the same as Policy 8: Housing Land Release. Whilst the proposals would develop a brownfield site, the proposed residential development would reduce the availability of quality and accessible business land in Dundee and there is no evidence that the proposal would improve the local tenure mix.
- 7.66 **The principle of residential development at this site is therefore contrary to the requirements of Policy 9.**
- 7.67 **Policy 39: Environmental Protection** - the requirements of Policy 39: Environmental Protection remain the same as Policy 47: Environmental Protection. The applicant has failed to demonstrate that the proposal could be accommodated at this site without an unsatisfactory level of disturbance on potential residents from neighbouring industrial land uses and road traffic. Also, it has not been demonstrated that the proposed development can achieve a satisfactory level of amenity without impacting on viability of existing businesses or uses within the surrounding area.
- 7.68 The applicant has failed to demonstrate the proposed development can comply with Policy 39.
- 7.69 **The proposal is contrary to Policy 5, Policy 9 and Policy 39 of the Proposed Dundee Local Development Plan.**
- 7.70 There are no material differences in Policy between the adopted and proposed Local Development Plans that would justify approval of the application.

B - SUPPORTING INFORMATION

- 7.71 A planning statement, feasibility report, site marketing statement and transport report accompany this application.

- 7.72 The contents of the transport statement have been assessed against the requirements of the Development Plan in the observations section above.
- 7.73 The applicant has provided supporting information in relation to the application which acknowledges the application to be contrary to Policy 3 of the LDP. However, the applicant outlines material considerations which they believe to be of sufficient weight to justify the approval of planning permission.
- 7.74 The statement puts forward the following in support of the application:
- 1 Site Suitability for Residential Development
- 7.75 The applicant has submitted representations during consultation periods for the Proposed Local Development Plan 2 Main Issues Report and Proposed Local Development Plan 2 seeking deallocation of the site as a General Economic Development Area.
- 7.76 The applicant considers the site to be appropriate for residential development with a potential capacity of up to 90 units. The applicant's supporting statement includes a number of factors which they consider to support residential development including neighbouring land uses and market demand. The applicant also considered economic factors would reduce the likelihood of an industrial use being developed at the site.
- 7.77 **Response** - this site is located within the Mid Craigie General Economic Development Area. The site has good access to and visibility from the trunk road giving it excellent accessibility to the Port of Dundee just a mile to the south and to the wider strategic road network. Given the proximity of the site to the Port of Dundee the site is considered capable of making a significant contribution to the business land supply within the City, particularly for businesses within the broader energy sector who are likely to require land or buildings to provide warehousing / manufacturing space and good access to the trunk road network. The sites ongoing suitability for industrial development is reflected in the sites allocation as a General Economic Development Area in the Local Development Plan and the Proposed Local Development Plan 2.
- 7.78 Whilst the applicant considers there is market demand for housing in this location, there are allocated housing sites within the east of the city which if developed can contribute towards the required housing provisions. The economic elements of development at this site are considered further below.
- 7.79 The applicant's position that the site is suitable for residential development is not of sufficient weight to justify a departure to the local plan.
- 2 Economics of Site Re-development
- 7.80 A submitted Feasibility Study and Marketing History report concluded there is a significant supply of industrial land within the city and alternative locations can provide more cost effective alternatives to any new potential occupier /end user who is looking to move or expand within Dundee.
- 7.81 The planning statement considers the size and shape of the site means that business / general industrial use is not suited to the site and is unlikely to be economically viable.
- 7.82 The application documents include a letter which explores the viability of developing the site for warehousing, office accommodation or industrial units. The letter identifies high costs to remediate the site to accommodate industrial space divided into smaller units.

- 7.83 **Response** - Dundee has a number of long established and well located General Economic Development Areas that remain well suited for their purpose and capable of providing future employment opportunities either through their retention, regeneration or modest expansion.
- 7.84 The submitted supporting information only considers a limited number of redevelopment options and does not explore the viability of alternative industrial redevelopments. The site has been utilised for stone crushing and as a storage and distribution area for The Open golf tournament in recent months. This would support the position that the site can provide a viable location for industrial uses which are compliant with sites designation as a General Economic Development Area. It is therefore likely that there is a viable business use of the site.
- 7.85 The application site provides a quality environment in a highly visible location that is accessible to both the transport network and workforce. Within Dundee the maintenance of a good range of sites available for development is required to actively assist economic development. It is also necessary to safeguard employment and business land from other development pressures.
- 7.86 The proposed residential development would adversely impact on the variety of size and location of available employment land within close proximity to the Port of Dundee. The proposed use would not meet the requirements of Policy 3.
- 7.87 The applicant's position that the viability of industrial development at this site would make such development unlikely is not supported.

3 Approval of Planning Permission 17/00144/PPPM

- 7.88 The applicant notes planning permission for a car showroom, family restaurant, coffee shop, food store and small industrial units was approved by Dundee City Council in June 2017. The site is immediately to the north of Stewart's House on Mid Craigie Road.
- 7.89 It is considered relevant that the above planning consent results in Stewart's House becoming an "isolated" pocket, divorced from existing and former employment purposes. The site is now more closely affiliated to existing residential and community uses.
- 7.90 **Response** - the development of a restaurant, coffee shop and food store within the site to the north of the present site would not justify in any way that a site to the south should be developed for housing. In addition, the previously approved scheme whilst including some non-compliant uses did include proposals for the erection of 10 industrial units and a car showroom. These are uses which are acceptable within a General Economic Development Area. The development previously approved under 17/00144/PPPM is not considered to have direct relevance to the determination of the current proposals.
- 7.91 The reduction in available General Economic Development Land on Mid Craigie Road following the approval of 17/00144/PPPM increases the importance of retaining employment land in the remaining designated area. The site is not considered to be 'isolated' with direct access onto Mid Craigie Road which leads onto the Kingsway. There are a number of existing industrial uses to the north east of the site and any industrial development at this location would integrate with the surrounding land uses.
- 7.92 The previous approval of a mixed use development to the north of the application site is not a material consideration which would support the approval of residential development within a General Economic Development Area.

4 Employment Land and Housing Land Supply

- 7.93 The applicant provides details of employment land provision within the city and states that there is an oversupply. The applicant considers that the proposed residential development would have no adverse impact on the provision of employment land and that housing in this location would support the delivery of effective housing land.
- 7.94 **Response** - as discussed above, the site is in a location close to the Kingsway and Port of Dundee which could make a significant contribution to employment land in Dundee. Residential development at this site would not support delivery of the aims of the Dundee Economic Strategy and could mean that Dundee cannot respond quickly to meet the needs of inward investors or expanding local businesses. Dundee will need to respond quickly to meet the requirements of evolving sectors such as energy and oil and gas as it competes with other locations to accommodate these new opportunities.
- 7.95 The Local Development Plan prioritise the brownfield sites that have been allocated within Appendix 2. The Local Development Plan 2014 and Proposed Local Plan 2 include a generous allocation of brownfield land which has been allocated on a range of sites across the city. It is considered that these brownfield sites will meet the demand for new housing and are located in priority locations for new residential development. It is considered that a major residential development of the scale proposed could prejudice allocations elsewhere. The Council are focused on supporting the delivery of the allocated housing sites and the delivery of these should not be undermined by additional housing land release.
- 7.96 The material considerations raised by the applicant are not considered to be of sufficient weight to justify approval of the application.

C - VIEWS OF OBJECTORS

One letter of objection was received, citing the following concerns:

- 7.97 **Objection** - there are existing traffic problems within Montgomerie Crescent with on street parking and vehicles not following the one way system. There are also parking pressures on Montgomerie Avenue and Crescent due to workers from nearby retail shops parking their cars in the area. The local streets cannot cope with an increase in parked cars.
- 7.98 **Response** - following consideration of comments received during consultation events associated with the Proposal of Application Notice, the applicant has confirmed access to the site would be taken from Mid Craigie Road to the north. Therefore no vehicular access required between the site and Montgomerie Crescent.
- 7.99 As the present application seeks permission in principle detailed parking and access arrangements have not been provided. However, any future application would be required to demonstrate sufficient parking is provided within the development site in line with the requirements of Policy 9 Appendix 3 of the Local Plan. The present application for planning permission in principle does not raise any concerns in terms of road safety or parking pressures.
- 7.100 **Objection** - the proposal raises overlooking and overshadowing concerns. Existing properties to the south of the application site are single story 1 bedroomed cottages which will be greatly over powered by two story larger properties with 3 bedrooms. Light will also be restricted due to the proximity of properties and direct overlooking may be afforded into the neighbouring single story homes. The proposed development will be overly of the site and neighbours will be impacted by increased noise levels.
- 7.101 **Response** - the application site slopes uphill to the north, therefore proposed dwellings would sit higher than existing dwellings to the south of the site. However no detailed site layout has

been provide with the application. Any future application would be required to demonstrate that proposed dwelling would not adversely impact on existing houses in relation to overlooking, overbearing or overshadowing. The application site is of a size which could facilitate sufficient separation between the proposed dwelling and neighbouring properties.

7.102 **It is concluded from the foregoing that there are no material considerations that would justify approval of the application.**

8 CONCLUSION

8.1 The proposal fails to satisfy the requirements of the Development Plan. There are no material considerations that would justify approval of planning permission. Therefore, it is recommended that this application be refused.

9 RECOMMENDATION

9.1 It is recommended that consent be REFUSED for the following reasons:

- 1 **Reason** – the site is designated as a General Economic Development Area where only uses within Class 4, 5 and 6 and those with a wider industrial nature are supported. The proposed development for residential development is contrary to the requirements of Policy 3 of Dundee Local Development Plan 2014, Policy 5 of the Proposed Dundee Local Development Plan 2017 and Policy 3 of TayPlan Strategic Development Plan 2016-2036. There are no material considerations of sufficient weight that would justify approval of the application contrary to the Development Plan.
- 2 **Reason** – the proposed development of up to 90 residential units would result in the loss of employment land, would not support the delivery of allocated housing sites and may undermine additional housing land release. The proposed development would be contrary to the requirements of Policy 8 of Dundee Local Development Plan 2014, Policy 9 of the Proposed Dundee Local Development Plan 2017 and Policy 4 of TayPlan Strategic Development Plan 2016-2036. There are no material considerations of sufficient weight that would justify approval of the application contrary to the Development Plan.
- 3 **Reason** - the application site is within close proximity to industrial land uses, commercial retail premises and the Kingsway. The applicant has failed to demonstrate that a residential development at this site would provide residents with a satisfactory level of amenity without impacting on the viability of existing businesses and land uses. The proposed development would be contrary to the requirements of Policy 47 of Dundee Local Development Plan 2014 and Policy 39 of the Proposed Dundee Local Development Plan 2017. There are no material considerations of sufficient weight that would justify approval of the application contrary to the Development Plan.