

Phase 3 of Mill O Mains Regeneration

KEY INFORMATION

Ward North East

Address

Phase 3 Mill O'Mains, Dundee

Applicant

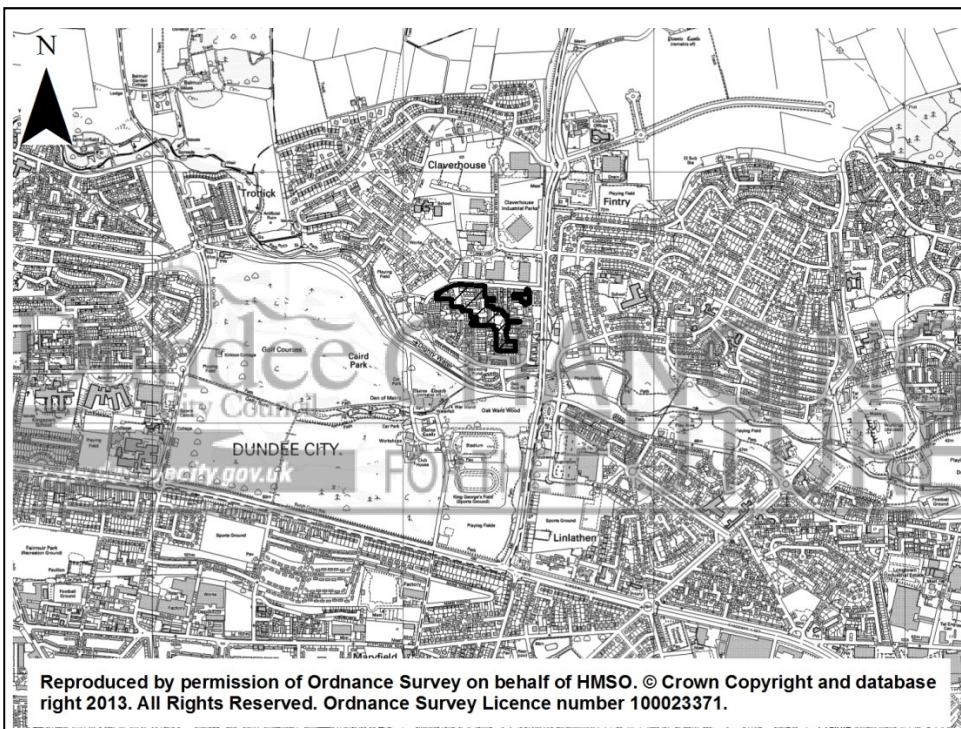
Mr Malcolm McBride
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Agent

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Hudson House
21 Slater's Steps
Edinburgh EH8 8PB

Registered 7 Jan 2014

Case Officer Paul Macari



SUMMARY OF REPORT

- This application seeks planning permission for the demolition of 9 blocks of flats and 11 cottages and the erection of 62 new build houses and 8 flats, associated parking, landscaping and boundary treatments.
- The requirements of Tayplan Strategic Development Plan and Dundee Local Development Plan are relevant to the proposal.
- Three letters of objection and a letter of representation have been received from neighbouring residents concerned about the method of pre-application consultation, tenure mix of the proposed houses and flats, loss of daylight, overshadowing, overlooking contrary to Council Policies, inadequate access and drainage issues.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=MY3QZ3GCH3E00>.

RECOMMENDATION

The proposal represents the third phase of the regeneration of Mill O Mains, replacing poor functioning flatted housing units with houses of varying sizes to meet the needs of the local community and enhancing connectivity and accessibility within the estate. It fails to satisfy some of the requirements of the Development Plan but there are material considerations that justify approval of planning permission. Therefore, the application is recommended for APPROVAL subject to conditions.

1 DESCRIPTION OF PROPOSAL

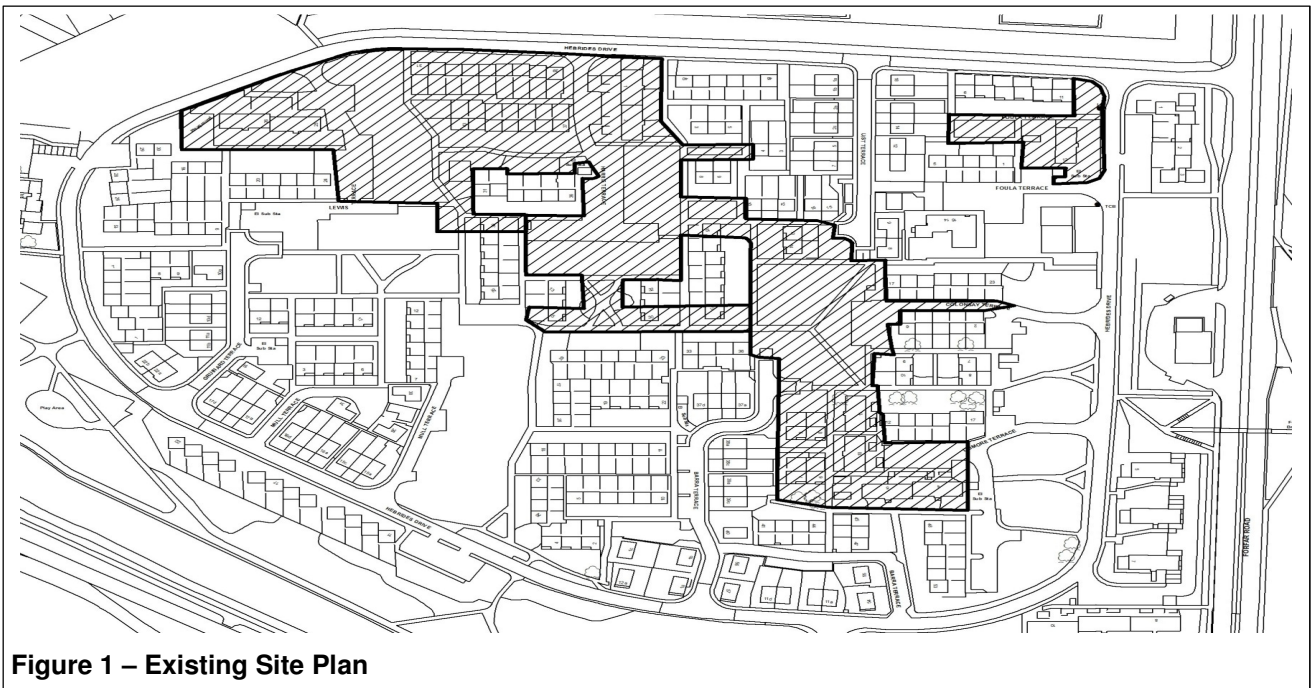


Figure 1 – Existing Site Plan

- 1.1 This application seeks planning permission for the demolition of 11 blocks of flats and 9 cottages and the erection of 62 new build houses, 8 flats, associated parking, landscaping and boundary treatments at Lewis Terrace, Harris Terrace, Hebrides Drive and Lismore Terrace.
- 1.2 The properties to be demolished are located on Lewis Terrace, Harris Terrace, Hebrides Drive and Lismore Terrace. The new housing units will be spread over four sites. Site 1 Lewis Terrace will comprise of 21 units, Site 2 Harris Terrace of 19 housing units, Site 3 Hebrides Drive of 6 units and Site 4 Lismore Terrace of 24 units.
- 1.3 Of the 62 new houses proposed, 6 will have 4 bedrooms, 41 will have 3 bedrooms and 15 will have 2 bedrooms. Of the 8 flats proposed, 4 will have 2 bedrooms and 4 will have

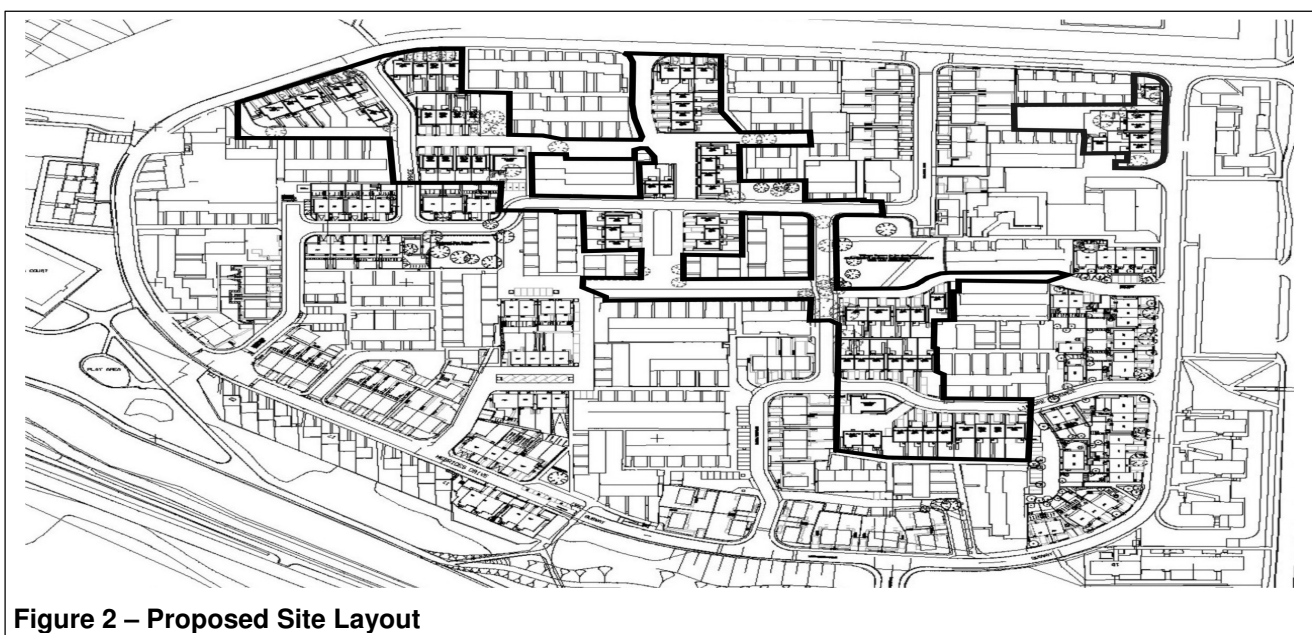


Figure 2 – Proposed Site Layout

one bedroom. The housing mix will comprise of 50 terraced properties, 10 semi-detached properties and 6 detached properties. The proposed 2 bedroom flatted blocks will take the form of end terraced buildings on Plots 1, 2, 4 and 5 on Site 1. The proposed one bedroom flatted blocks will resemble a pair of semi-detached houses on Plots 1, 2, 5 and 6 on Site 4.

- 1.4 New roads linking Gruinard Terrace, Harris Terrace, Lewis Terrace, Uist Terrace, Barra Terrace, Lismore Terrace and Hebrides Drive will be created . The proposed development will utilise the existing drainage infrastructure serving Mill O'Mains.



Figure 3 – Aerial Photograph

- 1.5 As the area of the application site exceeds 2 hectares and the number of dwelling units proposed exceeds 50 the proposals fall within the meaning of a Major Planning Application as defined by Regulation 2(1) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2013. Accordingly, the applicant was required to undertake statutory pre-application consultation with the local community and incorporate the findings into the proposed development. This is evidenced in the Pre-application Consultation Report submitted as part of this application. In addition to the pre-application consultation report, the applicant has also submitted a detailed Design and Access Statement, Transport Statement, Phase 1 Contaminated Land Risk Assessment, Drainage Impact Assessment and Landscaping Specification Report.



Figure 4 – Street Elevations

- 1.6 Although this report concludes that the development departs from the Development Plan in some respects (the provision of private useable garden ground and in-curtilage parking for some houses and gross internal floorspace for 4 flats does not adhere to the Guidelines) this level of departure is not related to the achievement of any of the core objectives of any element of the Development Plan and the approval of the application would not in any way compromise the achievement of the Development Plans objectives or its other policies or proposals. For these reasons the application is not considered to be significantly contrary to the Development Plan and therefore does not require to be referred to the Scottish Government or be the subject of a pre-determination hearing.
- 1.7 In accordance with the Council's Scheme of Delegation, all Major Planning Applications must be reported to the Council's Development Management Committee.

2 SITE DESCRIPTION

- 2.1 Mill O'Mains is located on the west side of Forfar Road and at the north end of the city. It is a Council estate development, which was developed in the late 1960s. Claverhouse Industrial Estate is located to the north, Trottick to the west and Caird Park to the south. Fintry is located on the opposite side of Forfar Road and Claverhouse East Industrial Estate to the north east, on the opposite side of Forfar Road. The Dighty Burn runs along the southern end of Mill O'Mains. The house types in the estate are 2 storey terraced, small terraced cottages, semi-detached houses and 5 storey flatted blocks. Hebrides Drive is the main access road around the boundary of the site and cul-de-sacs are located off this road and lead to various parking courts and pockets of housing. There are no through roads providing access throughout the site. Various pedestrian footpaths are located throughout the area.
- 2.2 Phase 1 of the regeneration of Mill O'Mains covered 3 sites at Gruinard Terrace, Uist Terrace and Barra Terrace. Work is now complete on all 3 sites with all of the new houses now occupied. The new houses comprise of terraced, semi-detached and detached dwellinghouses.
- 2.3 Phase 2 of the regeneration of Mill O'Mains covered 2 sites at Gruinard Terrace and Hebrides Drive. Site 1 is to the north and east of Gruinard Terrace and encompasses Mull Terrace and part of Hebrides Drive. Site 2 is to the east of Mill O'Mains and comprises of the eastern side of Hebrides Drive, including Lismore Terrace and Colonsay Terrace. Sites 1 and 2 are currently under construction. Before work on Phase 2 could commence, 9 five storey flatted blocks had to be demolished.
- 2.4 As part of Phase 2 a new surface water attenuation basin will be formed on the southern side of Hebrides Drive in a grassed area of open space to the east of Eriskay Drive to the north of the Dighty Burn.
- 2.5 Phase 3 of the regeneration of Mill O'Mains covers 4 sites at Lewis Terrace, Harris Terrace, Hebrides Drive and Lismore Terrace. At present there are 11 three and four storey flatted blocks and 9 cottages occupying the application sites. These buildings have grey roughcast walls with pitched roofs finished in concrete roof tiles similar to the existing housing stock within Mill O'Mains.

3 POLICY BACKGROUND

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

TAYPLAN STRATEGIC DEVELOPMENT PLAN 2012-2032

Policy 2: Shaping Better Quality Place

DUNDEE LOCAL DEVELOPMENT PLAN

Policy 7: High Quality Design

Policy 8: Housing Land Release

Policy 9: Design of New Housing

Policy 29: Low and Zero Carbon Technology in New Development

Policy 38: Trees and Urban Woodland

Policy 40: Waste Management Requirements for Development

Policy 42: Sustainable Drainage Systems

Policy 45: Land Contamination

SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS

Designing Streets 2009

Design Places 2001

NON STATUTORY STATEMENTS OF COUNCIL POLICY

Mill O'Mains Community Regeneration Masterplan 2009

- 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: 09/00425/FUL formed Phase 1 of the approved Masterplan and was granted planning permission by the Development Management Committee in January 2010 for the erection of 64 houses as well as various drainage/infrastructure works to facilitate future phases of development.
- 4.2 Upon receiving planning permission the Applicant re-examined the approved housing mix. From discussions between the Council and Applicant it became apparent that there was reduced demand for large 4 bedroom dwelling units but a high demand for 3 bedroom dwelling units within the local community. Planning application ref: 10/00284/FULL sought permission to revise the house types approved by planning application ref: 09/00425/FUL and erect an additional house to meet the housing demands of the local community. This application was approved by the Development Management Committee in June 2010.
- 4.3 Planning application ref: 11/00553/FULL sought planning permission for the erection of 2 dwellinghouses on Plots 13 and 15, Site 3, Phase 1 Barra Terrace. This application was approved by the Council's Development Management Committee on 21 November 2011.
- 4.4 Planning application ref: 11/00733/FULM formed Phase 2 of the approved Masterplan and was granted planning permission by the Development Management Committee on 19 March 2012. Phase 2 of the Masterplan involved the demolition of 9 flat/maisonette blocks and 7 lock-ups, the construction of 60 new houses and 10 flats and the formation of associated parking and boundary treatments.

5 PUBLIC PARTICIPATION

- 5.1 The Council has carried out the statutory neighbour notification procedure detailed in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. This application was also advertised in the Dundee Evening Telegraph as a departure to the Development Plan.
- 5.2 Objections have been received from the occupiers of 3 neighbouring dwellings along with a letter of representation from the occupier of a fourth dwelling stating concerns about:
- the method of pre-application consultation;
 - tenure mix of the proposed houses and flats;
 - loss of daylight, overshadowing;
 - overlooking, contrary to Council Policies;
 - inadequate access; and
 - drainage issues.
- 5.3 Members will already have had access to copies of the objection letters and the issues raised are discussed in the "Observations" section below.

6 CONSULTATIONS

- 6.1 **SEPA** – had no objections to the proposed development.
- 6.2 **The Head of Environmental Protection** – has recommended that issues of site contamination detailed in the submitted Phase 1 Contaminated Land Risk Assessment are addressed by conditions.
- 6.3 The Officer has recommended that issues relating to tree protection, and the landscaping works specified in the proposed landscaping report, are controlled by conditions.
- 6.4 The Department has requested that the replacement of the recycling station removed by Phase 2 of the Mill O'Mains Community Regeneration is controlled by conditions and incorporated into Phase 3.

7 DETERMINING ISSUES

- 7.1 **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.

TAYPLAN STRATEGIC DEVELOPMENT PLAN

- 7.2 **Policy 2: Shaping Better Quality Place** – Criteria B and F of Policy 2 requires new development to be integrated within existing development and community infrastructure. The Mill O'Mains Community Regeneration Masterplan integrates new development with existing development by replacing poor functioning flatted housing units with houses of varying sizes to meet the needs of the local community while replicating the form and shape of the existing buildings. The Masterplan aims to enhance connectivity and accessibility by connecting existing streets together to provide a network of vehicle and pedestrian routes through Mill O'Mains while also creating meaningful spaces and play areas for enjoyment by all the residents of the scheme.
- 7.3 The proposed development comprises a mixture of house types that have been arranged to form active street frontages onto Hebrides Drive, Lewis Terrace, Harris Terrace and Lismore Avenue. Existing pedestrian links have been maintained and strengthened by the proposed development. Vehicle routes between Lewis Terrace, Gruinard Terrace, Harris Terrace, Lismore Avenue and Hebrides Drive will be created by increasing connectivity throughout the housing development and into neighbouring developments. Existing pedestrian routes will be overlooked by windows serving habitable rooms of the proposed houses and flats. In addition a new area of open space in the form of a village green will be created after consultation with the local community. The boundaries between old and new will be softened by the planting of street trees throughout Phase 3. Should the Committee be minded to approve planning permission the location and form of landscaping and boundary enclosures will be controlled by condition to ensure the quality of the proposed streetscapes are not diminished.
- 7.4 **The proposal satisfies the requirements of Policy 2.**

DUNDEE LOCAL DEVELOPMENT PLAN

- 7.5 **Policy 7: High Quality Design** – requires the design and siting of development to respect the character and amenity of the place and should create and improve links within the site and into the surrounding area beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.
- 7.6 The requirements of Policy 7 have been discharged in the assessment of the proposal against Policy 2 of the Strategic Development Plan above.
- 7.7 **The proposal satisfies the requirements of Policy 7.**
- 7.8 **Policy 8: Housing Land Release** – stipulates that sites listed in Appendix 2 of the Local Development Plan will only be developed for housing in order to maintain an effective 5 year supply of housing land.
- 7.9 The application sites are listed in Appendix 2 of the Local Development Plan. As the proposal involves developing these sites for housing the requirements of Policy 8 are satisfied.
- 7.10 **The proposal satisfies the requirements of Policy 8.**
- 7.11 **Policy 9: Design of New Housing** – requires the design and layout of new housing developments in Dundee to be of a high quality and contribute to creating places that build on and enhance the distinct character and identity of the different parts of the city. It has already been concluded that the development meets these requirements. In addition to this,

new housing developments will be required to satisfy Appendix 3 of the Local Development Plan. The site lies within a Suburban Area in respect of Appendix 3.

- 7.12 The development comprises a wide range of type and size of housing unit. In compliance with the requirements of Appendix 3, 47 of the 62 houses proposed (75%) will have 3 or more bedrooms. The remaining 15 houses will have 2 bedrooms. 56 of the proposed houses will benefit from one in-curtilage parking space. There will be no less than 18m between facing windows of habitable rooms of the proposed houses and neighbouring properties.
- 7.13 Appendix 3 states that houses should benefit from no less than 120m² of private useable garden ground with an average private useable garden ground of 140m² in new developments. The level of private garden ground afforded to the proposed houses ranges between 60m² and 129m² with the average equating to 70m².
- 7.14 In this instance the proposal fails to adhere to the guidance contained within Appendix 3 of the Local Development Plan with regard to garden ground provision and in-curtilage parking.
- 7.15 Appendix 3 states that flats are acceptable within suburban areas of the city where identified in a Site Planning Brief or where proposals involve the conversion of buildings or houses are suitable or achievable.
- 7.16 One of the main aims of the Mill O'Mains Community Regeneration Masterplan is to replace the existing unpopular flats within Mill O'Mains with high quality housing. All of the existing flatted blocks within Mill O'Mains will be removed by the completion of Phase 4 of the Mill O'Mains Community Regeneration Masterplan. Therefore, the incorporation of new build 1 and 2 bedroom low rise flats into the regeneration of Mill O'Mains provides choice in the type/cost of accommodation available. Therefore, the provision of new build flats within Mill O'Mains accords with the guidance contained within Appendix 3.
- 7.17 The Masterplan was written during the period of the previous Local Plan. However, given the change in spatial standards detailed in Appendix 3 of the newly adopted Local Development Plan there is no provision within the Masterplan for departing from the spatial standards pertaining to flats within Appendix 3. While the proposed 2 bedroom flats adhere to the guidance contained within Appendix 3 the proposed 1 bedroom flats, despite benefitting from satisfactory in-curtilage parking facilities, communal garden ground and window to window distances of no less than 18m are contrary to the requirements of Appendix 3 due to their gross internal floorspace being less than 100m².
- 7.18 The proposed development fails to adhere to the guidelines contained within Appendix 3 in relation to the provision of private useable garden ground and in-curtilage parking for houses and gross internal floorspace for flats.
- 7.19 The layout and design of Phase 3 of the Mill O'Mains Community Regeneration Masterplan has been assessed against the requirements of Policy 7 of the Local Development Plan and Policy 2 of Tayplan Strategic Development Plan. In satisfying the requirements of these policies the layout and design of Phase 3 is considered to be of a high quality.
- 7.20 **The proposal is contrary to Policy 9.**
- 7.21 **Policy 29: Lowe and Zero Carbon Technology in New Development** – requires that, for specified developments, carbon emissions will be reduced by defined percentages through the installation and operation of zero-carbon generating technologies. Each of the proposed housing units will be served by photovoltaic cells which will generate electricity to reduce the fuel costs and carbon footprint of each of the proposed houses.

- 7.22 **The proposal satisfies the requirements of Policy 29.**
- 7.23 **Policy 38: Trees and Urban Woodland** – requires new development to safeguard existing healthy mature trees through sensitive site layout both during and after construction.
- 7.24 There are small areas of trees and shrubbery located throughout the application site. As part of the proposed development some of these trees and shrubs will be removed and new areas of trees, including street trees, planted in their place. The Council's Forestry Officer has requested that tree protection measures are controlled by a condition to ensure that the health of the trees is unaffected during construction of the proposed development.
- 7.25 The proposals include the formation of a village square. The applicant proposes to consult with the local community with regard to landscaping before creating this area of open space. Should the Committee be minded to approve planning permission the landscaping of the application site and village square will be controlled by conditions.
- 7.26 **The proposal satisfies the requirements of Policy 38.**
- 7.27 **Policy 40: Waste Management Requirements for Development** – requires development proposals to demonstrate that they adequately address the Council's waste strategy to reduce, collect, sort, recycle and reuse waste.
- 7.28 The Waste Management division of the Environment Department has provided guidance to the applicant on the required refuse storage space that each housing unit will require and this has been incorporated into the layout of the proposed housing development.
- 7.29 **The proposal satisfies the requirements of Policy 40.**
- 7.30 **Policy 42: Sustainable Drainage Systems** – requires all appropriate development proposals to be accompanied by a Sustainable Drainage scheme as part of the planning application. The surface water generated by the proposed development will be treated and attenuated using the existing drainage infrastructure serving Phases 1 and 2 with the surface water generated by some properties draining directly into the existing Scottish Water network serving Mill O'Mains. The applicant has submitted a letter from Scottish Water confirming that there is capacity within the existing drainage network to serve the proposed development. The applicant has also submitted a detailed drainage design along with calculations that demonstrate that the proposed development can be drained in a sustainable manner without generating instances of localised flooding. SEPA has no objections to the proposed development. The implementation of the proposed drainage strategy will be controlled by condition to ensure that the new drainage infrastructure is installed and the alterations to the existing attenuation basin serving Phase 1 are in accordance with the details submitted in support of this application.
- 7.31 **The proposal satisfies the requirements of Policy 42.**
- 7.32 **Policy 45: Land Contamination** – is supportive of the remediation of sites affected by contamination as part of redevelopment proposals. The applicant has submitted a Phase 1 Contaminated Land Risk Assessment to the satisfaction of the Head of Environmental Protection. The remediation strategy proposed and its success will be controlled by a condition to ensure that the site is suitable for habitation.
- 7.33 **The proposal satisfies the requirements of Policy 45.**
- 7.34 It is concluded from the foregoing that the proposal does not comply with the provisions of the Development Plan.

OTHER MATERIAL CONSIDERATIONS

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

A - MILL O'MAINS COMMUNITY REGENERATION MASTERPLAN

- 7.35 An overall Masterplan for Mill O'Mains was produced after considerable consultation exercises with the local community and various bodies. It was formally approved by the Development Management Committee in July 2009. The Masterplan has 5 objectives:
- 1 Create New Houses on Streets - where possible, existing parking courts will be removed and new streets created through Mill O'Mains. The streets will be designed to keep traffic speeds low and will allow existing and new residents to get direct access to their front doors, and to park cars outside their homes.
 - 2 Create Good Quality Open Spaces - at present, many open spaces on Mill O'Mains are left over after the demolition of buildings. As flats are being replaced with houses, there will be fewer public open spaces in the area, but the aim is to make them high quality, safe and well designed.
 - 3 Improve the Connections - at present it can be difficult to find your way around Mill O'Mains. An aim is to make it easier and safer to get around, with more well lit streets and fewer badly lit footpaths.
 - 4 Build Popular House Types - the "Semis" on Mill O'Mains are very popular and more houses like these will be built. They will be well insulated to keep heating costs down and will have level access at the entrances to make it easier to get in and out, for residents and visitors.
 - 5 Create a Positive Image - the proposals for Mill O'Mains are to improve the good bits and remove the less good. As well as changing it for the people who live there, the image of the area will be improved throughout the rest of the city.
- 7.36 Phase 3 of the Mill O' Mains Regeneration is compliant with the aims and aspirations of the approved Mill O'Mains Community Regeneration Masterplan.
- 7.37 It has been established in the assessment of the proposed development above that the proposed houses do not comply with the Local Development Plan guidelines for the provision of private useable garden ground and in-curtilage parking facilities for houses and the creation of flats in suburban locations of the city with less than 2 bedrooms or a floor area less than 100m².
- 7.38 The garden grounds of the proposed houses are not out of proportion with the gardens of the existing houses on Lewis Terrace, Harris Terrace, Lismore Terrace and Hebrides Drive. The provision of private useable garden ground in compliance with the Local Development Plan guidelines would not allow for the creation and extension of new and existing streets whereby the boundaries between old and new would be very visible to the detriment of visual amenity and environmental quality. In addition, it should be noted that the level of environmental quality and amenity afforded to the new build houses is significantly higher than the level of environmental quality and amenity afforded to the existing flatted properties. If the proposed houses had to satisfy the Local Development Plan guidelines for the provision of private useable garden ground this would reduce the number of houses that could be built, consequently leading to the retention of the existing flatted blocks within Mill O'Mains which the Masterplan seeks to replace in order to enhance the quality of housing, level of amenity and environment afforded to the local community.

- 7.39 A key aim of the Mill O'Mains Community Regeneration Masterplan focuses on removing remote parking courts and creating in-curtilage parking facilities. This has largely been achieved in Phases 1 and 2 with the removal of remote parking courts on Lewis Terrace and Harris Terrace incorporated into Phase 3. However, as well as removing remote parking courts it is also an aspiration of the Masterplan to replace the existing flats with houses in Mill O'Mains. Unfortunately, it is not possible to provide the same number of houses as flats without compromising the standards of Appendix 3 in terms of private useable garden ground provision and in-curtilage parking. Whilst the proposed houses will have no less private useable garden ground than the existing houses in Mill O'Mains, 6 out of the 62 houses proposed will have no in-curtilage parking facilities. However, where it has not been possible to provide in-curtilage parking the principles of designing streets have been used so that the on-street parking is located within an area of Phase 3 that has a shared surface with street trees forming parking bays. On-street parking bays will be formed outside the corresponding houses.
- 7.40 The inclusion of one bedroom flats within the housing mix of Phase 3 is in response to the changing needs of the local community and while contrary to internal size guidelines for flats within suburban areas of the city, the flats satisfy every other aspect of Appendix 3 of the Local Development Plan. The buildings containing the one bedroom flatted units will appear as a pair of semi-detached houses. In this instance the provision of one bedroom flats will enhance the variety, quality and residential environment available to residents within Mill O'Mains.

B – STATEMENTS OF GOVERNMENT POLICY AND GUIDANCE

Designing Places 2001 and Designing Streets 2009

- 7.41 Designing Streets is a companion document to Designing Places and applies the principles of good design contained in that policy to both new and existing streets. Like Designing Places, it marks the Scottish Government's determination to raise standards of urban and rural development and is aimed at everyone who plays a part in shaping the built environment. Designing Places highlights 6 key qualities of successful places. Designing Streets explains how these qualities are applied to street design as follows:
- **Distinctive:** responding to local context to create places that are distinctive.
 - **Safe and Pleasant:** creating safe and attractive places using imaginative layouts to minimise vehicle speeds naturally.
 - **Easy to Get to and Move Around:** enabling ease of movement by all modes of travel, particularly walking and cycling, connecting well with existing streets and allowing for links into future areas of development.
 - **Welcoming:** encouraging positive interaction between neighbours, creating a strong sense of community,
 - **Adaptable:** planning networks that allow for future adaptation.
 - **Resource Efficient:** using materials and designs that are durable and cost effective to construct and maintain.
- 7.42 The design and access statement demonstrates that like Phases 1 and 2, Phase 3 of the Mill O'Mains Community Regeneration Masterplan will create new streetscapes that are distinctive, safe and pleasant through a combination of traditional building shapes, contemporary finishing materials, shared surfaces and sensitive building positions.

- 7.43 Through the use of shared surfaces, the removal of unsafe and poorly surveyed footpaths and their replacement with new illuminated and wide footpaths that are purposefully overlooked, Phases 1, 2 and 3 of the Mill O'Mains Community Regeneration Masterplan seek to create a place that is easy to get to, move around in and that is safe.
- 7.44 The proposed positions and design of buildings, locations of open space, on-street car parking facilities, tenure mixture and street design will create an urban environment that encourages positive interaction between neighbours to create a strong sense of community.
- 7.45 The design, orientation and finish of the proposed housing will create individual housing units that are adaptable and resource efficient.
- 7.46 To ensure that the proposed new road layouts are safe, conditions requiring redundant accesses to be made good as footpaths, the composition of new footpaths and road safety audits for new roads and junctions will be incorporated into the grant of planning permission should the Committee be minded to approve this application.
- 7.47 The Mill O'Mains Community Regeneration Masterplan combines all 6 of the key qualities of successful places defined and developed by Designing Streets and Designing Places.

C – VIEWS OF OBJECTORS

- 7.48 Objections have been received from the occupiers of 3 neighbouring dwellings along with a letter of representation from the occupier of a fourth dwelling stating concerns about:
- 1 The Method of Pre-application Consultation
- 7.49 The objectors are concerned that the method of pre-application consultation was not effective and that the Pre-application Consultation Report did not reflect the concerns raised by the local community at the public consultation event on 29 November 2013. The local community had expected to view a 3D computer generated model reflecting the heights and distances between existing and proposed buildings, but instead were only able to view 2D drawings prepared by the appointed agents.
- 7.50 In response to these views the applicant has submitted an Addendum to the Pre-application Consultation Report outlining the events and discussions that took place on 29 November 2013 stating that they did not offer a 3D presentation and that the views of those attending were accurately recorded. There is no requirement that consultation must be in a particular format and it is clear that the statutory requirements for pre-application consultation were carried out in this case.
- 2 Tenure Mix of the Proposed Houses and Flats
- 7.51 The tenure mix of the proposed houses and flats has been discussed throughout this report. It has been concluded that the proposed mix of 1 and 2 bedroomed flats and 2, 3 and 4 bedroomed houses is satisfactory. However, the objectors are concerned that not enough one bedroom flats are being built as part of Phase 3. The applicant has agreed to re-visit the housing mix as part of Phase 4 and will consult with the local community in this regard to ensure that the regeneration of Mill O'Mains continues to meet the needs of the residents.
- 3 Loss of Daylight and Overshadowing
- 7.52 The objectors are concerned that the proposed houses will overshadow the existing houses bounding the development sites. The proposed houses have been sensitively positioned and distanced from the existing houses to ensure that they do not block daylight or

overshadow neighbouring properties. However, should the Committee be minded to approve this application conditions will be incorporated into the grant of planning permission to ensure that site levels are not altered to the extent that shadowing will impact on neighbouring properties.

4 Overlooking

- 7.53 The objectors concerns relating to overlooking have been addressed in the assessment of the proposals against Appendix 3 of the Local Development Plan in the Observations Section of this report. It has been concluded that there will be no less than 18m between facing windows of habitable rooms between neighbouring houses/flats. Therefore, none of the proposed houses will significantly overlook each other or existing neighbouring properties.

5 Contrary to Council Policies

- 7.54 It has been concluded in the Observations section of this Report that the proposed development is contrary to the requirements of Policy 9 of the Local Development Plan. However, it has also been concluded from the examination of material considerations above that a relaxation in the level of private useable garden ground afforded to the proposed houses and the provision of flats with one bedroom and a floor area less than 100m² is required to achieve the key aims of the Mill O'Mains Community Regeneration Masterplan

6 Inadequate Access

- 7.55 The concerns of the objectors relating to inadequate access have also been addressed in the assessment of the proposals against the Local Development Plan in the Observations section of this report. It has been concluded that Phase 3 will enhance connectivity and also pedestrian and vehicle access throughout Mill O'Mains. With regard to the provision of in-curtilage parking within existing properties the applicant is the process of assessing whether this would be financially viable at this stage of the regeneration of Mill O'Mains. While the provision of in-curtilage parking within existing properties is an aspiration of both the local community and applicant it does not form part of the Mill O'Mains Community Regeneration Masterplan and is not material to the determination of this planning application.

7 Drainage Issues

- 7.56 The objectors concerns relating to drainage have been addressed in the assessment of the proposals against the Local Development Plan in the Observations section of this Report. It has been concluded that the proposed development will be drained to the satisfaction of the Council as Flood Authority, SEPA and Scottish Water.
- 7.57 The concerns of the Objectors are not of sufficient strength to warrant the refusal of planning permission. While concerns relating to overshadowing will be addressed by condition and concerns relating to the housing mix will be referred back to the applicant for community consultation prior to the development of Phase 4 the remaining concerns of the objectors are not supported.
- 7.58 **It is concluded from the foregoing that the material considerations support the approval of planning permission.**

8 CONCLUSION

- 8.1 The proposal fails to satisfy the requirements of the Development Plan. There are material considerations that justify approval of planning permission. Therefore, it is recommended that this application be approved subject to conditions.

9 RECOMMENDATION

- 9.1 It is recommended that consent be GRANTED subject to the following conditions:
- 1 Prior to the commencement of development, a scheme of landscaping shall be submitted to and approved by the Council, and it shall include indications of all existing trees and hedgerows on this land, and details of any to be retained, together with measures for their protection in the course of development in accordance with BS5837:2012. Full details of new planting and landscaping shall also be submitted to and approved by the planning authority prior to the commencement of development. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.
 - 2 Full details of a maintenance plan for the existing and proposed trees and proposed areas of open space 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.
 - 3 Development shall not begin until the investigation and risk assessment proposed in the submitted Stage 1 Desk Study are completed and, if necessary, a remediation strategy to deal with any 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, including:
 - the nature, extent and type(s) of contamination on the site;
 - measures to treat/remove contamination to ensure the site is fit for the use proposed and does not contain any significant pollution linkages;
 - measures to deal with contamination during construction works; and
 - verification of the condition of the site on completion of decontamination measures.
 - 4 Before any unit is occupied the remediation strategy 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.
 - 5 Prior to the commencement of work on site, a Stage 1/2 Road Safety Audit shall be submitted to the Council for written approval. Thereafter, the recommendations of the road safety audit will be fully implemented before the occupation of the first dwelling unit hereby approved. For the avoidance of doubt, the Stage 1/2 Road Safety Audit must be prepared to Dundee City Council specifications for all new roads/junctions associated with the proposed development.

- 6 Prior to the first occupation of the dwelling units hereby approved, any existing vehicle accesses that are no longer required as part of the proposed development must be made good as a footway to Dundee City Council specifications.
- 7 Prior to the commencement of work on site, details of the proposed road and footpath construction shall be submitted to the Council for written approval. Thereafter, the new roads and footpaths shall be constructed in accordance with the details approved by this condition.
- 8 Prior to the commencement of work on site, the developer shall establish a fixed datum point and shall submit to this Planning Authority for written approval a plan indicating the exact location and value of this datum point along with the finished ridge levels of the proposed buildings relative to the fixed datum. Thereafter, the finished height of the proposed buildings shall not exceed the ridge levels approved by this condition.
- 9 Prior to the commencement of any works on site a detailed surface water drainage/SUDS design including drawings, calculations, full modelling and simulation results shall be submitted to Dundee City Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to the first occupation of any of the dwelling units approved by this application.
- 10 Prior to the commencement of any works on site, evidence of Scottish Water approval for the proposed drainage system for the development must be submitted, where required. Thereafter, all works approved by virtue of this condition shall be carried out prior to the occupation of the development.
- 11 Prior to the commencement of work on site, details of the proposed boundary enclosures serving the housing plots hereby approved shall be submitted to the Council for written approval. Thereafter, the boundary treatments approved by this condition shall be erected prior to the first occupation of the respective dwelling units.

REASONS

- 1 To ensure that the trees felled are replaced and the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 2 To ensure that the proposed development has a satisfactory appearance in the interests of the visual amenities of the area.
- 3 To ensure that the application site can be developed in a manner fit for the proposed residential use.
- 4 To ensure that the application site can be developed in a manner fit for the proposed residential use.
- 5 In the interests of road safety.
- 6 In the interests of road safety.
- 7 In the interests of road safety.
- 8 In the interests of preventing instances of significant overshadowing from occurring.
- 9 To ensure there is no increase to the discharge of surface water and potential pollutants to the public sewer or where applicable a nearby watercourse, to the detriment of

existing and proposed properties, infrastructure, and the water quality of any watercourse in compliance with the Flood Risk Management (Scotland) Act 2009, and to ensure that any proposed SUDS features have a satisfactory visual appearance.

- 10 To ensure that the site drainage system is designed and constructed to an appropriate/adequate standard as required by Scottish Water.
- 11 In the interests of visual amenity.