

Flatted Residential Development, With Associated Car Parking, Amenity Space and Landscaping

KEY INFORMATION

Ward Maryfield

Address

Site of Wallace Craigie Works
2 Broughty Ferry Road
Dundee

Applicant

First Endeavour LLP with
Craigie Estates Ltd

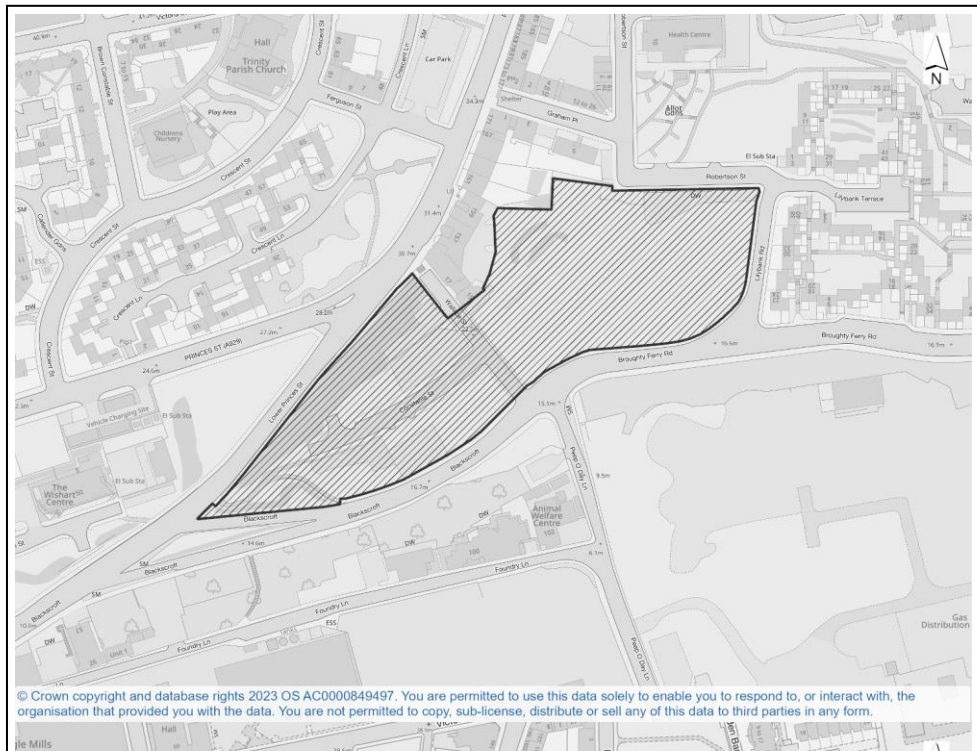
Agent

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Rosyth
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Registered 13 April 2023

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

Contact: Craig Swankie



SUMMARY OF REPORT

- Planning permission is sought for the erection of 144 flats, comprising a mixture of one, two and three-bedroom units with associated parking, amenity space and landscaping.
- The application fails to accord with the requirements of the Development Plan.
- In total, six letters of objection were received. The letters of objection raise concerns with the scale of the proposed development and impact on parking provision. One representation in support of the proposal was received.
- Supporting information including a Planning Statement, Design and Access Statement, Drainage Strategy and Noise Impact Assessment have been provided with the application.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as it is a major development as identified in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.
- More details can be found at <https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=RRO9XPGCIJP00>

RECOMMENDATION

The proposal fails to comply with Policies 3b, 14b, 16a, 16b, 16c, 16f, 20b, 22c, and 23e of National Planning Framework 4 and Policies 1, 9, 10, 37 and 39 of the Dundee Local Development Plan 2019. There are no material considerations of sufficient weight to justify approval of planning permission. It is therefore recommended that planning permission be **REFUSED**.

1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission is sought for the erection of a flatted development on the site of the former Wallace Craigie Works, Wallace Street, Dundee. The proposal would create a development of 144 dwellings within seven flatted blocks, comprising 24 one-bedroom, 112 two-bedroom and 8 three-bedroom flats. Each flat includes living room, dining room, kitchen and bathroom. As part of the development, external amenity spaces are to be provided within the site for residents, including landscaped areas towards the site's north boundary.
- 1.2 The proposed flats would be contained within seven blocks, sited towards the south and centre of the site within parking and amenity spaces to the north. The flatted blocks range in scale from five and six storeys in height along Broughty Ferry Road, reducing to three storeys in height at block 1 towards the centre of the site. The varying height is proposed to provide a varied street frontage and integrate the development into the sloping site. The buildings have been designed to provide an active frontage with resident entrances onto surrounding streets. The proposed finish materials include buff and grey brick to external walls, pitched roofs finished in profiled metal and dark grey UPVC windows and doors. The majority of upper floor flats benefit from external terrace or Juliet balconies and residents would have access to outdoor amenity spaces within the site. The design includes recessed elements to the north and south elevations, with the development including taller elements towards the south of the site. The proposed position of the building frontages onto Broughty Ferry Road would reflect the established building line of houses to the east of the site. The form of the buildings reflects the topography of the application site, with frontages onto Broughty Ferry Road and Wallace Street. The external amenity spaces have been formed to integrate with the sloping nature of land towards the site's north boundary.
- 1.3 Each proposed flatted building includes communal entry areas and flats across lower and upper floors. A total of 144 flats are proposed, comprising 1, 2 and 3-bedroom dwellings within living/dining area, kitchen, bathrooms and storage spaces. Each building contains a bin storage area which will be accessible to residents and a secure cycle storage area. The secure cycle stores will provide space for each flat to store a cycle, with direct access onto footpaths within the site. Across the development, a total of 180 cycle storage spaces will be provided for the 144 flats.
- 1.4 The proposed buildings which front onto Broughty Ferry Road would include principal elevations towards the south, with resident entrances, windows, balconies and an area of amenity space to be provided. Within the centre and north of the site, block 1 and block 4 include balconies on south facing elevations and windows within elevations which front onto Wallace Street. The rear elevation of block 1, which would be visible from Blackcroft/Princes Street, will include windows associated with bedrooms and communal entries.
- 1.5 Within the centre of the site parking spaces are proposed, comprising a 52-space car park at blocks 1-3, and a 61-space car park at blocks 4-7. The car parks include provision of disabled parking spaces and EV charging points. To the north of the car parks, external amenity spaces are proposed with outdoor open spaces and landscaping. To the rear of blocks 1, 4 and 7, drying greens are proposed with open spaces beyond. The open spaces which would be within sloping areas of the site are to include areas of lawn with planting including trees, hedging and wildflowers.
- 1.6 The applicant has submitted the following in support of the application:
- Pre-Application Consultation Report;
 - Planning Statement;

- Drainage Strategy Report;
- Drainage Impact Assessment;
- Design and Access Statement;
- Ground Condition Survey;
- Low Carbon Statement;
- Heritage Statement;
- Transport Statement;
- Preliminary Ecological Appraisal; and
- Noise Impact Assessment.



Figure 1 – Proposed View from Broughty Ferry Road/Blackscroft



Figure 2 – Proposed Block 1 Elevations



Figure 3 – Proposed Block 5 Elevations

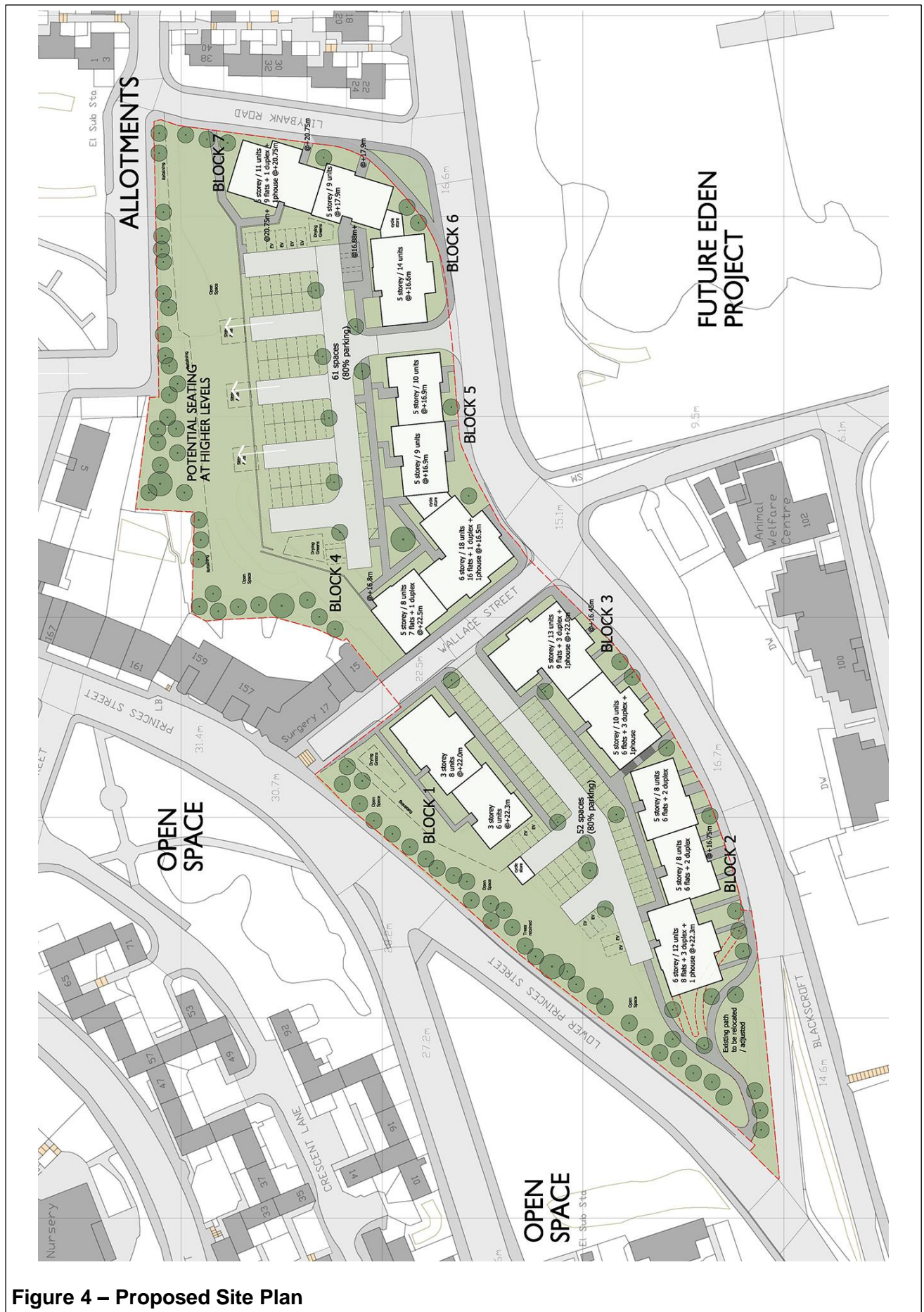


Figure 4 – Proposed Site Plan

2 SITE DESCRIPTION

- 2.1 The application site is located between Blackscroft, Lilybank Road and Broughty Ferry Road. Wallace Street which is located within the centre of the site, provides access to a car park and flatted development to the north-east. The site slopes steeply from north to south with exposed rock outcrops located within the east of the site.
- 2.2 The east of the application site contains areas of level ground towards Broughty Ferry Road, with steeply sloping areas to the north. The level area of the site was formerly occupied by Wallace Craigie Works. Since demolition of the building in 2018, the site has been in an unkempt condition with areas of rubble and grassland. The site is bounded by a mixture of stone boundary walls, temporary mesh fencing and timber fencing.
- 2.3 Within the west of the application site is a car park and area of hardstanding with greenspace beyond. Below the car park is an area of level hardstanding which was previously occupied by one of the former mill buildings.
- 2.4 The surrounding area contains a mixture of uses, with residential areas to the north and east including houses and flats on Lilybank Terrace and Graham Place. To the west is housing, a hotel and offices with East Marketgait and the city centre beyond. To the south of the site is Broughty Ferry Road with Gallagher Retail Park, a bus depot and a vacant industrial site beyond. The industrial site is subject of proposals for the Eden Project.



Figure 5 – View of Western Section of Application Site From Broughty Ferry Road



Figure 6 – View of Eastern Section of Application From Broughty Ferry Road

3 POLICY BACKGROUND

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

NATIONAL PLANNING FRAMEWORK 4

Policy 1: Tackling the climate and nature crises
Policy 3b: Biodiversity
Policy 6a: Forestry, Woodland and Trees
Policy 7o: Historic Assets and Places
Policy 9 a, c: Brownfield, vacant and derelict land and empty buildings
Policy 12 a, c: Zero Waste
Policy 13 b: Sustainable transport
Policy 14 b: Design, quality and place
Policy 15 a: Local Living and 20-minute Neighbourhoods
Policy 16 a, b, c, f: Quality Homes
Policy 20b: Blue and Green Infrastructure
Policy 22c: Flood Risk and Water Management
Policy 23 e: Health and safety

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 1: High Quality Design and Placemaking
Policy 2: Public Art Contribution
Policy 9: Housing Land Release
Policy 10: Design of New Housing
Policy 35: Tree and Urban Woodland
Policy 37: Sustainable Drainage Systems
Policy 39: Environmental Protection
Policy 41: Land Contamination
Policy 44: Waste Management Requirements for Development
Policy 46: Delivery of Heat Networks
Policy 48: Low and Zero Carbon Technology in New Development
Policy 52: Scheduled Monuments and Archaeological Sites
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 Planning application ref: 12/00371/FULM sought planning permission for the development of 174 flats at the Former Wallace Craigie Works, Broughty Ferry Road, Dundee. The proposals included the conversion of Wallace Craigie Works building to flatted accommodation and erection of new build flats towards Lilybank Road and Constable Street as enabling development. The application was approved subject to conditions on 23 October 2012.
- 4.2 Listed building consent application ref: 12/00369/LBC sought consent for the conversion and alteration of Category B listed Wallace Craigie Works building to form 24 flats and the demolition of two listed structures. This application was approved subject to conditions on 14 November 2012.
- 4.3 Planning application ref: 13/00271/FULM sought consent to vary Conditions 1 to 10 of application ref: 12/00371/FULM to allow for the implementation of a phased development.

This application was approved by the Development Management Committee subject to 8 additional conditions on 15 August 2013.

- 4.4 Planning application ref: 14/00758/FULM sought planning permission for the development of 100 flats at the Former Wallace Craigie Works, Broughty Ferry Road, Dundee. This was a variation to the original scheme. This development included Wallace Craigie Works and sought changes to the flatted blocks on the eastern part of the site. This application was approved subject to conditions on 20 January 2015.
- 4.5 Listed building application ref: 14/00759/LBC sought consent for the conversion of B Listed Mill into 32 Flats. This application was approved subject to conditions on 22nd January 2015.
- 4.6 The entire mill complex was demolished in May 2018.
- 4.7 Proposal of application notice 22/00303/PAN for a proposed residential development was submitted on 6th May 2022.

5 PUBLIC PARTICIPATION

- 5.1 A Pre-application Community Consultation Report has been submitted with this Major planning application. This sets out what has been done during the pre-application phase to comply with the statutory requirements for pre-application consultation with the public. Namely that the applicant hosted two events including an online event on 27th July 2022 and a public event on 16th November 2022.
- 5.2 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- 5.3 In total six letters of objection were received, raising the following material considerations:
 - the proposed buildings are of a design and form which would not contribute positively to the site. The buildings are of a scale which would result in overshadowing, provide small, flatted dwellings, restrict light to rooms which are to north facing elevations of the proposed buildings and fail to provide high quality frontages. The provision of 144 flats significantly exceeds previously approved developments.
 - There is a lack of open spaces and play areas within the site, and there is no SUDS provision.
 - The proposed development would increase parking pressures on the surrounding area and have a detrimental impact on parking provision and access at a GP surgery. The increase in traffic to and from the site would also increase pressures on surrounding roads.
 - The proposed parking provision is excessive and should be reduced, as the site is close to the city centre and accessible by sustainable modes of transport provision.
- 5.4 One letter of support was received. The representation welcomes the proposed development as contributing to the regeneration of this area of the city. However, it is recommended and requested that matters including adherence to Passivhaus or equivalent standards, potential for solar gain, excessive parking provision, details of landscaping and public art provision are addressed by any planning permission.

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

6 CONSULTATIONS

- 6.1 **Archaeological Consultant** – has reviewed the submitted Heritage Statement which stands as a record of the mill complex. It is requested the applicant's archaeological contractor deposit the Heritage Statement with the National Record of the Historic Environment.
- 6.2 **The Head of Community Safety and Protection** - has commented on the following matters:
- Contaminated Land** – a Ground Condition Survey has been submitted and reviewed. It is recommended a detailed contaminated land risk assessment be completed and any required remediation measures implemented. These matters can be controlled by condition should members be minded to approve planning permission.
- Noise** – the applicant has submitted a noise impact assessment in support of the application which considers sources of noise within the surrounding area including road traffic. The assessment demonstrates mitigation measures can be provided which ensure flats within the proposed buildings achieve satisfactory internal noise levels. However, noise levels would exceed acceptable levels within external amenity spaces. An acoustic barrier is required to reduce noise levels within amenity spaces however the applicant does not wish to provide this as it would have a visual impact. As currently proposed, noise levels within external areas would exceed acceptable levels. The Head of Community Safety and Protection therefore does not support the application.
- 6.3 **The Head of Design and Property Services** – has raised concerns with the type, design and form of the proposed surface water drainage system.
- 6.4 **The Head of Environment** – commented on the following matters:
- Greenspace** – has no objection to the application and supports the proposed landscaping which includes tree planting and wildflowers. It is requested further measures to support biodiversity including the addition of swift boxes be confirmed.
- 6.5 **The Head of Sustainable Transport and Roads** – has reviewed the application and supporting documentation, including transport statement, and has no objection to the proposals.
- 6.6 **Scottish Water** - has 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

The provisions of the National Planning Framework 4 relevant to the determination of this application are specified in the Policy Background section above.

NATIONAL PLANNING FRAMEWORK 4

Policy 1: Tackling the Climate and Nature Crises - states when considering all development proposals, significant weight will be given to the global climate and nature crises.

- 7.2 Through the assessment of this planning application consideration has been given to the global climate and nature crises. The assessment of the proposal against policies relating to biodiversity, transport, waste, air quality, flooding and drainage considers the local level effects of development, which can collectively with other developments have an impact on the global climate and nature crises.
- 7.3 The proposal includes the erection of 144 flats within a brownfield site. The proposed development would support the provision of residential accommodation within an accessible location, close to the city centre. The proposed buildings would include insulation and low carbon technologies to current building standards. The site is well connected to the surrounding area by existing road and footpath networks which support the use of active travel. The site is within walking distance of shops and services minimising the need to travel by car.
- 7.4 The proposals would include biodiversity enhancements and have no detrimental impact on local air quality. The development would be constructed to modern building standard requirements and is in a highly accessible location.
- 7.5 **The proposal is in accordance with Policy 1.**
- 7.6 **Policy 3b: Biodiversity** - states development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all the following criteria:
- i the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
 - ii wherever feasible, nature-based solutions have been integrated and made best use of;
 - iii an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
 - iv significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and
 - v local community benefits of the biodiversity and/or nature networks have been considered.
- 7.7 With regard to criteria i, the applicant has provided a Preliminary Ecological Appraisal which considers existing wildlife and planting within the site. The Appraisal does not identify any protected species within the site but does note nesting birds may be present during the breeding season. It is therefore recommended works are undertaken out with this period. As

areas of planting within the site are of limited ecological value, there is no ecological constraints to redevelopment of the site.

- 7.8 The brownfield site is within a densely developed area, bound by public roads and neighbouring development. There is no habitat or planting within the site of significant value. However, redevelopment provides an opportunity to improve biodiversity within the site.
- 7.9 Criteria ii states wherever feasible, nature-based solutions have been integrated and made best use of. The existing corridor of trees towards the north-west boundary of the site would be retained, along with areas of smaller self-seeded trees and shrubs within the north of the site. This would maintain the character and ecological value of these areas. Towards the centre of the site, an area of trees and shrubs would be removed. This planting is of no significant ecological value and the applicant proposes to provide compensatory planting within the site. This would include a mixture of new trees, shrubs and wildflowers which would contribute positively to the overall biodiversity value of the site. However, the development does not include proposals for a nature-based SUDS solution. Instead, surface water would be directed through drainage systems and small areas of rain garden to underground water storage crates. Although the proposal includes areas of landscaping and small rain gardens, these are limited in scale and miss an opportunity to provide significant biodiversity enhancement through nature-based solutions. This is contrary to the aims of criteria ii.
- 7.10 With regard to criteria iii, the submitted Design and Access Statement and Preliminary Ecological Appraisal considers the proposed development and landscaping would enhance the biodiversity value of the site which contains areas of hardstanding and demolition material. It is agreed that the redevelopment of the site would have no significant impacts on the existing ecology, or biodiversity, and through the provision of planting, enhancements could be made. However, the scale of these enhancements is limited. As noted above, the proposal misses the opportunity to provide significant biodiversity enhancements.
- 7.11 Criteria iv requires proposals to provide significant biodiversity enhancements. The proposal retains trees towards the site boundary and provides new trees and hedgerows within the development. However, the proposal fails to provide a green drainage solution and areas of development and hardstanding would occupy large areas of the site. Whilst planting is proposed towards the site boundaries, there are no areas within the site where habitats or nature networks are to be formed or supported. Whilst some landscaping is retained and enhanced, the proposal fails to provide the significant biodiversity enhancements required by Policy 3b.
- 7.12 With regard to criteria v, the proposal provides few useable greenspaces where residents would be able to benefit from the proposed planting. The planting areas towards the site's north boundary are on steeply sloping areas of land limiting usability, and planting within the car park areas would provide limited community benefit. There are open spaces within the west of the site and towards the south boundary which would contribute positively to the development. However, these are limited in area. As considered above, no nature networks are proposed. The proposed landscaping mix of trees and shrubs is appropriate to the site. However, the location and form of the planting fails to provide local community benefits and would not form or support a nature network.
- 7.13 **The proposal is not in accordance with Policy 3b.**
- 7.14 **Policy 6a: Forestry, woodland and trees** – states development proposals that enhance, expand and improve woodland and tree cover will be supported.
- 7.15 The existing site includes a row of eight trees along the north boundary, along with areas of shrubs and unkempt grass. The trees contribute positively to the application site and wider

streetscape along Blackcroft. The applicant proposes to retain these trees, which will ensure the avenue of trees on Blackcroft protected.

- 7.16 The proposal includes the removal of an area of self-seeded trees and shrubs towards the centre of the western section of the site to form a car park. These trees are not of a high quality, and compensatory planting is to be provided with a new avenue of trees within the west of the site and planting around the proposed car park. Through the addition of new planting, including 67 trees and a range of shrubs and hedging, the loss of a small number of trees and shrubs would be mitigated. The provision of planting and its maintenance as outlined in the submitted landscaping proposals could be controlled by condition should members be minded to approve planning permission.
- 7.17 **The proposal is in accordance with Policy 6a, subject to a planning condition.**
- 7.18 **Policy 7o: Historic Assets and Places** - states non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.
- 7.19 Wallace Craigie Works which previously occupied the site was demolished in 2018. The site is no longer designated as containing a listed building. There are no remaining historic features which require recording, with the footprint of the site heavily disturbed and out with the historic core of the burgh.
- 7.20 Following consultation with the Council's Archaeological Consultant, it is considered there would be no value in sub-surface archaeological investigation with the site archaeologically sterile and devoid of any historic architectural interest.
- 7.21 Accordingly, no archaeological conditions are required. The applicant has deposited the Heritage Statement submitted with the application with the National Record of the Historic Environment for their records.
- 7.22 **The proposal is in accordance with Policy 7o.**
- 7.23 **Policy 9a: Brownfield, Vacant and Derelict Land and Empty Buildings** – states development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
- 7.24 The proposal seeks to erect 144 flats on a vacant brownfield site. The proposal would support the re-development and re-use of a prominent site for residential use. The site is primarily surfaced in areas of hardstanding and demolition material with areas of trees and unkempt planting towards the north boundary. The areas of hardstanding and demolition material are of no significant biodiversity value. Bushes and trees to the site boundary would be retained and where areas of planting would be removed to facilitate the proposed development, compensatory planting is proposed. Overall, the proposed development would occupy a vacant brownfield site without significant detriment to the biodiversity value of the site or surrounding area.
- 7.25 **The proposal is in accordance with Policy 9a.**

- 7.26 **Policy 9c: Brownfield, Vacant and Derelict Land and Empty Buildings** – states here land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- 7.27 The site has historically been occupied by industrial buildings including Wallace Craigie Works, and presently contains a mixture of open spaces and demolition material. The applicant has provided a Ground Condition Summary which has been reviewed by The Head of Community Safety and Protection.
- 7.28 As the proposal relates to a residential use, a full preliminary risk assessment for contaminated land, site investigation and remediation scheme are required provided before any works progress to ensure the site is suitable for development. The completion of further reporting and implementation of any mitigation measures could be controlled by condition should Members be minded to grant planning permission.
- 7.29 **The proposal is in accordance with Policy 9c, subject to conditions.**
- 7.30 **Policy 12a: Zero Waste** - states development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.
- 7.31 As required by this policy, there is sufficient provision for waste reduction and waste separation in the proposed bin storage areas within the ground floor of each building. The proposal would support waste separation, recycling and reduction in line with the waste hierarchy.
- 7.32 **The proposal is in accordance with Policy 12a.**
- 7.33 **Policy 12c: Zero Waste** - states development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:
- i provision to maximise waste reduction and waste separation at source; and
 - ii measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.
- 7.34 As required by this policy, there is sufficient provision for waste reduction and waste separation in the proposed bin storage areas within the ground floor of each building. The proposal would support waste separation, recycling and reduction in line with the waste hierarchy.
- 7.35 **The proposal is in accordance with Policy 12c.**
- 7.36 **Policy 13b: Sustainable Transport** - states development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:
- i provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
 - ii will be accessible by public transport, ideally supporting the use of existing services;
 - iii integrate transport modes;
 - iv provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;

- v supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
- vi are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
- vii have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
- viii adequately mitigate any impact on local public access routes.

- 7.37 **Criterion i** – the development proposal includes direct connections to existing footpaths and streets which would provide safe and convenient access to local facilities in the city centre and surrounding area. Residents would have access to secure bicycle storage areas within each of the seven proposed blocks.
- 7.38 **Criteria ii and iii** – bus stops within 400 metres of the site on Broughty Ferry Road and Blackcroft are served by frequent services to the City Centre, Ninewells, Barnhill, and towards Broughty Ferry, Carnoustie and Arbroath. Bus services into the City Centre enable integrated journeys through Dundee Railway Station and Dundee Bus Station.
- 7.39 **Criteria iv** – the proposed development would be served by 113 parking spaces, including 8 spaces served by electric vehicle charging points. There is also scope for infrastructure to be provided below the car park to allow installation of further chargers in due course. The proposal could therefore provide charging provision in alignment with building standards. The development includes cycle storage areas within each flatted block and one external cycle store. Within these spaces, there is scope for charging infrastructure to be provided.
- 7.40 **Criterion v** - the applicant proposes to create secure cycle storage areas with the proposed flatted blocks and within an external cycle store, providing spaces for up to 180 cycles. The provision of 180 spaces exceeds Dundee City Council Streets Ahead, which requires a minimum of 144 spaces to be provided for a development of this size. In the interest of supporting sustainable transport, the provision of secure cycle storage as proposed prior to first occupation of the development could be controlled by condition should Members be minded to grant planning permission.
- 7.41 **Criterion vi** – the proposal would utilise the existing road access between Wallace Street and Broughty Ferry Road and include a new road access onto Broughty Ferry Road. Pedestrian accesses are proposed towards Lower Princes Street, Broughty Ferry Road and Lilybank Road. The existing road access ensures that safe and adequate provision is made for walking, cycling and road vehicles including delivery and refuse vehicles. The proposed access could be formed to Dundee City Council specifications.
- 7.42 **Criterion vii** – pedestrian access locations are proposed at each of the flatted blocks, and towards areas of open space. This ensures the development would be well connected to surrounding streets including Broughty Ferry Road. There is provision of level access routes ensuring the development is accessible to all users/residents.
- 7.43 **Criterion viii** – the proposals include direct pedestrian access onto surrounding public footpaths. Access through the site via Wallace Street would be retained. The development would have no detrimental impact on public access routes.

- 7.44 The proposed development is in an accessible location, would include cycle storage and support provision of electric vehicle charging facilities, and supports the provision of safe access to all users.
- 7.45 **The proposal is in accordance with Policy 13b, subject to conditions.**
- 7.46 **Policy 13e: Sustainable Transport** - states development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.
- 7.47 The proposal includes 113 car parking spaces, which is 80% provision for the 144-dwelling development. The applicant has submitted supporting information which considers the proposed flatted development would not generate a significant parking demand, and the site is in a highly accessible location within walking distance of the city centre and a range of sustainable transport options. The proposed development would be accessible to residents of all abilities and there would be no barriers to access by disabled people.
- 7.48 The proposed flats would be served by 180 secure, covered cycle storage spaces in accessible locations. The provision of 180 spaces would exceed Dundee City Council's standards. A condition could be attached to any permission granted requiring the secure and covered cycle storage to be provided prior to first occupation should members be minded to approve planning permission.
- 7.49 As considered under Policy 13b, due to the site's location within close to the city centre and surrounding shops, services and amenities, the proposed 80% parking provision is acceptable. There will be sufficient parking provision for residents, including disabled spaces and EV charging points. The site is well served by public transport with bus stops within 400 metres of the site.
- 7.50 **The proposal is in accordance with Policy 13e, subject to a condition.**
- 7.51 **Policy 14b: Design, Quality and Place** - states development proposals will be supported where they are consistent with the six qualities of successful places: Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable
- 7.52 The application site contains two areas of brownfield land, separated by Wallace Street which runs up the centre of the site. This is primarily vacant areas of hardstanding and unkept grassland with areas of demolition material. The site in its present condition is not of merit, and re-development would enhance the local streetscape. However, the proposed flatted development would introduce 144 dwellings into a 1.79-hectare site. To achieve this density, multi-storey buildings are proposed along the south of the site and towards the north boundary with parking and open space towards the centre. The proposed development would introduce a significant number of dwellings into the site, whilst providing limited variation in house type and useable amenity spaces for residents.
- 7.53 With regard to the character and amenity of Broughty Ferry Road and surrounding streets, existing development includes a mixture of houses and flatted dwellings within buildings between two and four storeys in height. The proposed buildings vary between 5 and 6 storeys and are therefore of a scale and massing which is greater than surrounding development. Due to the significant change in levels along the western part of Blackscroft, the proposed development would sit prominently on the skyline when viewed from the south. There are multi-storey buildings in the surrounding area. However, the proposed buildings fronting onto Broughty Ferry Road would be up to 6 storeys in height. This is greater than surrounding developments and would introduce buildings of significant massing to the north side of

Broughty Ferry Road and this would appear out of context with the character of the surrounding area. The provision of recessed elements and balconies on the south elevation of the buildings does provide visual interest. However, the buildings would not integrate sensitively with the existing streetscape. The buildings do not align with the site's south boundary and do not form a coherent frontage along Broughty Ferry Road. The scale of the buildings and small set back from Broughty Ferry Road does not contribute to the overall appearance of the development, and the open spaces created are small in scale and of low quality being subject of direct overlooking and traffic noise. Overall, the form and density of the proposed buildings has not been carefully considered and fails to respect the character of the surrounding area.

- 7.54 The site is in the inner-city area, where density and scale of development is lower than within the city centre. The site is vacant brownfield land, with no constraints or requirement for a dense, multi-storey flatted development. The proposal would provide a limited number of house types and useable open spaces, failing to provide residents with a high-quality amenity. The development would not contribute positively to the character of the local streetscape and fails to create a sense of community.
- 7.55 **Healthy and Pleasant:** the proposals include areas of planting and landscaping within the north of the site, and areas of useable amenity space with planting towards the north-east, centre and south of the site. The proposed planting within the north of the site would contribute positively to greenspace provision in the local area. Whilst the useable amenity spaces would benefit from natural surveillance, spaces within the south and east of the site are of a small scale and located in areas which are close to surrounding roads and impacted by traffic noise. They are also detached from the flatted blocks with residents required to cross the car parking areas to reach them. These spaces would fail to provide welcoming or high-quality outdoor spaces for activities such as exercise or social activities. The limited provision of high quality useable outdoor amenity spaces resulting from overdevelopment of the site would have a detrimental impact on the environmental quality and enjoyment of these spaces. Overall, the open spaces within the south and east of the site would fail to provide attractive natural spaces for residents.
- 7.56 **Connected:** the development would include road and pedestrian access onto surrounding streets and provides safe access to surrounding road and active travel routes. Safe, secure cycle storage and EV charging provision would be provided, supporting the use of sustainable transport options and the site is within walking distance of bus stops which are served by frequent services. The proposal would therefore support ease of movement and the use of sustainable transport.
- 7.57 **Distinctive:** the design principles and impact of the proposal on the surrounding area has been considered within the submitted Design and Access Statement and Planning Statement. The provision of high-quality materials within the development which is in a prominent location on Broughty Ferry Road is essential to ensure the proposal contributes positively to the streetscape and character of neighbouring development. The applicant has proposed materials including buff and grey brick, profiled metal roofing and UPVC windows and doors. The finish materials would be acceptable in principle and integrate with the colour and appearance of buildings in the local area. However, as considered above, the scale and density of the proposed development would be unacceptable and would fail to create a high-quality development.
- 7.58 The provision of external amenity areas and planting towards the front and rear elevations of each building would provide visual interest. However, the sloping nature of the site and, as is discussed later in this report, the impact of traffic noise reduces the usability of much of the amenity spaces. The proposal would provide residents with limited areas of useable open space, comprising sections of lawn and hard standing which fronts onto Broughty Ferry Road

to the south of the buildings or areas to the north of the flats which would be overshadowed for much of the day. There are some amenity spaces within the north-east of the site which are level in nature and include seating, providing higher quality outdoor space.

- 7.59 Through the provision of a high density, multi storey development the proposal fails to respect the character of the local area or scale and nature of development on Broughty Ferry Road. In this inner-city location, medium to low density developments of flats and housing are appropriate. The presently proposed high density, multi-storey buildings with limited outdoor amenity space would be incongruous to the wider streetscape.
- 7.60 **Sustainable and Adaptable:** the proposed new build development could include energy/carbon efficient solutions and is to include infrastructure for electric vehicle charging and cycle storage. Areas of greenspace are proposed, and connections would be provided to the surrounding road and footpath networks. However, the proposed drainage system comprises underground surface water storage crates which would not contribute to the provision of green infrastructure within the site. The drainage systems miss an opportunity to provide above ground drainage infrastructure such as a SUDS basin. The development would occupy a brownfield site in the inner-city area, which is well connected to surrounding shops and services including amenities in the city centre. The proposal would support local living and 20-minute neighbourhoods.
- 7.61 Overall, the proposed flatted development would result in the redevelopment of brownfield site within an accessible location. However, the proposal is of a scale and density which is incongruous to the site and surrounding area, and by virtue of its massing and design would fail to provide residents with an acceptable quality of residential amenity.
- 7.62 **The proposal is not fully in accordance with Policy 14b.**
- 7.63 **Policy 15a: Local Living and 20-minute neighbourhoods** - states development proposals will contribute to local living including, where relevant, 20-minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:
- sustainable modes of transport including local public transport and safe, high-quality walking, wheeling and cycling networks;
 - employment;
 - shopping;
 - health and social care facilities;
 - childcare, schools and lifelong learning opportunities;
 - playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
 - publicly accessible toilets; and
 - affordable and accessible housing options, ability to age in place and housing diversity.
- 7.64 The proposal is for a flatted development containing 144 units. The site is in an accessible location within walking distance of the city centre and a range of shops, services and amenities. The site is connected to the surrounding area by existing footpaths, and within 20

minutes of a range of facilities within the city centre and surrounding area including shops, amenities, places of employment, education, health and social care facilities.

- 7.65 The site is connected by public footpaths to open spaces within the wider area, including Baxter Park and Slessor Gardens. There are play areas and sports facilities within the surrounding area.
- 7.66 The proposed flatted blocks are of a form and density which results in overdevelopment of the application site as considered under Policy 14b. However, a residential development within the inner-city area would contribute to the range and availability of housing within a sustainable location.
- 7.67 Overall, the proposed development is well connected to surrounding facilities and services by existing footpaths and roads. The site is within the inner-city area where residents would have access to a wide range of services, supporting the provision of 20-minute neighbourhoods.
- 7.68 **The proposal is in accordance with Policy 15a.**
- 7.69 **Policy 16a: Quality Homes** - states development proposals for new homes on land allocated for housing in LDPs will be supported.
- 7.70 The Dundee Local Development Plan 2019 allocates housing sites, comprising deliverable land to meet the 10-year local housing land requirement in locations that create quality places for people to live.
- 7.71 The application site is not allocated for housing within the Dundee Local Development Plan 2019.
- 7.72 **The proposal is not supported by Policy 16a.**
- 7.73 **Policy 16b: Quality Homes** - states development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:
- i meeting local housing requirements, including affordable homes;
 - ii providing or enhancing local infrastructure, facilities and services; and
 - iii improving the residential amenity of the surrounding area.
- 7.74 The proposed development would introduce 144 flatted dwellings into the site. The applicant has not provided a Statement of Community Benefit. The site is not allocated for housing and is not identified within the Strategic Housing Investment Plan (SHIP) which sets out delivery priorities for affordable housing over a period of five years. The SHIP reflects the affordable housing priorities within the city's eight Local Community Planning Partnership areas and multi member wards. Whilst it is accepted that high-quality residential developments on opportunity sites can successfully contribute to meeting housing demands within Dundee, the applicant has failed to demonstrate that this particular proposal would directly address any specific local housing requirements.
- 7.75 **The proposal fails to comply with Policy 16b.**

- 7.76 **Policy 16c: Quality Homes** - states development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported.
- 7.77 The Local Development Plan Strategy 2019-2029 seeks to improve the quality of housing in Dundee with access to a range of housing options. However the applicant has not demonstrated that the scale and type of accommodation proposed is necessary to meet an identified gap in provision. Specifically, justification for the proposed flatted development including current demand within the local area, and a justification for the property type and size proposed has not been provided. The applicant has also not demonstrated that a flatted development is required, where a housing development in accordance with the Local Development Plan could be developed to enhance the range of house types and choice in the local area.
- 7.78 The application fails to demonstrate the development proposals would comply with Policy 16c of NPF4.
- 7.79 **The proposal fails to comply with Policy 16c.**
- 7.80 **Policy 16e: Quality Homes** – states development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:
- i a higher contribution is justified by evidence of need, or
 - ii a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes. The contribution is to be provided in accordance with local policy or guidance.
- 7.81 The applicant states within the planning statement and other documents that the proposed development would be 100% flatted dwellings for affordable rent. A local social housing provider is mentioned, but no firm evidence has been provided to demonstrate that the provider will take forward the development or let or purchase the homes. Furthermore, the site is not identified within the Strategic Housing Investment Plan. As such there is uncertainty around the tenure of housing that would ultimately be delivered.
- 7.82 In any case there is no requirement within the Dundee Local Development Plan 2019 or Developer Contributions Supplementary Guidance for housing developments to make provision for affordable homes. The approach to the provision of affordable housing in Dundee is through the Council working in partnership with Registered Social Landlords and the Scottish Government to deliver affordable housing through the allocation of grant funding (the Affordable Housing Supply Programme). The approach has enabled the delivery of affordable housing in the City without impacting on the viability of private housing development.
- 7.83 Therefore whilst the provision of affordable homes is generally supported, as there is no requirement for housing developments in Dundee to provide affordable homes it is not necessary in this case to require this development to include any element of affordable homes.
- 7.84 **The proposal complies with Policy 16e.**

- 7.85 **Policy 16f: Quality Homes** - states development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:
- i the proposal is supported by an agreed timescale for build-out; and
 - ii the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20-minute neighbourhoods;
 - iii and either:
 - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
 - the proposal is consistent with policy on rural homes; or
 - the proposal is for smaller scale opportunities within an existing settlement boundary; or
 - the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.
- 7.86 The proposal is for a development of 144 flatted dwellings within a site which is not allocated for housing.
- 7.87 The applicant proposes development of the site between 2025 and 2028. This timescale for build out seems reasonable for a development of this scale. Accordingly, the development would meet criteria i.
- 7.88 The proposal would see the redevelopment of a brownfield site in a location within walking distance of the city centre, is served by local shops, services and public transport connections. The proposal would therefore support local living and 20-minute neighbourhoods. The principle of development is therefore broadly consistent with the Local Development Plan Strategy 2019-2029 and would meet criteria ii.
- 7.89 With regard to criteria iii, the applicant proposes build out between 2025 and 2028. The site is not identified within the Strategic Housing Investment Plan as a pipeline development. There is no evidence through the recent Housing Land Audit that delivery of sites is happening earlier than identified in the deliverable housing land pipeline. The proposal does not relate to a rural site, is not a small-scale opportunity site and is for more than 50 homes. The proposal therefore does not meet any of the sub-criteria within criteria iii.
- 7.90 **The proposal fails to comply with Policy 16f.**
- 7.91 **Policy 20b: Blue and Green Infrastructure** - states development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported. Where appropriate, this will be an integral element of the design that responds to local circumstances. Design will take account of existing provision, new requirements and network connections (identified in relevant strategies such as the Open Space Strategies) to ensure the proposed blue and/or green infrastructure is of an appropriate type(s), quantity, quality and accessibility and is designed to be multi-functional and well-integrated into the overall proposals.
- 7.92 The applicant proposes surface water within the site be conveyed via drains at the flatted blocks and cycle store into a filter trench before entering geo-cellular storage tanks below the

proposed car park. Surface water would then be discharged from the storage tanks into the combined sewer on Wallace Street at a controlled rate. The proposed cellular storage drainage system includes fully below surface water storage and discharge into the combined sewer.

- 7.93 The site is of a scale and form which could accommodate above-ground blue and green infrastructure.
- 7.94 It has been requested that above-ground blue and green infrastructure be provided. However, this has not been progressed by the applicant. The proposal incorporates limited new or enhanced blue and/or green infrastructure. What is proposed fails to incorporate any significant above-ground blue and green infrastructure, providing limited new or enhanced drainage provision.
- 7.95 **The proposal is not supported by Policy 20b.**
- 7.96 **Policy 22c: Flood Risk and Water Management** states development proposals for or incorporating new or development proposals will:
- i not increase the risk of surface water flooding to others, or itself be at risk;
 - ii manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue/green infrastructure. All proposals should presume no surface water connection to the combined sewer; and
 - iii seek to minimise the area of impermeable surface.
- 7.97 The applicant has provided a drainage report and proposed drainage layout with the application. It is proposed to provide a private drainage system which would convey surface water from the roofs of the proposed buildings, rain gardens to the north of the flatted blocks and areas of hardstanding to underground surface water storage crates. Surface water within the storage crates would then be discharged into the combined sewer at a controlled rate.
- 7.98 This proposed drainage strategy has been reviewed by Dundee City Council's engineers. A full drainage check has been requested to demonstrate the proposed flow rate of 6.6l/s is achievable without causing substantial flooding. City Engineers have also requested site investigation information to be submitted to identify the locations of an existing culvert within the development site and the existing sewer connection. This has not been provided by the applicant.
- 7.99 The information provided with the application does not demonstrate that the proposed surface water flow rates can be achieved, and without confirmation of the location of existing culverts/connection points within the site, a drainage scheme cannot be agreed. Should there be further infrastructure constraints identified within the site, this could require alteration of the site layout.
- 7.100 The proposal therefore fails to demonstrate a satisfactory drainage system can be provided which would ensure there is no new or additional flood risk to the proposed development or surrounding area as required by criteria i. With regard to criteria ii, the proposals include rain gardens and surface water storage. However, the proposed private drainage system misses an opportunity to provide above ground surface water provision such as a SUDS basin which could be adopted and maintained by Scottish Water. The system would connect to the combined sewer network. In relation to criteria iii, much of the site would be surfaced in permeable materials including landscaping and paving. However, the proposal includes a

high-density development with underground surface water storage to achieve 144 units within the site. A lower density of development with above ground SUDS infrastructure would allow blue-green infrastructure to be provided and managed in a manner which would enhance climate resilience and connect people with nature.

- 7.101 Overall, the submitted drainage information and site investigations fail to demonstrate the proposed drainage system can be implemented, and that the proposed water flow and discharge rates can be achieved. Without information to demonstrate the proposed system can ensure surface water will be sustainably drained from the site, the provision of a private drainage system as proposed raises flood risk concerns.
- 7.102 **The proposal fails to comply with Policy 22c.**
- 7.103 **Policy 23e: Health and Safety** - states development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.
- 7.104 The site is bound to the north and south by public roads, and there are a range of residential and commercial land uses within the surrounding area.
- 7.105 The proposed residential development includes flatted blocks towards the site boundaries, with amenity spaces towards the centre of the site. Following review of the proposals, The Head of Community Safety and Protection requested a noise impact assessment be provided to demonstrate an acceptable level of residential amenity would be achieved.
- 7.106 The applicant has submitted a noise impact assessment in support of the application which identifies a requirement for mitigation measures to be provided to achieve required internal and external noise levels. With regard to internal noise levels, mitigation measures including the use of acoustic insulation and window ventilators would ensure internal noise criteria can be met.
- 7.107 To achieve external noise level criteria within useable amenity spaces within the site, the NIA identifies a requirement for acoustic barrier to be provided along part the sites north and south boundary. The NIA assesses barriers of 1.4m to the north boundary and 2.1m in height to the south boundary which would reduce noise levels.
- 7.108 The NIA and responses from the applicant have been considered by The Head of Community Safety and Protection. The NIA highlights that the noise levels in the external amenity areas will be exceeded and therefore mitigation measures will be required. With acoustic barriers, external noise levels could be reduced to an acceptable level. However, the applicant considers such barriers would have a detrimental impact on the character of the development and proposes to not provide them. The NIA concludes that without barriers, the highest acceptable noise criteria level of 55dB(A) for external areas would be exceeded by between 9.4dB (Broughty Ferry Road) to 11.1dB (Lower Princes Street).
- 7.109 The use of the outdoor spaces would be impacted by traffic noise. As the applicant does not propose to provide acoustic barriers or amend the site layout to ensure high quality outdoor amenity spaces are provided, the development would fail to provide residents with high quality outdoor amenity spaces.
- 7.110 Residents of the proposed development would be subject to an unsatisfactory level of disturbance and would not benefit from high quality outdoor amenity spaces.
- 7.111 **The proposal fails to comply with Policy 23 e.**

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- 7.112 **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 6 qualities of successful place in accordance with the guidance provided in Appendix 1.
- 7.113 The existing site comprises brownfield land, sections of which contain vacant areas of hardstanding, a public road and areas of demolition material. The site in its present unkempt condition is not of merit, and re-development of the site would enhance the local streetscape. However, the proposed flatted development would introduce 144 dwellings into a 1.79-hectare site. To achieve this density, multi-storey buildings are proposed along the south of the site and towards the north boundary with parking and open space towards the centre. The proposed development would introduce a significant number of dwellings into the site, whilst providing limited useable outdoor spaces for residents.
- 7.114 Broughty Ferry Road and surrounding streets comprise a mix of houses and flatted dwellings within buildings between two and four storeys in height. The proposed buildings, at five and six storeys, are of a scale and massing which is greater than surrounding development. Whilst there are multi-storey buildings in the surrounding area, the proposed buildings fronting onto Broughty Ferry Road would be up to six storeys in height. This is greater than surrounding developments and would introduce buildings of significant massing to the north side of Broughty Ferry Road, and the proposal would be out of character with the surrounding area. The provision of recessed elements and balconies on the south elevation of the buildings towards Broughty Ferry Road would provide visual interest to the frontages. However, the buildings would not integrate sensitively with the existing streetscape. The form and density of the proposed buildings has not been carefully considered and fails to respect the character of the surrounding area.
- 7.115 The site is within the inner-city area, where density and scale of development is lower than within the city centre. The site is a vacant brownfield area of land, with no constraints or requirement for a dense, multi-storey development. The proposal for flatted dwellings only, with limited variety of house type and open space would not contribute positively to the character of the local area, create a sense of community or high-quality residential amenity.
- 7.116 The design principles and impact of the proposal on the surrounding area has been considered within the submitted Design and Access Statement and Planning Statement. The buildings would result in overshadowing to the north of each block. However, due to the sloping nature of the site and distances between the existing and proposed buildings, there would be no significant impacts on existing dwellings to the north and east by virtue of overshadowing or overbearing. Overall, the proposed development would have no significant impact on neighbouring dwellings by virtue of overshadowing or overbearing.
- 7.117 The proposal would result in a distinctive development. However, the proposal fails to respect the character of the local area and is not in keeping with the scale or nature of development on Broughty Ferry Road. The provision of external amenity areas and planting towards the front and rear elevations of each building would provide visual interest. However, the sloping nature of the site reduces the usability of much of this amenity space. The proposal would provide residents with limited areas of useable open space, comprising sections of lawn and

hard standing which fronts onto Broughty Ferry Road to the south of the buildings or areas to the north of the flats which would be overshadowed for much of the day. There are some amenity spaces within the north-east of the site which are level in nature and include seating, providing higher quality outdoor space. However, these are 105m² metres in area and do not provide a significant area of useable outdoor space for the scale of development proposed. The location of the majority of the amenity spaces within the site would fail to provide residents with high quality, useable outdoor spaces for recreational uses or drying areas.

- 7.118 The provision of high-quality materials within the development which is in a prominent location on Broughty Ferry Road is essential to ensure the proposals would contribute positively to the streetscape and character of neighbouring development. The applicant has proposed materials including buff and grey brick, profiled metal roofing and UPVC windows and doors. The finish materials would be acceptable in principle and integrate with the colour and appearance of buildings in the local area. However, as considered above the scale and density of the proposed development would be unacceptable and would fail to create a high-quality development.
- 7.119 The buildings would provide active street frontages through the provision of main access doors and windows of proposed dwellings facing towards surrounding streets including Broughty Ferry Road. The proposed ground floors of each building would also contain bin storage and cycle storage areas. Towards the rear of the building, parking spaces and landscaping is proposed in accessible locations.
- 7.120 Safe pedestrian access is provided from the surrounding streets and there is provision of public transport in the surrounding area with bus stops on Broughty Ferry Road and Blackcroft. Dundee railway station is 0.8 miles to the south-west of the site. The proposal would therefore support ease of movement and the use of sustainable transport.
- 7.121 The site previously contained a mill building which was demolished in 2018. Wallace Street, Constable Street and a car park remain towards the centre of the site, with vacant land to either side. The vacant areas have been unoccupied since demolition of Wallace Craigie Works. The site is in an inner-city location and its redevelopment could contribute to the overall character and appearance of the local area. However, as considered above, the proposed buildings are of a scale and density which fails to reflect the established character of the local area. The proposal is for a flatted development only. Within the site there are no constraints or matters which demand a flatted solution. The proposed 144 flats would be served by limited areas of garden ground and are sited close to surrounding streets. This would not provide residents with a high quality of amenity. A development of a reduced scale with a variety of house types could be provided, with garden ground and open spaces which ensure residents are afforded an acceptable level of amenity. As proposed, the development would fail to integrate with surrounding buildings, and fails to incorporate creative approaches to urban design.
- 7.122 The proposed drainage system comprises underground storage crates positioned below areas of hardstanding, which is then discharged to the public network. There is scope within this brownfield site to provide above ground, green drainage infrastructure which would contribute positively to sustainable water management and biodiversity. The proposed system of underground crate storage misses an opportunity to enhance surface water management and biodiversity as part of the development.
- 7.123 With regard to Appendix 1, this states that the scale, nature and location of the development will determine the extent to which the six qualities are appropriate to the assessment process. Appendix 1 is assessed as follows:

Distinctive - a Design and Access Statement has been submitted which considers the design, access and development concepts of the proposed flatted accommodation. The buildings which would be up to six storeys in height towards the south of the site would be a prominent feature in the local streetscape. They would be finished in a range of materials which provide a modern appearance to the development. The proposed finish materials would contribute positively to the appearance and visual interest of the development, and areas of landscaping within the north of the site would enhance the streetscape along Blackcroft/Princes Street. However, the proposed flatted blocks are of a significant scale and massing and would provide residents with limited useable outdoor amenity spaces. The general layout of the development is appropriate. However, the density requires to be reduced and level of useable amenity spaces increased to ensure the proposal provides residents with a high-quality amenity and contributes positively to the character of the local area. As presently proposed, the development fails to sensitively integrate with the character of the area and does not maintain the established density of development in this part of the city.

Safe and Pleasant – the site is bound to the south by Broughty Ferry Road and Blackcroft/Princes Street to the north. There are existing developments to the north, east and south. The proposal would connect to the existing road and path network linking the development to the surrounding area. There are to be areas of open space within the north of the site and there are pedestrian links to the surrounding open spaces including Baxter Park. The proposed amenity spaces within the site would benefit from natural surveillance due to the location of windows on the proposed development. However, they are of a limited size and fail to provide high quality useable spaces for residents.

Easy to Move Around and Beyond – the proposed development would connect to existing footways to the north and south of the site, ensuring sensitive integration into the surrounding footpath network. This also ensures the site is well connected to public transport links within the surrounding area, including bus stops on Blackcroft and Broughty Ferry Road which are all within walking distance. The proposal considers place and responds positively and sensitively to the needs of people.

Welcoming – the proposal would provide a prominent frontage onto Broughty Ferry Road, with main entrances and flats fronting towards the principal elevation. The proposals would utilise existing footpaths around the site providing connections to the surrounding area including the city centre. The proposal positively promotes wayfinding and a sense of orientation.

Adaptable – The proposed development would occupy a vacant site, and result in the provision of residential accommodation within an accessible location. However, the proposed provision of a flatted development in this location would not be a positive addition to the range of residential development within this part of the city. Supporting information provided with the application fails to demonstrate there is demand for the type and mix of flatted development proposed, and the site is not allocated for residential development.

Resource Efficient – a Low Carbon Statement and Planning Statement have been submitted. The proposal has been designed to include energy efficient materials which minimise heat loss and there is scope to provide sustainable heating infrastructure.

- 7.124 The proposal is considered to be overdevelopment of the site and fails to provide residents with an acceptable level of amenity.
- 7.125 **The proposal fails to fully comply with the requirements of Appendix 1.**
- 7.126 **Policy 1** - the proposed development of flatted residential accommodation would contribute to the range of types and size of development within the inner-city area. However, the development is of a scale and density which results in overdevelopment of the site. The

provision of a fully flatted development, with limited outdoor useable spaces and no above ground sustainable drainage systems misses an opportunity to create a development which both contributes positively to the type and range of housing in this part of the city and maximises the benefits to the local streetscape and biodiversity. The general layout of the development is considered appropriate. However, the type, form and massing of development proposed fails to integrate with the local landscape and does not provide a visually attractive development with a high-quality amenity.

7.127 **The proposal fails to comply with Policy 1.**

7.128 **Policy 2: Public Art Contribution** - all developments in Dundee with construction costs of £1 million or over will be required to allocate at least 1% of construction costs for the inclusion of art projects in a publicly accessible/visible place or places within the development.

7.129 The proposed residential development will require to provide public art in an accessible/visible location within the site. Details of the public art have not been confirmed as part of this application. However, full details of public art provision, and its completion as part of the development could be secured by condition should Members be minded to approve planning permission.

7.130 **The proposal is in accordance with Policy 2, subject to a condition.**

7.131 **Policy 9: Housing Land Release** states priority will be given to the development of the allocated brownfield and greenfield sites. To ensure that an effective five-year supply of housing land is maintained over the plan period the sites allocated in Appendix 3 shall not be developed for other uses.

7.132 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.

7.133 Progress on the release of housing land will be monitored through the Action Programme and the annual Housing Land Audit. Where the annual Housing Land Audit identifies a shortfall in the effective five-year land supply the Council will look to bring forward additional housing land with sites that have been allocated within the second five-year period of the Plan to be considered first.

7.134 The proposal site has not been allocated for housing within the Dundee Local Development Plan 2019. However, the site is brownfield land where development can be acceptable if it is demonstrated that it will improve the tenure mix where existing choice is limited and would make a positive contribution to the regeneration objectives of the area.

7.135 The applicant has provided information in support of the application which considers the proposal is acceptable as it would contribute 144 units to the City Council's annual affordable housing land requirement of 200 units. The applicant considers the tenure mix in the area is relatively varied, with the private purchases of Council stock for private tenure impacts on availability of social housing in the area. As explained above, the applicant has not clarified how the development would contribute to the affordable housing requirement. The development would, however, make a positive contribution to the regeneration objectives of the area.

7.136 As considered above the site is not allocated for housing within the Dundee Local Development Plan 2019. The site is also not identified as part of the housing programme or a pipeline project within the Dundee Strategic Housing Investment Plan 2023-28. The

applicant considers the development would provide affordable housing which meets demand and that it will be delivered by an affordable housing provider. However, no evidence of agreement or timescale for progressing development has been provided as part of the application. Any development within this site, particularly of the scale proposed, could impact on the progression of sites allocated within the Strategic Housing Investment Plan.

- 7.137 With regard to the provision of 100% flatted development, the site is within the inner-city area where the Local Development Plan only permits flats where identified in a site planning brief, site specific circumstances demand a flatted solution or conversion of an existing building of merit is proposed and houses are impractical. The site does not meet any of these criteria, with the site being suitable for a development of housing of a design and density which would provide residents with a high-quality residential amenity. The applicant has not provided a statement from the Council or an affordable housing provider to demonstrate there is specific demand for a flatted development in this location of the size, scale and density proposed.
- 7.138 The submitted information fails to demonstrate the development responds to demand for the type and size of accommodation proposed or would address a gap in local demand for affordable housing. The site is suitable for a development of lower density housing which would provide residents with high quality residential amenity. The presently proposed development of high-density flatted accommodation would not contribute positively to the character of the site or surrounding area, fails to provide residents with high quality outdoor amenity spaces and does not meet the requirements of the Local Development Plan. The delivery of housing in this location ahead of allocated sites within the Local Development Plan or identified in the Strategic Housing Investment Plan would fail to support the wider delivery of affordable housing in the city.
- 7.139 The applicant has failed to consider housing choice or demonstrate that the proposals will improve the tenure mix in this area. Similarly, the applicant has not demonstrated that the proposals would make a positive contribution to the regeneration objectives of the area.
- 7.140 **The proposal fails to comply with Policy 9.**
- 7.141 **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.
- 7.142 The following inner-city standards set out in Appendix 4 are required to be met:
- Flats - flats will be permitted if identified in a site planning brief, site specific circumstances demand a flatted solution or conversion of an existing building of merit is proposed and houses are impractical. All flats will have a minimum of two bedrooms or a minimum gross internal floor area of 60m².
- Car Parking – Flats – all car parking should be located within the curtilage of the property. Private flats should have 130%; and social rented 100% parking provision.
- Cycle Provision – Flats – secure indoor storage for bikes will be provided in accordance with the number of flats being provided.

Amenity/Garden Ground – Flats – useable private communal garden area of a minimum of 100m² or 10m² per flat, whichever is greater. Drying areas to be provided in addition. Private communal garden provision may be reduced if balconies that are useable and attractive in terms of size and outlook are provided.

Privacy – Flats – a minimum of 18 metres between the facing windows of habitable rooms or between balconies and the facing windows of habitable rooms will be provided. Living room windows and balconies should not unacceptably overlook private gardens of houses.

General Requirements

- provision for waste and recycling should be provided in accordance with the council's waste management strategy;
- parking areas should include provision for electric car charging points; and
- flatted developments should include storage areas in addition to cycle storage.

7.143 The proposal responds to the Appendix 4 standards as follows:

7.144 House Type - 144 flats are proposed. The site is not allocated for housing or subject of a site planning brief. There are no site-specific circumstances which demand a flatted solution, no conversion of an existing building of merit is proposed and housing within the site is not impractical. The development would include 120 flats with two or more bedrooms and 24 one-bedroom flats. Of the 24 one-bedroom flats, two flats have a floor area of 56.3m². The remaining 22 flats provide below 52m² of floor area. The Local Development Plan standard is not met.

7.145 Car Parking – 113 spaces are proposed comprising 80% parking provision. This is below the required standard.

7.146 Cycle Provision – Secure covered cycle storage is provided within each flatted block, and a cycle store within the west of the site. The cycle storage proposed would accommodate 180 cycles which is greater than the number of flats proposed. This standard is met.

7.147 Amenity/Garden Ground – The proposed development would require a minimum of 1,440 sqm of useable private communal garden ground. Useable private communal amenity/garden ground of 1120 sqm would be provided, with three separate drying areas. There are areas of open space proposed within the site. However, these would not be useable as they would contain planting; are steeply sloping in nature; and are some distance from the flats. It is proposed that 85 of the properties would include balconies with attractive outlooks to the south. However, they are of a small scale varying from 4m² to 10m² which would provide limited useable outdoor space in addition to the communal garden ground. Overall, the proposal fails to provide a minimum of 1,440m² of useable private communal garden ground or useable amenity spaces. This standard is not met.

7.148 Privacy – blocks 2 to 6 achieve a minimum window separation distance of 18 metres. Block 7 would include windows 17 metres from neighbouring property to the east. However, the windows would not align and there would be no detrimental impact on privacy. A bedroom window within block 1 would be 12 metres from windows of a flat on the east side of Wallace Street. The minimum separation distance of 18 metres is therefore not achieved.

7.149 General Requirements

- waste and recycling provision are to be provided within bin stores contained within each flatted block. This standard is met;
- The site plans and submitted supporting information note that 10no spaces would be served by electric vehicle charging points; and
- the flats include internal storage on the proposed floor plans. This is in addition to the external cycle storage proposed. This standard is met.

7.150 The proposed development fails to meet the six qualities of successful place as set out in Policy 1 and fails to comply with the Appendix 4 Standards.

7.151 **The proposal fails to comply with Policy 10 and Appendix 4.**

7.152 **Policy 35: Trees and Urban Woodland states** - 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

7.153 As considered under Policy 6a of NPF4, the applicant proposes to retain existing trees and shrubs towards the edges of the site, including a row of eight trees along the north west boundary which contribute positively to the wider streetscape.

7.154 The proposal includes the removal of an area of self-seeded trees and shrubs towards the centre of the western section of the site to form a car park. These trees are not of a high quality, and compensatory planting is to be provided with a new avenue of trees within the west of the site and planting around the proposed car park. Through the addition of new planting, the loss of a small number of trees and shrubs would be mitigated. The provision of planting and its maintenance as outlined in the submitted landscaping proposals could be controlled by condition should members be minded to approve planning permission.

7.155 **The proposal is in accordance with Policy 35, subject to a planning condition.**

7.156 **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.

7.157 A Surface Water Management Plan and associated supporting information, including proposed drainage plans have been submitted. The drainage strategy includes proposals for on-site storage of surface water within underground storage crates with controlled discharge to the public network.

- 7.158 Following review of the submitted drainage strategy, it has been requested that the applicant provide a full drainage check to demonstrate the proposed discharge rate of 6.6l/s is achievable without causing flooding. This has not been provided. It has therefore not been demonstrated that the proposed discharge rates are achievable, and that the proposal would ensure there is no risk of flooding.
- 7.159 The proposed surface water drainage system collects surface water generated by multiple flatted dwellings. Such infrastructure in new developments is only fully effective if it is properly maintained. The current system is not designed to be adopted by Scottish Water and the responsibility for future maintenance and repair would fall on individual landowners or through a factor on behalf of residents. This approach is not generally supported by the Council, particularly on large scale developments such as this due to the potential impacts should such a large scale system fail. The drainage system should therefore be designed to be adopted by Scottish Water for maintenance and repair.
- 7.160 Overall, the site is of a scale and form which could accommodate above ground blue/green infrastructure of a design that can be vested in and maintained by Scottish Water. The applicant has failed to demonstrate the presently proposed system can operate at the specified discharge rates, raising flood risk concerns. There are no local circumstances that require the proposed drainage solution, and the proposal would not be integrated or easily accessible.
- 7.161 **The proposal fails to comply with Policy 37.**
- 7.162 **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.
- 7.163 The site is bound to the north and south by public roads, and there are a range of residential and commercial land uses within the surrounding area.
- 7.164 The proposed residential development includes flatted blocks towards the site boundaries, with amenity spaces towards the centre of the site. The applicant has submitted a Noise Impact Assessment which considers the proposals ability to achieve acceptable internal and external noise levels.
- 7.165 As considered under Policy 23e of NPF 4, the submitted a noise impact assessment identifies a requirement for mitigation measures to be provided to achieve target internal and external noise levels. With regard to internal noise levels, mitigation measures including the use of acoustic insulation and window ventilators would ensure internal noise criteria can be met.
- 7.166 The NIA and responses from the applicant have been considered by The Head of Community Safety and Protection. To achieve external noise level criteria within useable amenity spaces within the site, the NIA identifies a requirement for acoustic barrier to be provided along part the sites north and south boundary. The NIA assess barriers of 1.4m to the north boundary and 2.1m in height to the south boundary which would reduce noise levels. The NIA highlights that with acoustic barriers, external noise levels could be reduced to an acceptable level.
- 7.167 The applicant considers acoustic barriers would have a detrimental impact on the character of the development and does not propose to include these as part of the development. The NIA concludes that without barriers, the highest acceptable noise criteria level of 55dB(A) for

external areas would be exceeded by between 9.4dB (Broughty Ferry Road) to 11.1dB (Lower Princes Street).

- 7.168 As the applicant does not propose to provide acoustic barriers or amend the site layout to ensure high quality outdoor amenity spaces are provided, the development would fail to provide residents with high quality outdoor amenity spaces. As residents of the proposed development would not be provided with a satisfactory level of amenity, the proposals fail to demonstrate the requirements of Policy 39 can be met.
- 7.169 **The proposal fails to comply with Policy 39.**
- 7.170 **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.
- 7.171 The site has historically been occupied by industrial buildings including Wallace Craigie Works, and presently contains a mixture of open spaces, public roads and demolition material. The applicant has provided a Ground Condition Summary which has been reviewed by the Head of Community Safety and Protection.
- 7.172 As the proposal relates to a residential use, it is requested a full preliminary risk assessment for contaminated land, site investigation and remediation scheme are provided before works progress to ensure the site is suitable for development. It is recommended the completion of further reporting and implementation of any mitigation measures is controlled by condition should Members be minded to grant planning permission.
- 7.173 **The proposal is in accordance with Policy 41, subject to conditions.**
- 7.174 **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. The policy also requires site waste management plans be prepared and used during the construction of major developments.
- 7.175 Bin storage areas are to be provided within each flatted block, in locations which are safely accessible to residents and waste collection services.
- 7.176 The proposed bin storage area and associated access demonstrates that this site can accommodate sufficient space for waste separation and the collection of recyclables. Should members be minded to grant planning permission, it is recommended that the provision of a site waste management plan and its implementation during construction works be controlled by condition.
- 7.177 **The proposal is in accordance with Policy 44, subject to a condition.**
- 7.178 **Policy 46: Delivery of Heat Networks** - requires new development to consider the feasibility of meeting their heat demand through heat networks. A statement is required to be submitted with applications that are Major planning applications or are within locations identified within

the Scotland's Heat Map or the City's Heat Strategy as close to significant heat supply or a planned heat network. Development layouts should be designed to be capable of connecting to a heat network or heat source and areas for pipe runs within the development should be safeguarded to enable future connectivity.

- 7.179 The application site is to the east of the city centre, out with any existing heat networks. The application does not propose to create or join a heat network. The application proposes the use of renewables to supply heating and hot water to the building, with no proposals to join a heat network. Notwithstanding this, the type of development proposed could include centralised heating facilities within each building which connects to a heat network should such infrastructure be progressed in future.
- 7.180 Whilst a viable connection to an existing heat network is not available at present, the proposed development could accommodate future infrastructure and therefore has potential to connect into a heat network without any significant on-site works being required.
- 7.181 **The proposal is in accordance with Policy 46.**
- 7.182 **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.
- 7.183 A Planning Statement and Low Carbon Statement have been submitted with the application. The statements outline that the proposal has been designed to include energy efficiency measures to reduce energy consumption such as the use of LED lighting, and that renewables including solar panels and air source heat pumps could be provided.
- 7.184 At this stage full details of the low carbon technologies which will be included within the development are not confirmed. It is not therefore possible for the applicant to provide a detailed Energy Statement and details of specific equipment. There is scope for heating and energy production to be provided by sustainable and renewable sources including solar panels and heat pumps. The provision of a detailed energy statement which demonstrates compliance with the required standards can be controlled by condition should Members be minded to grant planning permission.
- 7.185 **The proposal would be in accordance with Policy 48, subject to conditions.**
- 7.186 **Policy 52: Scheduled Monuments and Archaeological Sites b)** states where any proposal could affect a site of known archaeological importance or potential, the applicant will be required to provide an assessment of the archaeological value of the site and the likely impact of the proposal on the archaeological resource. Such an assessment will require a field evaluation to be carried out to the reasonable satisfaction of the Council, to determine:
- 1 the character and extent of the archaeological remains;
 - 2 the likely impact of the proposal on the features of archaeological interest; and
 - 3 the ways in which the development proposal can be amended or designed in order to mitigate its impact on the archaeological remains.
- 7.187 As considered under Policy 7o of NPF4, Wallace Craigie Works which previously occupied the site was demolished in 2018. Following demolition, there are no remaining features which

require recording, with the footprint of the site heavily disturbed and out with the historic core of the burgh.

7.188 The Council's archaeological consultant has reviewed the application and considers there would be no value in sub-surface archaeological investigation with the site archaeologically sterile and devoid of any historic architectural interest.

7.189 Accordingly, no archaeological conditions are required. The applicant has deposited the Heritage Statement submitted with the application with the National Record of the Historic Environment for their records.

7.190 **The proposal is in accordance with Policy 52.**

7.191 **Policy 54: Safe and Sustainable Transport** states 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.

7.192 Development proposals will be required to:

- 4 minimise the need to travel by private car;
- 5 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;
- 6 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;
- 7 have no detrimental effect on the capacity or safe functioning of the existing road or rail networks;
- 8 ensure that safe and adequate provision is made for road freight and waste access, loading and unloading;
- 9 comply with the National Roads Development Guide and any local variations within Dundee City Council's roads design standards; and
- 10 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.

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

7.193 A Transport Statement and supporting statement have been submitted. The Head of Sustainable Transport and Roads has reviewed these and has no objection to the proposals.

7.194 In respect of the above Criteria 1-7:

- 1 The proposal would incorporate and be connected to the existing footpath network surrounding the site. Bus stops are located within 200m of the site on Broughty Ferry Road, Blackcroft and Princes Street. Dundee Bus Station is within 700 metres of the site. Cycle storage is proposed within a secure, covered spaces within the ground floor

of the development and an external cycle store. The proposal would be located within an accessible location with connections to surrounding streets and the city centre. The site is within close to sustainable transport infrastructure and connections to surrounding footpaths which help to reduce the reliance on the private car.

- 2 The proposed development will include connections to existing footpaths which provide safe and convenient connections to the wider footpath network within the surrounding area. Direct pedestrian access is provided onto Broughty Ferry Road and accessible cycle storage areas are to be provided. Residents of the proposed development would have access to bicycle storage areas within the ground floor of the proposed buildings and towards the centre of the site. Streets in the vicinity of the development are suitable for use by pedestrians: being lit and being pedestrianised or having footways contiguous to the carriageway. The roads surrounding the site are suitable for cycling, and the site is linked by roads and paths to signed cycle routes including the Dundee Green Circular at Camperdown Street/City Quay.
- 3 The site is well served by public transport, with bus stops on Broughty Ferry Road, Blackscroft and Princes Street within 400 metres of the application site. These stops are served by local bus services towards the City Centre, Ninewells Hospital, Camperdown and longer distance services towards Arbroath. Dundee railway station is 0.8 miles to the south-west of site. The station provides access to local and long-distance rail services and is equipped with bicycle lockers, short stay car park and taxi drop-off spaces.
- 4 A Transport Assessment has been submitted as part of the application and following review by DCC Roads Engineers the findings of the Assessment have been accepted. Due to the site's location close to the city centre and as flats accommodation typically has lower car ownership, the proposed 80% parking provision is acceptable. Residents would also be able to make trips by sustainable transport options including public transport, cycling and on foot. Due to the central location of the proposed development, and proximity of shops and services the proposed development would not generate a significant travel demand. Full details of boundary treatments at access roads into the site have not been confirmed. These details will be required to demonstrate there is no adverse impact on visibility splays. However, this matter could be controlled by condition should members be minded to grant planning permission. Subject to details of boundary treatments, the form and layout of the development ensures the proposal would have no detrimental effect on the capacity or safe functioning of the existing road or rail networks.
- 5 The proposed access roads and parking areas are of a size and form which would support safe access and loading/unloading of service vehicles, road freight and waste management vehicles within the site.
- 6 The proposal includes Constable Street which is currently a public road becoming a private road. No details of the proposed alterations to the road have been submitted with the application. Alterations to the road or services underneath could impact on adjoining and surrounding public roads. As presently proposed, the application fails to demonstrate Dundee City Council's roads design standards can be met. Should Members be minded to grant planning permission, the provision of full details for prior approval will require to be controlled by condition.
- 7 The Transport Assessment contains a summary of the proposed developments impacts on traffic and information on local public transport provision. The proposed development would be accessible location and would not generate a significant travel requirement.

7.195 The proposal is in accordance with Policy 54, subject to conditions.

- 7.196 **Policy 56: Parking** states all new developments shall be required to comply with Dundee City Council's adopted guidance on road standards; with the national maximum parking standards; and the national minimum disabled parking standards. Residential developments 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.
- 7.197 All new developments should include cycle parking facilities in accordance with Dundee City Council's adopted guidance on roads standards and the Appendix 4 design standards. At places of employment covered secure parking with changing facilities should be provided for employees.
- 7.198 The proposal includes 80% parking provision for residents. As considered under Policy 54, due to the site's proximity to the city centre and access to sustainable modes of transport the proposed parking provision is acceptable. The parking areas will include disabled bays as required by roads standards. Electric vehicle charging points are to be provided..
- 7.199 The proposal would include 180 cycle spaces, comprising secure internal cycle parking spaces within the flatted blocks and an external cycle store. The cycle stores would be within accessible locations. The provision of 180 spaces would exceed Dundee City Council's Road Standards, which require a minimum of 144 spaces to be provided. Should Members be minded to approve planning permission, it is recommended that a condition be attached to any permission granted requiring the secure covered cycle storage provision is fully formed prior to first occupation of the development.
- 7.200 **The proposal is in accordance with Policy 56, subject to conditions.**
- 7.201 **It is concluded that the proposal fully accords with the Development Plan.**

MATERIAL CONSIDERATIONS

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

A – REPRESENTATIONS

- 7.203 In total six letters were received objecting to the proposal. The objections raised the following valid material grounds:
- i the proposed buildings are of a design and form which would not contribute positively to the site. The buildings are of a scale which would result in overshadowing, provide small, flatted dwellings, restrict light to rooms which are to north facing elevations of the proposed buildings and fail to provide high quality frontages. The provision of 144 flats significantly exceeds previously approved developments.
 - ii There is a lack of open spaces and play areas within the site, and there is no SUDS provision.
 - iii The proposed development would increase parking pressures on the surrounding area and have a detrimental impact on parking provision and access at a GP surgery. The increase in traffic to and from the site would also increase pressures on surrounding roads.
 - iv The proposed parking provision is excessive, as the site is close to the city centre and accessible by sustainable modes of transport provision should be reduced.

- 7.204 The grounds of objection are considered and assessed as follows:
- 7.205 **Objection** – the proposed buildings are of a design and form which would not contribute positively to the site. The buildings are of a scale which would result in overshadowing, provide small, flatted dwellings, restrict light to rooms which are to north facing elevations of the proposed buildings and fail to provide high quality frontages. The provision of 144 flats significantly exceeds previously approved developments.
- 7.206 **Response** – the scale and design of the building is considered under Policy 14 of NPF4 and Policy 1 of the Dundee Local Development Plan. The proposal is considered to be overdevelopment of the site, with 144 flats proposed across seven flatted blocks. Whilst there is separation between existing and proposed buildings to ensure there is no significant overshadowing impacts, the buildings are of a scale and massing which occupy large areas of the site, and the sloping nature of land towards the north boundary results in a low level of useable amenity space being provided. The proposal includes one-bedroom flats with less than 60m² floor area and areas of outdoor space where noise level would exceed target requirements. The development would not provide residents with an acceptable level of residential amenity. The proposed frontages would provide visual interest through the provision of appropriate finish materials and balconies. However, the buildings are of a scale and massing which does not complement the local streetscape. Multi-storey flatted dwellings have previously been approved within the site under 12/00371/FULM and 14/00758/FULM. However, these proposals formed part of enabling development to support the conversion of Category B Listed Wallace Craigie Works to flatted accommodation. These proposals also included larger areas of useable open space for residents. As the building is now demolished, there is no policy support or justification for enabling development of a high-density development of flatted accommodation within this inner-city site. A lower density development of housing with high quality outdoor spaces for residents could be provided.
- 7.207 **Objection** - there is a lack of open spaces and play areas within the site, and there is no SUDS provision.
- 7.208 **Response** - the proposed development would provide limited useable open spaces for residents, and the areas of open space are small in nature. There are proposals for three seating areas within the north-east of the site, but no designated play or recreational areas are proposed. With regard to SUDS, as considered under Policy 20b of NPF4 and Policy 37 of the Dundee Local Development Plan the proposed private drainage system would comprise underground storage crates which discharge into the public network. The proposals fail to provide above ground SUDS which would reduce flood risk, enhance biodiversity and would not be adopted by Scottish Water. The submitted drainage information fails to demonstrate the proposed system can operate without creating a flood risk.
- 7.209 **Objection** - the proposed development would increase parking pressures on the surrounding area and have a detrimental impact on parking provision and access at a GP surgery. The increase in traffic to and from the site would also increase pressures on surrounding roads.
- 7.210 **Response** - the proposed development would provide 80% parking provision for residents. This is considered to be acceptable in this inner-city location, with the site easily accessible by a range of sustainable transport options and within walking distance of the city centre. The Transport Assessment submitted with the application demonstrates the proposed development would have no significant impact on the local road network. The proposal would not result in any significant impacts on parking pressures or road safety in the surrounding area. The existing GP surgery to the north of the site currently benefits from access to a parking area within the application site, which would be lost if development is progressed. The finding of alternative parking is not a matter this application can control and is a matter for the surgery to address. Road access onto Wallace Street would be retained, and there is parking

provision within the surrounding area including Ferguson Street car park which would be accessible to staff and visitors to the surgery.

- 7.211 **Objection** – The proposed parking provision is excessive, as the site is close to the city centre and accessible by sustainable modes of transport provision should be reduced.
- 7.212 **Response** – Policy 10 of the Dundee Local Development Plan seeks 100% parking provision for flatted development within the inner-city area. The applicant has submitted a supporting statement which considers 80% parking provision would be appropriate. The matters raised in the supporting statement, including the site's proximity to sustainable modes of transport, are acknowledged.
- 7.213 Whilst the site is close to the city centre, the development would include 144 flats. Any further reduction in parking to below 80% would raise concerns that residents will require to park in the surrounding area which would increase local parking pressures. The proposal would provide residents with adequate parking provision and access to sustainable modes of transport, and not result in a significant parking demand on the surrounding area. The currently proposed parking is therefore considered to be acceptable.
- 7.214 One representation was received in support of the proposed development.
- 7.215 The representation welcomes the proposed development as contributing to the regeneration of this area of the city. However, it is recommended and requested matters including adherence to Passivhaus or equivalent standards, potential for solar gain, excessive parking provision, details of landscaping and public art provision are addressed by any planning permission.
- 7.216 **Response** – during consideration of the application further details of landscaping and parking provision have been provided. The information is acceptable and would ensure appropriate planting is provided and residents have access to parking. With regard to matters including energy and Passivhaus standards, the buildings would benefit from south facing frontages. Details of the buildings construction and renewable technologies will be addressed as part of any building warrant. There is space within the site for public art to be provided. However, details have not been provided. Should members be minded to approve planning permission, the provision of full details and the provision of public art on site can be controlled by condition.

B – PARKING JUSTIFICATION AND PRIVACY

- 7.217 The applicant has provided a Parking Justification Statement in support of the application.
- 7.218 The justification statement notes the site sits just outside the city centre area and in a highly accessible location given its proximity to public transport services and local amenities. It is considered an overall parking ratio of 80% will be higher than what the demand is likely to be based on specific Census data which shows car ownership levels are local for social rented accommodation in areas around the site. It is noted that Enterprise Car Club have expressed interest in principle in providing Car Club facilities within the development to supplement their existing services in Dundee. The site will also be served by cycle storage and is well connected to surrounding footpath networks.
- 7.219 The justification statement has been reviewed by The Head of Sustainable Transport and Roads and is supported. The proposed 80% parking provision would be sufficient for residents and ensure there is no increase in parking pressures within the surrounding area. The site is accessible by a range of transport options and within close proximity to shops and services within the city centre.

7.220 With regard to privacy – blocks 2 to 6 achieve a minimum window separation distance of 18 metres. Block 7 would include windows 17 metres from neighbouring property to the east, however the windows would not align and there would be no impact on privacy. A bedroom window within block 1 would be 12 metres from windows of a flat on the east side of Wallace Street. The minimum separation distance of 18 metres is therefore not achieved. However, the window opening is however small in scale and would not result in any significant impacts on privacy. In this instance the proposed windows, whilst within 18 metres of windows of habitable rooms, would not have any significant impact on privacy.

C – SUPPORTING INFORMATION

7.221 The applicant has submitted a Planning Statement and subsequent supporting information which provides information on the development, responds to planning policy and provides comments on matters including:

7.222 **Demand for affordable housing** – the applicant states there is demand for good quality, highly accessible affordable housing in the city and considers the proposed development of 144 flats would achieve these aims. It is considered the development would support meeting the annual target of 200 affordable homes set out in the Strategic Housing Investment Plan (SHIP).

7.223 **Response** – affordable homes are homes of a good quality that are affordable to people on low incomes. This can include social rented, mid-market rented, shared-ownership, shared-equity, and low cost housing without subsidy. As considered within the policy assessment above, priority is given to the development of the allocated brownfield and greenfield sites. The site is not allocated for housing or identified within the SHIP. The development of this site ahead of allocated sites does not align with the Council's housing strategy and could be detrimental to the delivery of allocated sites. The proposed development would introduce 144 flats into the site, contained within seven flatted blocks. The site layout fails to provide the minimum level of useable private outdoor amenity spaces, includes one-bedroom flats with below 60 sqm floor area and would not provide above ground drainage provision. These matters result in overdevelopment of site. A housing development of a lower density, with good quality private amenity areas for residents, a mix of house types and green drainage infrastructure would contribute positively to the regeneration of the site. The presently proposed development fails to achieve this.

7.224 **Amenity and Noise** - the applicant considers the areas of outdoor amenity space being provided are of a high quality, and that they would provide residents with sufficient external drying greens and useable outdoor spaces for recreational use. With regard to the NIA and the requirement to provide acoustic screening to achieve target noise levels within external amenity areas towards Broughty Ferry Road and Princes Street, the applicant requests that the Council's environmental health officers accept that in this particular situation, screening is not required. It is considered that the positive benefits of the development justify setting aside this requirement.

7.225 **Response** – as considered under Policy 10 of the Local Development Plan, the proposed flats would not provide residents with the required minimum level of private useable communal garden ground. The areas of garden ground proposed towards the site boundaries would be open in nature, close to public footpaths and subject to traffic noise which exceeds target levels. Consideration has been given to removing the requirement for mitigation measures. However, this would result in a development which fails to provide residents with an acceptable level of amenity. It is acknowledged that acoustic screening would impact on the appearance of the development. However, design solutions or amendments to the layout of the development could address this matter and ensure that all useable outdoor spaces are afforded an acceptable level of amenity. There is no justification for the scale or layout of

development proposed. The site is not allocated for housing and the development would fail to provide residents with an acceptable level or quality of useable outdoor amenity space.

- 7.226 **Drainage** – the applicant considers the proposed drainage system is acceptable and the proposed discharge rate is achievable. There would therefore be no new or increased flood risk. The underground storage system is proposed in response to site topography and underground conditions which make provision of a SUDS basin or pond challenging.
- 7.227 **Response** – the applicant has provided a Drainage Strategy Report with the application and subsequent plans which outline the proposed system. Following review, the Head of Design and Property Services has requested further information, including a full drainage check to demonstrate the proposed discharge rate could be achieved. The applicant has not provided this. Therefore, it has not been demonstrated the private drainage system as presently proposed can operate as outlined in the submitted information. Any amendments required to address this matter could result in significant changes being made to the overall site layout. Furthermore as noted under the assessment against LDP Policy 37 the proposed private system would mean the responsibility for maintenance and repair would fall on owners and residents rather than Scottish Water. This presents potentially significant challenges should the system fail. Whilst there are some site constraints, the applicant has not provided information to demonstrate a SUDS basin or pond cannot be achieved on site. A lower density development with one or more SUDS areas would contribute to biodiversity and could be managed and maintained publicly. As submitted the proposed drainage system with underground storage is not in a position to be supported.
- 7.228 Matters raised in the submitted reports and supporting information and acknowledged. There are no material considerations which would justify supporting the proposals contrary to the requirements of National Planning Framework 4 and the Local Development Plan.
- 7.229 **It is concluded that there are no material considerations of sufficient weight which would justify approval of planning permission.**

8 CONCLUSION

- 8.1 The application fails to satisfy the requirements of the Development Plan. There are no material considerations of sufficient weight that would justify approval of planning permission. It is recommended that planning permission be REFUSED.

9 RECOMMENDATION

- 9.1 It is recommended that planning permission be **REFUSED** for the following reasons:
- 1 **Reason** - the proposal is contrary to Policy 14b) of National Planning Framework 4 and Policy 1 of the Dundee Local Development Plan 2019. The proposed development is of a scale and density which fails to respect the character and appearance of the surrounding area and is therefore incongruous to this prominent inner-city location. As a result of overdevelopment of this site the proposals fail to provide residents with high quality, useable outdoor amenity spaces. There are no material considerations of sufficient weight to justify a decision contrary to this.
 - 2 **Reason** - the proposal is contrary to Policy 16b), 16c) and 16f) of National Planning Framework 4 and Policy 9 of the Dundee Local Development Plan 2019. The application site is not allocated for housing within the Dundee Local Development Plan 2019 and the

applicant has not provided a justification for the need or demand for 144 flats in this location. A statement of community benefit has not been provided. The applicant has failed to demonstrate that the development would improve affordability or choice and that its delivery would not impact upon the delivery of allocated housing sites. There are no material considerations of sufficient weight to justify a decision contrary to this.

- 3 **Reason** - the proposal is contrary to Policy 10 of the Dundee Local Development Plan 2019. The proposed development fails to demonstrate that there is a need for a flatted development in this location; it includes one-bedroom flats with floor areas below the required 60 sqm standard; and it fails to provide the necessary area of useable private communal amenity space. As a result of overdevelopment, the proposal fails to meet the minimum standards set out in Policy 10 and Appendix 4. There are no material considerations of sufficient weight to justify a decision contrary to this.
- 4 **Reason** - the proposal is contrary to Policy 20b) of National Planning Framework 4 as the proposal fails to incorporate any significant above ground blue and green infrastructure, missing an opportunity to enhance biodiversity, or use such infrastructure for flood prevention and water management. There are no material considerations of sufficient weight to justify a decision contrary to this.
- 5 **Reason** - the proposal is contrary to Policy 22c) of National Planning Framework 4 and Policy 37 of the Dundee Local Development Plan 2019. The applicant has failed to demonstrate that the proposed surface water management system can operate at the specified discharge rates. As such it has not been demonstrated that the development proposals will not increase the risk of surface water flooding to others, or itself be at risk. There are no material considerations of sufficient weight to justify a decision contrary to this.
- 6 **Reason** – the proposal fails to fully comply with Policy 3b) of the National Planning Framework 4. The proposal fails to incorporate nature-based solutions; does not include significant biodiversity enhancements; and does not consider local community benefits of the biodiversity or nature networks. There are no material considerations of sufficient weight to justify a decision contrary to this.
- 7 **Reason** - the proposal is contrary to Policy 23e) of National Planning Framework 4 and Policy 39 of the Dundee Local Development Plan 2019. Noise levels within areas of useable outdoor amenity space towards the site boundaries will exceed target levels, to the detriment of the amenity and usability of the outdoor spaces. There are no material considerations of sufficient weight to justify a decision contrary to this.