

KEY INFORMATION**Ward** Stobswell**Proposal**

Erection of 36 houses

AddressMaryfield Goods Yard
Mains Loan
Dundee
DD4 7BT**Applicant**Justice Homes
Bellsiz House
Bellsiz Road
West Ferry
Dundee
DD5 1NF**Agent**Leadingham Hynd
Partnership
18 South Tay Street
Dundee
DD1 1PD**Registered** 29 Jan 2004**Case Officer** G S Reid

Proposed New Housing Development in Former Maryfield Goods Yard

The erection of 36 houses is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is considered to be in accordance with the policies of the Development Plan.

The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of 36 houses at Maryfield Goods Yard, Dundee.
- The proposed development raises issues for consideration in terms of the Housing and Employment Uses Policies of the Dundee Local Plan 1998 and Policies 4 and 26 of the Finalised Dundee Local Plan Review.
- Two letters of objection were received from residents in the surrounding area raising concerns with regards to overlooking and loss of privacy, noise and parking and traffic congestion. In addition, letters were also received from 6 residents indicating that they did not object on the grounds that a new fence was to be erected along the northern boundary of the site.
- The proposed development is considered to be in accordance with the Housing and Employment Uses Policies of the Dundee Local Plan 1998 and Policies 4 and 26 of the Finalised Dundee Local Plan Review. In addition, it is considered that the concerns raised by objectors are not of sufficient weight to warrant refusal of the application.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of 36 houses at Maryfields Goods Yard, Dundee.

The proposal includes 20 detached and 16 semi-detached houses. Eleven of the houses are to have 4 bedrooms and will have an integral garage. The remaining 25 houses are to have 3 bedrooms with parking space for two cars. All of the houses have at least 120 sq. metres of private garden ground.

Vehicular access is to be taken from Graham Street with pedestrian access also via Cardross Street.

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

SITE DESCRIPTION

The application site is located on the former Maryfield Goods Yard site which is to the east of Graham Street and to the north of Cardross Street. The site extends to approximately 2.12 hectares and slopes down from the west to the east. The site is currently occupied by Edgar Plant Hire. There are various buildings on the site most of which are in a poor condition. The remainder of the site is either used for storage of plant and equipment or waste material. There are various mature trees throughout the site. The western end of the site is undeveloped and laid out in grass with various mature trees.

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

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 1998

The following policies are of relevance:

Housing Policy H10 Design of New Housing. This Policy sets out the guidelines for the design and layout of new housing.

Employment Uses Policies EU1 General Industrial Areas. This policy advises that the Council will encourage the establishment and where possible the retention of industrial and business uses.

Employment Uses Policies EU1(E) Escape into other uses. This policy sets out the criteria for assessing uses that would not normally be accommodated by Policy EU1.

Dundee Urban Nature Conservation Subject Local Plan 1995

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



Finalised Dundee Local Plan Review

The following policies are of relevance:

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

Policy 26 General Economic Development Areas. This Policy advises that housing development will not be permitted unless in accordance with other policies of the plan.

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no Scottish Planning Policies, Planning Advice Notes and Circulars of relevance to the determination of this application

Non Statutory Statements of Council Policy

There are no non-statutory Council policies relevant to the determination of this application.

LOCAL AGENDA 21

Local Agenda Key Theme 15 is of relevance to the consideration of the application and seeks to ensure that diversity and local distinctiveness are valued and protected. It is considered that given the location and design of the proposed development the aims of Key Theme 15 are achieved.

SITE HISTORY

There is no site history of relevance to the consideration of this application.

PUBLIC PARTICIPATION

The applicants carried out the statutory notification of neighbours and the application was advertised in the "Dundee Courier and Advertiser" on the 16 February 2004 as a potential departure to the development plan. Two letters of objection were received from residents in the surrounding area. The main concerns raised were that:

- 1 The proposed development would increase traffic and parking problems on Graham Street.
- 2 The proposed development would detrimentally affect the amenity of surrounding residential property by virtue of overlooking and privacy.

Six letters of representation were also received seeking that an appropriate fence was erected along the boundary with the communal gardens of the houses in Woodside Terrace.

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

CONSULTATIONS

The Head of Environmental Health and Trading Standards advised that subject to a condition covering the investigation of the site for contaminated land and its remediation

he had no objection to the proposed development.

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

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider:

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations.

The Development Plan

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

The majority of the application site is located within an area covered by no specific policy designation in the adopted Dundee Local Plan 1998. As such a residential use is acceptable in principle. A small area to the north east of the site falls within an area covered by Employment Uses Policy EU1.

As the proposed development is for 36 houses it falls to be considered against Housing Policy H10 of the Dundee Local Plan 1998. In addition, the area covered by Policy EU1 will need to be assessed against this policy and Policy EU1(E) Escape into Other Uses.

Housing Policy H10 sets out the guidelines for the design and layout of new housing. The application site is located outwith the Inner City Area and therefore falls to be considered against the criteria for suburban housing developments. The guidelines set out criteria for house type/mix, amenity space/garden area, outdoor drying facilities, privacy, parking/garaging and layout/urban design.

The proposed development is for 36 houses made up of 20 detached and 16 semi-detached. All houses have 3 or more bedrooms and have at least 2 car parking spaces with 11 houses having integral garages. Each house has at least 120 sq. metres of private garden ground with a number well in excess of 120 sq. metres.

When considered against the H10 Guidelines the development is considered to comply with all of the criteria.

As indicated above a small area at the northeast end of the site is covered by Employment Uses Policy EU1. This Policy advises that the Council will encourage the establishment and where possible the retention of industrial and business uses. A housing use would not be encouraged within these areas. However, Employment Uses Policies EU1(E) Escape into other uses advises that other uses not accommodated by EU1 will, notwithstanding its presumption, be favourably considered independently of that policy's employment objectives provided that a range of criteria are met. It is considered that as the area in question is only a small area on the periphery of the industrial designation and will be accessed independently of the other employment uses it is an acceptable exception to Policy EU1.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

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

Policy 4 Design of New Housing advises that all new housing should be of a high quality and will be required to conform to the Design Standards set out in Appendix 1 of the Local Plan. The standards are broken down into House Type, Car/Cycle Parking, Amenity/Garden Space and Privacy. In terms of the plan the proposal is located within the suburban area. On the basis of the details set out above it is considered that the proposed development accords with standards set out in Appendix 1.

Policy 26 General Economic Development Areas advises that housing developments will not be permitted in these areas unless in accordance with other policies of the plan. It is considered that given the size and location of the area its loss would not undermine the larger designated area. In addition, the area would have a separate access from Graham Street. It is considered that the loss of the area covered by Policy 26 is acceptable in this instance.

Two letters of objection were received to the proposed development from

residents in the surrounding area. The concerns raised are addressed in the following paragraphs:

- 1 "The proposed development would increase traffic and parking problems on Graham Street". It is considered that adequate provision has been made for parking of vehicles within the site and that there would be no adverse affect on parking in Graham Street. In addition, it is considered that given the number of houses proposed there would be no traffic congestion problems on Graham Street.
- 2 "The proposed development would detrimentally affect the amenity of surrounding residential property by virtue of overlooking and loss of privacy". Given the layout of the houses relative to the existing houses both to the north and the south there would be no significant overlooking or loss of privacy.

Six letters of representation were also received seeking that an appropriate fence was erected along the boundary with the communal gardens of the houses in Woodside Terrace. The applicant's have included a close-boarded fence of 1.8 metres along boundaries which back on to existing housing areas including Woodside Terrace. The proposed fence should satisfy the requirements of the residents.

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

Design

The proposed development is a mixture of detached and semi-detached and single and two storey houses. The design of the houses is considered to be of a good quality and the layout has utilised the best of this awkward site.

CONCLUSION

The proposed development is considered to be in accordance with the Housing and Employment Uses Policies of the Dundee Local Plan 1998 and Policies 4 and 26 of the Finalised Dundee Local Plan Review.

In addition, it is considered that the objections raised are of insufficient weight to warrant refusal of the application.

RECOMMENDATION

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

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.
- 2 That a detailed landscaping scheme including a tree survey shall be submitted to the Council for approval prior to the commencement of development and if approved the development shall be carried out only in full accordance with such approved details.
- 3 That a scheme for the investigation of contamination within the site and for its remediation and validation of remediation shall be submitted to the Council for approval prior to the commencement of development and if approved the development shall be carried out only in full accordance with such approved details.
- 4 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.
- 5 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.
- 6 Prior to the commencement of development chestnut paling fencing of one metre in height shall be erected along the drip line of all trees which fencing shall be retained and thereafter

maintained in place throughout the construction period.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the site is landscaped to a satisfactory standard and that adequate provision is made to accommodate existing trees.
- 3 To ensure that the site is fully investigated for any potential contamination and that any contamination that is found is adequately dealt with prior to development.
- 4 To ensure a satisfactory standard of appearance of the development.
- 5 To protect those landscape features which are of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development.
- 6 To ensure that all retained trees are adequately protected.