

# Erection of 41 Houses and 16 Flats

## KEY INFORMATION

**Ward** Coldside

### Address

Maxwelltown Works  
Alexander Street, Dundee

### Applicant

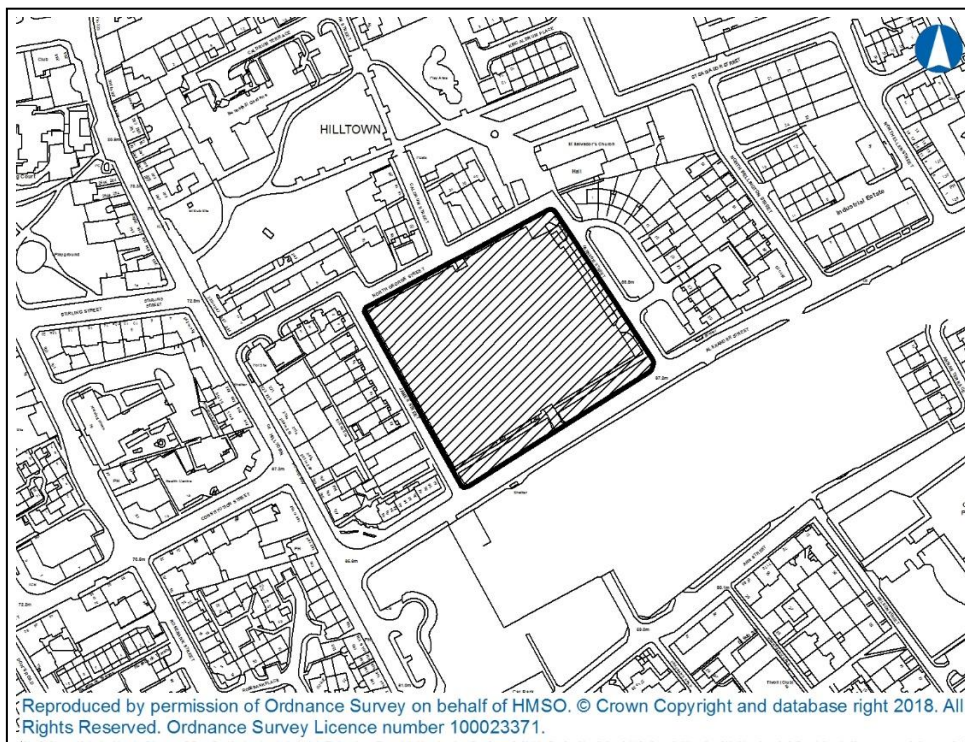
Cullross Ltd & Caledonia  
Housing Association  
21 Young Street  
Edinburgh, Mid Lothian

### Agent

Stephen Akers  
64 Queen Street  
Edinburgh EH2 4NA

**Registered** 10 May 2018

**Report by:** Executive  
Director of City Development



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## SUMMARY OF REPORT

- The application is for a contemporary development of 57 units comprising of 41 dwelling houses and 16 flats with associated roads, parking, footpaths and landscaping at Maxwelltown Works, a former industrial site.
- The site is an allocated brownfield Housing Site (H62) in the Local Development Plan.
- As the proposed number of residential units is more than 50, the proposals constitute a major planning application as defined by Regulation 2(1) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Accordingly, the applicant was required to undertake statutory pre-application consultation with the local community. A public event was held on 23 November 2017 at the Maxwell Centre.
- The proposed development is in accordance with the Development Plan.
- In accordance with the Council's Scheme of Delegation, all Major Planning Applications must be determined by the Council's Development Management Committee.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/simpleSearchResults.do?action=firstPage>.

## RECOMMENDATION

Erection of 41 houses and 16 flats (57 units in total) along with associated roads, footpaths, parking spaces, gardens and hard and soft landscaped areas is **RECOMMENDED FOR APPROVAL** subject to conditions.

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## 1 DESCRIPTION OF PROPOSAL

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- 1.1 The application is for 57 units in total comprising a contemporary development of 41 dwelling houses and 16 flats with associated roads, parking, footpaths and landscaping.
- 1.2 The proposed dwelling houses will be both affordable homes (22 houses and 16 flats) and homes available to purchase (19 houses) to provide a varied tenure. The 41 dwelling houses proposed consist of 12no 2-bedroom units; 25no 3-bedroom units; 1no 3-bedroom wheelchair accessible unit and 3no 4-bed units.
- 1.3 A 4 storey block of 16 flats is proposed in the south-west corner of the site at the junction of James Street and Alexander Street. The flatted block consists of 3no 1-bed units; 12no 2-bed units and 1no 2-bed wheelchair accessible unit.
- 1.4 The proposed design and layout of the residential development respects the surrounding area with the houses designed to provide a frontage onto surrounding streets; it creates a strong urban edge to Alexander Street by fronting the flatted block and terraced houses onto the street and sensitively addresses the challenges of the steeply sloping site. It also re-establishes the historic Elizabeth Street which runs centrally, north to south, through the site.
- 1.5 As the proposed number of residential units is more than 50, the proposals constitute a major planning application as defined by Regulation 2(1) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Accordingly, the applicant was required to undertake statutory pre-application consultation with the local community.
- 1.6 A Proposal of Application Notice (PAN) was submitted in October 2017 and a Pre-application Consultation Report was submitted with the application which reports the public event held on 23 November 2017 at the Maxwell Centre. A design and access statement, planning statement, transport statement, drainage strategy, noise impact assessment, ground investigation report, landscape plan and tree survey have also been submitted with the application.
- 1.7 In accordance with the Council's Scheme of Delegation, all Major Planning Applications must be determined by the Council's Development Management Committee.

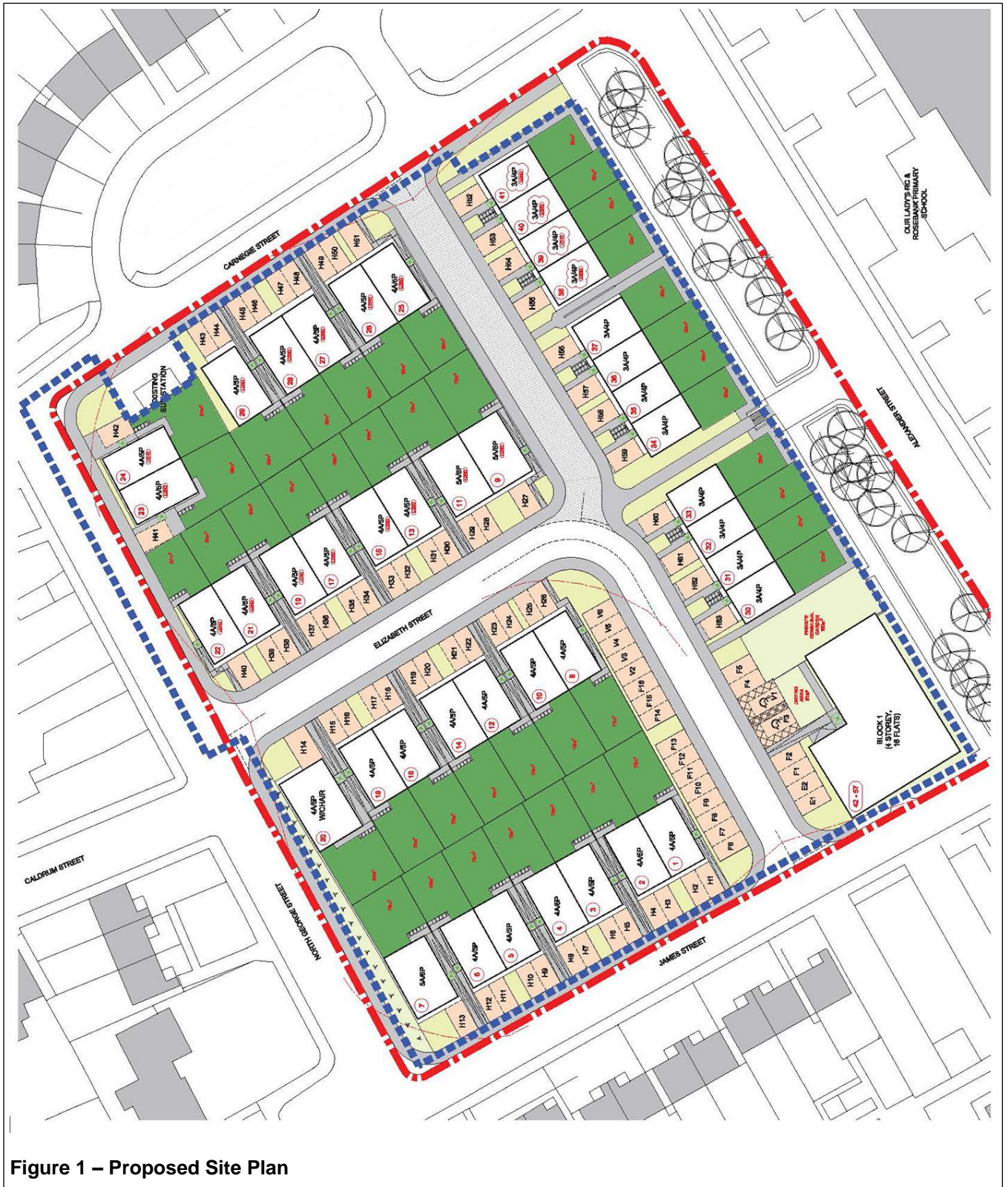




Figure 2 – Visualisation of Proposed Development from Alexander Street



Figure 3 – Visualisation of Proposed Flats on Alexander Street

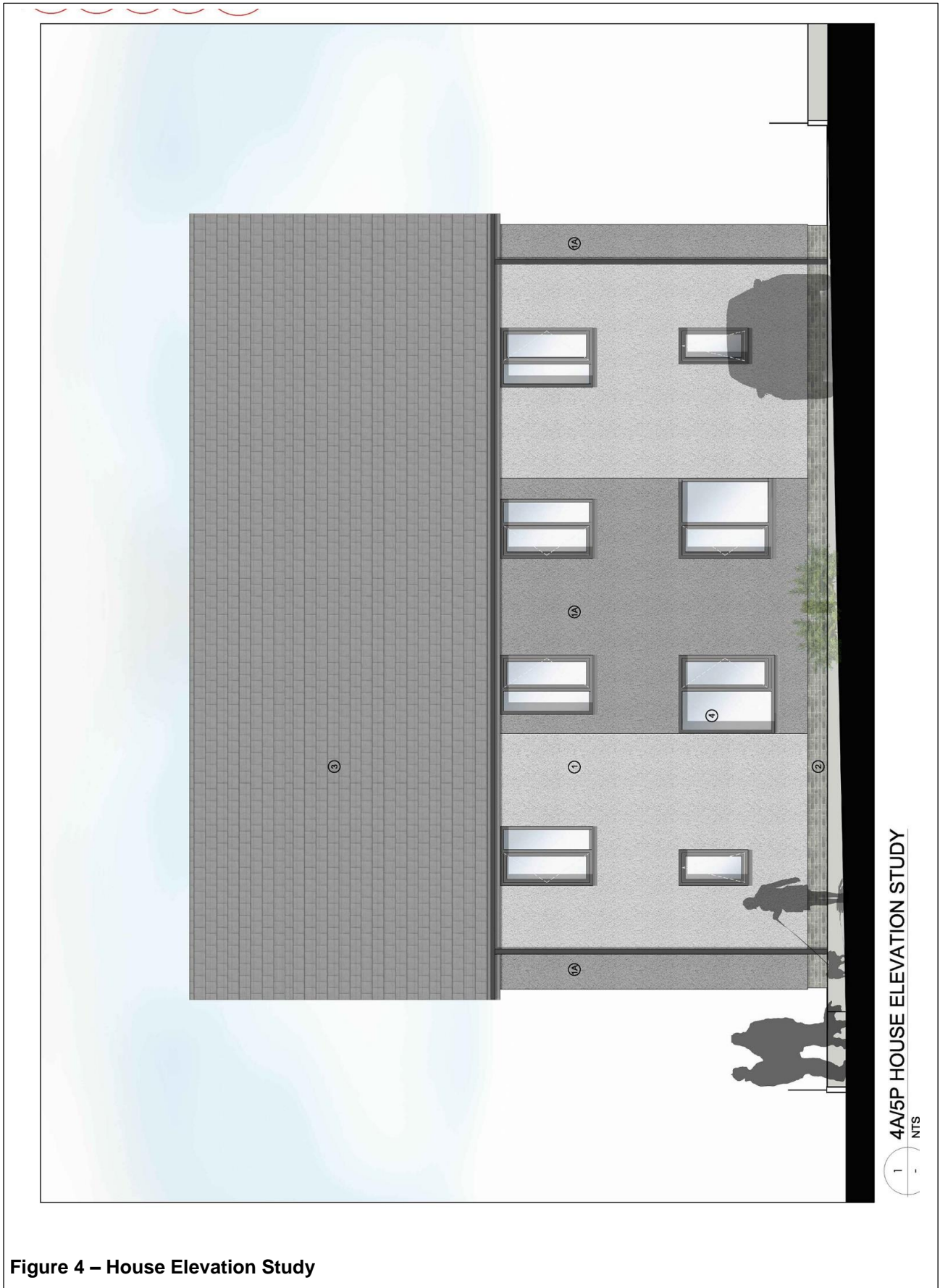


Figure 4 – House Elevation Study

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## 2 SITE DESCRIPTION

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- 2.1 Maxwelltown Works is a steeply sloping former industrial site (1.19 hectares) bounded by dwelling houses to the west on James Street, to the north on North George Street and to the east on Carnegie Street and to the south is a line of mature trees on the north side of Alexander Street.
- 2.2 The A-listed St Salvador's Church lies to the north-east of the site and the Hilltown Park is within walking distance via Caldrum Street to the north. To the south is Coldside Community Campus, a new combined pre-school/primary school campus and community centre and to the south-east is a development of new dwelling houses. The Hilltown District Centre is located within walking distance to the west of the site.
- 2.3 The site has been cleared of all buildings leaving large areas of hard standing and several level changes. It is an allocated brownfield Housing Site (H62) in the Local Development Plan with an indicative capacity of 50 units.



**Figure 5 – Application Site**

- 2.4 A Site Planning Brief has been published for the site. It highlights that the site is located in a primarily residential area with the surrounding streets containing a mixture of flatted and terraced dwellings. The extensive hard surfacing, level changes and contamination are highlighted as constraints and that historically the site was divided by Elizabeth Street which ran in a north/south direction from North George Street to Alexander Street. The line of this former road is still visible on site with public utility services located under the surface which must be protected.

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## 3 POLICY BACKGROUND

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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 4: Homes

### **DUNDEE LOCAL DEVELOPMENT PLAN 2014**

Policy 7: High Quality Design  
Policy 8: Housing Land Release  
Policy 9: Design of New Housing  
Policy 19: Funding of On and Off Site Infrastructure Provision  
Policy 29: Low and Zero Carbon Technology in New Development  
Policy 38: Trees and Urban Woodland  
Policy 42: Sustainable Drainage Systems  
Policy 45: Land Contamination  
Policy 47: Environmental Protection  
Policy 55: Accessibility of New Developments

### **PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN 2**

Policy 1: High Quality Design and Placemaking  
Policy 2: Public Art Contribution  
Policy 9: Housing Land Release  
Policy 10: Design of New Housing  
Policy 20: Funding of On and Off Site Infrastructure Provision  
Policy 28: Protecting and Enhancing the Dundee Green Network  
Policy 35: Trees and Urban Woodland  
Policy 37: Sustainable Drainage Systems  
Policy 39: Environmental Protection  
Policy 41: Land Contamination  
Policy 46: Delivery of Heat Networks  
Policy 48: Low and Zero Carbon Technology in New Development  
Policy 49: Listed Buildings  
Policy 54: Safe and Sustainable Transport

### **SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS**

Scottish Planning Policy states that the strategic development plan should identify the housing land requirements for city regions and local development plans should allocate land on a range of sites which is effective or capable of becoming effective up to year 10 from the predicted date of adoption. This report will demonstrate that these requirements have been met by the TAYplan and the Dundee Local Development Plan.

### **NON STATUTORY STATEMENTS OF COUNCIL POLICY**

Hilltown Physical Regeneration Framework (2008)  
Maxwelltown Site Planning Brief (2015)  
The Dundee Green Network (2016)

3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.



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## 4 SITE HISTORY

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- 4.1 18/00803/PAN - to develop a mix of 60 affordable housing and flats with associated parking, cycle storage, refuse storage and greenspace.

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## 5 PUBLIC PARTICIPATION

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- 5.1 The Council has carried out the statutory neighbour notification procedure detailed in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The application was also advertised in the Dundee Evening Telegraph as a departure to the Development Plan and as affecting a Listed Building.
- 5.2 Two letters of representation were received. Although not objecting to the proposed development, the letters raised the following valid planning matters - the over capacity of the site; the proposed number of flats which is contrary to the site planning brief; lack of tenure mix; parking and traffic. One representation also raised an issue with the loss of view towards the Tay Estuary due to the scale and location of the flatted block however this is not a valid planning matter.

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## 6 CONSULTATIONS

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- 6.1 **Historic Environment Scotland** – has no comments on the application.
- 6.2 **Scottish Environmental Protection Agency** – has no objection.
- 6.3 **Scottish Water** – has no objection and has confirmed that there is capacity within the existing network to serve the proposed development.
- 6.4 **The Head of Community Safety and Protection** - was consulted on the following matters:
- Contamination - requested that a standard condition is attached to any planning permission granted to ensure that the submitted and agreed remediation strategy is fully implemented and the relevant documentation is submitted to the Council for written approval.
  - Noise – requested that a standard condition is attached to any planning permission granted to ensure that, during night time, noise levels from the sub-station located in the north-east corner of the site do not have a detrimental impact on residential amenity.
  - Air Quality – no issues arising.
- 6.5 **The Head of Environmental Management** - has requested that standard landscape conditions are attached to any planning permission granted to ensure a satisfactory design for landscaping and tree planting is secured for the site.

## 7 DETERMINING ISSUES

- 7.1 **Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.**

### THE DEVELOPMENT PLAN

The provisions of the development plan relevant to the determination of this application are specified in the Policy Background section above.

### TAYPLAN STRATEGIC DEVELOPMENT PLAN 2016-2036

- 7.2 **Policy 1: Location Priorities** - states that the principal settlements within the region 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's core area is identified as a Tier 1 principal settlement.
- 7.3 **The proposal therefore satisfies Policy 1 of the Adopted 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.
- 7.5 The proposal has demonstrated that it complies with the above; the site is allocated in the current Local Development plan for housing (H62); waste management is considered and the proposals meet the required policy statements.
- 7.6 **The proposal therefore satisfies Policy 2 of the Adopted Strategic TAYplan.**
- 7.7 **Policy 4: Homes** - requires Local Development Plans to identify appropriate land to be allocated for housing to ensure a generous supply of effective housing sites. This includes provision of a mixture of sites to ensure an effective supply of housing which meet the needs of the region.
- 7.8 The site is allocated in the current Local Development Plan for housing (H62).
- 7.9 **The proposal therefore satisfies Policy 4 of the Adopted Strategic TAYplan.**

### DUNDEE LOCAL DEVELOPMENT PLAN 2014

- 7.10 **Policy 7: High Quality Design** – requires all new development proposals to have a high quality design that contributes positively to the surrounding built and natural environment, with designs complementing their surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.
- 7.11 The Design and Access Statement submitted with the application outlines the applicant's aspirations for a development of high quality, energy efficient new homes. It notes that the scale and massing of the proposed development responds to the surrounding residential mix. The external levels of the 4-storey block of flats has been carefully considered to ensure that the roofline is not above the level of the existing flats on the other side of James Street. It also

highlights that reinstating Elizabeth Street will provide access to the new school/community campus on the other side of Alexander Street.

- 7.12 Due to the steeply sloping nature of the site there is an unavoidable change in level at the pedestrian access to the south of the new Elizabeth Street, and steps are provided at this access. The Design and Access Statement reports that it was not considered feasible to provide a ramp at this access as there is a significant change in level and there are other nearby pedestrian routes which provide barrier free access.
- 7.13 It states that the finishing materials have been carefully considered and a course grey render selected for the elevation treatment for the whole site with an exposed grey stock brick base at ground level. It highlights that this simple palette is hard wearing, robust and offers a modern, crisp aesthetic for the proposed contemporary housing development.
- 7.14 The design and layout of the site has evolved through discussion with the applicant's agent during the application process. The main changes have been to the design of the flatted block and the terraced block on Alexander Street. The internal layouts of the flats have been amended to avoid potential overlooking issues of garden ground to the east from some of the flats main living areas. The redesign now offers a south facing view from the main living areas and an improved living environment. The external design of the flatted block incorporates a revised, more regular fenestration; Juliet balconies to windows on the south and south-west elevation; contrast render (pewter) around windows and a feature eternit board (dark grey) around the main windows to add visual interest and more definition to the elevations. The internal layout of the terraced houses has been amended to allow for an additional window opening on the upper level and thus improve the south facing elevation of the proposed dwelling houses as viewed from Alexander Street.
- 7.15 In order to ensure a high quality finish, it is recommended that standard conditions are attached to any planning permission granted to request full details and samples of the finishing materials and boundary treatments are submitted to the Council for written approval.
- 7.16 A tree survey and landscape plan was submitted with the application and the Head of Environmental Management was consulted on this. Discussion has taken place with the applicant's agent during the application process to ensure the provision of a tree lined street frontage in line with the site planning brief. It is confirmed that the broad tree planted and landscaped strip located on the north side of Alexander Street is in Council ownership and will be retained. It is recommended that standard conditions are attached to any planning permission granted to ensure a revised landscape plan incorporating tree planting within front garden ground and through the site is submitted to the Council for written approval together with a maintenance plan for any new trees planted.
- 7.17 This policy requires all developments with a construction cost of £1 million or over to allocate at least 1% of construction costs towards an art project in a publicly accessible/visible place. Initial discussion has taken place on a proposed art project within the site and it is recommended that a standard condition is attached to any planning permission granted to secure this.
- 7.18 The proposed high quality design and layout of the residential development respects the character and amenity of the surrounding area with the houses designed to provide a frontage onto surrounding streets. It continues the established strong urban edge to Alexander Street by fronting the flatted block and terraced houses onto the street and sensitively addresses the challenges of the steeply sloping site. The layout introduces a street pattern which encourages permeability and connects with the surrounding streets. It also re-establishes the historic Elizabeth Street which runs centrally, north to south, through the site.

- 7.19 **With the inclusion of conditions the proposal satisfies Policy 7.**
- 7.20 **Policy No 8: Housing Land Release** - gives priority to the development of the allocated brownfield and greenfield sites and states that the sites allocated in Appendix 2 shall not be developed for uses other than housing.
- 7.21 The site is an allocated brownfield site for housing (H62) in the Local Development Plan.
- 7.22 **The proposal satisfies Policy 8.**
- 7.23 **Policy 9: Design of New Housing** - states that the design and layout of all new housing in Dundee should be of high quality and contribute to creating places that build on and enhance the distinct character and identity of the city. In seeking to achieve this, the policy requires proposals to comply with the requirements of Appendix 3 of the Local Development Plan.
- 7.24 The application is for 57 units in total comprising 41 houses and 16 flats. Of this 19 houses are for low cost ownership with the remaining 22 houses and 16 flats for social rent through a housing association. The application site is required to meet the following Inner City Standards set out in Appendix 3 –

Appendix 3 - Standards for Houses

- 7.25 **House Type** - all houses to have a minimum of two bedrooms with 65% to have three or more bedrooms.
- 7.26 **Car Parking** - all tenures to have at least 1 space within the curtilage of the house. In addition 40% of private houses should have 2 spaces.
- 7.27 **Amenity/Garden Ground** - a minimum private useable garden ground of 50m<sup>2</sup> should be provided for all houses. In addition 30% should have more than 75m<sup>2</sup>. Mid terraced gardens should be serviceable by a private path to the street.
- 7.28 **Privacy** - a minimum of 18 metres between the facing windows of habitable rooms. Living room windows and balconies should not unacceptably overlook private gardens of houses.

In respect of the above standards for houses:

- 7.29 **House Type** - 70% of the proposed houses have 3 bedrooms in line with this requirement.
- 7.30 **Car Parking** - one space is allocated for all tenures in line with this standard. 10 out of 19 Low Cost Home Ownership houses (53%) have 2 spaces in the curtilage of the house which meets the required standard of 40% for private houses. In addition 12 of the 22 Housing Association houses have 2 spaces (54%). This is in line with the required standard.
- 7.31 **Amenity/Garden Ground** - the minimum garden ground in this instance is 50m<sup>2</sup> with 36% of the properties having more than 75m<sup>2</sup> in line with the required standard. In addition all the terraced properties have a serviceable private path to the rear gardens in line with this standard.
- 7.32 **Privacy** - no issues regarding window to window distance in line with this standard.

Appendix 3 - Standards for Flats

- 7.33 **House Type** - flats are only permitted if identified in a site planning brief, site specific circumstances demand a flatted solution or conversion of an existing building of merit is

proposed. All flats to have a minimum of 2 bedrooms or a minimum gross internal floor area of 60m<sup>2</sup>.

- 7.34 **Car Parking** - social rented flats are required to provide 100% parking.
- 7.35 **Cycle Provision** - secure indoor storage for bikes will be provided in accordance with the number of flats being provided.
- 7.36 **Amenity/Garden Ground** - useable private communal garden area of a minimum of 100m<sup>2</sup> or 10m<sup>2</sup> per flat whichever is greater. Drying areas to be provided in addition.
- 7.37 **Privacy** - a minimum of 18 metres between the facing windows of habitable rooms or between balconies and the facing windows of habitable rooms will be provided.

In respect of the above standards for flats:

- 7.38 **House Type** - in line with the Maxwelltown Site Planning Brief the layout includes flats. The brief indicates that 25% of the housing mix would be permitted for flats. In this instance the proposed flats are 28% of the housing mix which is over that set out in the Site Planning Brief. However, a Supporting Statement has been submitted with the application to demonstrate an identified need for this type of accommodation in the area and this identified need has been confirmed by Neighbourhood Services (Housing). Given the mixed tenure of the site, the mix of house types proposed and the demonstrated need for this type of accommodation in the area, the slight increase in the number of flats proposed as part of the overall development is deemed to be acceptable. All 16 flats have a minimum gross internal floor area of 60m<sup>2</sup> in line with the required standard.
- 7.39 **Car Parking** - the proposed flats are social rented and 100% parking has been provided in line with the standards. In addition 6 visitor spaces have been allocated within the site as shown on the proposed site plan.
- 7.40 **Cycle Provision** - secure indoor storage has been provided on the ground floor of the flatted block as required by this standard.
- 7.41 **Amenity/Garden Ground** - a communal garden area of 162m<sup>2</sup> is provided to the east of the flatted development, providing just over 10m<sup>2</sup> for each of the 16 flats. In addition a separate drying area has been provided in line with this standard.
- 7.42 **Privacy** - due consideration was given during the application process to the position of some main living area windows on the east elevation of the flatted block in order to remove any potential overlooking of garden ground for the proposed terraced housing to the east of the flatted block. The internal layout of the flatted block was subsequently redesigned with the main living areas located to front Alexander Street and offer a south facing aspect and an improved living environment. No privacy issues are therefore anticipated in line with this standard requirement.

#### Appendix 3 General Standards

- 7.43 **Waste Management** – bin storage provision has been provided on the ground floor of the flatted development in line with this standard requirement.
- 7.44 **Electric Charging Points** – electric charging points should be incorporated into communal car parking areas. It is noted on the site plan that 2 spaces are allocated for electric vehicles in the communal parking area to the north of the flatted block. In order to ensure that sufficient

provision is secured on the site it is recommended that a condition is attached to any planning permission granted.

- 7.45 **Additional storage** – in addition to cycle storage, flats should have adequate storage. It is noted that each of the flats have several storage areas/cupboards in line with this standard requirement.
- 7.46 The design and layout is of a high quality and respects and enhances the character and identity of this part of the city. The proposed development complies with the requirements of Appendix 3 of the Local Development Plan.
- 7.47 **With the inclusion of conditions the proposal satisfies Policy 9 and Appendix 3.**
- 7.48 **Policy 19: Funding of On and Off Site Infrastructure Provision** - The City Council, where necessary and appropriate, will seek to secure developer contributions towards the cost of infrastructure provision both on and off site.
- 7.49 The applicant has agreed to deliver off-site green infrastructure improvements in Hilltown Park to the north of the application site. This contribution is in lieu of an on-site requirement for an unequipped Local Area of Play which is outlined in the Site Planning Brief. The provision of a Local Area of Play within the site is no longer required following the publication of non-statutory planning guidance on the Dundee Green Network (2016) which seeks improvements to the existing wider network of green infrastructure in the City. It is recommended that a condition is attached to any planning permission granted to secure delivery of green infrastructure improvements.
- 7.50 **With the inclusion of a condition the proposal satisfies Policy 19.**
- 7.51 **Policy 29: Low and Zero Carbon Technology in New Development** - requires the applicant to demonstrate that 10% of carbon emission reduction standards set by the Scottish Building Standards (2007) will be met through the installation and operation of zero-carbon generating technologies. This percentage will increase to 15% from the beginning of 2016 and will be reviewed in 2018.
- 7.52 A statement has not been provided to demonstrate that this requirement will be met and it is recommended that a standard condition is attached to any planning permission granted to request this.
- 7.53 **With the inclusion of a condition the proposal satisfies Policy 29.**
- 7.54 **Policy 38: Trees and Urban Woodland** - supports the establishment and enhancement of woodland, tree belts and corridors and states that new development must ensure the survival of healthy mature trees through sensitive site layout. Where appropriate, proposals must be accompanied by a tree planting and landscaping scheme which includes supporting justification and sufficient map based material to document existing planting within the site as well as new planting and maintenance arrangements.
- 7.55 A tree survey and landscape plan was submitted with the application and the Head of Environmental Management was consulted on this. The application site has been cleared of all buildings leaving large areas of hard surfacing. It is confirmed that the broad tree planted and landscaped strip located on the north side of Alexander Street and on the southern boundary of the site is in Council ownership and will be retained.
- 7.56 Discussion has taken place with the applicant's agent during the application process to ensure the provision of garden trees and a tree lined street frontage in line with the site planning brief

and to respect the landscaping surrounding the site. It is recommended that standard conditions are attached to any planning permission granted to ensure a revised landscape plan incorporating tree planting within front garden ground and through the site and a maintenance plan for any new trees planted is submitted to the Council for written approval.

7.57 **With the inclusion of conditions the proposal satisfies Policy 38.**

7.58 **Policy 42: Sustainable Drainage Systems** - states that surface water from new development must be treated by SUDS except for single houses or where discharge is to coastal waters.

7.59 A drainage strategy has been submitted with the application. There has been ongoing discussion regarding the details of this during the application process and a revised scheme is proposed. It is recommended that standard conditions are attached to any planning permission granted to ensure the full details including calculations and drawings for the proposed revised scheme are submitted for written approval by the Council.

7.60 **With the inclusion of conditions the proposal satisfies Policy 42.**

7.61 **Policy 45: Land Contamination** - states that development of potentially contaminated land will be considered where a site investigation is submitted establishing the nature and extent of contamination and the Council is satisfied that remediation measures proposed adequately address the risks to all receptors.

7.62 The Head of Community Safety and Protection was consulted on the submitted Contaminated Land Risk Assessment and Remediation Strategy. The findings of the reports have been agreed and it is recommended that a standard condition is attached to any planning permission granted to ensure that before any unit is occupied the agreed Remediation Strategy is implemented.

7.63 **With the inclusion of a condition the proposal satisfies Policy 45.**

7.64 **Policy 47: Environmental Protection** – states all new development or an extension to an existing development that would generate noise, vibration or light pollution will be required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area.

7.65 New development or an extension to an existing 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 viability of existing businesses or uses.

7.66 An electricity sub-station is located in the north east corner of the site. As such a Noise Impact Assessment was submitted with the application in order to ensure there would be no detrimental noise impact on the proposed dwelling houses. The Assessment predicts that the internal noise criteria for noise from the substation should not be exceeded at any of the proposed dwelling houses on the site.

7.67 The Head of Community Safety and Protection was consulted and recommends that a standard noise condition is attached to any planning permission granted to ensure that, during night time, noise levels from the sub-station do not have a detrimental impact on residential amenity.

7.68 **With the inclusion of a condition the proposal satisfies Policy 47.**

- 7.69 **Policy 55: Accessibility of New Developments** - requires all development that would generate travel to be well served by all modes of transport, with priority afforded to sustainable modes of walking, cycling and public transport.
- 7.70 A Transport Statement was submitted and its findings found to be acceptable. The proposed development will not have detrimental effect on the capacity or functioning of the existing road network. The application site has direct links to adjacent walking and cycling networks and is located on a public transport route with bus stops in close proximity. Safe and adequate provision is made for road freight and waste access, loading and unloading. In order to ensure adequate drainage from proposed hard surfaces in the site and to ensure the proposed development complies with Dundee City Council's roads design standards it is recommended that a number of standard conditions are attached to any planning permission granted.
- 7.71 **With the inclusion of conditions the proposal satisfies Policy 55.**
- 7.72 **It is concluded from the foregoing that the proposal complies with the provisions of the development plan.**

### **STATUTORY DUTY – PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS (SCOTLAND) ACT 1997**

- 7.73 Section 59 of the above Act 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.
- 7.74 The A-listed St Salvadors Episcopal Church & Hall is located to the north-east of the development site. The proposed development will bring a vacant site back into use. The high quality design and layout of the proposed housing development will improve the setting of the listing building.
- 7.75 The proposal complies with the relevant provisions of The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. It is concluded from the above assessment that by approving the application the Council would be discharging its statutory duties in an appropriate manner.

### **OTHER MATERIAL CONSIDERATIONS**

#### **A - PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN 2**

- 7.76 The Proposed Dundee Local Development Plan 2 was approved by the Council on 21 August 2017. It sets out the spatial strategy that will guide future development up to 2029.
- 7.77 The proposed Dundee Local Development Plan 2 will in time replace the Dundee Local Development Plan 2014. Approval of the Proposed Dundee Local Development Plan 2 represents the Planning Authority's settled view as to what the final adopted content of the Plan should be. Whilst the Dundee Local Development Plan 2014 (along with TAYplan) constitutes the statutory Development Plan, the Proposed Dundee Local Development Plan 2 has the status of a material planning consideration to be taken into account in the assessment of planning applications.
- 7.78 The provisions of the Proposed Dundee Local Development Plan 2 relevant to the determination of this application are specified in the Policy background section above.

The following policies are considered to be a material change:



- 7.79 **Policy 1: High Quality Design and Placemaking** - requires new development to meet Scottish Planning Policy's six qualities of successful place as outlined in Appendix 1 – Distinctive; Safe and Pleasant; Easy to Move Around and Beyond; Welcoming; Adaptable and Resource Efficient. The scale, nature and location of the development will determine the extent to which the qualities, as outlined in Appendix 1, are appropriate to the assessment process.
- 7.80 As outlined above, the proposed high quality design and layout of the residential development respects the character and amenity of the surrounding area with the houses designed to provide a frontage onto surrounding streets. It continues the established strong urban edge to Alexander Street and sensitively addresses the challenges of the steeply sloping site. The layout introduces a street pattern which encourages permeability and connects with the surrounding streets. It also re-establishes the historic Elizabeth Street which runs centrally, north to south, through the site. A mix of house types and tenures is proposed responding to the various needs of the community. The proposed development therefore meets Scottish Planning Policy's six qualities of successful place. With the inclusion of conditions the proposal satisfies Policy 1.
- 7.81 **Policy 28: Protecting and Enhancing the Dundee Green Network** – requires development proposals to protect and enhance the Dundee Green Network by ensuring that development will not lead to fragmentation of the existing network of green infrastructure.
- 7.82 The proposed layout respects the existing network of green infrastructure. The layout introduces a street pattern which encourages permeability and connects with the surrounding streets and Hilltown Park to the north of the site. It re-establishes the historic Elizabeth Street which runs centrally, north to south, through the site. It is confirmed that the broad tree planted and landscaped strip located on the north side of Alexander Street and on the southern boundary of the site is in Council ownership and will be retained. Discussion has taken place with the applicant's agent during the application process to ensure the provision of garden trees and a tree lined street frontage to respect the landscaping surrounding the site. It is recommended that standard conditions are attached to any planning permission granted to ensure a revised landscape plan incorporating tree planting within front garden ground and through the site is submitted to the Council for written approval. With the inclusion of conditions the proposal satisfies Policy 28.
- 7.83 **Policy 46: Delivery of Heat Networks** – proposals for new development should meet their heat demand through heat networks, by considering the feasibility to create or link into an existing energy centre and heat network or demonstrate the capability to progress towards this technology in the future. For major planning applications, a statement is required to be submitted to demonstrate that consideration has been given to the viability of creating or linking into a heat network.
- 7.84 No statement has been submitted with the application. It is recommended that a condition is attached to any planning permission granted to request this statement. With the inclusion of a condition the proposal satisfies Policy 46.
- 7.85 **Policy 49: Listed Buildings** - considers development in close proximity to a listed building or within the curtilage which could affect the setting of the listed building.
- 7.86 The application site is located to the south of an A-listed building. Historic Environment Scotland was consulted due to the proximity of the A-listed St Salvadors Episcopal Church & Hall and have no comment to make on the proposed development. The proposed development will bring a vacant site back into use. The high quality design and layout of the proposed housing development will improve the setting of the listing building. The proposal satisfies Policy 49.

- 7.87 There are no other material changes. The proposal complies with the provisions of the Proposed Dundee Local Development Plan 2.

### **B - LETTERS OF REPRESENTATION**

- 7.88 Two letters of representation were received. Although not objecting to the proposed development, the letters raised the following valid planning matters - the over capacity of the site; the proposed number of flats which is contrary to the site planning brief; lack of tenure mix; parking and traffic.

In response to the matters raised:

- 7.89 Over capacity of the site - the Site Planning Brief outlines an indicative capacity of 50 units which by definition is subject to change on the submission of a site layout and supporting documents at the application stage.
- 7.90 Number of flats – the Site Planning Brief indicates that 25% of the housing mix would be permitted for flats. In this instance the proposed flats are 28% of the housing mix which is over that set out in the Site Planning Brief. However, a supporting statement has been submitted with the application to demonstrate an identified need for this type of accommodation in the area. This identified need has been confirmed by Neighbourhood Services (Housing).
- 7.91 Lack of Tenure Mix - the proposed dwelling houses will be both affordable homes (22 houses and 16 flats) and homes available to purchase (19 houses) to provide a varied tenure for the allocated housing site. The proposed mix of house types and tenures responds to the identified needs of the community.
- 7.92 Parking and Traffic – the proposed development meets the Appendix 3 standards for car parking. A Transport Statement has been submitted and its findings found to be acceptable. The proposed development will not have detrimental effect on the capacity or functioning of the existing road network.
- 7.93 The issues raised in the letters of representation have been considered and addressed in the report and are not of sufficient weight to justify refusal of planning permission.

### **C - MAXWELLTOWN SITE PLANNING BRIEF**

- 7.94 The site planning brief was approved in March 2015. It states that the development of the site is expected to help realise the wider vision for the regeneration of the Hilltown area. The development is required to meet the Local Development Plan policy standards and provide an interesting layout and design which integrates visually with the street scene and adjacent developments.
- 7.95 The high quality design and layout of the residential development integrates visually with the street scene and adjacent developments. It continues the established strong urban edge to Alexander Street and sensitively addresses the challenges of the steeply sloping site. The layout introduces a street pattern which encourages permeability and connects with the surrounding streets. It also re-establishes the historic Elizabeth Street which runs centrally, north to south, through the site providing a connection to the new school and community campus on Alexander Street.
- 7.96 A mix of house types and tenures is proposed to respond to the identified needs of the community. The proposed flats are 28% of the housing mix which is over that set out in the Site Planning Brief. However, a supporting statement has been submitted with the application to demonstrate an identified need for this type of accommodation in the area. This identified

need has been confirmed by Neighbourhood Services (Housing). With the inclusion of conditions the proposed development meets the requirements of the Local Development Plan.

7.97 The proposed development meets the requirements of the Site Planning Brief.

#### **D - HILLTOWN PHYSICAL REGENERATION FRAMEWORK**

7.98 The framework seeks to ensure that new development increases housing choice across a range of sectors and tenures and to enhance the area as an attractive place to live. The proposed development is a mixed tenure development providing a choice of house types and sizes. The high quality design and layout of the residential development integrates visually with the street scene and adjacent developments.

7.99 The proposal is in line with the Regeneration Framework.

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

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## **8 CONCLUSION**

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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 therefore recommended that planning permission be granted subject to conditions.

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## **9 RECOMMENDATION**

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9.1 It is recommended that consent be GRANTED subject to conditions:

- 1 **Condition** - prior to the commencement of work on site, details of the proposed finishing materials of the development hereby approved shall be submitted to the Council for written approval. Thereafter, the proposed development shall be finished in strict accordance with the details approved by this condition.

**Reason** - in the interests of visual amenity.

- 2 **Condition** - Prior to the commencement of work on site, details of the proposed boundary treatments and their location on the site shall be submitted to the Council for written approval. Thereafter, the erection of the boundary treatments shall be carried out in strict accordance with the details approved by this condition.

**Reason:** in the interests of privacy and visual amenity.

- 3 **Condition** - Prior to the commencement of work on site details of a scheme of public art to be provided within the development hereby approved shall be submitted to the Council for written approval. Thereafter, the approved scheme of public art shall be installed prior to the completion of the development hereby approved.

**Reason:** in the interests of enhancing the amenity and environmental quality of the development.

- 4 **Condition** - a Sustainability Statement demonstrating the extent to which the new build elements of the development will meet the requirements of Policy 29 of the Dundee Local

Development Plan shall be submitted for the approval of the planning authority and the works shall be completed in accordance with the approved Statement.

**Reason:** in the interests of reducing carbon emissions associated with the proposed development.

- 5 **Condition** - prior to the commencement of development, a scheme of landscaping shall be submitted to and approved by the Council, and it shall include indications of all existing trees and hedgerows on this land, and details of any to be retained, together with measures for their protection in the course of development in accordance with BS5837:2012. Full details of new planting and landscaping and an associated maintenance schedule 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.

**Reason:** to ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.

- 6 **Condition** - full details of a maintenance plan for the proposed trees shall be submitted to the Council for approval before any development commences on site and if approved the development shall be carried out only in full accordance with such details.

**Reason:** to ensure that the character of the application site and the surrounding area is maintained.

- 7 **Condition** - the hard surface within the curtilage of the proposed houses shall be made of porous materials or provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the application site.

**Reason:** in the interests of flood prevention and to ensure that surface water from within the curtilage of the site does not drain to the adjacent adopted road.

- 8 **Condition** - 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, signed Dundee City Council Design Compliance and Independent Check Certification, evidence of compliance with the Simple Index Approach as described in Section 26.7.1 of the CIRIA SUDS Manual (C753), and where appropriate SEPA comments 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.

**Reason:** in the interests of flood prevention.

- 9 **Condition** - prior to the commencement of any works on site, details of measures proposed to manage surface water run-off from the site during construction 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 commencement of the development hereby approved and shall be maintained until development is complete.

**Reason:** In the interests of flood prevention.

- 10 **Condition** - 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.

**Reason:** in the interests of flood prevention and visual amenity.

- 11 **Condition** - 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.

**Reason:** in the interests of flood prevention.

- 12 **Condition** - before any unit is occupied the agreed 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 Council.

**Reason:** in the interests of providing a site suitable for residential development.

- 13 **Condition** - details of the proposed roads including proposed road markings must be agreed prior to any works on site and the access must be formed and constructed to Dundee City Council standards and specifications.

**Reason:** in the interests of vehicle and pedestrian safety.

- 14 **Condition** - a footway must be provided to Dundee City Council specifications ex adverso the site on Carnegie Street, North George Street and James Street. Details of the footway must be agreed prior to any works on site.

**Reason:** in the interests of vehicle and pedestrian safety.

- 15 **Condition** - 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.

**Reason:** in the interests of vehicle and pedestrian safety.

- 16 **Condition** - a Street Lighting system must be provided by the applicant to Dundee City Council standards and specifications.

**Reason:** in the interests of vehicle and pedestrian safety.

- 17 **Condition** - electric car charging points shall be provided at a location and number to be approved prior to opening of the development.

**Reason:** in the interests of sustainable travel measures.

- 18 **Condition** - 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.

**Reason:** to ensure an appropriate and publicly maintainable system is provided.

- 19 **Condition** - within the adjacent residential accommodation, during night-time, the received noise from the electrical substation shall not exceed NR20 internally, with windows open for ventilation. Night-time hours are 2300 to 0700 hours.

**Reason:** in the interest of safeguarding residential amenity.

- 20 **Condition** – a statement is required to be submitted to the Council for approval in writing to demonstrate that consideration has been given to the viability of creating or linking into a heat network.

**Reason:** in the interests of safeguarding a low energy development.

- 21 **Condition** - the applicant shall make provision for the delivery of green infrastructure improvements in Hilltown Park as agreed with and in line with Council requirements prior to the commencement of development.

**Reason:** to secure delivery of green infrastructure improvements in Hilltown Park and enhance the Dundee Green Network.