

Residential Development With Associated Infrastructure

KEY INFORMATION

Ward Coldside

Address

Site of Bucklemaker and
Butterburn Courts
Strathmartine Road
Dundee

Applicant

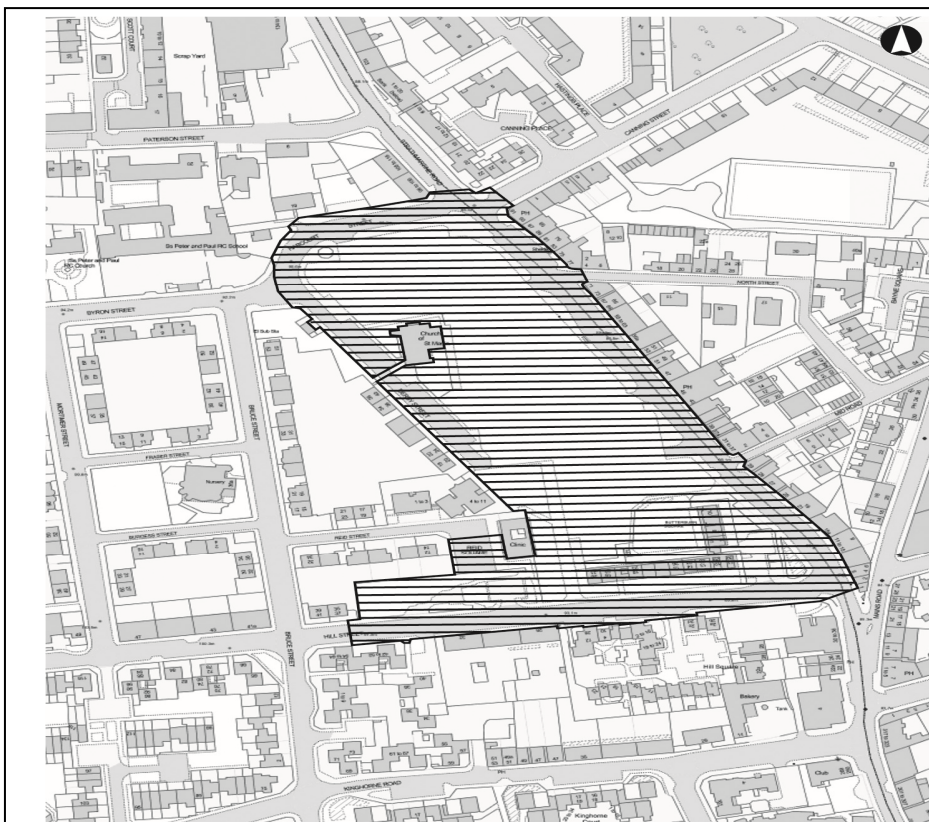
Robertson Partnership Homes
Robertson House
Castle Business Park
Stirling FK9 4TZ

Agent

Catherine Houston
Mercat Building
26 Gallowgate
Glasgow G1 5AB

Registered 5 Oct 2016

Case Officer S Dorward



SUMMARY OF REPORT

- Planning permission is sought for the erection of 163 residential units comprising 40 houses and 123 flats, 18 of which would be supported living flatted units, with associated car parking, access, open space and drainage infrastructure.
- The statutory neighbour notification procedure was undertaken. Six letters of representation have been received.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Development Management Committee as it constitutes a major development.
- The application has been advertised as being contrary to the Adopted Dundee Local Development Plan 2014.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=OE5IPCGCG4T00>.

RECOMMENDATION

The application complies with the relevant provisions of the Development Plan with the exception of Policy 9 and Appendix 3 of the Adopted Dundee Local Development Plan due to the proposed one bedroom flats and lack of in-curtilage parking for some of the houses. However, evidence of an identified housing need for such units has been submitted and this is of sufficient weight to justify a departure from Policy. The application is therefore recommended for APPROVAL subject to conditions.

1 DESCRIPTION OF PROPOSAL

1.1 Planning permission is sought for 163 new residential units comprising a mix of detached, semi-detached and terraced houses, and apartment blocks of varying heights. A total of 40 houses and 123 flats (18 of which would be supported living flats) are proposed. Twenty two units would be provided as Mid Market Rent properties, the remainder as Social Rent units. Residents' courtyards containing off street parking and bin storage areas are also proposed along with the creation of a pedestrian boulevard through the centre of the site. Five lifts are proposed within the scheme to allow disabled access to the supported housing units and the flats in the 6 storey blocks. These lifts serve a total of 50 units.

1.2 The proposed development is split into two housing areas separated by a pedestrian thoroughfare, with one point of vehicular access from Harcourt Street to the north and one from Hill Street to the South. Six storey flatted properties are proposed to the lower eastern edge of the site adjacent to Strathmartine Road, echoing the taller and varying building heights existing. A total of 150 car parking spaces are proposed within the two courtyard areas, 10 additional in-curtilage spaces are proposed and a further 9 on-street spaces are identified. Private drying areas are proposed to the rear of the properties, and shared recycling and refuse facilities are provided within the courtyard areas.

1.3 The proposed dwellings would comprise 5 detached houses, 35 terraced houses, 12 two storey flats, 93 flats and 18 supported living flatted units. Twenty two units would be offered at mid market rent and the remaining units would be for social rent, owned and managed by Dundee City Council, Dundee Community Care Housing and Hillcrest Housing Association. Dundee City Council would own and manage 83 units, the remainder would be managed by Hillcrest Housing Association.

1.4 The proposed external finishes comprise a buff coloured facing brick with a natural sand finish, with muted grey cladding panels to the street elevations. No other details have been supplied. The proposed material palette has been selected to respond to the surrounding context. Landscaping proposals are to be confirmed.

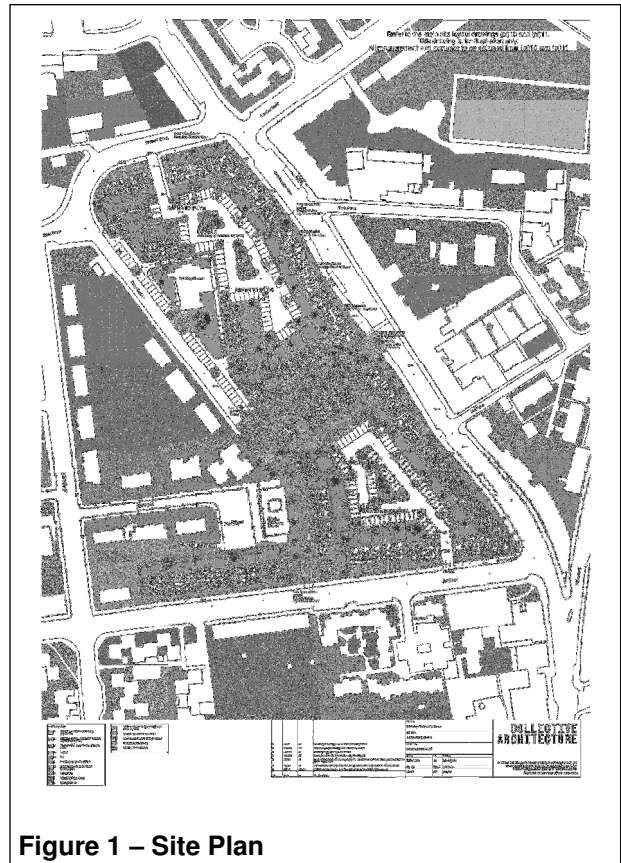


Figure 1 – Site Plan

various building heights existing. A total of 150



Figure 2 – Sketch of Russell Street

2 SITE DESCRIPTION

- 2.1 The application site measures 3.5 hectares and is located within Inner City Dundee, as defined by the Adopted Dundee Local Development Plan (2014). The site is bound by Derby Street, Hill Street, Strathmartine Road and Harcourt Road. The Hilltown Clock lies to the immediate south east corner of the site and presents a key landmark.
- 2.2 The application site was home to two former tower blocks, known as Butterburn and Bucklemaker Court; both blocks were demolished in June 2013. The cleared development site is now grassed and consists of a variety of levels, with higher ground to the north and west of the site. A pedestrian link has been created through the site from Strathmartine Road to Derby Street. Flatted properties at Butterburn Square on Hill Street to the South are identified for demolition.
- 2.3 The properties surrounding the application site vary in height, scale, and design, with taller tenement buildings to Strathmartine Road. A number of smaller scale traditional cottages, and a less dense, modern and smaller scale development are located on Derby Street. The Category B listed St Peter and Paul's School lies outside the application site to the north west of the application site. The Church of St Martine is located within the site boundary and would be retained as part of the proposals. There are mature trees to the western boundary of the site.



Figure 3 – Site Photo



Figure 4 – Site Photo



Figure 5 – Site Photo

3 POLICY BACKGROUND

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

TAYPLAN STRATEGIC DEVELOPMENT PLAN 2012-2032

Policy 1: Location Priorities
 Policy 2: Shaping Better Quality Places
 Policy 5: Housing

ADOPTED DUNDEE LOCAL DEVELOPMENT PLAN 2014

Policy 7: High Quality Design
 Policy 8: Housing Land Release
 Policy 9: Design of New Housing

Policy 13: Residential Accommodation for Particular Needs
Policy 29: Low and Zero Carbon Technology in New Development
Policy 35: Protected Species
Policy 38: Trees and Urban Woodland
Policy 40: Waste Management Requirements for Development
Policy 41: Flood Risk Management
Policy 42: Sustainable Drainage Systems
Policy 44: Air Quality
Policy 45: Land Contamination
Policy 47: Environmental Protection
Policy 55: Accessibility of New Developments

SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS

Scottish Planning Policy (2014)
PAN 33 Development of Contaminated Land (2000)
PAN 67 Housing Quality (2003)
PAN 2/2010 Affordable Housing and Housing Land Audits

NON STATUTORY STATEMENTS OF COUNCIL POLICY

Hilltown Physical Regeneration Framework (2008)

- 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 Proposal of Application Notice 16/00396/PAN for proposed housing was submitted and agreed in May 2016.

5 PUBLIC PARTICIPATION

- 5.1 Objections have been raised by six individuals, raising concerns in terms of height, design, overshadowing and overlooking, road safety and parking.

6 CONSULTATIONS

- 6.1 **SEPA** – has no objection to the planning application. It is noted that part of the site lies within the medium likelihood flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding. It is recommended that a detailed assessment is submitted to the Council and that any mitigation measures are agreed. It is proposed that informative information is appended to any planning permission granted for the applicant in regard to flood risk caveats and regulatory advice. Conditions are proposed to ensure compliance with surface drainage.
- 6.2 **Transport Scotland** – has no objection to the application.
- 6.3 **The Head of Community Safety and Protection** – has requested planning conditions to ensure that noise levels are acceptable in relation to a relocated sub station and that satisfactory internal noise levels are achieved for the residential development. An air quality assessment was undertaken at the request of the Head of Community Safety and Protection which was accepted.

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.

APPROVED TAYPLAN STRATEGIC DEVELOPMENT PLAN 2012-2032

- 7.2 **Policy 1: Location Priorities** – states that the principal settlements have the potential to accommodate the majority of development in the region, and that the re-use of previously developed land and buildings should be priorities. Dundee is identified as a Tier principal settlement.
- 7.3 **The proposal therefore satisfies Policy 1 of the Approved Strategic TAYplan.**
- 7.4 **Policy 2: Shaping Better Quality Places** - requires that climate change resilience and resource efficiency is built into the built environment, that new development is integrated with the existing community and transport links, that waste management solutions are incorporated into development proposals and that new designs and layouts take cognisance of Scottish Governments Designing Places and Designing Streets. The proposals have demonstrated that they comply with the above; the site is well located and integrated, waste management is considered and the proposals take heed of the required policy statements.
- 7.5 **The proposal would therefore satisfy Policy 2.**
- 7.6 **Policy 5: Housing** - requires that a minimum effective 5 year housing land supply is maintained throughout the region. It also seeks to ensure that the mix of housing type, size and tenure meets the needs and aspirations of a range of different households. There should also be the flexibility for house building rates to exceed the annual provision. The proposals would help to achieve these aims.
- 7.7 **The proposal therefore satisfies Policy 5.**

ADOPTED DUNDEE LOCAL DEVELOPMENT PLAN 2014

- 7.8 **Policy 7: High Quality Design** - requires that all development contributes positively to the quality of the surrounding built and natural environment. Design should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colour.
- 7.9 The development would respect the surroundings in terms of height, scale and finish. Plans have been amended to take into account comments made in relation to the scale of the development and the maximum height of the development has been reduced from 7 storeys to 6. The provision of the taller 6 storey flatted blocks at the prominent corners of the site help to create a gateway or 'marker' for the development and defines the boundary of the site. The housing throughout the site would respect that existing to either side and the variety of building heights proposed is appropriate having regard to the surrounding built form. The proposals have sought to draw upon the best character defining features of the neighbourhood and would positively contribute to the surroundings. The design and siting of development would respect the character and amenity of the place, improve links within the site and beyond, and incorporate new landscaping proposals. The re-introduction of Russell Street to the application site is one of the principal features of the scheme and would

enhance public realm. The external finishes proposed are of a suitable quality, and would complement the neighbouring sandstone and granite buildings. A planning condition is proposed to agree samples of external finishes where they are not specified.

- 7.10 Policy 7 requires that all development in Dundee with construction costs of £1million or more will be required to allocate at least 1% of construction costs towards public art. However the Supplementary Guidance on Developer Contributions states that residential developments comprising wholly social rented properties are exempt from most developer contributions in order to support their viability. In this case, the developer is in discussions with regard to incorporating an element of public art into the proposals.
- 7.11 **The proposal satisfies Policy 7.**
- 7.12 **Policy 8: Housing Land Release** - seeks to ensure that there is a five year effective supply of housing land maintained over the Plan period. The principle of residential development on this site has been established through its allocation in the Dundee Local Development Plan (2014) Appendix 2 as brownfield housing site H40 Derby Street Multis. A small proportion of the application site to the south of Butterburn Court is outside this allocation.
- 7.13 Appendix 2 provides capacities for each housing allocation site to ensure that sufficient land is allocated. In this instance a capacity of 120 units is indicated. While capacities for each site are provided, it is still incumbent on any proposed development to demonstrate that the design and layout is in accordance with the Local Development Plan policies. It is therefore accepted that the number of units that can actually be accommodated may increase or decrease from the identified given capacity.
- 7.14 **The proposal satisfies Policy 8.**
- 7.15 **Policy 9: Design of New Housing** - advises that the design and layout of new housing developments in Dundee should create places that enhance the identity of the different parts of the city. Within the terms of Policy 9, all new housing development is also required to conform to the guidance set out in Appendix 3 of the Adopted Local Development Plan. The proposed development would contribute to creating a place that would build upon the character of the surrounding area and in doing so would improve the quality of the environment in this part of Strathmartine Road. The proposed development re-introduces Russell Street as a pedestrian thoroughfare which will contribute positively to permeability in the area for new and existing residents.
- 7.16 In terms of the Inner City standards set by Appendix 3, all houses are to have a minimum of 2 bedrooms, and 65% of these are to have 3 or more bedrooms or a minimum gross internal floorspace of 100m². In this case, the houses proposed as part of the development all have a minimum of 2 bedrooms, and 65% have more than 2 bedrooms. This part of the proposed development would comply with this standard.
- 7.17 Flats are permitted where identified in a Site Planning Brief, site specific circumstances demand a flatted solution or conversion of an existing building of merit is proposed. All flats are to have a minimum of 2 bedrooms or a minimum gross internal floor area of 60m².
- 7.18 Flatted development has been deemed as acceptable through the Hilltown Physical Regeneration Framework (2008). The Framework acknowledges that the Derby Street development site presents an opportunity to reshape a significant area of the Hilltown. The Regeneration Framework presents a basic urban building plan for the Derby Street area, with town houses and apartments to the western edge of Strathmartine Road and recreating Russell Street as a pedestrian link between Strathmartine Road and Derby Street. The Regeneration Framework proposes that taller buildings should be situated to make prominent street corners.

- 7.19 Of the 163 flats proposed, a total of 29 flatted properties are proposed as one bedroom units, of which 21 units fall below the 60m² floorspace standard, contrary to the requirements of Appendix 3. Four of the flats would have a floorspace between 57 and 59.5m² and seventeen of these units would have a floorspace between 50 and 55m². The applicants have provided a justification in terms of housing need, site topography, space standards and efficiency. The one bedroom units have been proposed to help meet the requests of the Dundee Integrated Health and Social Care Partnership and to meet expressed needs. A total of 13 one bedroom flats are identified as supported units.
- 7.20 In terms of car parking, Appendix 3 requires that for housing, all tenures should have at least one car parking space within the curtilage of each house, and flatted properties should have 100% parking provision (requirements are increased for private accommodation). These standards would be met for flatted accommodation, a total of 150 spaces are provided within the two courtyard areas for 123 flats. The 27 additional spaces and 9 on-street spaces on Derby Street are identified for the 35 houses within the courtyard areas, however 30 houses do not illustrate the required in-curtilage parking. Secure indoor storage for bikes is required for the flatted development proposed, in accordance with the number of flats to be provided. Provision has been made for cycle storage for all flatted accommodation with the exception of two blocks, which are identified for special needs.
- 7.21 A minimum private useable garden ground of 50m² should be provided for all houses and 30% should have more than 75m². For flatted properties, a useable private communal garden area of 100m² or 10m² per flat is required, whichever is greater. In addition, drying areas are to be provided. Private communal garden ground may be reduced if balconies which are attractive in terms of size and outlook are provided.
- 7.22 All houses are proposed with at least 50m² of garden ground. The plans have been amended to adjust the garden ground for 12 of these (30%) to 75m². Sufficient private amenity space has been proposed for the flatted accommodation. Balconies are provided for units where the level of amenity ground provision would be lower. Plans have been amended to address usability concerns in relation to garden ground for the cottage flats to the north of the site, to ensure that adequate access to garden ground can be made.
- 7.23 Appendix 3 requires that a minimum of 18 metres between the facing windows of habitable rooms will be provided. This standard has also now been generally achieved. While the 18 metres would fall slightly short for 5 units, this is where windows are not directly facing each other.
- 7.24 **The proposal contravenes Policy 9 in terms of the provision of one bedroom flatted units with a gross internal floorspace of less than 60m² and the lack of in-curtilage parking.**
- 7.25 **Policy 13: Residential Accommodation for Particular Needs** - is supported where a high quality residential environment would be created with appropriate amenity space that would be acceptable in terms of design, well connected, accessible, and would not lead to an excessive concentration of non-mainstream residential uses to the detriment of the character of the particular area. Where accommodation would not be able to meet the requirements of mainstream residential accommodation in terms of Policy 9 and Appendix 3, conditions may be applied to ensure that they do not change into mainstream residential accommodation. An appropriate condition is recommended.
- 7.26 In this case, the proposed development would result in a design which positively reflects the scale, massing and materials of adjacent buildings. Adequate private amenity space would be provided and there would be no adverse impact on the amenity of neighbouring properties. The site is located on the boundary of Hilltown District Centre and is therefore well connected and accessible. Sufficient car parking is proposed and it is not considered that the development of 18 out of 163 residential units would lead to an excessive

concentration of non-mainstream uses. These properties would not have cycle storage provision, however this is considered to be acceptable.

7.27 **The proposal satisfies Policy 13.**

7.28 **Policy 29: Low 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. An appropriate condition is proposed that would ensure that a Statement is submitted in accordance with the terms of Policy 29.

7.29 **The proposal would satisfy Policy 29.**

7.30 **Policy 35: Protected Species** - states that development proposals which would have a likely significant effect on a European protected species will not be supported, and that development proposals which would be detrimental to the maintenance of the population of a European protected species will not be supported. Proposals that would likely have an adverse effect on a species protected under the Wildlife and Countryside Act 1981 (as amended) will not be supported unless there is no other satisfactory solution.

7.31 There are buildings and trees within the application site identified for removal. An ecological survey was undertaken which identified low bat potential within the buildings on site. One tree has been identified as having bat potential, which is not identified to be felled. Planning conditions are proposed to ensure that the trees to be felled would be checked for any European protected species or nesting birds, and if discovered the work shall cease and the developer will liaise with Dundee City Council and other appropriate organisations.

7.32 **The proposal would satisfy Policy 35 with the addition of an appropriate condition.**

7.33 **Policy 38: Trees and Urban Woodland** - requires that new development must ensure the survival of existing healthy mature trees through sensitive site layout both during and after construction. Where appropriate, development proposals must be accompanied by a tree planting and landscape scheme.

7.34 It is proposed to remove some existing trees from within the development site. Whilst a landscaping strategy is included with the plans, this is indicative. Further information is required and planning conditions are proposed to ensure compliance with Policy 38. It is intended that a landscape strategy will focus on providing an attractive and sustainable landscape. There are a number of young trees on Harcourt Street and Strathmartine Road, with mature pines and conifers to the south west corner of the site, which would be retained. A number of trees to the south of the site at Hill Street which are predominantly silver birch will be lost when the final demolition of the remaining flats on site goes ahead. The design and access statement notes that there are a number of trees in close proximity to the site on Derby Street that are large mature specimens that contribute to the urban form, but may have a limited number of years left. It is therefore proposed to plant a similar species in this area of the site to retain the character that the trees have created.

7.35 Planning conditions are proposed to seek further details in relation to landscaping proposals and tree protection measures along with maintenance details in order to further develop landscaping concepts.

7.36 **With the addition of planning conditions, the proposal would satisfy Policy 38.**

7.37 **Policy 40 Waste Management Requirements for Development** - requires that development proposals should demonstrate that they adequately address the Council's waste strategy to reduce, collect, sort, recycle and re-use waste.

- 7.38 The waste management provision is located within the courtyards for each block which are located at some distance from the residential accommodation. It is concluded that the current location would be the most feasible, however, to avoid the need for bin collection vehicles to reverse, in the interests of safety and management issues.
- 7.39 **The proposal satisfies Policy 40.**
- 7.40 **Policy 41 Flood Risk Management** – states that within areas at low to medium risk of flooding, areas with a 1 in 1000 to 1 in 200 year annual probability of flooding will be suitable for most development. SEPA has noted that part of the site lies within the medium likelihood flood extent of the SEPA Flood Map, but has no objection to the proposals. A SUDS scheme has been submitted which is acceptable, as discussed below. Planning conditions are proposed to ensure compliance.
- 7.41 **The proposal satisfies Policy 41 with the addition of planning conditions.**
- 7.42 **Policy 42: Sustainable Drainage Systems** - states that surface water from new development must be treated by a Sustainable Urban Drainage System (SUDS), which should be designed so that in a 1 in 200 year rainstorm event, flooding will not be higher than 300mm below floor level. Proposals are encouraged to adopt an ecological approach.
- 7.43 Part of the site lies within the medium likelihood flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding. It is recommended that a detailed assessment is submitted to the Council and that any mitigation measures are agreed. It is proposed that informative information is appended to any planning permission granted for the applicant in regard to flood risk caveats and regulatory advice. A SUDS scheme has been submitted which proposes a wholly separate surface and foul water system within the curtilage of the development area. Foul drainage would be discharged to combined sewers on Strathmartine Road and Hill Street. Roof water run off would discharge to collector surface drains within the car park or courtyard, car parking run off would be to porous pavers forming the car parking areas to the courtyard's perimeter. The proposed drainage layout and SUDS strategy, involving attenuation storm cells, is considered to be acceptable. Planning conditions are recommended to ensure compliance. Scottish Water has confirmed that the cellular storage will be considered for Scottish Water vesting if designed in compliance with Sewers for Scotland 3rd Edition. It is also confirmed that the porous paving can be connected to the new surface water sewer within the site upstream of the cellular storage if the total surface water discharge rate from the development site shall be no greater than 10.17l/s. Appropriate planning conditions are proposed to ensure compliance.
- 7.44 **With the addition of planning conditions, the proposal satisfies Policy 42.**
- 7.45 **Policy 44: Air Quality** - states that there is a general presumption against development proposals that could significantly increase air pollution or introduce people into areas of elevated pollution concentrations unless mitigation measures are adopted to reduce the impact to levels acceptable to the Council.
- 7.46 An air quality assessment, using dispersion modelling was required to demonstrate that the air quality for existing and proposed residents would be acceptable and that mitigation measures should be included in the assessment. An air quality assessment was undertaken which made a number of worst case assumptions regarding traffic flows, future vehicle emission factors and background concentrations. The national air quality standards are predicted to be met at all relevant receptors (new and existing) with negligible impacts on existing receptors. The report recommends mitigation measures for construction dust emissions, therefore an appropriate planning condition is recommended.
- 7.47 **The proposal satisfies Policy 44 with the addition of a planning condition.**

- 7.48 **Policy 45 Land Contamination** - requires that development of potentially contaminated land will be considered where a site investigation has been submitted and establishes the nature and extent of the contamination, and where remediation is proposed that it would adequately address contamination risks and be suitable for the planned use.
- 7.49 A site investigation report was completed and submitted by the applicant and the findings accepted. Planning conditions are proposed to require further risk assessment and identify a remediation strategy and any mitigation required. Before any unit is occupied, the remediation strategy shall be fully implemented and verified.
- 7.50 **With the addition of appropriate planning conditions, the proposal satisfies Policy 45.**
- 7.51 **Policy 47: Environmental Protection** - asks that all new development that would generate noise, vibration or light pollution is required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance to the surrounding area. New development in close proximity to existing sources of noise, vibration or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on the viability of existing businesses or uses.
- 7.52 The Head of Community Safety and Protection has recommended that planning conditions should be implemented to ensure that noise levels are acceptable in regard to a relocated sub station and that satisfactory internal noise levels are achieved for the residential development.
- 7.53 **With the addition of planning conditions the proposal satisfies Policy 47.**
- 7.54 **Policy 55: Accessibility of New Developments** - seeks that all development proposals which generate travel should be designed and well served by all modes of transport and development proposals are required to incorporate facilities for walking, cycling and public transport networks. Proposals should also comply with Dundee City Council's road standards.
- 7.55 A transport statement has been submitted with the application documents and the findings are accepted. The access to the site from Harcourt Street and Hill Street would meet current specifications. It is proposed that conditions are attached to ensure all construction is to Dundee City Council standards, that redundant accesses are made good, and details of all new roads and footways are submitted for prior approval.
- 7.56 **The proposal satisfies Policy 55 with the addition of planning conditions.**
- 7.57 **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:

SCOTTISH PLANNING POLICY 2014

- 7.58 This states that the planning system should support the achievement of the housing land requirement across all tenures and maintain at least a 5-year effective supply of effective housing land at all times. The provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places should be enabled, and there should also be a sharp focus on the delivery of allocated sites.

- 7.59 The site is identified as brownfield housing site H40 Derby Street Multis within the Adopted Dundee Local Development Plan (2014).

B - PAN 67 HOUSING QUALITY 2003

- 7.60 This sets out how Designing Places (2001) should be applied to new housing, by ensuring that the design of new housing reflects a full understanding of its context, that the design of new housing reinforces local and Scottish identity, and that new housing is integrated into the movement and settlement patterns of the wider area.
- 7.61 The housing layout has been developed to respect the adjacent existing housing patterns, and would help to create more identify for the place, taking into account the principles of Designing Streets.

C - PAN 2/2010 AFFORDABLE HOUSING AND HOUSING LAND AUDITS

- 7.62 This states the Government's ambitions to increase housing supply across all tenures over the long term, increase the choice of housing available to those on low incomes, create housing developments of high environmental and design standards and ensure that social housing provides better value for public expenditure. Social rented housing is provided and managed locally by a Registered Social Landlord (RSL) such as a Housing Association, and regulated by the Scottish Housing Regulator. Occupancy conditions will not be necessary where a charitable RSL is responsible for the management of rented housing.
- 7.63 The level of social housing would be increased with the allocation. Hillcrest Housing Association and Dundee City Council would be responsible for managing the housing. Mid market rent tenure provides accommodation for those unable to access home ownership or qualify for open market or social rent.

D - PAN 33 DEVELOPMENT OF CONTAMINATED LAND 2000

- 7.64 This stresses the need to ensure that land is made suitable for the proposed new use and that this is the responsibility of the Planning Authority. This should be done through a requirement on application to include suitable remediation measures and this can usually be controlled through the imposition of suitable conditions. In this case that the proposed conditions would ensure that suitable remediation measures would be applied.
- 7.65 In this case the proposed conditions would ensure that suitable remediation measures would be applied.

E - JUSTIFICATION FOR A DEPARTURE FROM POLICY 9 OF THE ADOPTED LOCAL DEVELOPMENT PLAN 2014

- 7.66 The 21 one bedroom flats which would be below 60m² in terms of floorspace and the lack of in curtilage parking for some of the houses is a departure to Policy 9 (Appendix 3 requirements). A justification for the one bedroom flats has been submitted which states that the proposals are intended to provide house sizes and types that best match expressed needs, providing a range of units that best suit the topography of the site, taking account of its position in the Hilltown landscape. The justification considers that a neighbourhood hub would be created which would support the wider regeneration of the Hilltown area. Compliance with space standards as defined by Building Standards Scotland and efficiency, allowing the storage of cycles adjacent to the one bedroom flats are also presented as reasons for the variation to the Local Development Plan Appendix 3 standards. It is accepted that 30 houses would not have in-curtilage parking. However, parking courts providing a sufficient level of parking are included within the development overall. It is considered that given the challenging topography of the site and to ensure a design that is of a good quality, the lack of in-curtilage parking can be accepted in this case.

- 7.67 The proposal would be a positive redevelopment for the area and would address specific local housing needs. A satisfactory justification has been provided for the lack of in-curtilage car parking provision and the proposed one bedroom flats. The provision of good quality social housing to meet the needs identified within the area, while not fully meeting Dundee Local Development Plan standards, is considered to be acceptable. In this instance, the particular circumstances are material planning considerations with sufficient weight to justify a departure from the standards of Appendix 3. The proposals are intended to provide house sizes and types that best suit the topographical challenges of the site, take account of its position in the Hilltown landscape and create a neighbourhood hub that would support the wider regeneration of the Hilltown area. The one bedroom units have been proposed to help meet the requests of the Dundee Integrated Health and Social Care Partnership and to meet expressed needs.

F - VIEWS OF OBJECTORS

- 7.68 Objections have been raised by six individuals, raising concerns in terms of height, design, overshadowing and overlooking, road safety and parking. The concerns in relation to height, design, overlooking and parking are considered in the assessment above. In terms of road safety and parking, the plans meet Dundee City Council road standards and specifications. Whilst the proposal would result in some overshadowing to existing properties on Strathmartine Road, it is considered that this would not be to a significant level and to a lesser extent that it was with the former multi storey flats on the site. Additionally, the allocated housing site is within a densely populated urban area where some overshadowing is not uncommon, given the scale of surrounding buildings.

- 7.69 **The concerns of the objectors are not supported.**

- 7.70 **It is concluded from the foregoing that the material considerations support the approval of planning permission.**

8 CONCLUSION

- 8.1 The proposal satisfies the requirements of the Development Plan. There are no material considerations that would justify refusal of planning permission. Therefore, it is recommended that planning permission be granted 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 any works on site, the developer shall establish a fixed datum point and shall submit to this Planning Authority a plan indicating the exact location and value of this datum point. The finished floor level(s) of the development relative to the fixed datum shall also be indicated on this plan. This agreed datum point shall be used for future reference as the development proceeds.
 - 2 Prior to the commencement of any works on site, details of the specification and colour of the proposed external finishes shall be submitted for approval in writing by this Planning Authority.
 - 3 Prior to the commencement of any works on site, samples of all finishing materials shall be submitted for the written approval of this Planning Authority.
 - 4 Prior to the commencement of any works on site, a Sustainability Statement demonstrating the extent to which the development will meet the requirements of Policy

29 of the Adopted Dundee Local Development Plan (2014) shall be submitted for the approval of the Council and the works shall be completed in accordance with the approved Statement.

- 5 Before any works start on site, the developer shall submit, details and specifications of the protective measures necessary to safeguard the trees on the site during development operations, as per BS:5837. This Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.
- 6 Tree felling shall be undertaken as agreed within the tree report and drawings which form part of this planning permission and shall be undertaken as per BS3998: 2012. Prior to felling, the trees shall be checked for any European protected species or nesting birds and if discovered the work shall cease and the developer will liaise with Dundee City Council as Planning Authority and appropriate organisations. Prior to any excavations, the tree protection recommendations identified within the Tree Survey dated 29/10/2015 and forming part of this planning permission shall be fully implemented and all tree works shall be carried out as per BS5837: 2012.
- 7 No tree works or vegetation site clearance shall be undertaken on site during the bird breeding season (from 1st March to 31st August inclusive).
- 8 Prior to the commencement of any works on site, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for approval in writing by this Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is the sooner.
- 9 Prior to the commencement of any works on site, a detailed surface water drainage/SUDs design including drawings, calculations, full modelling, simulation results, design risk assessment and signed Dundee City Council Design and Check Certification shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to the first occupation of any housing unit hereby approved.
- 10 Prior to the commencement of any works on site, maintenance responsibilities along with a maintenance schedule for the surface water drainage system/SUDs features shall be submitted to Dundee City Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out perpetuity.
- 11 Prior to the commencement of any works on site, evidence of Scottish Water approval for the proposed drainage system for the development hereby approved shall be submitted to the Council for written approval.
- 12 Prior to the commencement of any works on site, a construction dust management plan shall be prepared in accordance with IAQM Guidance, and submitted for the prior approval of Dundee City Council as Planning Authority. Thereafter any mitigation measures identified shall be implemented in full.
- 13 Development shall not begin until further risk assessment is carried out 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 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.
- 14 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.
 - 15 Prior to the occupation of any of the dwelling units hereby approved, a noise impact assessment covering road traffic and substation noise shall be undertaken for the prior approval of Dundee City Council as Planning Authority. Thereafter, any noise mitigation measures identified shall be implemented in full.
 - 16 Prior to the commencement of any works on site, details of noise attenuation measures to be incorporated into the houses and flats hereby approved that shall ensure that noise from the electricity substation to be located within the site boundary does not exceed NR20 during night time and NR30 during day time when measured from within any of the housing units hereby approved shall be submitted to the Council for written approval. Thereafter, the noise attenuation measures approved by this condition shall be implemented in full prior to the first occupation of any of the housing units hereby approved. For the avoidance of doubt, night time hours are from 23.00pm until 7.00am.
 - 17 Details of the proposed vehicle accesses including proposed road markings must be agreed prior to any works commencing on site and the access must be formed and constructed to Dundee City Council standards and specifications.
 - 18 A footway must be provided to Dundee City Council specifications ex adverso the site. Details of the footway must be agreed prior to any works commencing on site.
 - 19 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.
 - 20 The agreed findings of the Transport Statement must be implemented prior to any works commencing on site.
 - 21 A Street Lighting system must be provided by the applicant to Dundee City Council standards and specifications.
 - 22 Electric car charging points shall be provided at a location and number to be approved prior to opening of the development.
 - 23 The hard surface within the car parking areas should be made of porous materials or provision should be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

- 24 The applicant must provide a disposal route for road surface water to the satisfaction of Dundee City Council which discharges to a system publicly maintained/maintainable by the relevant authority.
- 25 Details of the proposed new road linking Strathmartine Road with Derby Street including any proposed structures and road surface water drainage must be agreed prior to any works on site and the access must be formed and constructed to Dundee City Council standards and specifications.
- 26 Details of any roads/footways/footpaths removed as part of the development and requiring a stopping-up order must be agreed prior to any works on site.
- 27 Details of any alterations to existing street furniture must be agreed and the works carried out to Dundee City Council specifications.
- 28 The 18 flats identified as supported units shall be restricted to a use for the provision of residential accommodation and care to people in need of care, within Class 8 of the Schedule of the Town and Country Planning (Use Classes)(Scotland) Order 1997.

REASONS

- 1 To enable this Planning Authority to establish that the development is commencing from the correct level based on an agreed fixed datum point; and to ensure that the development as implemented does not result in any changes in levels to those as approved which may be unacceptable in relation to either site circumstances or the relationship with surrounding sites.
- 2 In the interests of visual amenity.
- 3 In the interests of visual amenity; to ensure that the external finishing materials are appropriate to the character of the area.
- 4 In order to demonstrate that the new development will meet the required carbon emissions reduction standards in the interests of the environment.
- 5 To protect those trees which are of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development.
- 6 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenity and ecological preservation of the area.
- 7 In order to comply with the Wildlife and Countryside Act (1981).
- 8 In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.
- 9 In the interests of flood prevention.
- 10 In the interests of flood prevention and visual amenity.
- 11 In the interest of flood prevention.
- 12 In the interests of safeguarding residential amenity.
- 13 In the interests of providing a site suitable for residential development.
- 14 In the interests of providing a site suitable for residential development.

- 15 In the interests of safeguarding residential amenity.
- 16 In the interests of residential amenity.
- 17 In the interests of vehicle and pedestrian safety.
- 18 In the interests of vehicle and pedestrian safety.
- 19 In the interests of vehicle and pedestrian safety.
- 20 In the interests of vehicle and pedestrian safety and promoting sustainable transport.
- 21 In the interests of vehicle and pedestrian safety.
- 22 In the interests of sustainable travel measures.
- 23 To ensure that surface water from within the curtilage of the site does not drain to the adjacent adopted road.
- 24 To ensure an appropriate and publicly maintainable system is provided.
- 25 In the interests of vehicle and pedestrian safety.
- 26 In the interests of vehicle and pedestrian safety.
- 27 In the interests of vehicle and pedestrian safety.
- 28 In order to retain proper control over the use of the property.