

KEY INFORMATION

Ward East End

Proposal

Erection of 19 houses and 4 flats, access road, associated boundary treatments and landscaping

Address

Land to North of
Alloway Place
Dundee

Applicant

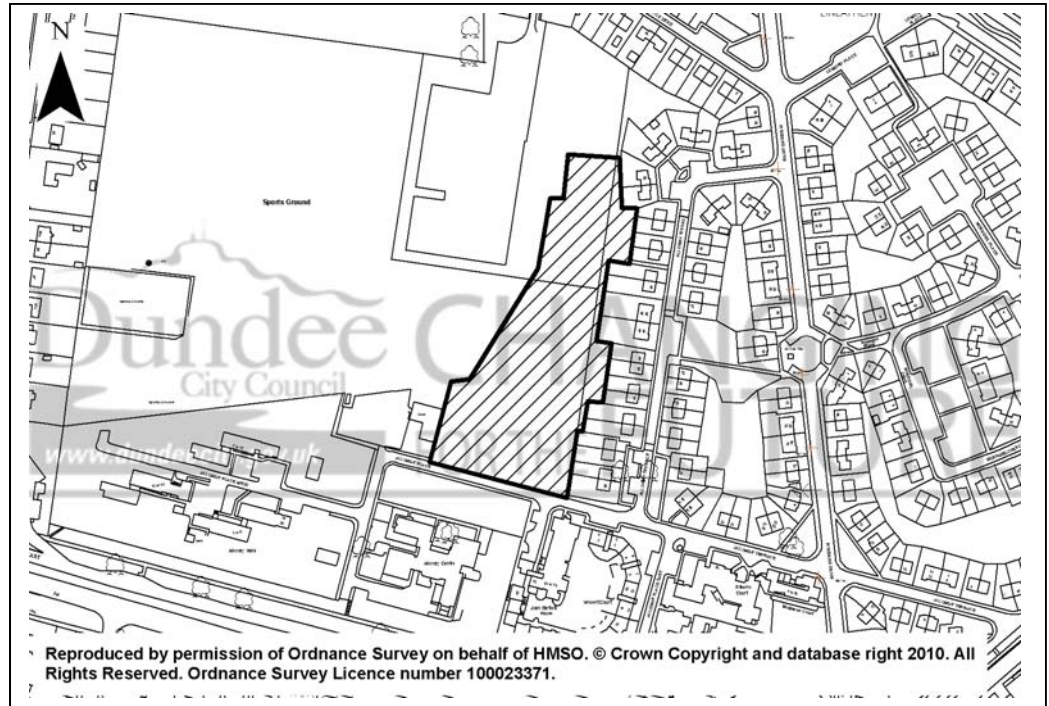
Dundee City Council
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Agent

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Registered 25 Mar 2010

Case Officer Eve Young



Proposal for New Council Housing at Alloway Place

The erection of 19 houses and 4 flats is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of City Development.

RECOMMENDATION

The development proposes the erection of 19 houses and 4 flats, 11 of which are wheelchair adapted properties. The scale, design and materials will result in an attractive new development. The development does not comply with the Dundee Local Plan Review 2005. However, a Planning Brief promotes a larger site for housing; the housing need and the characteristics of the development are some of the strong material considerations in favour. The objections raised are not supported for the reasons given in the report. The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Members will recall that this application was deferred from the DQ Meeting on 17 May to allow further investigation of drainage and flooding issues. There is additional information in the main report.
- Planning permission is sought for 19 detached and semi-detached, one and two storey houses and 4 flats and a new access road from Alloway Place. The 11 single storey houses are wheelchair adapted and gardens are at least 120m². A "Pocket Park" provides additional amenity space for the development. Detailed reports in respect of noise, contaminated land risk, trees, drainage, design and sustainable development and justification for the development have been submitted.
- A number of policies in the Dundee Local Plan 2005 are relevant and an approved Site Planning Brief (March 2008) promotes residential redevelopment of land including this site.
- 13 copies of a letter of objection and a petition bearing 37 signatures were submitted on the grounds that connection of the new development to the existing Ballochmyle combined sewer will be detrimental to the existing flooding problem in this area.
- Scottish Water, which is the regulatory body in this case, will accept foul drainage and controlled surface water drainage into the combined Ballochmyle sewer from 15 of the units (the remaining 8 will drain to Alloway Place). The City Engineer's officers have met with the interested parties, including Scottish Water and have requested a series of engineering measures to address surface water run-off issues. This is an ongoing process of negotiations and is separate from the planning application.
- The development fails comply with the Development Plan in respect of two elements of Policy 4 and Policy 66B. However it provides a wide range of house types in a high quality development to address various identified housing needs as detailed in a Statement of Justification by the applicant. There are material considerations of sufficient strength as detailed in the report to justify the granting of planning permission contrary to the provisions of the Development Plan. The objections do not weigh so heavily and therefore do not justify refusal of the application.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of 19 detached and semi-detached, one and two storey houses and 4 flats in a two storey block. A new access road from Alloway Place will provide vehicle access to all of the properties. 17 of the houses will have two or three bedrooms and will accommodate 4 or 6 persons; 1 x 4 bed house and 1 x 5 bed house are also proposed. The flats have 3 bedrooms. The 11 single storey houses are wheelchair adapted. The houses will have a wide range of private garden space but none is less than 120 square metres. All units will have at least one off street parking space and the wheelchair adapted houses will have 2 spaces including a car port. Part of the site has been identified for the provision of a Sustainable Urban Drainage System (SUDS). An area of land has been allocated for the formation of a "Pocket Park" to provide amenity space for the development. The site will be bounded by timber fences other than on the west elevation where it abutts the sports field where "ball catch" netting will be provided to protect residents.

The proposed materials comprise white render, engineering brick base courses, concrete tiled roofs with timber fences and metal railings with hedges.

A Noise Impact Assessment has been submitted in respect of possible noise from the adjoining rugby social club. A Preliminary Risk Assessment in respect of contaminated land has been submitted. A Tree Survey, a Drainage Assessment, a Report on the Drainage Design and a Design and Sustainable Development Statement have been submitted in support of the application. The City Council Housing Department has submitted a detailed statement of housing needs in support of the application.

The application was originally reported to the Development Quality Committee on 17 May and was deferred in order for a deputation by the Applicant to Committee on the drainage and flooding issues of the wider area raised by local residents.

SITE DESCRIPTION

The site extends to approximately 1.11 hectares. It incorporates a current area of informal open space on the north side of Alloway Place in Linlathen and also encroaches into approximately 20% of the site of the former Mossgiel Primary School which is currently vacant, the school buildings having been demolished. The whole of the



site will be accessed from Alloway Place. There are a number of trees scattered along the east boundary and trees form the boundary between the



open space and the former school grounds. The site is generally flat and slopes down gently from south to north.

Well established semi-detached housing lies to the east, flats lie to the south east with student housing beyond an area of open space to the south. Sports grounds with an associated rugby clubhouse lie to the west and the former school grounds to the north. A further area of housing lies to the north of the former school grounds and beyond, to the north west lies the Morrisons Supermarket.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 2005

The following policies are of relevance:

Policy 4: Design of New Housing

Policy 66A: Protection of Playing Fields and Sports Pitches and Policy 66B: Protection Of Other Open Space

Policy 72: Trees and Urban Woodland

policy 75: Sustainable Drainage Systems

Policy 76: Flood Risk

Scottish Planning Policies, Planning Advice Notes and Circulars

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

Non Statutory Statements of Council Policy

There is an approved Site Planning Brief (March 2008) promoting residential redevelopment of the site of the former Mossgiel Primary School including the open space to the south. The application site forms less than half of the site of the brief with the majority of the site being the open space off Alloway Place.

SUSTAINABILITY ISSUES

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

SITE HISTORY

There is no planning history relevant to this site.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised as a development contrary to the Development Plan. 13 copies of a letter of objection were submitted by individual residents and a petition was submitted bearing 37 signatures of local residents.

The letter objects on the grounds that connection of the new development to the existing Ballochmyle combined sewer will be detrimental to the existing flooding problem in this area and that the existing problem should be sorted out before any new building is allowed.

The petition states that the residents object to the new build due to the extreme flooding issues that they have experienced for 40 years.

Members will already have had access to these submissions and the points raised are considered in the 'Observations' Section of this Report below. No further representations have been submitted since the application was deferred by the Committee. However, a further site meeting has been held between the local residents who are most directly involved and Council officials to explain the measures that Dundee City Council are continuing to pursue to address the flooding issues in the area.

CONSULTATIONS

As a result of pre application consultations between the applicant's agent and Scottish Water, a detailed response from Scottish Water has been submitted as part of the supporting documents for this application. Scottish Water states that:

- there is no longer a requirement to carry out a Drainage Impact Assessment for the 23 plots at Alloway Place;
- surface water drainage should be kept separate and attenuated to 5 litres/second prior to connection to the combined sewer;
- 15 units will be connected to the combined sewer in Ballochmyle Drive;

- 8 plots will drain directly to Alloway Place and be attenuated to 4 litres/second;
- SUDS should be considered in the surface water drainage design;
- technical approval for the proposed water and wastewater infrastructure will be required.

The applicants' consultant engineer confirms that Scottish Water will accept a combined flow of 5 litres/second for the foul drainage to the sewer in Ballochmyle Drive.



A Tree Survey has been carried out and the Forestry Officer seeks appropriate replacement tree planting.

The Head of Environmental Health and Trading Standards commented on the Noise Impact Assessment (NIA) that was submitted in respect of potential noise from the rugby social club which adjoins the west boundary of the site. The NIA made specific recommendations which are supported by EHTS who request the use of appropriate conditions if Members are minded to approve the application.

The Head of Environmental Health and Trading Standards has considered the submitted Preliminary Risk Assessment report which recommends further investigation. Some intrusive investigation has been carried out and it is recommended that further investigations be the subject of appropriate conditions if Members are minded to approve the application.

OBSERVATIONS

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with

the Development Plan unless material considerations indicate otherwise.

The Development Plan

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

Policy 4: Design of New Housing - Policy 4 in the Dundee Local Plan Review 2005 and its associated Appendix 1 sets out criteria to ensure that the design and layout of all new housing in Dundee is of a high quality.

Standards are outlined for housing types and sizes, parking, garden ground and privacy standards. The site lies within the area of the City designated as "suburban" to which specific Appendix 1 criteria apply.

The proposed houses meet the requirements of Appendix 1 in the following respect. They provide 2 or 3 bedrooms and have garden grounds of at least 120m². All have at least one off street parking space, the 11 wheelchair adapted houses all have a car port and 7 of these have an additional space in the driveway. The houses all have appropriate bin stores. Due to the design of the single storey houses which incorporate a car port, there is no opportunity to provide a garage. The two storey houses do not have garages or space for a garage. 50% of houses should have garages or space for one and in this respect, the proposed development does not fully comply with Policy 4.

The proposed two storey flats are located almost at the end of the new cul-de-sac and have a wide parking area for four cars which also incorporates a turning head for this cul-de-sac. Parking is provided at 100%. Each pair of flats has a drying area and garden grounds of 249 and 259m² all of which is usable garden ground. The explanatory text to Policy 4 identifies the high proportion of small flats in Dundee and generally supports the development of houses rather than flats. The Policy advises that new development should conform to Appendix 1 unless the standards have been varied by a Planning Brief or the site is within an established low density area where more generous space standards would be required.

The adopted Site Planning Brief does not include the provision of flats.

Appendix 1 states that flats will only be permitted in exceptional circumstances to provide choice where this type of accommodation is not available in the surrounding area. The acceptability of flats on this site therefore relies upon the development being identified as meeting "exceptional circumstances". Supporting Information has been submitted in this respect and is detailed in the Material Considerations below.

There are no site specific circumstances which would support the provision of flats rather than houses.

It is concluded that the provision of four flats within this development does not qualify as exceptional circumstances as required by Policy 4 Appendix 1 and there is not provision of garages or space for garages for 50% of the houses. Accordingly, it is considered that the proposed development does not meet Policy 4 of the Dundee Local Plan Review 2005.

Policy 66A: Protection of Playing Fields and Sports Pitches and Policy 66B: Protection of Other Open Space - the Proposals Map which forms part of the Dundee Local Plan Review 2005 shows the sports grounds and the southern part of the site to be covered by both policies.

Policy 66A relates directly to Playing Fields and Sports Pitches and it is considered that this does not apply to the informal open space which comprises the southern half of the application site and is distinctly separate from the formal sports pitches to the west. Accordingly Policy 66B applies to part of this application site. As the site is not formal open space, the redevelopment proposals should be consistent with an approved programme to improve the management of open space. The proposed redevelopment is not part of such a programme and the development fails to comply with Policy 66B.

Policy 72: Trees and Urban Woodland - the policy supports the retention, where possible of existing healthy mature trees and their incorporation into new development. New planting will be required as part of new developments.

The site contains a number of trees which are not the subject of a Tree Preservation Order. The submitted tree survey identifies trees to be removed because they are dead, in poor condition or directly affected by the proposed development and the removal of these trees is justified. Trees to be retained should be fenced off in accordance with the submitted tree fencing details.

Justification has been submitted in respect of the removal of some of the proposed trees from rear gardens at the request of the nominated tenants. This is to allow hard landscaping to accommodate wheelchairs and to reduce maintenance for such tenants. As noted, the "Pocket Park" on the west side of the site will allow for new tree planting as part of a shared amenity space that all residents can enjoy without having to maintain trees on an individual basis. Given the nature of the proposed houses where the majority are wheelchair adapted, it is considered that the loss of these trees is justified provide replacement planting is provided as part of a landscaping scheme for the site.

As noted, this site has an approved Site Planning Brief for housing development, which supports the principle of the redevelopment of the site and, subject to acceptable replanting of new trees, the loss of trees is considered to be justified in terms of Policy 72.

Policy 76: Flood Risk - this policy addresses the issue of development and flood risk. Its introductory text explains that in order to identify areas at risk, an audit of the City has been carried out which has identified specific localities. Flood Prevention Reports have been produced every two years since 1997 and planning applications are assessed in association with the report. The policy relates to developments within areas identified by the Council as having varying levels of flood risk. Proposals should not present any flood hazard either on site or at other locations.

The application site and the housing area at Ballochmyle Drive is not identified within these Reports and, in accordance with the strict interpretation of the policy, it could be concluded that the policy does not apply in this particular case.

However, it is clear from information provided by local residents and by

events recorded in the local press that this very local area has been the subject of flooding during periods of exceptionally high rainfall and this has been the subject of investigations by both the applicant's consultant engineer and the City Engineer. In order to address the spirit of the policy, this subject is considered elsewhere in this report at greater length.

Policy 75: Sustainable Drainage Systems - the policy requires the submission of a Sustainable Drainage scheme for all appropriate development proposals supplemented by a Drainage Impact Assessment.

The applicants' agent was invited to carry out pre application consultation with Scottish Water and comply with their requirements. Scottish Water confirmed that a full Drainage Impact Assessment was not required in this case but the agent has submitted a Drainage Assessment. Following further consultations with Scottish Water, Fairhurst, the applicants' consultant engineers have submitted an additional Report on Drainage Design to clarify the background and the current situation.

The Report on Drainage Design notes that both the Alloway Place site and the Mossiel site currently have no formal drainage system. Both sites slope northwards and surface water currently flows overland to Ballochmyle Drive. It is estimated that this flow is 9.25 litres/second during a 10 year rainfall return event. The proposed surface water drainage system for the new development will deal with all of the surface water run-off from roofs, driveways and the road. It will collect this water in an underground attenuation tank and the release to the combined sewer will be controlled. Scottish Water has confirmed that the sewer can accept a discharge rate for both foul and surface water of 5 litres/second. The tank is designed to deal with water generated by a 200 year rainfall return event. Scottish Water will adopt and maintain the new foul and surface water sewers and the attenuation tank. Development of the site, which incorporates surface water drainage of this type, will ensure that the current overland flow to the Mossiel site will cease.

These reports have been considered and are acceptable, subject to confirmation that details of the drainage and SUDS design is in

accordance with Scottish Water requirements and Sewers for Scotland 2. The details have been submitted to Scottish Water for technical approval. The design of the SUDS has not been concluded and this can be the subject of an appropriate condition if Members are minded to approve the application.

Further details of the construction will be subject to a building warrant application under the Building (Scotland) Act and a Road Construction Consent for the design and construction of the road and associated road drainage. Both are subject to separate legislation.

It is concluded that the application complies with the requirements of Policy 75.

Policy 68: Dual Use of Open Space Within School Grounds - the northern part of the site is covered by this policy. However, as noted in the site description above, the former school has been demolished, and the site is no longer school grounds therefore the policy does not apply.

It is concluded that the development fails to comply with Policy 4 by provision of flats and provision of a car port instead of a garage or space for one and also with Policy 66B in respect of open space management but does comply with Policy 72 and Policy 75 of the Development Plan. Accordingly, the development fails to comply with the Development Plan.

Other Material Considerations

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

Objections and Representations

The application was the subject of statutory Neighbour Notification and was also advertised as a development contrary to the Development Plan. 13 copies of a letter of objection were submitted by individual residents and a petition was submitted bearing 37 signatures of local residents.

The residents object to any development being approved which will drain into the existing combined sewer in Ballochmyle Drive as they consider that this will increase the flooding that they have experienced in the past.

The issue of the likely impact of the proposed development on the existing

flooding situation at Ballochmyle Drive is considered in a separate section of this report in order to avoid unnecessary duplication. The assessment of the weight to be given to these objections will be included in that section.

Design and Layout

The Appendix 1 criteria to Policy 4 seek the provision of garages or space for one in 50% of the properties. Due to the design and the character of the dwellings proposed this cannot be met. The 11 wheelchair adapted houses require a large footprint of building to provide accommodation all on one floor and the provision of driveways in addition to this would result in even fewer houses being built on the site. The parking as proposed provides sheltered spaces, protected by a car port, which are directly accessible to the houses. This is more appropriate for wheelchair adapted housing.

With regard to provision of flats, the introductory text to Policy 4 notes that the City has a high proportion of small flats and particular sites may lend themselves to particular types of development. There is a strong emphasis on high quality of development which is reflected in the submitted Design and Sustainable Development Statement. The Statement of Justification submitted by the applicant follows in these Observations and supports the provision of four flats in this development.

The proposed flats are three bedroom and have floor areas of 95.5 and 102.9m². They provide a mix of dwelling types within the area and have internal accommodation and external amenity space well in excess of the Dundee Local Plan Review 2005 requirements for flats in the city centre, and other site specific, locations.

It should also be noted that the development contains 11 wheelchair adapted houses, which occupy a much larger footprint than a conventional two storey house in order to provide the same level of accommodation. Consequently, fewer houses can be built on a site. This development proposes a range of dwellings types to address various identified housing needs in this community and it can be argued that the provision of four flats allows the site to accommodate a range of needs and to be utilised more

economically without significantly affecting the quality and character of the resulting development.

The text to Policy 66B advises that "Exceptional redevelopment proposals that facilitate the reuse of vacant brownfield sites or relocate underused open space onto more centrally located sites within communities will be afforded special consideration." The proposed development comprises a well designed new housing development providing a majority of much needed wheelchair adapted housing with attractive private gardens. Many of the houses face on to a pocket park which will provide a shared, high quality amenity space for the residents.

It is concluded that the above details of the design and layout are strong material considerations which support the granting of planning permission for the development.

Planning Brief

As noted, there is an approved Site Planning Brief of March 2008 promoting the residential redevelopment of a much larger site which includes the whole of the former Mossiel School grounds. The application site comprises approximately 40% of the site covered by the Brief. The Brief states that two/three bedroom houses may offer the best mix for this site and no flats are mentioned. It indicated that the site would meet the demand for two storey, affordable, owner occupied housing. The development proposed is predominantly single storey, wheelchair adapted housing and this type of specialist housing was not envisaged or could not have been anticipated by the Brief. The requirement in the Brief to provide garages and car parking to the rear of the properties also cannot be met as detailed in Policy 4 above. However it does note that development should be in accordance with the Dundee Local Plan Review 2005 which is discharged above.

The proposed development includes the provision of a "Pocket Park" as proposed in the Brief and ball catch netting by the playing fields. The need to consult on drainage issues has been addressed.

It is concluded that the 2008 Brief promotes residential development of the site and the proposals meet some of

the criteria within it. The Brief is one material consideration and it is considered that the weight of the justification for the development in other material considerations is sufficient to support those elements which do not fully comply with the Brief.

Design and Sustainable Development Statement

The applicants' agent has submitted a statement in support of the development which details the design criteria for the layout and the individual houses in order to provide a high quality, sustainable development which will make best use of the available site. The statement is accepted and is considered to be a material consideration which supports the development of the site for residential use.

Supporting Statement by the Applicant

"At this time Dundee City Council Housing Department's Housing Waiting List consist of circa 7,300 applicants, 5,500 have an assessed unmet housing need.

The Council's stock in Linlathen currently comprises of 269 cottages (93 x 2 bedrooms, 119 x 3 bedrooms, 57 x 4bedrooms) and 53 ground floor flats with only 28 x 3 bedrooms on the ground floor. There are circa 615 households requesting 2 bedroomed cottages; 279 requesting 3 bedroomed cottages; 686 requesting 2 bedroomed flats and 201 requesting 3 bedroomed flats in the Linlathen area. Currently there are 762 households on the waiting list for 2 bedroomed ground floor flats, a number of whom have medical needs for this type of accommodation. There are an additional 684 households how have expressed an interest in upper floor 2 bedroomed flats in the Linlathen area. There are also 288 households requiring 3 bedroomed ground floor flats, again most with medical support, and 198 households asking for 3 bedroomed upper floor flats (there is likely to be some duplication in these figures).

The provision of 4 x 3 bedroomed flats (the 2 ground floor being fully adapted wheelchair housing, and the 2 first floor will meet the needs of households requiring housing all on one level), is recommended as it:

- creates a mix of sustainable housing in the development and compliments the existing mix of housing in Linlathen by - 8 two storey cottages, 11 single storey cottages, 4 flats - 35% mainstream, 56% fully adapted housing, 9% medical needs housing.
- allows household preferences for flats rather than cottages to be met,
- allows medical needs, some being extreme, and not just severely disabled housing needs, to be met,
- allows specific housing needs to be met quicker than otherwise would be,
- contributes, in a small way, to reducing the waiting time of applicants for specific house types,
- will alleviate specific hardships for households currently inappropriately housed.

In addition to the above there are 65 households on the waiting list, some of whom have been waiting in excess of 24 months, who have been assessed as requiring fully adapted wheelchair housing as their existing homes are totally unsuited to their individual needs. The 13 fully adapted units on this site will enable the individual/family to enjoy an improved quality of life.

It is envisaged that the occupiers of these units will either be current residents of Linlathen or surrounding areas, or have a support network established/easily established within the Linlathen area. "

This supporting statement is detailed and comprehensive and places this development in the context of the high demand for housing, particularly fully adapted housing to meet residents individual needs.

Flooding Issues

This application was reported to the Development Quality Committee on 17 May 2010 when Members heard a deputation from local residents who raised concerns that the development would further exacerbate the highly localised flooding events which have occurred in this area in the past. Members decided to defer consideration of the application in

order to allow further investigation and for a deputation to be available to answer questions on this issue.

Fairhurst, the applicants' consultant engineers were requested to demonstrate that the construction of the houses and the resulting foul and surface water flows into the combined sewer would not make the existing situation any worse. Scottish Water, which is the regulatory body in this case, has been in discussions with the consultant engineers and will accept foul drainage and controlled surface water drainage into their sewer from 15 of the units. The remaining 8 units will drain northwards to Alloway Place. In addition, the construction of the houses will restrict surface water run-off from the Alloway Place site which currently contributes to the run-off from the Mossgiel Site on to Ballochmyle Drive.

As the Report on Drainage Design from Fairhurst (the Applicant's Agents) explains, there appears to have been problems with localised flooding since the 1950s which have been managed by Scottish Water. However there are no specific records which can detail the source of the flooding either from the sewer, from surface water or from a combination of the two.

Scottish Water, carried out works to the rear (north) of 15 Ballochmyle Drive in late 2008/early 2009. This property is not connected to the combined sewer in Ballochmyle Drive but drains towards the north. The Fairhurst report states that "Since that work was carried out, Scottish Water has no record of any incidents of flooding from the sewers." However, the area was affected by flooding in September 2009 which residents state included sewage from the combined sewer.

The City Council has no specific records of flooding at 15 Ballochmyle Drive other than during the extreme rainfall events of August 2004 and September 2009 when numerous other properties throughout Dundee experienced flooding. Following the representations by the local residents, an investigation has been carried out by the City Engineer which concludes that the localised flooding appears to be as a result of surface water run-off from adjacent properties, including the Alloway Place and Mossgiel school sites and the existing combined sewer network on Ballochmyle Drive.

The City Engineer's representatives have met with the interested parties, including Scottish Water, and have requested a series of engineering measures to address the existing surface water run-off issues from an adjoining landowner. This may result in a process of negotiations which is separate from the planning application.

It is clearly important to separate the possible sources of the flooding and to identify those elements which the drainage design for this development seeks to address. Fairhurst, have submitted reports to clarify the design proposals and identify the improvements to the current situation which the development can provide. The City Engineer is pursuing associated surface water flooding issues which contribute to the localised flooding. Both are required to rely upon the additional information provided by Scottish Water in respect of the capacity of the main system.

The residents have clearly had to endure significant problems resulting from the localised flooding and state they have issues regarding insurance and the value of their property. This application has given them the opportunity to emphasise their concerns and seek solutions to the drainage issues of the wider area. However, given the assurances from Scottish Water and the consultant engineers, it is considered that the construction of the houses and flats at Alloway Place will not make the current situation at Ballochmyle Drive any worse. Accordingly it is considered that the objections are not sufficiently strong to justify refusal of the application for the reasons given.

Assessment of Material Considerations

It is concluded from the foregoing that the principle of residential development on the site is supported by the Site Planning Brief. Whilst the development fails to meet some of the requirements of that Brief, it is considered that the nature of the proposed development differs from the private sector mainstream housing which was originally envisaged for this site. The provision of a significant number of wheelchair adapted houses in a high quality development, supports these variations.

In respect of the provision of large three bedroom flats with gardens and parking, the Supporting Statement from the applicant also highlights the

significant need that exists for limited provision of flats.

The objections are not supported for the reasons given and are not accorded sufficient weight to justify the refusal of planning permission when there are other stronger material considerations which support the application.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations as detailed above such as to justify the granting of planning permission contrary to the provisions of the Development Plan.

Design

The design and materials proposed will result an attractive group of new houses within an existing well established housing area. The development will have a natural focus on the proposed Pocket Park which will provide a shared amenity asset for the area.

CONCLUSION

The development proposes the erection of 19 houses and 4 flats, 11 of which are wheelchair adapted properties. The scale, design and materials will result in an attractive new development. The development does not comply with the Dundee Local Plan Review 2005 and there are several material considerations of varying strengths which have been taken into consideration in the assessment of the application. The Planning Brief promotes a larger site for housing; the housing need detailed in the Supporting Statement and the characteristics of the development are considered to be strong material considerations in support of the development.

Following the deferral of the application from the DQ meeting on 17 May, further supporting information on drainage and flooding has been submitted. The City Engineer's investigations into the localised flooding during extreme rainfall events will continue. The information submitted by the applicant's consultant engineers states that the proposal will not make the existing situation worse and indeed will reduce overland flow from the site which may contribute to the flooding. Scottish Water states that there is capacity in the sewer to accept the controlled drainage from the site. For

these reasons, the objections raised are not supported and are not considered to be sufficiently strong to support refusal of the application.

It is considered that appropriate conditions as part of the planning consent can address various design issues. The application is recommended for APPROVAL subject to conditions.

RECOMMENDATION

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

- 1 Development shall not begin until the investigation and risk assessment proposed in the submitted Stage I Desk Study are completed and, if necessary, a remediation strategy to deal with contamination at the site has been submitted to and approved in writing by the planning authority. The strategy shall contain proposals to deal with contamination to include:
 - a the nature, extent and type(s) of contamination on the site.
 - b measures to treat/remove contamination to ensure the site is fit for the use proposed and does not contain any significant pollution linkages.
 - c measures to deal with contamination during construction works.
 - d verification of the condition of the site on completion of decontamination measures.
- 2 Before any unit is occupied any remediation strategy as required by condition 1 shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority.
- 3 The findings of the Noise Impact Assessment shall be incorporated into the detailed design of the houses on Plots 1, 9 and 10 as detailed in Para 2.05 a, b, c, d and e of the NIA dated 3 arch 2010.

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| <p>4 The boundary fence to Plots 9 and 10 shall be constructed in accordance with the recommendation in Para 2.05 f of the Noise Impact Assessment dated 3 March 2010 prior to the first occupation of either house.</p> <p>5 Prior to the first occupation of any of the dwellings in plots 9 and 10 and plots 13 to 18, ball catch netting in accordance with the submitted specification shall be installed along the mutual boundary to the sport pitches.</p> <p>6 Prior to the commencement of development, tree protection fencing in accordance with BS5837:2005 shall be erected on site around the trees to be retained and to the satisfaction of the City Council. Such fencing shall be retained in place throughout the construction period. Relocation of any fencing shall be agreed with the Forestry and Enforcement officers prior to any movement of the fencing.</p> <p>7 A comprehensive landscaping scheme for hard and soft landscaping shall be submitted for approval prior to completion of construction of the dwellings and if approved, the works shall be carried out only in accordance with such approved details. The scheme shall include replacement trees at a ratio of 1:1 for trees removed as part of the development unless otherwise agreed as part of the landscaping scheme. The trees shall be of min. 10 -12 cms rootballed of species to be agreed, to be planted in accordance with BS:4043.</p> <p>8 The landscaping scheme approved in accordance with condition 7 shall be implemented in the next planting season following the completion of the housing hereby approved unless otherwise agreed in writing with the Authority. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within fivers of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.</p> | <p>9 Full details of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved details.</p> <p>10 The boundaries shall be completed in accordance with the approved details prior to the first occupation of the dwellings hereby approved unless otherwise agreed in writing with the Planning Authority.</p> <p>11 The proposed roads, footways and verges must be formed and constructed to Dundee City Council standards and specifications.</p> <p>12 A footway must be provided to Dundee City Council specifications ex adverso the site on Alloway Place. Details of the footway must be agreed prior to any works on site. Any existing accesses that are no longer required as part of the proposed development must be made good as footway to Dundee City Council specifications. Details of these alterations must be agreed prior to any works on site</p> <p>13 A Stage 1/2 Road Safety Audit must be submitted to Dundee City Council specifications for all new roads associated with the development</p> <p>14 Full details of the sustainable drainage of the site in accordance with Scottish Water requirements and Sewers for Scotland 2 shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.</p> <p>Reasons</p> <p>1 In the interests of the amenities of the future occupants of the residential accommodation</p> <p>2 In the interests of the amenities of the future occupants of the residential accommodation</p> <p>3 In the interests of the amenities of the future occupants of the residential accommodation</p> | <p>4 In the interests of the amenities of the future occupants of the residential accommodation.</p> <p>5 In the interests of the amenities of the future occupants of the residential accommodation.</p> <p>6 To protect those trees which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance of the development.</p> <p>7 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.</p> <p>8 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.</p> <p>9 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.</p> <p>10 In the interests of the amenities of the occupiers of nearby properties.</p> <p>11 In the interests of highway safety.</p> <p>12 In the interests of highway safety and the amenities of the occupiers of nearby properties.</p> <p>13 In the interests of highway safety.</p> <p>14 To ensure that the site is adequately drained in a sustainable manner.</p> |
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