

KEY INFORMATION

Ward The Ferry

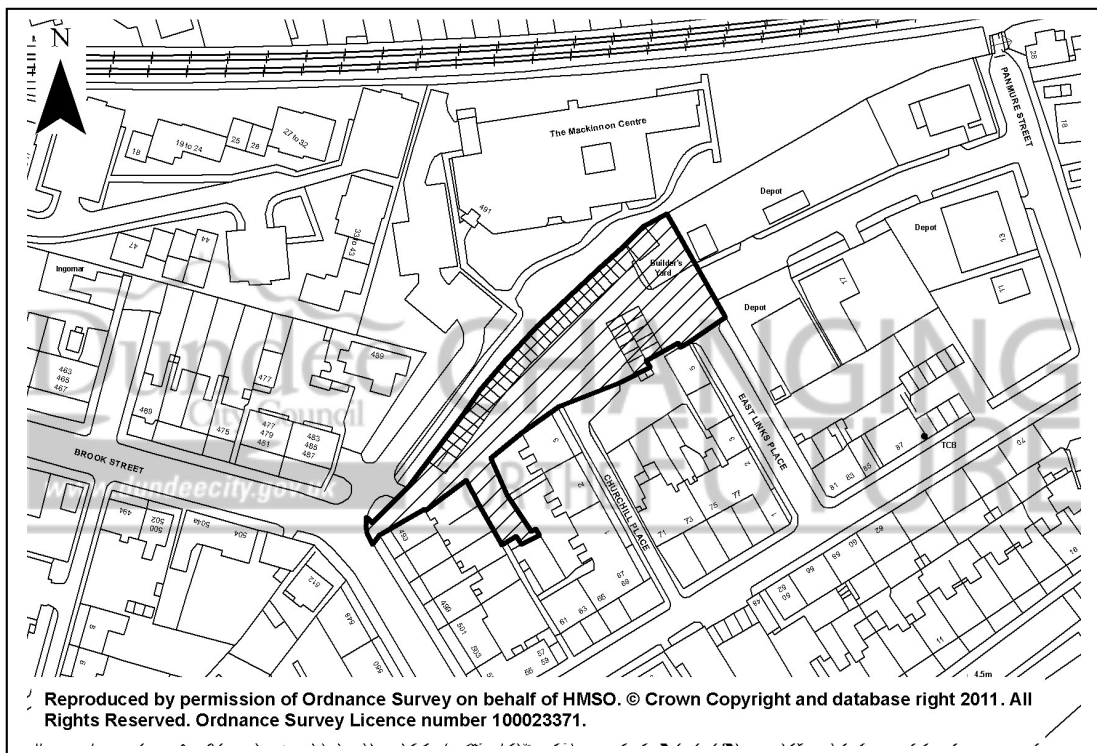
Proposal

Proposed housing development (18 flats)

AddressLock Ups
Churchill Place
Broughty Ferry**Applicant**Ferrier Holdings Ltd
Waulkmills
St Vigeans
Arbroath
DD11 4RG**Agent**The Voight Partnership Ltd
Design Studio
66 High Street
Arbroath
DD11 1AW

Registered 20 Oct 2011

Case Officer Paul Macari



Flatted Development Proposed at Churchill Place

The proposed housing development is **RECOMMENDED FOR APPROVAL** subject to conditions and the completion of a **Section 75 Obligation**. Report by Director of City Development.

SUMMARY OF REPORT

- This application seeks planning permission for the erection of 18 flats on the site of the existing Lock Up garages at Churchill Place, Broughty Ferry, Dundee.
- This application was deferred at the January 2012 Development Management Committee meeting to allow the Heads of City Development and Housing to investigate whether there is a shortage of affordable housing within Broughty Ferry and whether there were material considerations that would justify support of the proposed development.
- Policy 4 (Design of New Housing) and Policy 55 (Urban Design) of the Dundee Local Plan Review 2005 and the Dundee Urban Design Guide are relevant to the outcome of this planning application.
- 14 letters of objection have been received from neighbouring residents concerned about the design of the propose development, parking, access and road safety issues, noise disturbance, overlooking, impact on listed buildings and overdevelopment of the application site.
- 1 letter of support was received from a neighbouring resident. The reasons for supporting the proposed redevelopment of the application site are that the existing lock-up garages are in a poor condition with the unkempt appearance of the application site an attraction for vandals. In these circumstances the neighbour considers that the proposed development will significantly upgrade and enhance the application site.
- A letter of objection was received from Broughty Ferry Community Council.
- The concerns of the objectors are supported.
- The proposals fail to satisfy the requirements of the Development Plan.
- The applicant is agreeable to the tenure of the proposed flats being restricted for intermediate rental in accordance with the terms and conditions of the National Housing Trust.
- There are material considerations relating to the secured provision of affordable housing within Broughty Ferry that justify the approval of planning permission.

RECOMMENDATION

The proposals fail to satisfy the requirements of the Development Plan. The concerns of objectors are supported. However, there are material considerations relating to the provision of affordable housing in Broughty Ferry that justify approval of planning permission. The application is therefore recommended for **APPROVAL** subject to conditions and the completion of a **Section 75 Planning Obligation**.

DESCRIPTION OF PROPOSAL

This application seeks planning permission for the erection of 18 flats on the site of the existing Lock Up Garages at Churchill Place, Broughty Ferry, Dundee.

It is proposed to erect 3 blocks of flats that will be 3 storeys in height. The proposed flats will be located towards the northern boundary of the application site. Existing accesses to the site from Brook Street, Churchill Place and East Links Place will be maintained and a new access road running along the southern boundary of the site will be formed.

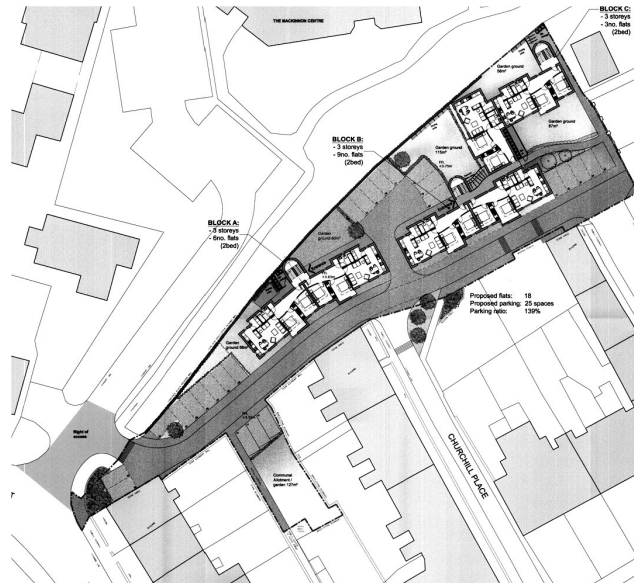
Block A will comprise of 6 flats. Each of the proposed flats in Block A will have 2 bedrooms, an open plan kitchen, dining and living area as well as a bathroom.

Block A will have a curved profile with a prominent southern elevation. Block A will be located towards the western end of the application site. The building will have several pitched roof dormers incorporated into the roof design. Each of the proposed flats will have large floor to ceiling windows on the southern elevation of the building. Access to Block A will be taken from the northern elevation. There is a curved stairwell on the rear elevation of the building which provides access to upper floor flats.

Block B will have a L-shaped profile and will be positioned centrally on the application site. The building will have a pitched roof with dormers projecting from the southern and western roof planes. Each of the proposed flats will have large floor to ceiling windows. The proposed flats in Block B will have southern and western aspects. Access to Block B will be taken from the northern elevation. There is a curved stairwell on the northern elevation of the building which provides access to upper floor flats. Block B will comprise of 9 flats. Each of the proposed flats in Block B will have 2 bedrooms, an open plan kitchen, dining and living area as well as a bathroom.

Block C will have a linear profile with an eastern projection and will be

positioned to the east of the application site. Similar to Blocks A and B the building will have a pitched roof with dormers projecting from the southern elevation. Each of the proposed flats will have large floor to ceiling window openings on the southern elevation of



Block C. Block C will adjoin Block B to the west. Each of the proposed flats in Block C will have 2 bedrooms, a bathroom and an open plan kitchen, living and dining area.

Communal drying areas and refuse storage areas will be located to the north of each of the proposed blocks of flats. A total of 25 car parking spaces will be spread throughout the application site to serve the proposed flatted development. The proposed development will also be served by a total of 513m² of communal garden ground located around the blocks of flats.



Proposed 3D View from West (Brook street)

In addition to the flats, access road, parking areas and areas of garden ground, the remainder of the site will be landscaped with pedestrian footpaths maintaining existing links

with Churchill Place, Brook Street, East Links Place and Castle Street.

The applicants have confirmed that the proposed development is to be partially funded by the National Housing Trust (NHT) should the Committee be minded to grant planning permission and their application for NHT funding be successful.

Members will recall that this application was deferred during the January 2012 Development Management Committee meeting. The application was deferred to allow the Heads of City Development and Housing to investigate whether there is a shortage of affordable housing within Broughty Ferry and whether there were material considerations that would justify support of the proposed development for the provision of affordable housing.

In accordance with the Council's Scheme of Delegation this application was originally reported to the Council's Development Management Committee at the request of an Elected Member.

SITE DESCRIPTION

The application site is located at the end of East Links Place and Churchill Place. The site is currently occupied by lock up garages with part of the site forming a storage yard for a scaffolding company. The site is accessed from East Links Place, Churchill Place and Brook Street. The existing vehicle accesses have been blocked by 1m high steel bollards to prevent local residents parking on the application site without the applicant's permission.

There are residential properties adjoining the application site on Churchill Place, Brook Street and East Links Place. The site is bound to the east by industrial units. A 1.5m high chain-link metal fence is located along the northern, eastern and western boundaries of the builders' yard. The Mackinnon Centre bounds the site to the north. The northern boundary of the application site is formed by 2m high retaining wall.

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 - the design and layout of all new housing in Dundee should be of a high quality. As a basis for achieving this, new development will be required to conform to the Design Standards contained in Appendix 1 of this Local Plan unless:

- a the City Council, through either site allocation in the Local Plan or site planning briefs, considers it appropriate to vary the standards to reflect the constraints or opportunities offered by the development of a particular site; or
- b the proposal is within an established low density residential area, in which case the density of the new development should reflect this and more generous external space standards will be required.

New housing development should also have regard to the principles of the City Council's Urban Design Guide.

In addition, new housing development should meet "Secured by Design" standards. New residential streets should be designed to promote low vehicle speeds of 20 mph or less. New housing should have regard to opportunities to maximise energy efficiency and promote sustainable waste management.

Policy 55: Urban Design - for all new developments the emphasis will be on design quality and the City Council will seek the creation of new public places and points of interest which

incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. All development should respect the setting of listed buildings.

The City Council require the use of Design Statements for planning applications or listed building applications for new buildings or extensions to existing buildings on significant sites.

All development will, in its design and layout, be expected to contribute to an environment which is safe and



Proposed 3D View from South-East

accessible to all.

Scottish Planning Policies, Planning Advice Notes and Circulars

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



Proposed 3D Aerial View from South

Non Statutory Statements of Council Policy

The following statements of Council Policy are relevant:

Dundee Urban Design Guide.

SUSTAINABILITY ISSUES

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

SITE HISTORY

There is no planning history relevant to the outcome of this planning application.

PUBLIC PARTICIPATION

The Council has carried out the statutory neighbour notification procedure as stipulated in Section 19 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

This application was also advertised in the Dundee Evening Telegraph as a departure to the Development Plan.

14 valid letters of objection have been received from neighbouring residents concerned about:

- access, increased traffic, insufficient parking and road safety;
- the development will affect a public right of way;
- drainage issues;
- the design and finish of the proposed flats is not suitable;
- overlooking;
- noise disturbance;
- impact on listed buildings; and
- overdevelopment of the application site.

One invalid letter of objection has been received from a neighbouring resident.

One letter of support has been received from a neighbouring resident. The reasons for supporting the proposed redevelopment of the application site are that the lock-up garages are in a poor condition with the unkempt appearance of the application site an attraction for vandals. In addition to vandalism there have also been instances of anti-social behaviour such as fly-tipping, dog-fouling and gatherings of groups of people. The supporter considers that the proposed development will

significantly upgrade and enhance the application site.

Members will already have had access to copies of the letters of objection and support and the issues raised are discussed in the "Observations" section below.

CONSULTATIONS

Scottish Water has no objections to the proposed development. However, Scottish Water has advised that the applicant will be required to apply for technical approval for connection to the existing public drainage network.

The Head of Environmental Protection has requested that the applicant demonstrates that noise disturbance from the industrial units to the east of the application site was taken into account in the design of the proposed flats. The applicant's agent has submitted a statement to this effect.

The Head of Environmental Protection has also confirmed that concerns relating to the contamination of the application site can be addressed by conditions should the Committee be minded to grant planning permission.

Broughty Ferry Community Council has objected to the proposed development on grounds that:

- the proposed flats are of an inappropriate scale and massing that will over dominate the surrounding streetscapes;
- the proposals are contrary to the requirements of the Development Plan;
- the proposed development will adversely affect existing issues of traffic congestion and on-street parking; and
- the finish of the proposed flats is unacceptable.

The concerns of the Community Council are discussed in the Other Material Considerations section of this report.

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) - it is the aim of Policy 4 to ensure that new houses and flats benefit from a high level of amenity while the level of environmental quality afforded to surrounding properties is maintained or enhanced by residential development.

Policy 4 requires proposals for the erection of new houses and flats to comply with the requirements of



Appendix 1 of the adopted Local Plan unless the application site is located within an established low density area or a site planning brief varies the quantitative standards that new housing developments must comply with. Given the density of development in the surrounding area, the proposed development is expected to satisfy the requirements of Appendix 1.

Appendix 1 stipulates that new flats in central Broughty Ferry will only be permissible where the application site is identified in a site planning brief, site specific circumstances demand a flatted solution or conversion of an existing building is proposed and houses are impractical. Where flats are permissible Appendix 1 requires them to have a minimum gross floor area of 60m², 130% off street parking provision and useable private communal garden areas of 100m² or 10m² per flat whichever is greatest. In addition to communal garden areas, new flats should have drying areas. Appendix 1 also stipulates that new flats should not have windows serving habitable rooms that are within 18m of facing windows of neighbouring houses. In addition new flats should not have windows serving living rooms that overlook private gardens of neighbouring houses.

The application site is not the subject of a planning brief and the proposals do not involve the conversion of an existing building on site. Although the applicant has demonstrated through the submission of Drawing No 5 - Site Plan: Indicative House Plots that the application site is not suitable for the erection of 6 semi-detached houses, the agent demonstrated that it was possible to erect 4 detached houses on the application site which satisfied the requirements of the Development Plan during pre-application discussions. In this instance it is considered that there are no site specific circumstances which demand a flatted solution. Policy 4 of the adopted Local Plan is therefore contravened because flats rather than houses are being proposed in this application.

Each of the proposed flats will have a gross floor area which exceeds 60m². In terms of communal private garden ground, the proposed flats will benefit from a sufficient quantity of communal private garden ground. However, it should be noted that the areas to the north and north east of Blocks A, B and C are not considered private or usable as they will be heavily overshadowed due to their location between the proposed 3 storey buildings and the high walls bounding the application site to the north.

The proposed flats will benefit from 138% off street parking provision. However, as the proposed development will have the potential to generate up to 36 vehicles and given the severe pressure for on-street parking in the vicinity of the application site the level of parking provided within the application site should be greater than 138%. In this instance the proposals contravene the requirements of Appendix 1 of Policy 4.

With regard to the position of windows serving habitable rooms, the south facing windows serving habitable rooms in flats in Blocks A, B and C will in some instances be positioned no more than 7m from facing windows serving habitable rooms of neighbouring houses and flats on Churchill Place and East Links Place. The proposed south facing windows serving flats in Blocks A, B and C will also overlook the private communal gardens of flats and houses on East Links Place, Churchill Place and Brook Street.

The design statement submitted in support of the proposed development states that windows serving habitable rooms of the proposed flats will be off-set against facing windows serving habitable rooms of neighbouring properties to overcome issues of overlooking. However, the close proximity of the windows to each other (7m) means that off setting the window openings of the proposed flats will not prevent significant infringements of neighbours privacy from occurring.

In this instance the proposed development fails to satisfy the requirements of Appendix 1 in terms of the provision of flats within Central Broughty Ferry, car parking provision and the positioning of windows serving habitable rooms in relation to neighbouring properties on Brook Street, East Links Place and Churchill Place.

In accordance with the requirements of Policy 4 the proposed development should have regard to the Council's Urban Design Guide. The Dundee Urban Design Guide requires new buildings, extensions and infill developments to be well designed, flexible and outwardly expressive as to their purpose. An agenda of

imaginative and innovative contemporary architecture is sought to discourage 'off-the-peg' design and debased versions of historical styles. To achieve the requirements of the Dundee Urban Design Guide, new buildings should satisfy 6 design principles:

Design - New buildings and developments must present a design solution appropriate to the site and context and be constructed in materials consistent with the design approach adopted.

The proposed development is of a design and finish that is not suited to the surrounding built form. In terms of scale and massing it has been concluded in the assessment of the proposals against the requirements of Policy 55 in the Observations section of this report that the proposals will have an overbearing impact that will adversely affect the level of amenity afforded to neighbouring properties and the historic East Links Place and



Churchill Place streetscapes.

Regeneration - Existing buildings should always be considered for regeneration rather than demolition and replacement to sustain a built form representing embodied energy, an existing infrastructure and on occasion an urban microclimate.

The application site is currently used as lock up garages. The existing garages are in a poor and run down condition. The application site displays signs of vandalism and graffiti with parked cars being broken into and garages being damaged. It is considered that the buildings on site are not worthy of retention and would not facilitate the regeneration of the application site.

Detail - the design elements of elevations, roof lines, doors, windows, materials and floorscape should draw from the site context to retain and create valued places.

The proposed building by virtue of design is not considered suitable for the application site with the position and form of window openings impacting on the level of amenity afforded to neighbouring properties. However, there are other locations within the City where the design of the proposed development would be wholly suitable.

The design and detail of the proposed buildings is not considered to draw from the surrounding built form but rather is an unsympathetic attempt to amalgamate modern development into a historic suburban environment.

Facade- The ability of a design to 'turn a corner' to a development, and not present a blank gable, has an important contribution to make in planning the urban form.

Rather than extend the East Links Place, Churchill Place and Brook Street streetscape, the proposed development sits perpendicular to the surrounding streets. The positioning of the proposed buildings in this way exacerbates the height difference between the existing and proposed buildings creating an overbearing affect while also impacting on the level of privacy afforded to neighbouring properties. The appearance of the proposed development in effect terminates the East Links Place and

Churchill Place streetscapes. It is acknowledged that to alter the positioning of the flatted blocks would require a reduction of the number of units proposed. However, it is considered that maintaining the existing street pattern would enhance the appearance of the proposed development in relation to the surrounding built form while also helping to justify the provision of flats on site.

Innovation- New building solutions are to be encouraged, especially with residential proposals, to accommodate a modern lifestyle and be flexible enough to accommodate future lifestyle changes and needs.

The design of the proposed building is innovative. However, given the

surrounding urban context the design, scale and massing of the proposed buildings are not suitable for the application site.

Inclusive- the key to producing good buildings is simply thoughtful design approach and detailing, the use of good construction materials with a particular attention being paid to the interface relationship between the building and the street.

In designing the proposed building the agent has failed to respect the interface relationship between the proposed buildings and the neighbouring properties. This is evident from the failure of the proposals to satisfy the requirements of Policy 4 and Policy 55 of the Dundee Local Plan Review 2005.

The proposals do not have regard to the guidance contained within the Dundee Urban Design Guide and are considered to adversely affect the level of amenity afforded to neighbouring properties while also detracting from the appearance of the East Links Place and Churchill Place streetscapes.

The proposals do not satisfy the requirements of Appendix 1 or the guidance contained within the Dundee Urban Design Guide. Therefore the proposals fail to satisfy the requirements of Policy 4 (Design of New Housing) of the adopted Local Plan.

Policy 55 (Urban Design) emphasises support for proposals of a high quality design that creates new public places and points of interest which incorporate architectural and landscape features and reflect and enhance historic street layouts, views and vistas.

The proposed development by virtue of scale, massing, design and site layout is considered to be an overdevelopment of the application site and therefore fails to respect the existing level of amenity afforded to neighbouring properties and the historic Churchill Place and East Links Place streetscapes. The overdevelopment of the application site is demonstrated by the failure of the proposals to satisfy the requirements of Appendix 1 of the adopted Local Plan. In addition the proposed buildings will appear as a cluster in the central to eastern sectors of the application site. The clustered appearance of the buildings in

combination with their height and proximity to existing houses and flats on Churchill Place and East Links Place will have an overbearing impact on neighbouring properties and the respective Churchill Place and East Links Place streetscapes.

The design statement submitted in support of the proposed development fails to demonstrate that the proposed development is of a high quality design that fits comfortably within the existing context of the application site.

In this instance the proposals contravene the requirements of Policy 55 (Urban Design).

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

Statutory Duty

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

The proposed development will not adversely impact on the character or setting of the listed buildings located on East Links Place.

The requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 are therefore discharged.

Other Material Considerations

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

A Views of Objectors

14 letters of objection have been received from neighbouring residents. The concerns raised relate to access, increased traffic, insufficient parking and road safety. The objectors are concerned that the proposed development will lead to an increase in on-street parking due to the loss of the existing lock up garages and car parking area that is currently utilised by neighbouring properties surrounding the application site.

The objectors are also concerned that the proposed development will not provide sufficient visitor parking and therefore visitors to the proposed flats

will be forced to park on surrounding streets generating instances of traffic congestion.

The objectors are concerned that the proposed development by virtue of an increase in traffic and on-street parking will adversely affect the level of road and pedestrian safety in the surrounding area.

It is acknowledged that the redevelopment of the application site will lead to the loss of an existing private parking facility. However, many of the existing garages on site are vacant with neighbouring residents utilising the application site as an unofficial car park without the applicant's permission. It is considered that the increase in on-street parking and traffic congestion caused by residents of surrounding streets no longer being able to park on the application site highlights the fragility of the street network surrounding the application site to accommodate the existing number of cars belonging to residents of Castle Street, East Links Place and Churchill Place. However, the application site has never been a public car park but rather private garages with local residents parking there at the applicant's discretion.

In terms of parking provision the proposed development is contrary to the requirements of Appendix 1 of the adopted Local Plan. It is acknowledged that realistically the proposed development may generate up to 36 vehicles which equates to an additional 11 parking spaces taking account of the 25 parking spaces formed within the application site as part of the proposed development. The additional 11 spaces would require to be found within the surrounding street network which would in turn exacerbate existing levels of traffic congestion in the surrounding area adversely affecting road and pedestrian safety.

In this instance it is considered that the erection of flats rather than houses in a dense residential area of Broughty Ferry where there is a high dependency on the use of the private car as the main mode of transport will generate additional traffic and on-street parking pressures to the detriment of road and pedestrian safety. The concerns of the objectors are therefore supported.

The development will affect a public right of way - the objectors have raised concern that the proposed development

may impact on the existing right of way between East Links Place and Brook Street.

The applicant has confirmed that the existing right of way between Brook Street and East Links Place will be maintained.

Drainage issues - the objectors have raised concern that the proposed development may impact on the existing drainage network. The applicant has confirmed that the proposed development will connect to the existing public sewer. Scottish Water has no objections to the proposed development but has stated that the applicant will be required to apply to Scottish Water for technical approval before connecting into the existing drainage network. This matter will be highlighted to the applicant in the form of an informative attached to the grant of planning permission should the Committee be minded to approve this application.

The design and finish of the proposed flats is not suitable - the objectors are concerned that the proposed flats are of an unsympathetic design that is not suited to this area of Broughty Ferry.

The design of the proposed buildings has been assessed against the requirements of the Development Plan in the Observations section of this report. It has been concluded that by virtue of scale, massing, design and finish the proposals are an overdevelopment of the application site and will adversely affect the level of amenity afforded to neighbouring properties and the character and appearance of the East Links Place and Churchill Place streetscapes. The proposals are therefore contrary to the requirements of the Development Plan.

Overlooking - the objectors are concerned that the proposed flats will overlook their private gardens and windows.

These concerns have been addressed in the assessment of the proposals against the requirements of the Development Plan in the Observations section of this report. It has been concluded that the proposed flats will be located too close to neighbouring properties and therefore will significantly overlook windows serving habitable rooms and private gardens to the detriment of residential amenity.

Noise disturbance - the objectors are concerned that the proposed flats will generate instances of significant noise disturbance.

It is acknowledged that given the residential character of the surrounding area, instances of noise disturbance during the construction phase of development may impact on residential amenity. However, as this is only temporary these concerns are not supported.

Impact on listed buildings - the objectors are concerned that the proposed development will adversely affect the setting of adjacent listed buildings.

Given the present use of the application site the proposed development is considered to neutral affect on the character and setting of listed buildings on East Links Place.

Overdevelopment of the application site - the objectors are concerned that the proposed development will overdevelop the application site.

This matter has been addressed in the assessment of the proposals against the Development Plan in the Observations section of this report. The proposed development by virtue of scale, massing and design of the proposed buildings and the failure of the proposals to satisfy the requirements of the Development Plan are considered to be an overdevelopment of the application site.

The concerns of the objectors are supported.

B Views of Supporters

1 letter of support has been received from a neighbouring resident. The reasons for supporting the proposed redevelopment of the application site are that the lock-up garages are in a poor condition with the unkempt appearance of the application site an attraction for vandals. In addition to vandalism there have also been instances of anti-social behaviour such as fly-tipping, dog-fouling and gatherings of groups of people. The proposed development will significantly upgrade and enhance the application site.

The reasons for supporting the proposed development have been addressed in the assessment of the proposals against the requirements of the Development Plan in the

Observations section of the committee report. While it is agreed that the application site is in an unpleasant and unkempt condition the proposed development is not compatible with the surrounding urban environment and fails to satisfy the requirements of the Development Plan. Therefore, the letter of support is not considered to justify approval of planning permission.

C Views of Broughty Ferry Community Council

Broughty Ferry Community Council has objected to the proposed development on the grounds that:

- the proposed flats are of an inappropriate scale and massing that will over dominate the surrounding streetscapes.
- the proposals are contrary to the requirements of the Development Plan.
- the proposed development will adversely affect existing issues of traffic congestion and on-street parking
- the finish of the proposed flats is unacceptable

The concerns of the Community Council have been addressed in the assessment of the proposals against the requirements of the Development Plan. It has been concluded that the proposed development by virtue of scale, massing, design, site layout and finishing materials will adversely affect the level of amenity afforded to neighbouring properties, over dominate the East Links Place and Churchill Place streetscapes and exacerbate existing issues of traffic congestion and on-street parking on the streets surrounding the application site.

D Design Statement

The design statement submitted in support of the proposed development does not provide a robust justification for the failure of the proposals to satisfy the requirements of the Development Plan.

The design statement justifies the position of the proposed flatted blocks on the application site by comparing the proposed development with the historic occupation of the site by railway cottages. However, the form

of the proposed flats differs significantly from the original cottages that occupied the application site and this is considered by the design statement to be acceptable because the provision of a development in the form of flats is the most appropriate and efficient use of the application site.

It has been concluded from the assessment of the proposals against the requirements of the Development Plan in the Observations section of this report that the proposals are contrary to the requirements of Policy 4 (Design of New Housing) and Policy 55 (Urban Design) of the adopted Local Plan. The proposals do not satisfy the requirements of the Development Plan and therefore contrary to the design statement, the provision of a flattened development of the density proposed is not considered to be the most appropriate or efficient use of the application site.

The design statement also includes a short analysis of the proposals in relation to the 6 qualities of successful places detailed in *Designing Places* 2008.

In considering Distinctive Identity, the design statement fails to demonstrate how the proposed development relates to the existing urban fabric surrounding the application site but rather focuses on the proposed development being of an individual, distinctive, high quality and modern aesthetic.

In considering Safe And Pleasant Places and Easy To Get Around the design statement identifies that the proposed development will be permeable with existing pedestrian and vehicular accesses between East Links Place, Churchill Place and Brook Street being maintained with the road surfaces identifying pedestrian and vehicular areas.

In the consideration of Welcoming, the design statement fails to recognise the relationship between the proposed development and the existing street layouts of Brook Street, East Links Place and Churchill Place and how this relates to the promotion of social interaction and walkable neighbourhoods.

The design statement fails to demonstrate that the proposals adhere to the guidance contained in section headed Adaptable. This is because the proposals fail to recognise that street

patterns should be fully integrated with surrounding networks to provide flexibility and accommodate changes in built and social environments.

The design statement demonstrates that the proposed development adheres to the guidance contained within the section headed Resource Efficient.

The design statement submitted in support of the proposed development fails to demonstrate that the proposed development is of a high quality design that fits comfortably within the existing context of the application site.

E National Housing Trust

The applicant has applied to the National Housing Trust to obtain funding for the proposed development that is the subject of this report.

The National Housing Trust initiative (NHT) is a tool to help make more new affordable homes available for below intermediate rent in areas where there is not enough affordable housing to meet current demand.

New build homes are procured from developers, and when a bid from a developer is accepted onto the initiative the developer will complete the homes on their site to agreed standards and timescales. Limited Liability Partnerships (LLPs) are being set up to oversee progress on each developer's site within a Council area - these are companies which won't have any staff, but have a board of management involving the relevant developer and Council and a representative of the SFT. Once the homes are completed, the LLP will buy them by paying between 65 and 70 per cent of an agreed purchase price to the developer upfront. This contribution is funded by participating Councils who will provide loans to the LLPs in their area - Councils are likely to fund this by borrowing from the Public Works Loan Board. The remaining 30 to 35 per cent is contributed by the developer as a mixture of loan funding and equity investment.

The homes are expected to be available to tenants for affordable intermediate rent for 5 to 10 years and the developer will oversee an agent who will manage the homes and carry out maintenance and repairs to agreed customer service standards. The managing agents will allocate homes to tenants based on criteria agreed with the Council.

Each LLP's income from tenants' rents will be used to pay interest to the Council so it can finance its own borrowing for the initiative and will also pay interest on the loan from the developer and pay for agents responsible for managing and maintaining the homes. The Scottish Government will provide a guarantee to participating Councils that it will step in if there is a problem and the LLP is unable to pay what it owes to the Council.

The funding of this development by the National Housing Trust will secure the provision of new build homes for intermediate rent in Broughty Ferry for a period between 5 and 10 years. Once this period has expired the properties will be sold privately by the LLP to payback the finance obtained from the Council and developer. If for any reason the LLP has difficulty in renting the units it is contractually bound to sell the units in order to secure repayment of the loan back to the Council and Developer should the void levels become so high as to breach any of the default trigger levels.

It is the intention of this particular NHT model that the proposed flats will be sold to tenants who have lived in the properties during the NHT agreement. This model works on the premise that the tenants have been paying intermediate rent during the 5/10 year period to allow them to save for a deposit for a mortgage to purchase the property that they have been renting.

F The Provision of New Build Dwellings for Intermediate Rent

The Council's Housing Department has demonstrated that there is a significant shortage of properties available for intermediate rent in Broughty Ferry. The Council has had aspirations for many years to introduce affordable housing into Broughty Ferry but there has never been the opportunity to do so due to inflated land values and a very buoyant local housing market. Given the current economic climate and its depressive impact on land values and the housing market the current proposals aided by the prospect of NHT funding present the Council with the opportunity to secure the provision of affordable housing within Broughty Ferry for a temporary period of 5/10 years.

The applicant is agreeable to the proposed flats being secured for intermediate rent in accordance with the terms and conditions of the National Housing Trust through the completion of a Section 75 Planning Obligation should the Committee be minded to grant planning permission.

G Existing Scaffolding Yard

There is concern that should planning permission be granted for the proposed development only Blocks A and B will be built. Should this be the case it is expected that the existing scaffolding yard located on the site of Block C of the proposed development would continue to operate until such times as it is possible for the 3 units contained within Block C to be built. The continued operation of the scaffolding yard in such close proximity to housing would have an adverse impact on the level of environmental quality afforded to the proposed flats in Block B of the proposed development by virtue of noise disturbance.

These concerns have been expressed to the applicant who has agreed to the removal of the operational scaffolding yard prior to the commencement of work on site being controlled by condition should the Committee be minded to grant planning permission.

It is concluded in this particular instance that the provision of properties for intermediate rent in Broughty Ferry and the removal of the existing scaffolding yard as outlined above are sufficient to justify approval of planning permission contrary to the provisions of the Development Plan. It is therefore recommended that planning permission is granted subject to conditions.

Design

The proposed development is of an excessive scale, design, massing and finish that will overdevelop the application site while significantly impacting on the level of residential amenity afforded to neighbouring properties.

CONCLUSION

The proposals fail to satisfy the requirements of the Development Plan. The concerns of objectors are supported. However, there are material considerations relating to the provision of affordable housing in

Broughty Ferry that justify approval of planning permission. Therefore it is recommended that this application is approved subject to conditions and the completion of a Section 75 Planning Obligation.

RECOMMENDATION

Recommendation 1

This planning permission shall not be issued unless and until an obligation under Section 75 of the Town & Country Planning (Scotland) Act 1997 (as amended) between the Council and parties with appropriate interests in the land has been recorded. This obligation will relate to the provision of properties for intermediate rent in accordance with the terms and conditions of the National housing Trust.

Recommendation 2

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

- 1 Prior to the commencement of work on site, the operation of the scaffolding yard in the eastern sector of the application site shall cease to operate and the land be made good as amenity space until such times as Block C of the proposed development hereby approved can be developed.
- 2 Prior to the commencement of work on site, details of the proposed finishing materials and boundary treatments shall be submitted to the Council for written approval. Thereafter, the proposed flats shall be finished in accordance with the details approved by this condition.
- 3 Development shall not begin until an investigation and risk assessment related to the submitted Stage I Desk Study are completed and, if necessary; a remediation strategy to deal with contamination risks 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:
 - i the nature, extent and type(s) of contamination on the site;
 - ii measures to treat/remove contamination to ensure the site

is fit for the use proposed and does not contain any significant pollution linkages;

- iii measures to deal with contamination during construction works; and
 - iv 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, details of the triple glazed windows to be installed in the east facing window openings of Block C shall be submitted to the Council for written approval. Thereafter, only the windows approved by this condition will be installed in the east facing window openings of Block C.
 - 6 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 BS5837:2005. 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.
 - 7 Any existing site accesses that are no longer required as part of the proposed development must be made good to Dundee City Council specifications. Details of these alterations must be agreed in writing by the Council prior to any works on site .

- 8 Details of the proposed vehicle access/tie-in with the adopted road ex adverso the site must be agreed in writing by the Council prior to any works on site and the access/tie-in must be formed and constructed to Dundee City Council standards and specifications.

Reasons

- 1 In the interests of safeguarding residential amenity.
- 2 In the interests of safeguarding visual amenity.
- 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 safeguarding the level of amenity and environmental quality afforded to the proposed flats in Block C.
- 6 In the interests of enhancing and maintaining the level of amenity and environmental quality in the surrounding area.
- 7 In the interests of road safety.
- 8 In the interests of road safety.