

KEY INFORMATION

Ward Coldsid

Proposal

Outline application for residential development

Address

Delta Capillary Products Ltd
Alexander Street
Dundee

Applicant

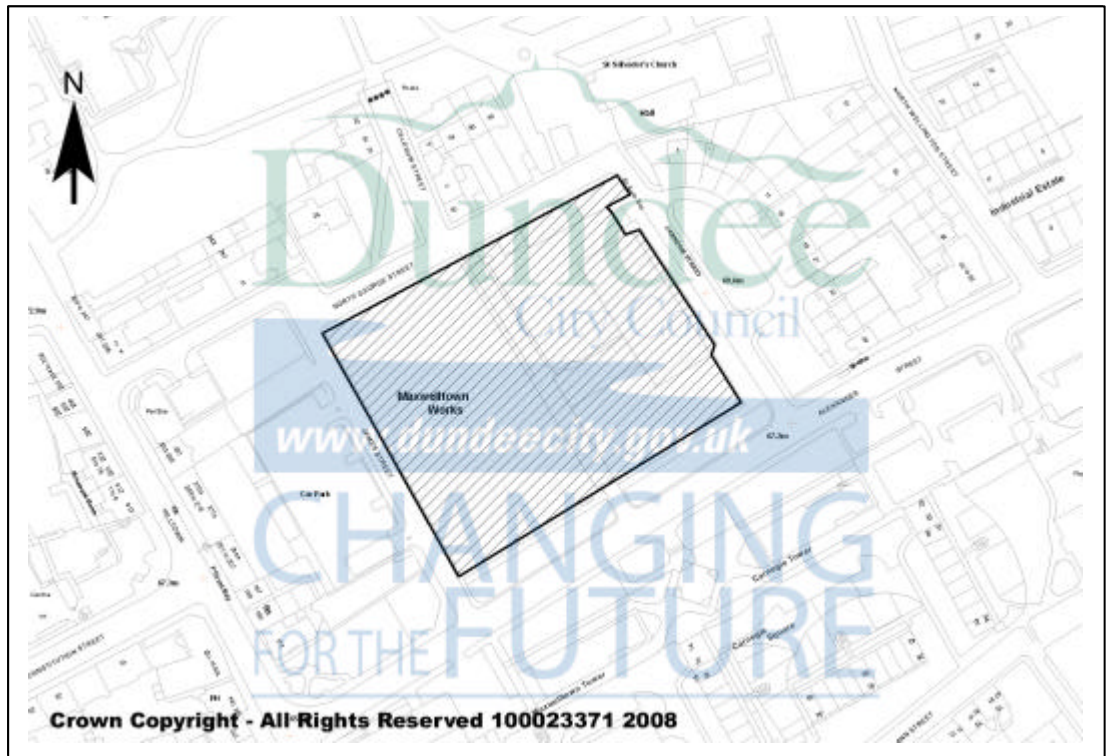
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Registered 15 Sep 2008

Case Officer C Walker



Housing Use Proposed For Site on Alexander Street

An outline application for residential development is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development complies with the Development Plan and the redevelopment of this prominent brownfield site will make a positive contribution to the regeneration of the wider Hilltown area. The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Outline planning permission is sought to provide a residential development on this industrial site. No details of the proposed development have been provided. The site is surrounded by housing.
- The site is allocated in the Local Plan as a General Economic Development Area and Policies 2, 4 and 26 are relevant to the determination of this application.
- 6 copies of a letter of representation were received from neighbours who do not oppose residential use but have concerns about the nature of any future development. The Head of Environmental Health and Trading Standards has commented that it is likely that there will be contamination on the site.
- The proposed development complies with the stated exceptions in the Local Plan for considering housing in areas allocated for employment uses and fits the criteria for permitting additional housing land releases. It therefore complies with the Local Plan.
- Concerns about contamination and the details of the development can be dealt with by planning condition.

DESCRIPTION OF PROPOSAL

Outline planning permission is sought to provide a residential development on the site. No details of the proposed development have been provided such as the means of access, the form of the proposed development or the likely number of units.

The applicants have submitted a Planning Statement with their application. In it they conclude that their proposal complies with Government policy and the Development Plan. They suggest that their proposal involves the sensitive reuse of a brownfield site. They state that it meets the criteria of Policy 26 and with the changing character of the surrounding area to residential use the alternative to residential use on this site would be eventual dereliction as the site is no longer suitable for industrial purposes. They indicate that they intend to comply with the Inner City housing standards in the Local Plan. They suggest that contamination issues should be dealt with by planning condition.

SITE DESCRIPTION

The site is over a hectare in extent and comprises a number of interconnected industrial buildings last occupied by IBP Connex, a heavy engineering firm, who were still tenants (but not in occupation since February of this year) when this application was submitted.

The buildings are mainly traditional industrial structures of stone walls and slate or metal roofs although there are more modern brick and render buildings along the Alexander Street and Carnegie Street frontages. The buildings are predominantly single storey but their scale is equivalent to 2 storey buildings.

Historic maps indicate that the site was split in half by the north south running Elizabeth Street (now an internal service road), with a carpet works on the western side and a range of buildings including a smaller industrial premises and tenement flats on the eastern side.

To the east, across from Carnegie Street, is a recently completed development of 14 town houses in a crescent shape set behind a small area

of open space. To the north east is St Salvador's Church and Hall, a category A listed building. To the north is a terrace of 3 dwellings with gardens fronting onto North George Street, a recently completed block of 3 town houses at the junction of Caldron Street and North George Street and a modern block of 6 flats on North George Street. To the west, across James Street is a development of flats and townhouses which is almost complete. To the south, across Alexander Street, are multi storey flatted blocks.



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:

The site is allocated as a General Economic Development Area under Policy 26 of the Local Plan. This

policy encourages business and industrial uses, contains a presumption against retail use and also states that "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 2 relates to proposals for housing land release additional to those in the Local Plan and sets out criteria for additional releases as follows:

- a housing development is in accordance with all other policies in the Local Plan; and
- b it will make a positive contribution to quality and choice of housing available in the local area; and
- c it satisfies all of the housing standards contained in Appendix 1 of the Local Plan or those in any site planning brief approved by the City Council; and
- d it will improve tenure mix in areas where there is limited choice and contribute to wider community regeneration objectives.

Policy 4 sets out standards for new housing developments.

Policy 55 seeks to protect the setting of Listed Buildings.

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy directly relevant to the determination of this application.

Non Statutory Statements of Council Policy

Hilltown Physical Regeneration Framework.

In January 2008 the Planning and Transport Committee approved the

above Framework as supplementary planning guidance to the Dundee Local Plan Review 2005.

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

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

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the application was advertised as being potentially contrary to Policy 26 of the Dundee Local Plan Review 2005. A letter was received from the occupiers of a cottage on North George Street to the north of the application site. In addition a further 5 copies of this letter were submitted signed by the occupiers of 4 dwellings on North George Street and Carnegie Street.

The letter does not object to the proposed development but criticises the applicants Planning Statement for suggesting that the premises had been vacant for many years, questions whether the adjoining housing developments to the east and west of the site had an impact on the closure of the factory, suggests that the site is seriously contaminated and that the site has good accessibility.

The letter goes on to state that the authors are not in principle against the area being converted to housing. However they state that access should be from Alexander Street, that construction disturbance to local residents should be minimised, that the development should only comprise townhouses with no flats, that there should be some private housing, that the design of the houses should be more traditional (avoiding the coloured panels on adjoining housing developments), that housing facing North George Street should be no higher than the existing factory buildings to avoid overlooking and overshadowing and finally that no development should be permitted until contamination and infrastructure issues are dealt with.

Members will already have had access to this letter and the points raised are

considered in the Observations Section of this Report.

CONSULTATIONS

The Head of Environmental Health and Trading Standards has commented that due to the history of the site and the sensitivity of the proposed development, either a preliminary risk assessment for contamination should be carried out or the developer should be informed of this requirement when a full application is submitted.

These views have been taken into account and it is considered that contamination can be dealt with by planning condition should Members be minded to approve this application.

Historic Scotland were consulted as the development could affect the setting of the Category A listed St Salvador's Church and Hall. They have responded to state that they have no objections in principle to the proposed development but that the detailed design in terms of scale, massing and materials should respect the setting of the listed building.

OBSERVATIONS

Statutory Requirements

In accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997 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.

In accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the Council is required to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

The Development Plan

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

Policy 26 of the Local Plan contains a presumption against residential use on

this site unless the 3 criteria set out in the Policy Background section above are met.

The first requirement is that a satisfactory standard of residential amenity can be achieved. Normally the development of part of an industrial area creates problems in terms of amenity conflicts between industrial and residential uses. However in this case it is proposed to convert the entire site to residential use so that the new housing development would be surrounded on all sides by housing. It is considered that in these circumstances there would be no difficulty in providing a satisfactory standard of residential amenity.

The second requirement is that housing will not adversely impact on the ongoing operation of adjacent industrial areas. In this case there is no impact as there are no adjacent industrial areas. The nearest industrially zoned area is over 100 metres to the east and there is an intervening housing development.

The final requirement is that evidence demonstrates that the site is no longer suitable for economic development purposes. Most of this site has been in industrial use for over a century and although there are modern units in the complex, the majority of buildings date from the time of the original carpet factory. Moreover the site is surrounded by housing development, with access from narrow residential streets, very limited space within the site for vehicles to manoeuvre and virtually no space for employee parking. The last occupiers relocated to Eastern Europe earlier this year. Most demand for new industrial premises are in purpose built premises on modern serviced industrial estates. It is accepted that there is also a demand for more traditional units with lower rental levels but it is considered that the particular constraints associated with this site, including its dated layout and access difficulties, means that it is unsuitable for economic development purposes.

It is concluded from the foregoing that the proposal fits the criteria for permitting residential development in areas allocated for employment uses and therefore complies with Policy 26 of the Local Plan.

Policy 2 also sets out criteria for housing land release additional to those in the Local Plan. Taking these

in turn, firstly it is considered that the proposed housing development will be in accordance with all other policies in the Local Plan. Although there are no details of the proposed layout, planning conditions can be attached to this outline consent requiring full compliance with the Council's standards should Members be minded to approve this application.

The second requirement is that the development should make a positive contribution to quality and choice of housing available in the local area. In this case the predominant housing form in the wider area is of traditional tenement flats and more modern flatted developments. There is a particular shortage of houses which has only been partially addressed by the more recent housing developments surrounding this site. It is considered that the provision of houses with gardens will contribute to the quality and choice of housing available in the local area.

The third requirement is that the development satisfies all of the housing standards contained in Appendix 1 of the Local Plan or those in any site planning brief approved by the City Council. Should Members be minded to approve this application then a planning condition can be attached requiring full compliance with these standards.

Finally there is a requirement that the development will improve tenure mix in areas where there is limited choice and contribute to wider community regeneration objectives. Until a detailed application is submitted it is not possible to determine future tenure mix at this site. In view of the conclusions on the likely continued vacancy of the premises due to its unsuitability for industrial uses, the regeneration of this substantial brownfield site will contribute to wider community regeneration objectives (in much the same manner as the housing sites to the east and west of the application site did).

It is concluded from the foregoing that the proposal fits the criteria for permitting additional housing land releases and therefore complies with Policy 2 of the Local Plan.

The requirements of Policy 4 on standards for new housing developments can be achieved by a planning condition should Members be minded to approve this application.

The category A listed St Salvador's Church and Hall lie to the north east of the site and Policy 55 seeks to protect the setting of listed buildings. No details of the proposed development have been submitted so no assessment of the impact of the development of this site on the listed building can be made. However taking into account the fact that it is the splendid interior of the church that attracts its Category A listing, that it was originally constructed in an area packed tightly with tenement flats and industrial premises and that there is nothing in the nature of a proposed residential use that would compromise the setting of this building, it is considered that the principle of residential use can be accepted without in any way compromising the setting of the listed building. However any detailed application subsequently submitted will be scrutinised to ensure that it has no adverse impact on the setting of the listed building. Historic Scotland have no objections to this approach.

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

The Statutory Requirements under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications that affect a listed building, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

This matter has already been considered in the assessment of the proposed development under Policy 55 of the adopted Local Plan and it was concluded that the principle of residential use can be accepted without compromising the setting of the listed building.

Other Material Considerations

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

a The Letter of Representation

This letter makes a valid criticism of the applicants Planning Statement for suggesting that the premises had been vacant for many years and this matter has

now been corrected by the applicants. A question was raised about the impact of the adjoining housing developments to the east and west of the site on the closure of the factory. In fact this business had operated close to dwellings for many years and it is not considered that adjoining housing developments played any significant role in its closure. Indeed planning conditions placed the entire burden of dealing with noise from this factory upon the developers of these housing developments. The Council's view was that the industrial occupier had every right to be there and in fact complied with the industrial zoning for the area and that no burden should fall upon that development in order to accommodate the housing proposals nearby. The burden of providing additional noise attenuation within the houses and providing some noise attenuation at the factory itself fell upon Hillcrest Housing. Concerns about contamination can be dealt with by planning condition should Members be minded to approve this application.

The letter goes on to suggest a range of issues that should be addressed if housing is permitted on this site. This is an outline application and the Council can reserve all matters for future consideration should Members decide to approve this application.

b The Applicants Planning Statement

The matters included in this statement have been taken into account in the assessment of the proposed development against the Development Plan and it was concluded that the proposal was in accordance with the Development Plan.

c The Hilltown Physical Regeneration Framework

Although the above Framework does not contain specific proposals for the application site (since it was at the time in industrial use) it does provide overall guidance for the regeneration of the Hilltown area.

The proposal is considered to be accordance with the above framework, particularly at sections 2:1 'Housing tenure and mix' and 2:2 'Maxwelltown area', which require that the tenure of new housing development within the Maxwelltown area redresses the significant tenure imbalance of the wider area, and that new development is of a high standard.

Whilst there are no specific details regarding housing type and tenure for this outline application the proposal presents a future opportunity to consider redressing tenure mix of the wider Hilltown area on a site adjacent to Maxwelltown. Tenure mix would be considered upon submission of a full planning application for the site.

Hilltown Physical Regeneration Framework anticipates redeveloping the Maxwelltown for strong and stable communities by designing a new environment that retains existing and attracts new residents into the area. The Hilltown area has suffered considerable population loss over the last decade and this outline proposal is considered to fully compliment the ambitions for the redevelopment of the wider Maxwelltown area.

It is concluded from the foregoing that there are no material considerations such as to justify the refusal of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

As this is an outline planning application where no details of the development have been submitted, there are no design issues to be considered at this stage. However this is a very prominent site and its future development will have a significant impact on the strategy to regenerate the Hilltown. Any detailed application for this site will be closely scrutinised to ensure that it is of appropriate quality.

CONCLUSION

The proposed development complies with the Development Plan. The

redevelopment of this prominent brownfield site will make a positive contribution to the regeneration of the wider Hilltown area.

RECOMMENDATION

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

- 1 The approval of the City Council shall be obtained to the following reserved matters before any development is commenced: the siting of the buildings, the design of the buildings, the external appearance of the buildings, the means of access to the buildings and the landscaping of the site.
- 2 Application for approval of the matters referred to in condition (1) above must be made within 3 years of the date of this permission.
- 3 The development to which this permission relates shall begin within 5 years of the date of permission or 2 years of the final approval of the reserved matters, whichever is the later.
- 4 The details of the siting and design of the buildings referred to in Condition 1 above and the overall layout of the development shall be fully compliant with the standards for Inner City areas set out in Policy 4 and Appendix 1 of the adopted Dundee Local Plan Review 2005.
- 5 Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Council. The scheme shall contain details of proposals to deal with contamination to include:
 - a the nature, extent and type(s) of contamination on the site.
 - b Measures to treat/remove contamination to ensure the site is fit for the use proposed.
 - c Measures to deal with contamination during construction works.
 - d Condition of the site on completion of decontamination measures.

Before any dwelling is occupied the measures to decontaminate the site shall be fully implemented as approved by the Council.

Reasons

- 1 To reserve these matters for future consideration by the Council.
- 2 To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- 3 To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- 4 No details of the nature of the development have been submitted and no case has been put forward for a departure from Local Plan standards it is therefore important to ensure that the development is in full compliance with the relevant Local Plan standards.
- 5 Due to the history of the site and the levels of contamination experienced on the adjoining site to the east and taking into account the sensitivity of the proposed use it is essential to ensure that the site is fit for the use proposed.