

Erection of 6 Flats and 3 Houses Land to South of Buttar's Road (Site 5 & Site 6)

KEY INFORMATION

Ward Lochee

Address
Land to south of Buttar's Road

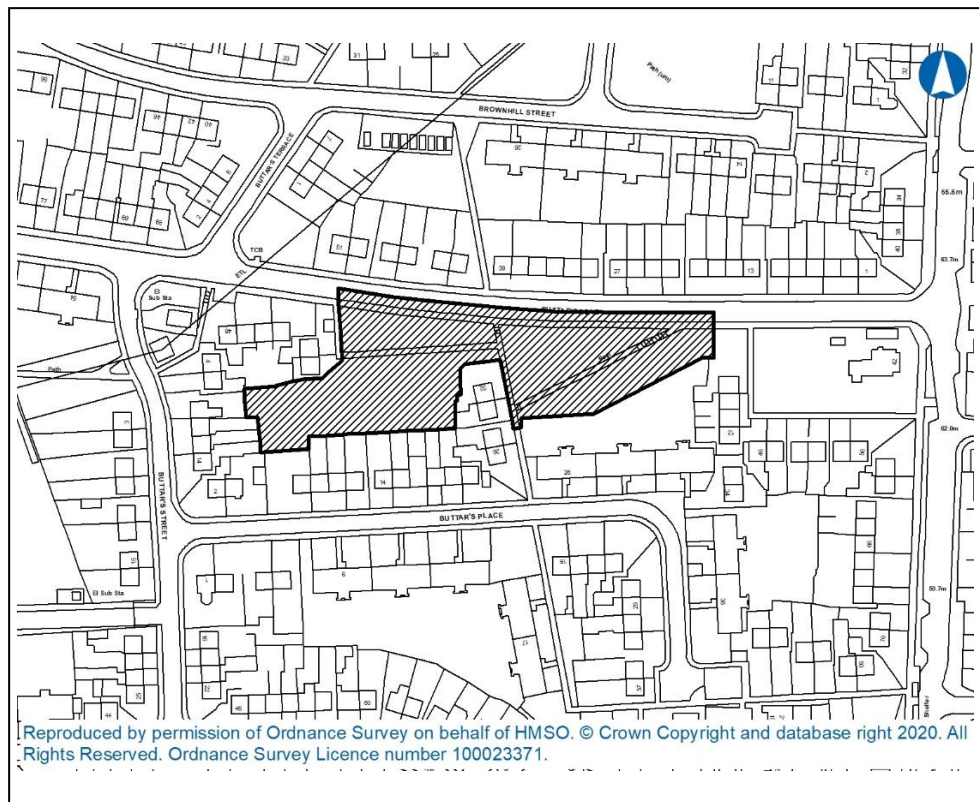
Applicant
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1 St Bernard's Row
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Registered 30 April 2020

**Report by Head of Planning
& Economic Development**

Contact: Ross Pattenden



SUMMARY OF REPORT

- Planning permission is sought for the erection of 6 flats and 3 houses with associated access, parking and landscaping.
- The proposal is one of five planning applications submitted by Blackwood Homes & Care proposing the development of a total of 66 fully accessible affordable homes and associated drainage infrastructure across the Charleston area.
- The application does not fully comply with the Development Plan as the proposal does not fully meet the Appendix 4 standards in relation to flatted development as a house type and the proposed parking for the houses not being within the curtilage of each proposed house. However, given the proposed residential properties would be meeting an identified housing need there is justification to approve the application.
- In total 6 letters were received objecting to the proposal and 1 letter of support.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as 6 or more written objections have been received and the recommendation is for approval.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=Q991TVGCFOL00>

RECOMMENDATION

The proposal does not fully comply with the Development Plan. There are material considerations of sufficient weight to justify approval of planning permission. It is therefore recommended that planning permission be APPROVED subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 This application is one of 5 planning applications that have been submitted for the development of a total of 66 fully accessible affordable homes and an associated Sustainable Urban Drainage System within the Charleston area.
- 1.2 This planning application is for the proposed development of a total of 6 flats and 3 houses on two brownfield sites (Site 5 and Site 6) for accessible social housing, parking provision and associated landscaping.
- 1.3 Site 5 comprises of a total of 3no 2 storey terrace houses that would front onto Buttar's Road and within the west of the site would be a gated landscaped area with wild flower planting and rain garden within the north east of the site would be a featured landscaped area that would connect into Site 6. Site 6 comprises of 6 flats within a 3 storey block and these properties would also front onto Buttar's Road. The proposed flatted units within the development would have 2 bedrooms and the proposed 3 terrace houses comprised of a mix of 2no 4 bedroom houses and one 5 bedroom house. The proposed houses would have private garden ground to the south (rear) elevation and would have parking provision to the north (front) elevation with ramp access proposed to be formed to the houses. The proposed flatted units would have communal garden ground provision primarily to the south (rear) elevation and parking provision located to the north (front) elevation directly off Buttar's Road.
- 1.4 The external finishes of the proposed flatted properties would comprise predominately of buff brick walls with feature grey timber cladding. The proposed houses would have off-white render walls, feature aluminium profile cladding and a brick basecourse. The proposed properties would all have interlocking grey roof tiles with grey window frames and doors. The proposal includes the installation of photovoltaic panels to the roof of the proposed dwellings.
- 1.5 The applicant has submitted supporting information to demonstrate that the proposed housing mix has been informed through working with Dundee Health and Social Care Partnership and is to meet an identified local housing need for wheelchair accessible residential properties.
- 1.6 The applicant has submitted concurrent planning applications for residential development on other sites within the Charleston area as well as an application for an associated off-site Sustainable Urban Drainage System.
- 1.7 The applicant has submitted the following in support of the application:
 - Planning and Design Statements and Masterplan;
 - Geo-Environmental Desk Study and Remediation Scheme;
 - Drainage Assessment and Layout;
 - Overshadowing Assessment; and
 - Energy Statement.



Figure 1: Site 5 - Proposed Site Plan



Figure 3: Site 5 - Proposed Street Elevation - Buttar's Road



Figure 4: Site 6 - Proposed Street Elevation - Buttar's Road

2 SITE DESCRIPTION

- 2.1 Located within the Charleston area of the city, Site 5 and Site 6 are areas of brownfield land measuring 0.24ha and 0.16ha respectively. The sites previously had large flatted residential blocks that were built in the 1960s and both sites have been vacant and were grassed over and used informally as open space since the properties were demolished in the 1990s with the anticipation of future development on the sites. Directly to the north of the proposal sites is Buttar's Road and further to the north are existing residential properties. The proposal sites are bound to the east, south and west by existing residential properties. The site is located in a predominately residential area within the Lochee Ward and is surrounded by a mix of flatted properties and houses.



Figure 5 – Site 5 Photo



Figure 6 – Site 6 Photo

3 POLICY BACKGROUND

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

TAYPlan 2016-2036

Policy 1: Location Priorities

Policy 4: Homes

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 1: High Quality Design and Placemaking

Policy 9: Housing Land Release

Policy 10: Design of New Housing

Policy 14: Residential Accommodation for Particular Needs

Policy 30: Green Infrastructure Maintenance

Policy 35: Trees and Urban Woodland

Policy 37: Sustainable Drainage Systems

Policy 39: Environmental Protection

Policy 41: Land Contamination

Policy 44: Waste Management Requirements for Development

Policy 48: Low and Zero Carbon Technology in New Development

Policy 54: Safe and Sustainable Transport

Policy 56: Parking

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 No relevant planning history

5 PUBLIC PARTICIPATION

5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.

5.2 In total 6 letters of objection were received raising the following material planning considerations:

- contrary to Local Development Plan policies;
- proposed siting of the residential development would have detrimental impact on residential amenity as result of loss of sunlight/daylight and detrimental overshadowing impact on neighbouring properties;
- the design of the proposed properties would be out of character and not be in keeping with the character or appearance of the existing properties in surrounding area;
- increased road traffic/impact on road safety/inadequate vehicle servicing and detrimental impact on parking provision within the area;

- detrimental effect on residential amenity as a result of overlooking impact from the proposed properties;
- insufficient cycle storage provision/details of the proposed cycle stores should be provided;
- increased noise impact on existing residential properties; and
- loss of trees and loss of green space within local area.

5.3 One letter of support was received raising the following material planning considerations:

- welcomes the significant investment in Charleston. Would like to see additional tree planting and landscaping proposed and that all of the concurrent proposals be treated as one to allow for a percent for public art contribution.

5.4 Comments were also submitted in relation to the development impacting on existing views, the timing of the planning application during Covid-19 pandemic and notification of neighbours beyond the statutory requirements. However, these are not material planning considerations.

5.5 The grounds of representation are taken into account in the material considerations section of this report.

6 CONSULTATIONS

6.1 **The Head of Neighbourhood Services has commented on the following matters:**

Greenspace Team – has no objection to the proposal but has requested conditions are attached subject to the granting of permission that require the submission of a full landscaping plan and maintenance schedule to be submitted for approval prior to commencement of development.

6.2 **The Head of Community Safety and Protection has commented on the following matters:**

Contaminated Land – has no objection to the proposal. A geo-environmental report has been submitted and reviewed. Recommend a condition attached subject to the granting of planning permission that requires the implementation of the remediation scheme and submission of a verification statement for written approval of the Council.

Environmental Health – requested clarification on the use of air source heat pumps or gas boilers and following confirmation that gas boilers were proposed had no further comments to make.

6.3 **Scottish Water** – responded that they have no objection to the proposal.

7 DETERMINING ISSUES

- 7.1 Section 25 of the Town and Country Planning Act 1997 as amended 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

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

TAYPLAN 2016 – 2036

- 7.3 **Policy 1: Location Priorities** - states that the principal settlements within the region have the potential to accommodate the majority of development in the region, and that the re-use of previously developed land and buildings should be priorities; Dundee's core area is identified as a Tier 1 principal settlement.
- 7.4 The proposed residential development is located in the Charleston area within the Lochee Ward and is an area that has an established residential character in Dundee. The proposal site is located on brownfield land and previously contained flatted residential development.
- 7.5 **The proposal is in accordance with Policy 1.**
- 7.6 **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.
- 7.7 As well as allocated sites, TAYplan assumes that small and windfall sites would contribute towards the housing land requirement. As the site is not allocated in the LDP it is considered to be a windfall site however it would contribute to the mix of housing types, size and tenures in the local area and will contribute to the supply of housing available within the city and region.
- 7.8 **The proposal is in accordance with Policy 4.**

DUNDEE LOCAL DEVELOPMENT PLAN 2019

- 7.9 **Policy 1: High Quality Design and Placemaking** – all development proposals should follow a design-led approach to sustainable, high quality placemaking. Development should contribute positively to the quality of the surrounding built and natural environment and should be planned and designed with reference to climate change mitigation and adaptation. The design and siting of development should respect the character and amenity of the place, create a sense of community and identity, enhance connectivity and incorporate creative approaches to urban design, landscaping and green infrastructure, appropriate to the local context and the scale and nature of the development. New development will be required to meet the six qualities of successful place in accordance with the guidance provided in Appendix 1.
- 7.10 The proposal sites are located in an existing residential area with existing 2 storey semi-detached and terraced housing to the north as well as to the south and west of Site 5. To the south of Site 6 are existing 3 storey flatted blocks. The proposed houses are 2 storey in height and the proposed flats are a 3 storey block. The scale and height of the flats and houses

directly respond to the existing site context and surrounding residential mix. The proposal would be of a residential density that would provide 6 flats and 3 houses and the development would be in keeping with residential density in the surrounding area.

- 7.11 The proposed residential development will provide wheelchair accessible new affordable housing to an existing residential neighbourhood. The properties have been designed to provide variety and a good quality finish which will contribute to the character and appearance of the development. The proposed landscaping area would create an attractive feature that would link the appearance of the sites and enhance the appearance of the existing footpath network.
- 7.12 The proposed elevation drawings as well as the supporting Planning and Design Statement demonstrate that the mix and design of the proposed residential properties would contribute positively to developing a local residential character and identity appropriate to the area. The proposed flatted block would be finished in a simple neutral palette of buff brick walls with feature natural grey timber cladding and the proposed houses would be finished in off-white render, feature aluminium profile cladding with brick basecourse with all properties having grey interlocking roof tiles and grey window frames and doors. The proposed design and appearance of the properties would be of an appropriate character and the finishing of the properties would be coherent high quality materials throughout the development proposal. In the interests of visual amenity and in order to ensure a high quality finish a planning condition is recommended to be attached to the granting of permission to require the full details of the proposed external finishing materials to be submitted for approval prior to commencement of development.
- 7.13 Within the proposed development appropriate spaces are provided for active travel, vehicle parking and waste storage. The overall design and layout of the proposed development would contribute positively to the character of the wider area and would provide a high quality, safe and attractive housing development which is well connected to the surrounding area.
- 7.14 The proposed site layout and design of the dwellings would create a development of a high quality whilst providing modern, wheelchair accessible affordable housing to meet the needs of the local area.
- 7.15 In this case, site topography, landmarks, views and skylines are respected in the proposed design. The proposed scale and massing of the development would not be out of character with residential development in the surrounding area and the design of the properties are of a high quality and would contribute to the appearance and identity of the area. The proposal demonstrates compliance with the 6 qualities of successful place in accordance with Appendix 1.
- 7.16 **The proposal is in accordance with Policy 1, subject to a condition.**
- 7.17 **Policy 9: Housing Land Release** – priority will be given to the development of the allocated brownfield and greenfield sites. Housing land release on brownfield sites, in addition to the allocations set out in Appendix 3, may be acceptable where it can be demonstrated that it will improve the tenure mix in an area where existing choice is limited and would make a positive contribution to the regeneration objectives of the area.

7.18 The policy requires that priority is given to allocated sites. The supporting Planning and Design Statement highlights the proposal is for social housing to meet an identified local housing need within the area. Whilst the site is not allocated, it is recognised that due to the location of this brownfield site within a predominately residential area the redevelopment of the site as a windfall housing site will contribute positively to the housing supply and offer further choice within this part of the city and the wider area.

7.19 **The proposal is in accordance with Policy 9.**

7.20 **Policy 10: Design of New Housing** – the design and layout of new housing developments in Dundee should be of a high quality and contribute to creating places that respect and enhance the distinct character and identity of the different parts of the city. All new housing developments should meet the six qualities of successful place, as set out in Policy 1 and should provide a balanced choice and type of housing. All new housing developments will be required to conform to the guidance on the Design of New Housing set out in Appendix 4. All new housing developments will need to ensure that the design and layout respects and enhances the character of adjoining properties and the surrounding area and does not have a detrimental impact on residential amenity and parking.

7.21 As assessed against Policy 1, the design and form of the proposal would form an attractive residential development that would positively redevelop existing brownfield sites. The proposal would add to the visual amenity and character of the area. A Planning and Design Statement has been submitted with the application which addresses the design, and the development concepts for the proposal.

The proposal is required to meet the Suburban Standards for houses set out in Appendix 4 which requires the following:

7.22 **House Type** – in general, 75% of houses should have 3 or more bedrooms or a minimum gross internal floor area of 100m².

7.23 **Response** – the 3 proposed terrace houses comprise of a mix of 2no 4 bedroom houses and one 5 bedroom house. As such more than 75% of houses would have 3 or more bedrooms and therefore the proposal complies with this requirement.

7.24 **Car Parking** – all car parking should be located within the curtilage of each house. All tenures should have at least one space. Private houses with 3 bedrooms should have at least 2 spaces. Private houses with 4 or more bedrooms should have at least 3 spaces.

7.25 **Response** – the proposed parking would be located to the north (front) elevation of the proposed houses and given the existing gradient levels the proposal includes the formation of ramp and stair access from the parking area. Whilst the parking area is in close proximity to the houses it is not within the curtilage of each property. The proposed houses would each have at least one parking space. The proposal would not comply with the car parking requirement as the parking provision is not located within the curtilage of each house.

7.26 **Cycle Provision** - one secure, covered space per house must be provided unless a suitable garage or other secure area is provided within the curtilage of the house.

7.27 **Response** – all of the proposed houses have secure covered cycle storage provision. The proposal complies with this requirement.

7.28 **Amenity/Garden Ground** – Brownfield sites will provide an average private useable garden ground of 140m² per house with a minimum garden size of 120m².

7.29 **Response** – the application site is brownfield land. All of the proposed gardens meet the minimum 120m² requirement. The average private useable garden ground of the development is 168m².

7.30 **Privacy** - a minimum of 18 metres between the facing windows of habitable rooms.

7.31 **Response** – there are no existing facing windows of habitable rooms within 18 metres of the proposed houses. The proposal complies with this requirement.

The proposal is required to meet the Suburban Standards for flats set out in Appendix 4 which requires the following:

7.32 **House Type** – flats may be acceptable through conversions of buildings of merit where conversion to houses is not suitable or achievable or where identified in a site planning brief. Flats should have generous internal space standards with a minimum gross internal floor area of 80m².

7.33 **Response** - the proposed flatted blocks would be new build and have not been identified in a site planning brief. The proposal would provide a total of 6 flats all of which would have 2 bedrooms and would have an internal floor area measuring 80m². The proposed flats are considered to all have a generous internal layout. The proposal would not fully comply with the requirements as the proposal is not for conversion of a building of merit and there is no site planning brief for this proposal site.

7.34 **Car Parking** - all car parking should be located within the curtilage of the property. A minimum of 150% car parking should be provided with at least 1 space dedicated to each flat.

7.35 **Response** - the proposal provides 9 parking spaces within the curtilage of the 6 flats in Site 6 and suitable provision is made for accessible parking. The proposal provides 150% car parking provision with at least 1 space dedicated to each flat and complies with this requirement.

7.36 **Cycle Provision** - secure indoor storage for bikes will be provided in accordance with the number of flats being provided.

7.37 **Response** - the proposed flatted blocks contain provision for indoor storage for bikes as well as storage space for mobility scooters within the common stairwells. In the interests of ensuring secure indoor bike storage in accordance with the number of flats being provided a condition is recommended that prior to the occupation of any unit the full details are to be provided of the proposed secure cycle storage and to be agreed by the Council and thereafter the development shall be carried out in accordance with the approved details.

7.38 **Amenity/Garden Ground** – each case will be treated on its merits considering the curtilage of the existing property. Each proposal must provide a high quality living environment with attractive outdoor space for occupants. This space may be communal garden or private garden for each flat. Separate drying areas should be provided.

7.39 **Response** - the proposed flatted block on Site 6 would be served by secure communal garden areas measuring 473m² with drying areas provided. The communal garden area would be of

a size and form which would provide an attractive outdoor amenity space that would be suitable for the number of flats proposed. The proposal complies with this requirement.

7.40 **Privacy** - a minimum of 18 metres between the facing windows of habitable rooms. Living room windows and balconies of flats should not overlook private gardens of houses.

7.41 **Response** - the proposals provide in excess of the minimum requirement of 18 metres separation between the facing windows of habitable rooms. The living rooms are located to the front of the proposed properties and there would be no living room windows or balconies that would result in detrimental overlooking onto the private garden ground of houses. The proposed Juliet style balcony windows on the front elevation of the proposed properties are not protruding balconies and would not result in any detrimental overlooking issues. The proposal complies with this requirement.

7.42 **General Requirements**

- Provision for waste and recycling should be provided in accordance with the Council's waste management strategy.

7.43 The proposals include the provision of bin storage areas for the houses and communal provision for the flats. The proposal complies with this requirement.

- Parking areas should include provision for electric car charging points.

7.44 A condition is recommended to be attached that requires the submission of the exact location and type of electric charging provision for all of the proposed residential development to be agreed prior to the occupation of any unit.

- Flatted developments should include storage areas in addition to cycle storage.

7.45 The proposed flats have been designed to be wheelchair accessible and have a generous internal floor layout with sufficient space for storage within each unit. The proposal complies with this requirement.

7.46 In summary, the proposal fails to fully satisfy the requirements of Policy 10 and Appendix 4 with regard to the proposed flats as a house type and the parking provision for the proposed houses not being within the curtilage of each house.

7.47 **The proposal does not fully meet Policy 10 and Appendix 4 standards.**

7.48 **Policy 14: Residential Accommodation for Particular Needs** - the development of residential accommodation for particular needs such as the elderly, special needs and varying needs will be supported where:

7.49 1) a high quality residential environment will be created with appropriate amenity space provided for the scale of development, in a sheltered, private location that is not overshadowed for most of the day;

7.50 2) the design reflects the scale, massing and materials of adjacent buildings and does not impact adversely on the amenity of neighbours by virtue of layout, overshadowing, overlooking, parking and traffic movement, noise or smell;

7.51 3) the site is well connected to a range of local services and facilities in the surrounding area;

- 7.52 4) the site is accessible by public transport and by other modes of travel as well as by the private car;
- 7.53 5) appropriate car parking provision is made relative to the needs of occupants, visitors and support staff; and
- 7.54 6) it will not lead to an excessive concentration of non-mainstream residential uses to the detriment of the character of the particular area.
- 7.55 Conditions may be applied to permissions to ensure that they do not change into mainstream residential accommodation without an assessment that they can meet the necessary requirements in terms of design and layout in Policy 10 and Appendix 4.
- 7.56 The applicant has provided a supporting statement outlining that every house and flat proposed within the residential development has been designed specifically for those with particular and varying needs to provide fully accessible homes to allow their tenants to live as independently as possible. The applicant has also provided details of the specific local housing need for tenants requiring wheelchair accessible housing within the City and this housing need has been specified by Dundee Health and Social Care Partnership. The proposal will provide a total of 9no fully accessible homes each with a high quality residential environment and generous provision of useable and accessible amenity space.
- 7.57 As discussed under the Policy 54 assessment, the proposal site is well connected to a range of services and is accessible by public transport, active travel and private car. Dundee City Council Roads Engineers have reviewed the proposal and supports the approach for parking provision and does not have concerns regarding the traffic movements at the proposal site.
- 7.58 As discussed under the Policy 10 assessment, the proposed flatted units and houses have been designed to complement the residential character of the surrounding area. The applicant has demonstrated through the submission of a supporting overshadowing assessment that as a result of the siting and proposed massing and scale of the proposed development that whilst there would be a slight increase in overshadowing during the winter months this would not result in a significant detrimental impact of overshadowing on the amenity of neighbouring properties. The applicant has also demonstrated that as a result of the siting of the proposed development there would not be detrimental overlooking impact on neighbouring surrounding properties. The surrounding area is predominately residential in nature and the proposal would not result in excessive concentration of non-mainstream residential uses.
- 7.59 **The proposal is in accordance with Policy 14.**
- 7.60 **Policy 30: Green Infrastructure Maintenance** - the Council will apply planning conditions or Section 75 obligations to planning permissions to make suitable provision for the long-term maintenance of green infrastructure (including open space and landscaping associated with Sustainable Drainage Systems) in new housing developments, based on the following options:
- 1 green infrastructure will be adopted by the Council, subject to appropriate agreements with the developer over the landscaping scheme and annual maintenance, including payment of a commuted sum to cover annual maintenance costs; or

- 2 a developer may lay out the green infrastructure, transfer the land to a suitable third party, and either:
 - i pay a commuted sum to cover maintenance costs; or
 - ii hand over the maintenance costs to residents of the new development.
- 7.61 The proposed development is for affordable housing and the applicant has confirmed that a factor would be appointed by the registered social landlord to maintain the green infrastructure on behalf of residents. A condition is attached to secure that further detail of the long term maintenance of the green infrastructure is submitted to the Council for written approval.
- 7.62 **The proposal is in accordance with Policy 30, subject to a condition.**
- 7.63 **Policy 35: Trees and Urban Woodland** – the Council will support the establishment and enhancement of woodland, tree belts and corridors. New development must ensure the survival of woodland, hedgerows and individual trees, especially healthy mature trees, of nature conservation or landscape value through sensitive site layout both during and after construction, unless removal has been approved in advance by the Council. Where appropriate, development proposals must be accompanied by maintenance arrangements and justification for the removal of any trees or hedgerows.
- 7.64 The proposed site plans indicate that the existing mature trees within the site are to be retained. These also indicate the location of proposed tree planting and landscaping and this would positively contribute to the appearance of the proposed development. To ensure that the proposed trees and landscaping are planted it is recommended that conditions are attached that would require the details of tree protection measures and landscaping details are to be submitted and agreed prior to works on site and thereafter implemented prior to the occupation of the residential properties.
- 7.65 **The proposal is in accordance with Policy 35, subject to conditions.**
- 7.66 **Policy 37: Sustainable Drainage Systems** - surface water discharging to the water environment from new development must be treated by a Sustainable Drainage System (SuDS) except for single houses or where discharge is to coastal waters. SuDS should be designed so that the water level during a 1:200 year rainstorm event plus allowances for climate change and future urban expansion is at least 600mm below finished floor levels. This incorporates an allowance for the effect of climate change. In addition, proposals will be encouraged to adopt an ecological approach to surface water management, ensure an appropriate level of treatment and exploit opportunities for the system to form an integral part of the Dundee Green Network through habitat creation or enhancement through measures such as the formulation of wetlands or ponds. Proposals should have no detrimental impact on the ecological quality of the water environment.
- 7.67 The applicant has been in discussion with Scottish Water and the Council regarding drainage infrastructure to accommodate the proposed residential development. This discussion has resulted in an off-site landscaped SUDS solution being proposed for two SUDS basins to be formed at Land at Balgarthno Street, Gourdie Terrace and Balgarthno Road which is located to the west of the application site. The development of the associated drainage scheme has been proposed by the same applicant as this application and is subject to a separate planning application (20/00251/FULL).
- 7.68 It is recommended that conditions are attached to the granting of planning permission to ensure that prior to commencement of development the full technical details of the off-site

SUDS proposal and maintenance arrangements are submitted to the Council for approval and thereafter constructed and fully implemented to serve the proposed housing development.

7.69 **The proposal is in accordance with Policy 37, subject to conditions.**

7.70 **Policy 39: Environmental Protection** – all new development or an extension to an existing development that would generate noise, vibration, odour, emissions to air, dust or light pollution will be required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area. New development or an extension to an existing development in close proximity to existing sources of noise, vibration, odour, emissions to air, dust or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on viability of existing businesses or uses.

7.71 The Head of Community Safety and Protection were consulted on the proposal and no concerns were raised about the proposed siting of the properties in relation to a detrimental noise impact or detrimental air quality impact on new residents. The proposal would achieve a satisfactory level of amenity for the new residents and would not impact on viability of existing uses or businesses within the surrounding area.

7.72 It is considered that the proposed development would not result in significant detrimental noise, vibration, odour, emissions to air, dust or light pollution.

7.73 **The proposal is in accordance with Policy 39.**

7.74 **Policy 41: Land Contamination** – development of potentially contaminated or statutorily identified contaminated land will be considered where:

- 1 a site investigation is submitted establishing the nature and extent of contamination; and
- 2 the Council is satisfied that remediation measures proposed for the development, adequately address contamination risks to all receptors, such that the land demonstrably does not meet the statutory definition of contaminated land and is suitable for the planned use.

7.75 The Head of Community Safety and Protection has been consulted on the Geo-Environmental Report and remediation scheme that was submitted in support of the application. A condition is recommended that requires the remediation scheme to be fully implemented and that a verification statement be submitted to the Council for written approval prior to the occupation of any of the units.

7.76 **The proposal is in accordance with Policy 41, subject to condition.**

7.77 **Policy 44: Waste Management Requirements for Development** - development proposals should demonstrate that they adequately address the Scottish Government's Zero Waste Policy and that sufficient provisions are made to maximise opportunities for waste reduction and waste separation at source and enable the separate collection of recyclable material as outlined in the Waste (Scotland) Regulations 2012.

7.78 The proposed plan shows that given the level difference between Buttar's Road and the proposed housing development communal bin storage adjacent to the parking spaces has

been proposed and given the constraints of the site this is considered to be an accessible location for bin storage and would be suitable for servicing. It has been demonstrated that this can be accommodated and there is sufficient space for waste separation and the separate collection of recyclables available.

7.79 **The proposal is in accordance with Policy 44.**

7.80 **Policy 48: Low and Zero Carbon Technology in New Development** - proposals for all new buildings will be required to demonstrate that a proportion of the carbon emissions reduction standard set by Scottish Building Standards will be met through the installation and operation of low and zero carbon generating technologies. A statement will be required to be submitted with an application for planning permission to demonstrate compliance with this requirement.

7.81 The applicant has submitted a supporting energy strategy statement for the proposal. The applicant has demonstrated that the energy strategy approach has focused initially on the reduction of energy through passive means and this includes the improvement of the building fabric levels in excess of the minimum requirements of the building standards. In addition, the proposal would also utilise renewable technologies such with photovoltaic panels being incorporated into the roof of the proposed residential properties. A condition has been recommended to ensure the low and zero carbon generating technologies as detailed in the supporting energy statement will be installed prior to the occupation of any unit.

7.82 **The proposal is in accordance with Policy 48**

7.83 **Policy 54: Safe and Sustainable Transport** - all development proposals that generate travel should be designed to be well served by all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be afforded priority and provide for easy access to local amenities, education facilities and other services.

7.84 Development proposals will be required to:

- 1 minimise the need to travel by private car;
- 2 provide facilities on-site (and/or off-site through developer contributions or by direct delivery) for walking, cycling and public transport networks, including road/junction improvements and cycle parking. Developments without high quality, safe and convenient links to adjacent walking and cycling networks will not be supported;
- 3 incorporate measures to permit access to public transport networks within a walking distance of no more than 400 metres from all parts of the development;
- 4 have no detrimental effect on the capacity or safe functioning of the existing road or rail networks;
- 5 ensure that safe and adequate provision is made for road freight and waste access, loading and unloading;
- 6 comply with the National Roads Development Guide and any local variations within Dundee City Council's roads design standards; and
- 7 be supported by a travel plan to mitigate transport impacts and improve the accessibility of developments where the Council considers that the development will generate significant travel.

7.85 Walking and cycling routes should be fully useable prior to the first occupation of a new development.

7.86 In respect of the above Criteria 1-6 are considered to be of relevance.

- 7.87 The proposal is for the redevelopment of two vacant brownfield sites. The proposal sites were formerly flatted blocks and are located in a predominately residential area of Charleston and are well connected to existing services and facilities. The development of Site 6 proposes the existing bus stop on the south side of Buttar's Road be relocated 50m further to the west so that there would not be a detrimental impact on the proposed visibility splays of the proposed parking spaces. Both Site 5 and Site 6 are in close proximity to the bus stops located along Buttar's Road with further bus stops located to the north east of the proposal site along Liff Road. The proposed flats provide indoor storage for bikes as well as mobility scooters and the proposed houses have a secure cycle store to the front elevation. The applicant has submitted supporting details of wider parking provision in the local area as well as details of the safe provision for vehicle access and egress to the parking spaces in order to meet DCC standards and specifications. The Dundee City Council Roads Engineers have reviewed the proposal and conditions are recommended to ensure that the details of the footway works, street lighting, secure cycle storage and electric charging provision are submitted to the Council for approval. The proposal site includes paths through the site that would be required to be stopped up as a result of the proposed development and a condition is recommended that requires the Stopping Up Order to be submitted to the Council and approved prior to commencement of development.
- 7.88 It is considered that the proposal site is located adjoining the footpath network and the proposal would support sustainable travel methods.
- 7.89 **The proposal is in accordance with Policy 54, subject to conditions.**
- 7.90 **Policy 56: Parking** - states that residential developments outwith the city centre should comply with the Dundee City Council's adopted guidance on roads standards; with the national maximum parking standards; and the national minimum disable parking standards. Residential development should include infrastructure to provide electric car charging points, either through electrical connections adjacent to private driveways, or through infrastructure for the installation of charging points within communal car parking areas. In addition, all new developments should include cycle parking facilities in accordance with Dundee City Council's adopted roads standards and the Appendix 4 design standards.
- 7.91 As stated above in the assessment of Policy 10 and Appendix 4 the proposal provides 150% parking provision for the flatted properties. The proposed car parking spaces for the houses as a result of ground levels and providing wheelchair accessible housing are not within the curtilage of each house but do exceed the minimum requirements for parking spaces. The proposed parking provision provides accessible parking spaces and the applicant has submitted supporting information detailing the extent of existing on street parking provision. The Dundee City Council Roads Engineers have reviewed the proposal and supports the approach for parking provision at the proposal site. The proposal includes provision for cycle storage and a condition has been recommended to ensure the full details of secure cycle storage provision are submitted and agreed prior to occupation of the units. The applicant has submitted a supporting statement that electric car charging points are to be provided and a condition is recommended to be attached to the granting of permission to ensure the full details of the location and type of electric charging provision for the proposed residential development is submitted for approval prior to the occupation of any unit.
- 7.92 **The proposal is in accordance with Policy 56, subject to condition.**

- 7.93 **It is concluded that the proposal does not fully comply with the provisions of the Dundee Local Development Plan 2019.**

MATERIAL CONSIDERATIONS

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

A – REPRESENTATIONS

- 7.95 In total 6 letters were received objecting to the proposal. The grounds of objection are considered and assessed as follows:
- 7.96 **Objection** – contrary to Local Development Plan policies.
- 7.97 **Response** – the assessment of the proposal against the relevant policies of the Dundee Local Development Plan is outlined above. The proposal does not fully comply with Appendix 4 standards in terms of flatted development as a housetype. The applicant has submitted a supporting statement providing justification for the departure to the LDP and these are considered fully below.
- 7.98 **Objection** – proposed siting of the residential development would have detrimental impact on residential amenity as result of loss of sunlight/daylight and detrimental overshadowing impact on neighbouring properties.
- 7.99 **Response** – the applicant has submitted a supporting statement that the scale, massing and height of the proposed flatted blocks and houses with a pitched roof design have been sensitively designed to minimise overshadowing impact on neighbouring properties. The applicant has also submitted an overshadowing assessment and sun path analysis that demonstrates that whilst there would be a slight degree of overshadowing in winter months of the neighbouring properties to the north this would not be to a degree that would have a significant detrimental impact on the residential amenity of these properties.
- 7.100 **Objection** – the design of the proposed properties would be out of character and not be in keeping with the character or appearance of the existing properties in surrounding area.
- 7.101 **Response** – it is recognised that the proposed houses are of a more modern appearance than the predominately 1950/1960s Council housing within the surrounding area. However, the proposed properties have been designed to complement the scale and massing of the surrounding residential properties and the simple pitch roof design and neutral palette of high quality materials of buff brick, timber feature cladding and render walls would complement and enhance the existing character and identity of the area. It is not considered that the design of the properties would have a detrimental impact on the residential character or appearance of the surrounding area.
- 7.102 **Objection** – increased road traffic/impact on road safety/inadequate vehicle servicing and detrimental impact on parking provision within the area.
- 7.103 **Response** – the proposal has been assessed against Policy 54. The proposed properties all have the required level of parking provision. The applicant has submitted supporting information that details the on street parking provision in the wider area and this demonstrates that there is sufficient parking provision in the wider area and the proposal will not exacerbate any parking provision issues in the existing area. Planning conditions have been recommended to ensure the works to the existing footways and street lighting are acceptable and would not have an impact on road or pedestrian safety. The proposal meets the parking

standard requirements in terms of Appendix 4 standards and would not have a detrimental impact on existing levels of parking provision or the functioning of the road.

- 7.104 **Objection** – detrimental effect on residential amenity as a result of overlooking impact from the proposed properties.
- 7.105 **Response** - as stated in the report the proposal would comply with the Appendix 4 requirements with a minimum of 18 metres distance between the facing windows of habitable rooms. The proposal has been designed so that the living room windows do not result in overlooking issues onto private garden grounds of houses. The proposed properties would have Juliet style window balconies on the front elevation and these are window balconies and do not protrude out from the house and as such would not result in any detrimental overlooking issues.
- 7.106 **Objection** – insufficient cycle storage provision/details of the proposed cycle stores should be provided.
- 7.107 **Response** – as assessed in the report above, the proposal is for wheelchair accessible flatted accommodation and the applicant has shown secure indoor storage that could accommodate bikes as well as storage areas for mobility scooters and cycle storage provision to the front elevation of the proposed houses. In the interests of ensuring secure cycle storage provision for bikes is provided a condition has been recommended to be attached to the granting of permission that requires the submission of the full details of the proposed cycle storage.
- 7.108 **Objection** – increased noise impact on existing residential properties.
- 7.109 **Response** – the proposal has been fully assessed against the policy requirements of Policy 39 and it is considered that the proposal site is located in an existing residential location and the proposed residential development would be appropriate use for the surrounding area and would not result in a significant noise impact on existing residents within the surrounding area.
- 7.110 **Objection** – loss of trees and loss of green space within local area.
- 7.111 **Response** – the proposed site plans indicate that the existing mature trees within the site are to be retained. These also indicate the location of proposed tree planting and landscaping and this would positively contribute to the appearance of the proposed development and conditions have been recommended that require submission of tree protection measures and landscaping details. The proposal sites are vacant brownfield land and were previously flatted development. The land is not allocated for any particular use and whilst it has been grassed over in the intervening period and may have been used informally as green space the land is not formally identified as open space within the Local Development Plan. The applicant has submitted a supporting Masterplan with a site analysis and has demonstrated that within the wider surrounding area there are existing areas of useable open space and parks within a 10 minute walking distance of the proposal sites including South Road Park.
- 7.112 One letter of support was received raising the following material planning considerations:
- 7.113 **Support** - welcomes the significant investment in Charleston. Would like to see additional tree planting and landscaping proposed and that the proposals are treated as one to allow for a percent for public art contribution.

- 7.114 **Response** – during the course of determining the application the applicant has provided updated proposed site plans to further detail the proposed landscaping works and tree retention. The proposal would provide an attractive landscaped residential development and in the interests of ensuring a high quality visual amenity of the site conditions have been recommended to be attached that requires the submission of the full details of the landscaping and planting plan as well as maintenance schedule. The Dundee Local Development Plan 2019 Supplementary Guidance Developer Contributions states that following an assessment of housing need, demand and affordability, Dundee City Council does not require contributions from developers towards the provision of affordable housing. Residential developments comprising wholly social rented properties are exempt from most developer contributions in order to support their viability. The proposal wholly comprises social housing and as such to support the viability of the development a contribution towards public art has not been sought.
- 7.115 The issues raised in the representations have been considered and addressed in the report and the grounds raised are not of sufficient weight to justify refusal of planning permission.

B - JUSTIFICATION FOR DEPARTURE TO DEVELOPMENT PLAN AND APPLICANT SUPPORTING STATEMENT

- 7.116 There is no site planning brief for the site, nor does the site demand a flattened solution and therefore the proposals do not fully comply with the requirements of the Development Plan.
- 7.117 The applicant has provided supporting information that has evidenced that the proposal site has been included within the Dundee Strategic Housing Investment Plan for affordable housing development. In addition, supporting information was provided regarding the need for specific mix, size and type of affordable housing within the local area. This included specific housing for tenants requiring wheelchair accessible housing with the requirement for this accommodation being specified by Dundee Health and Social Care Partnership. The submitted supporting information evidenced how the proposed mix of housing type within the proposal is to accommodate the local housing need and to reduce waiting times for accommodation within the area. The proposal would improve the tenure mix within the local area and would provide for specific housing needs. Through the reuse of a brownfield site the proposal would provide a positive contribution to the predominately residential character of the area.
- 7.118 The proposal for Site 5 includes the development of 3 terrace houses. The proposed parking provision for these houses would be off street parking proposed to the south of Buttar's Road. As a result of the gradient and level differences the proposal requires ramp and stair access to the proposed terraced houses and given the constraints of the site the proposed parking provision would not be located within the curtilage of each of the proposed houses. The proposed terraced houses would be in close proximity to the off street parking spaces to the north and the proposed ramp access would effectively connect the parking spaces to the wheelchair accessible houses. The properties will be managed by a Registered Social Landlord which will ensure the management of the parking spaces. The proposal would allow for the redevelopment of a brownfield site to meet an identified housing need within the local area.
- 7.119 **It is concluded that whilst the proposal does not fully comply with the Appendix 4 standards there is justification to support the proposal.**
- 7.120 **It is concluded that there are material considerations of sufficient weight to justify approval of planning permission.**

8 CONCLUSION

- 8.1 The application for the development of 6 flats and 3 houses including formation of parking and landscaping generally complies with the Development Plan with the exception of the proposed flatted development as a housetype and the parking provision for the houses not being within the curtilage of each house. However, there are material considerations of sufficient weight to justify approval of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

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

- 1 **Condition** - prior to the commencement of development, full details and samples of the external finishing materials shall be submitted for approval in writing by the Council. Thereafter the development shall be carried out in accordance with the approved details.

Reason - in the interests of visual amenity and to ensure the use of high quality materials.

- 2 **Condition** - before any unit is occupied the remediation scheme shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation scheme have been achieved shall be submitted to and approved by the planning authority.

Reason - in order to ensure that any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

- 3 **Condition** - prior to the commencement of development, the full details of the soft and hard landscaping scheme and works shall be submitted to and approved in writing by the planning authority. Thereafter, all works approved by virtue of this condition shall be carried out prior to the first occupation of the development hereby approved.

Details of the scheme shall include:

- a existing trees, shrubs and hedges to be removed;
- b existing trees and landscape features to be retained;
- c the location of new trees, shrubs, hedges, grassed areas and water features; and
- d a schedule of planting to comprise species, plant sizes and proposed numbers and density.

Reason - to ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

- 4 **Condition** - prior to the commencement of development, a maintenance schedule for the greenspace and new planting as well as the protection of existing and proposed trees shall be submitted to and approved by the Council. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.

Reason - in the interests of the maintenance and visual amenity of the area.

- 5 **Condition** – prior to the commencement of any works on site, a detailed surface water drainage/SUDS design including drawings, calculations, full modelling, simulation results, design risk assessment, signed Dundee City Council Design Compliance and Independent Check **Certification**, evidence of compliance with the Simple Index Approach as described in Section 26.7.1 of the CIRIA SUDS Manual (C753), and where appropriate SEPA comments shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to the first occupation of the development hereby approved.

Reason - in the interests of flood protection.

- 6 **Condition** – prior to the commencement of any works on site, details of measures proposed to manage surface water run-off from the site during construction shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to construction works commencing on any part of the development hereby approved.

Reason - in the interests of flood protection.

- 7 **Condition** – prior to the commencement of any works on site, maintenance responsibilities along with a maintenance schedule for the surface water drainage system/SUDS features shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out in perpetuity.

Reason - in the interests of prevention and visual amenity.

- 8 **Condition** - prior to the commencement of any works on site, evidence of Scottish Water approval for the proposed drainage system for the development hereby approved shall be submitted to the Council for written approval.

Reason - in the interests of flood protection

- 9 **Condition** - prior to any works on site, details of the proposed footway works must be agreed and must be formed and constructed to Dundee City Council standards and specifications.

Reason - in the interests of vehicle and pedestrian safety.

- 10 **Condition** – prior to any works on site, details of the proposed street lighting alterations must be agreed and must be to Dundee City Council standards and specifications.

Reason - in the interests of vehicle and pedestrian safety.

- 11 **Condition** – prior to the commencement of development, details of the proposed electric vehicle charging provision shall be submitted to and approved in writing by the Council. The agreed provision shall be installed prior to occupation of the development.

Reason – in the interest of promoting the use of sustainable travel measures.

- 12 **Condition** - prior to the occupation of any unit, details are to be provided of the proposed covered and secure cycle parking and to be agreed by the Council. Thereafter the development shall be carried out in accordance with the approved details.

Reason - In the interests of sustainable travel measures.

- 13 **Condition** - prior to the commencement of development the proposed Stopping Up Order for existing paths must be **submitted** and agreed by the Council.

Reason - to ensure access to existing paths are legally stopped.

- 14 **Condition** - prior to the occupation of any unit, the low and zero carbon technologies as detailed in the supporting energy statement shall be fully installed.

Reason - in order that the new development will meet the required carbon emissions reduction standards in the interests of the environment.

Informative

A Minor Footway Works (MW) application (found via the following link on DCC website: <http://www.dundee.gov.uk/citydevelopment/vehicularaccess>) must be submitted to Dundee City Council as Roads Authority for work on the adjacent public road or footway and consent for this must be obtained prior to the commencement of any work on the public road or footway. For further details please contact 01382 433341 or developmentroads@dundee.gov.uk.