

# Phase 2 of Housing Development Comprising of 27 Dwellings

## KEY INFORMATION

**Ward** North East

**Address**

H30, Haddington Avenue  
Dundee

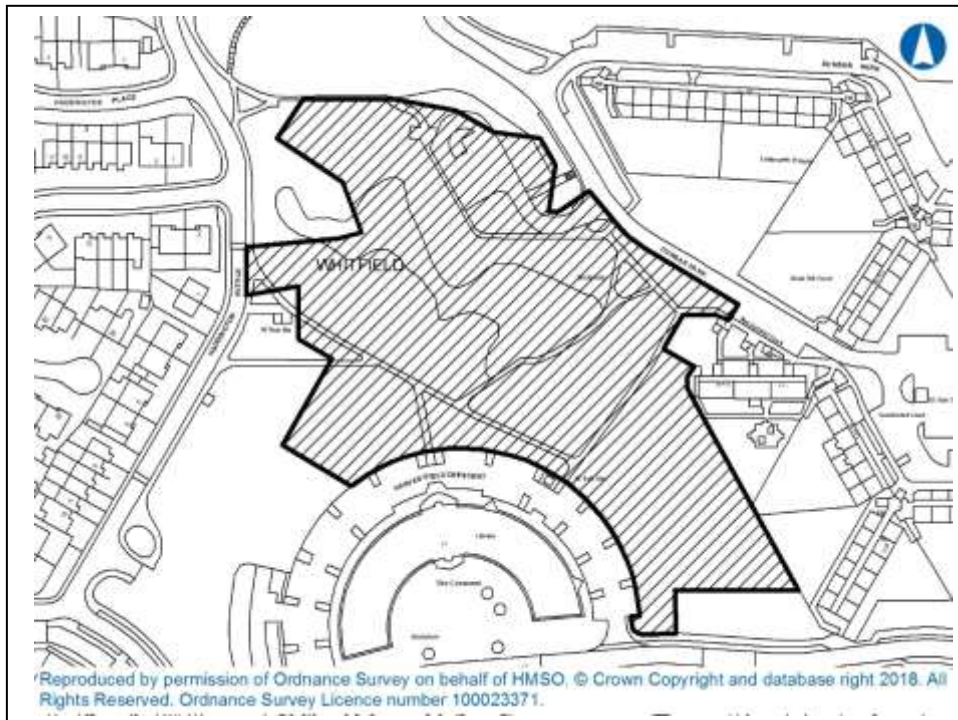
**Applicant**

Mr John Jack  
Merchant House  
365 Govan Road  
Watermark Business Park  
Glasgow G51 2SE

**Agent**

Francesco Di Domenico  
Ronaldson's Wharf  
4 Sandport Place  
Edinburgh EH12 8WU

**Registered** 10 May 2018



## SUMMARY OF REPORT

- The application is for 27 dwelling houses with associated landscaping and parking.
- The proposed development forms Phase 2 of a two phase residential development.
- The proposed development offers a mix of housing for social rent and consists of four 2 bed mid-terraced houses; one 2 bed semi-detached house; 17 3 bed semi-detached houses; one 4 bed detached house; and four 2 bed cottage flats.
- The site is an allocated housing site in the Local Development Plan (H33).
- The statutory neighbour notification procedure was undertaken and eight valid letters of objection have been received from members of the public.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Development Management Committee at the request of an elected member and as eight valid objections have been received from members of the public.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/simpleSearchResults.do?action=firstPage>.

## RECOMMENDATION

Phase 2 of development comprising 27 domestic dwellings, associated landscaping and car parking is **RECOMMENDED FOR approval** subject to conditions.

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## 1 DESCRIPTION OF PROPOSAL

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- 1.1 The proposed development is for 27 dwelling houses with associated landscaping and parking. It forms Phase 2 of a two phase residential development.
- 1.2 Discussion during the application process has resulted in a reduction from the 28 dwellings originally applied for to 27 dwellings. This minor change replaces 2 semi-detached dwellings with a detached 4 bed dwelling house on a plot to the north of the site.
- 1.3 The proposed development offers a mix of housing type for social rent and consists of four 2 bed mid-terraced houses; one 2 bed semi-detached house; 17 3 bed semi-detached houses; one 4 bed detached house; and four 2 bed cottage flats.
- 1.4 A new access road is to be created with access provided from Haddington Avenue to the west of the site and from Dunbar Park to the east.
- 1.5 A landscape plan has been submitted with the application to show the trees to be retained together with new trees and feature planting around the site. An area of woodland and mature tree planting to the north of the site is to be retained with existing footpath links sensitively integrated into the proposed site layout.
- 1.6 A Design and Access Statement has been submitted with the application. This highlights the establishment of a main north-south footpath through the site connecting the greenspace to the north and Harvest Field Crescent to the south. The proposed layout of this public space is the focus for the surrounding houses which have been orientated to provide an active and attractive frontage onto it.
- 1.7 As part of the proposed development, an existing public art installation will be moved from its current location within the site to a new highly visible location. The intention is for the public art installation to provide a focal point on the main north-south footpath to be created as part of the development.







Figure 3 – Proposed House Type (H4 4 Bed)



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## 2 SITE DESCRIPTION

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- 2.1 The application site (1.74ha) is a cleared brownfield site to the north of The Crescent, Whitfield. The site was cleared of all buildings and laid to grass whilst it awaited redevelopment.
- 2.2 The site is bounded by Haddington Avenue to the west; Berwick Drive to the north; Dunbar Park to the east and Harvest Field Crescent to the south.
- 2.3 The application site forms part of a wider allocated housing site in the Dundee Local Development Plan 2014 (Site 5, Dunbar Park/Haddington Avenue - H33). The wider site is also allocated in the Proposed Local Development Plan 2017 (H30).



**Figure 5 – Application Site Looking East**



**Figure 6 – Existing Public Art to be Relocated Within the Development Site**



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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 2016-2036**

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 29: Low and Zero Carbon Technology in New Development  
Policy 38: Trees and Urban Woodland  
Policy 40: Waste Management Requirements for Development  
Policy 42: Sustainable Drainage Systems  
Policy 45: Land Contamination  
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 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 44: Waste Management Requirements for Development  
Policy 46: Delivery of Heat Networks  
Policy 48: Low and Zero Carbon Technology in New Development  
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**

The Whitfield Planning Framework (2018)  
Whitfield Sustainable Urban Drainage Systems (2016)  
Whitfield Green Infrastructure (2016)  
Haddington East 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 17/00152/FULL - withdrawn - Phase 1 of the development for 13 dwelling houses including associated landscaping and car parking
- 4.2 18/00224/FULL – Phase 1 of housing development comprising of 13 dwellings – PENDING CONSIDERATION.

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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.
- 5.2 Eight valid letters of objection were received from members of the public. The letters raised issues with road safety; traffic congestion; pedestrian safety; increased traffic; parking issues; detrimental to residential amenity; loss of green space and contrary to local development plan.

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## 6 CONSULTATIONS

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- 6.1 **Scottish Water** – no objections.
- 6.2 **Head of Community Safety and Protection** – was consulted with regards to the following matters
- a **Contamination** - it is recommended that conditions are attached to any planning permission granted to request an updated investigation and risk assessment is submitted for written approval by the Council prior to the commencement of development.
  - b **Noise** - due to the location of a sub-station within the site, it is recommended that a standard condition is attached to any planning permission granted to ensure that noise levels do not have a detrimental impact on adjacent residential accommodation during night time hours.
- 6.3 **Head of Environmental Management** – with regards to the tree and landscape proposals it is recommended that standard conditions are attached to any planning permission granted to request that prior to the commencement of development full details of existing trees, full details of trees to be retained together with protection measures are submitted with the landscape proposals and an associated maintenance schedule for written approval by the Council.

## 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 (H33); 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 (H33).
- 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** - this policy requires all development to contribute positively to the quality of the surrounding built and natural environment and to respect the character and amenity of the place. The policy adopts a design criteria approach which requires development proposals to consider and respect site topography and any supporting important landmarks, views or skylines; contribute to a sense of identity; complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours; existing buildings structures and natural features that contribute to the local townscape should be retained and sensitively integrated into the proposals.
- 7.11 The proposed development of 27 dwelling houses offers a mix of social rented housing types and consists of four 2 bed mid-terraced houses; one 2 bed semi-detached house; 17 3 bed semi-detached houses; one 4 bed detached house; and four 2 bed cottage flats.
- 7.12 A new access road is to be created with access provided from Haddington Avenue to the west of the site and from Dunbar Park to the east.
- 7.13 Discussion on the site layout during the application process has resulted in a small reduction in the number of dwelling houses proposed as part of the Phase 2 development of the allocated brownfield site. The reduction from 28 dwellings to 27 dwellings allows a detached 4 bed property to be more sensitively accommodated on a plot to the north of the site.

- 7.14 A Design and Access Statement has been submitted with the application. It highlights that the allocated brownfield site is an awkward and challenging site in terms of shape, topography and existing services. These factors have largely shaped the approach that has been taken to the design of the two phased residential development.
- 7.15 The proposed site plan shows a distinct layout which responds positively to the site topography and constraints to provide a quality residential development.
- 7.16 The Design and Access Statement outlines that a simple palette of high quality materials is proposed for the elevations to achieve coherence across the site. A white render, buff and red facing brick and grey roof tiles are proposed. The colour of the facing brick will be alternated to define strategic 'sentinel' blocks for example at site entrances.
- 7.17 In the interests of visual amenity and to ensure a high quality finish, it is recommended that a condition is attached to any planning permission granted to request that samples of the finishing materials and the boundary treatment for the proposed houses are submitted to the Council for written approval prior to the commencement of work on site.
- 7.18 The landscape proposals for the site are designed to address the visual context, to help create spaces, add colour and contribute to the interest and appearance of the development. In addition to retaining the existing tree planting on the northern boundary, a landscape buffer is proposed along the southern edges of the site to define the boundaries to public areas.
- 7.19 In respect of public art, this policy requires all development proposal with construction costs of £1 million or over to allocate at least 1% of construction costs for the inclusion of art projects in a publicly accessible/visible place within the development. As part of the development of the site, an existing public art installation within the site will be safeguarded and relocated to a highly visible location to provide a focal point on the proposed north-south footpath to be created. The retention and relocation of the art installation is sufficient in order to discharge this requirement.
- 7.20 In order to secure the relocation of the public art installation to a high quality landscaped area within the site, it is recommended that a condition is attached to any planning permission granted to request that full details of the design of this landscaped area are sent to the Council for written approval prior to the commencement of development.
- 7.21 In line with this policy, the proposed residential development respects the character and amenity of the surrounding area. The design and layout of the houses responds positively to the steep topography of the site. In so doing, it sensitively integrates the new housing with existing and new green infrastructure to offer a distinct layout and a quality residential development.
- 7.22 The proposed development connects well with existing streets. The new footpaths proposed will ensure the new housing is well connected with the surrounding area, including the greenspace to be retained to the north of the site and Harvest Field Crescent to the south.
- 7.23 The proposed contemporary residential development offers a range of house types to contribute positively to the wider regeneration of the area.
- 7.24 **With the inclusion of conditions the proposal satisfies Policy 7.**
- 7.25 **Policy 8: Housing Land Release** – this policy states that priority will be given to the development of the allocated brownfield and the greenfield sites.

- 7.26 The site has been allocated as a brownfield housing site in the Local Development Plan with an indicative capacity of 26 units (Site 5 Dunbar Park/Haddington Avenue - H33). The indicative capacity was reviewed in the Proposed Local Development Plan 2 and the site is allocated for 35 units (Haddington Avenue – H30).
- 7.27 The indicative capacity outlined in the Local Development Plan by definition is subject to change on the submission of a detailed site layout and supporting documents at the planning application stage.
- 7.28 The application for 27 dwellings is for Phase 2 of a two phase development of the allocated site comprising of 40 dwellings in total. The applicant has demonstrated that the allocated brownfield site has capacity for 40 units.
- 7.29 **The proposal satisfies Policy 8.**
- 7.30 **Policy 9: Design of New Housing** – this policy requires the design and layout of new housing developments to be of a high quality and contribute to creating places that build on and enhance the distinct character and identity of the different parts of the city. All new housing development will require to conform to the guidance on the Design of New Housing set out in Appendix 3.
- 7.31 The application is for 23 dwelling houses and 4 cottage flats for social rent. The proposal is required to meet the following ‘Suburban’ Housing Standards set out in Appendix 3 –

#### **Appendix 3 Standards for Houses**

- 7.32 **House Type** - in general 75% of houses should have 3 or more bedrooms or a minimum gross internal floor area of 100m<sup>2</sup>.
- 7.33 **Car Parking** - all tenures should have at least 1 space within the curtilage of each house. Private houses with 3 bedrooms should have at least 2 spaces and private houses with 4 or more bedrooms should have at least 3 spaces.
- 7.34 **Amenity/Garden Ground** - brownfield sites will provide an average private useable garden ground of 140m<sup>2</sup> per house with a minimum garden size of 120m<sup>2</sup>. The provision for mid-terrace houses may be relaxed.
- 7.35 **Privacy** – a minimum of 18 metres between the facing windows of habitable rooms.
- 7.36 **General Requirements:** all proposed developments will be required to make appropriate provision for waste and recycling in accordance with Dundee City Council’s waste strategy.

In respect of the above standards for houses:

- 7.37 **House Type** - in line with this requirement 78% of the proposed dwellings houses have 3 bedrooms.
- 7.38 **Car Parking** – As this development is for social rented housing there is a requirement for one space within the curtilage of each house. The proposed development meets this requirement with 2 spaces being provided for the majority of the houses except for 3 mid-terraced houses which have 1 space allocated.
- 7.39 **Amenity/Garden Ground** - the average private useable garden ground is 154m<sup>2</sup> per house in line with this requirement. The 4 mid-terraced houses do not meet the minimum required garden size of 120m<sup>2</sup> (101m<sup>2</sup>, 115m<sup>2</sup>, 81m<sup>2</sup> and 88m<sup>2</sup> respectively). The Appendix 3

standards however allows for a relaxation in garden ground provision for mid-terrace houses. As such, the garden ground proposed for the mid-terraced houses is acceptable given the above average provision across the application site (154m<sup>2</sup>). Also two of the 3 bed semi-detached houses do not meet the minimum required garden size of 120m<sup>2</sup> (108m<sup>2</sup> and 92m<sup>2</sup> respectively – Block 9 on proposed site plan). The applicant has provided justification for this provision which is due to site constraints with existing services/infrastructure on this part of the site. The constraints of developing this site are documented in the supporting Design and Access Statement. The proposed development fails to meet the minimum required garden ground size of 120m<sup>2</sup>.

- 7.40 **Privacy** – there are no issues of privacy in terms of the 18 metre window to window distance.

### **Appendix 3 – Standards for Flats**

- 7.41 **House Type** – flats may be acceptable through conversions of buildings of merit or where identified in a site planning brief. Flats should have generous internal space standards and 2 or more bedrooms or a minimum gross internal floor area of 100m<sup>2</sup>.
- 7.42 **Car Parking** – a minimum of 150% car parking should be provided with at 1 space dedicated to each flat. This provision may be increased or decreased in light of site specific circumstances.
- 7.43 **Cycle Provision** – secure indoor storage for bikes to be provided in accordance with the size and number of flats being provided.
- 7.44 **Amenity/Garden Ground** – each case will be treated on its merits. Each proposal must provide a high quality living environment with attractive outdoor space for occupants which may be private or communal. Separate drying areas should be provided.
- 7.45 **Privacy** – a minimum of 18 metres between the facing windows of habitable rooms. Living room windows and balconies of flats should not overlook private gardens of houses.

In respect of the above standards for flats:

- 7.46 **House Type** – the 4 cottage flats are not identified in the published site planning brief. The proposal therefore does not meet this requirement.
- 7.47 **Car Parking** – one space has been allocated for each flat in line with this requirement. This meets the required standard.
- 7.48 **Cycle Provision** – no specific secure indoor cycle storage is proposed. The proposed floor plans however show ample storage space provided within each flat. Also each flat has been allocated private, outdoor space with separate drying areas. This is sufficient in this instance.
- 7.49 **Amenity/Garden Ground** - The proposed layout provides designated private amenity/garden ground for each flat with a separate drying area also allocated. The provision of garden ground for the 2 ground floor flats (110m<sup>2</sup>) is greater than that for the 2 upper flats (56m<sup>2</sup>) as the ground floor flats are designed to be wheelchair accessible. A high quality living environment is proposed with attractive, private outdoor space for occupants in line with the standard.
- 7.50 **Privacy** – no privacy issues in line with this standard.

### **Appendix 3 General Standards**

- 7.51 **Waste Management** - details of bin storage are shown within the curtilage of each of the dwellings in line with this required standard.
- 7.52 **Electric Vehicle Charging Points** – electric car charging points should be incorporated into communal parking areas. No communal parking areas are proposed as part of the development therefore there is no requirement to meet this standard.
- 7.53 **Flatted Developments** – the inclusion of storage areas should be provided in addition to cycle storage. Ample storage is shown on the proposed floor plans for each flat. As outlined above flexibility is allowed for the provision of cycle storage given the type of flats being developed and the provision of private garden ground for each flat.
- 7.54 The design and layout sensitively addresses the constraints of the site in order to provide a high quality development. The proposed development will contribute positively to the regeneration of the area.
- 7.55 **The proposal fails to meet the required garden ground standards and the proposed 4 cottage flats are not identified in the site planning brief. The proposal therefore fails to meet the requirements of Policy 9 and Appendix 3.**
- 7.56 **Policy 29: Low and Zero Carbon Technology in New Development** – this policy requires proposals for all new buildings to comply with the carbon emissions reduction standard set by Scottish Building Standards (2007). This is to be met through the installation and operation of zero-carbon generating technologies. A statement is required to be submitted demonstrating compliance with this requirement. The change of use or conversion of buildings is exempt from this.
- 7.57 In line with this policy, a statement is required to be submitted demonstrating compliance and it is recommended that a standard condition is attached to any planning permission granted to request this.
- 7.58 **With the inclusion of a condition the proposal satisfies Policy 29.**
- 7.59 **Policy 38: Trees and Urban Woodland** - this supports the establishment and enhancement of woodland, tree belts and corridors. New development should contribute to the expansion of tree planting and woodland development where appropriate and 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 landscaping scheme which includes a supporting justification and sufficient map based material to document existing planting within the application site as well as new planting and maintenance arrangements.
- 7.60 The site currently has a mature landscape setting. The site planning brief published for the allocated housing site highlights that the group of trees to the north should be retained and other good quality planting retained and integrated with development proposals.
- 7.61 The Design and Access Statement submitted with the application refers to the wider allocated site and states, in line with the site planning brief, the existing tree planting on the northern boundary of the site is to be retained.
- 7.62 The Proposed Soft Landscaping Plan (Phase 2) submitted with the application shows soft landscaping, feature planting and hedging around the application site with new trees proposed in front garden ground and on the southern boundary of the site.

- 7.63 The Head of Environmental Management was consulted and has recommended that standard conditions are attached to any planning permission granted to request full details of existing trees; details of trees to be retained together with measures for their protection; full details of the proposed new planting and landscaping; and an associated maintenance schedule are submitted to the Council for written approval prior to the commencement of development.
- 7.64 **With the inclusion of conditions the proposal satisfies Policy 38.**
- 7.65 **Policy 40: Waste Management Requirements for Development** - development proposals should demonstrate that they adequately address the Council's waste strategy to reduce, collect, sort, recycle and reuse waste.
- 7.66 In terms of waste management each plot has a designated bin storage area.
- 7.67 **The proposal satisfies Policy 40.**
- 7.68 **Policy 42: Sustainable Urban Drainage** - surface water from new development must be treated by a Sustainable Urban Drainage System (SUDS) except for single houses or where discharge is to coastal waters. SUDS should be designed so that in a 1 in 200 year rainstorm event, flooding will not be higher than 300 mm below floor level. In addition, proposals will be encouraged to adopt an ecological approach to surface water management, ensure an appropriate level of treatment and exploit opportunities for habitat creation or enhancement through measures such as the formulation of wetlands or ponds.
- 7.69 The applicant has submitted a proposed drainage plan. Further detail is required in respect of this and as such it is recommended that standard conditions are attached to any planning permission granted to request that this is submitted for written approval by the Council prior to the commencement of work on site.
- 7.70 **With the inclusion of conditions the proposal satisfies Policy 42.**
- 7.71 **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.
- 7.72 The Head of Community Safety and Protection was consulted on the supporting information submitted with the application. It is recommended that conditions are attached to any planning permission granted to ensure that the development does not commence until a watching brief and further screening is submitted for the written approval of the Council.
- 7.73 **With the inclusion of conditions the proposal satisfies Policy 45.**
- 7.74 **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.
- 7.75 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.
- 7.76 An electricity sub-station is located adjacent to proposed housing in Phase 2. 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.

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

7.78 **Policy 55: Accessibility of New Developments** - all development proposals that generate travel should be designed to be well served by all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be afforded priority and allow walkable access to local amenities.

7.79 Development proposals will be required to:

- 1 incorporate facilities on-site (and/or off-site through developer contributions) for walking, cycling and public transport networks, including road/junction improvements and cycle parking. Developments without direct links to adjacent walking and cycling networks will not be supported; and developments without direct links to adjacent walking and cycling networks will not be supported; and
- 2 incorporate measures to permit access to public transport networks within a walking distance of no more than 400 metres from the centre of the development; and
- 3 have no detrimental effect on the capacity or functioning of the existing road or rail networks; and
- 4 ensure that safe and adequate provision is made for road freight and waste access, loading and unloading; and
- 5 comply with Dundee City Council's roads design standards Streets Ahead.

7.80 In respect of the above criteria:

- 1 the proposal site is located with direct links to the walking and cycling networks which are to be integrated into the site and new connections provided. The proposed new road will be a 20mph zone. It is recommended that a condition is attached to any planning permission granted to request full details of the 20mph zone including road markings and signing are submitted to the Council for written approval prior to any works on site. With the inclusion of conditions the proposal meets this requirement;
- 2 the site is well connected to the public transport network with bus stops located to the immediate south of the site at The Crescent and on Berwick Drive to the north. The proposal meets this requirement;
- 3 a Transport Statement has been submitted and its findings accepted. The roads/footways leading to the site have capacity to cater for the proposed development. It is recommended that standard conditions are attached to any planning permission granted to request that details of a required stopping-up order for existing carriageways, footways and footpaths must be agreed and the stopping-up order completed prior to any works on site. Also full details of the proposed vehicle accesses and alterations to existing traffic calming, including road markings, should be submitted and agreed in writing by the Council prior to any works on site. The proposal will not have a detrimental effect on the capacity or functioning of the existing road or rail networks;
- 4 safe and adequate provision has been made for road freight and waste access. The proposed roads and accesses have capacity to cater for the proposed development. The proposal meets this requirement; and

- 5 it is recommended that conditions are attached to any planning permission granted to ensure the Council's roads design standards are met.

7.81 **With the inclusion of conditions the proposal satisfies Policy 55.**

7.82 **The proposal fails to meet the required garden ground standards and the 4 cottage flats proposed are not identified in the site planning brief as set out in Policy 9 and Appendix 3. It is concluded from the foregoing that the proposal fails to comply fully with the provisions of the development plan.**

## **OTHER MATERIAL CONSIDERATIONS**

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

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

7.84 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.

7.85 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.

7.86 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:

7.87 **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.

7.88 As outlined above, the proposed residential development respects the character and amenity of the surrounding area. The distinct layout proposed responds positively to the site topography and site constraints to provide a quality residential development. The proposed development connects well with surrounding streets and greenspace and the new green infrastructure proposed will enhance the surrounding area. In the interests of visual amenity and to ensure a high quality finish, it is recommended that a condition is attached to any planning permission granted to request that samples of the finishing materials for the proposed houses are submitted to the Council for written approval prior to the commencement of work on site.

7.89 **With the inclusion of conditions the proposal satisfies Policy 1.**

7.90 **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.

- 7.91 As outlined above an area of mature woodland is to be retained to the north of the site and this area of greenspace has been sensitively integrated into the design and layout of the site. The site connects well with the surrounding area. New planting is proposed on the southern boundary of the site and on a new feature footpath to be created linking the greenspace to the north with Harvestfield Crescent to the south. The proposed development will enhance the surrounding network of green infrastructure.
- 7.92 The Head of Environmental Management was consulted and has recommended that standard conditions are attached to any planning permission granted to request full details of existing trees; details of trees to be retained together with measures for their protection; full details of the proposed new planting and landscaping; and an associated maintenance schedule are submitted to the Council for written approval prior to the commencement of development.
- 7.93 **With the inclusion of conditions the proposal satisfies Policy 28.**
- 7.94 **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. This applies for major planning applications or for proposals that are close to a significant heat supply source. This policy requires a statement to be submitted by the applicant to demonstrate that consideration has been given to the viability of creating or linking into a heat network.
- 7.95 This policy is relevant as the application site is close to a “heat network opportunity cluster” at Baldovie as highlighted in the Proposed Local Development Plan 2.
- 7.96 No statement has been submitted with the application. It is recommended that a condition is attached to any planning permission granted to request that this statement is submitted.
- 7.97 **With the inclusion of a condition the proposal satisfies Policy 46.**
- 7.98 Of further consideration is Policy 10 (Design of New Housing) and Appendix 4. As outlined above and for the same reasons set out in Policy 9 (Design of New Housing) and Appendix 3, the proposal fails to meet the requirements of Policy 10 and Appendix 4. It is concluded from the foregoing that the proposal fails to comply fully with the provisions of the Proposed Local Development Plan.

## **B - JUSTIFICATION FOR DEPARTURE FROM LOCAL DEVELOPMENT PLAN**

- 7.99 The design and development of new housing developments in Dundee should be of a high quality and contribute to creating places that build on and enhance the distinct character and identity of the different parts of the city.
- 7.100 All new housing development will require to conform to the guidance on the Design of New Housing set out in Appendix 3 of the Local Development Plan. As outlined in the report, the proposed development does not meet the requirements for garden ground on two plots and the 4 cottage flats proposed are not identified in the site planning brief. In respect of this, the following justification for a departure from the Local Development Plan is provided -
- 7.101 **Garden Ground** – Appendix 3 sets out that brownfield sites will provide an average private useable garden ground of 140m<sup>2</sup> per house with a minimum garden size of 120m<sup>2</sup>. The proposed site layout for Phase 2 shows that the average private useable garden ground is 154m<sup>2</sup> per house which is above the average of 140m<sup>2</sup> set out in Appendix 3 of the Local Development Plan.

- 7.102 Two of the 3 bed semi-detached houses proposed however fail to meet the minimum required garden size of 120m<sup>2</sup> (108m<sup>2</sup> and 92m<sup>2</sup> respectively – Block 9 on proposed site plan).
- 7.103 The applicant has provided justification for this provision. This outlines that there are constraints with existing services/infrastructure on this part of the site and a set-back distance has to be provided to allow access for maintenance/repairs. The constraints of developing this site are documented in the supporting Design and Access Statement.
- 7.104 A departure from the Local Development Plan is reasonable in this instance as a generous supply of garden ground is provided across the site. Further, the site layout has responded positively to the infrastructure constraints on the site and the challenging topography to provide a quality residential development.
- 7.105 **House Type** – Appendix 3 sets out that flats may be acceptable where identified in a site planning brief. The published site planning brief does not identify any provision for flats on the site. However, justification has been received from the applicant to demonstrate an identified need for this type of accommodation in Whitfield with the two ground floor flats also being designed to be wheelchair accessible.
- 7.106 This identified need has been confirmed by Neighbourhood Services (Housing). In line with Appendix 3, the proposed 4 cottage flats are 2 bedroom properties. The proposed cottage flats are a positive addition to the mix of house types in this residential development and will contribute to the wider regeneration of the area. A departure from the Local Development Plan is reasonable in this instance.
- 7.107 The proposed residential development respects the character and amenity of the surrounding area. The design and layout of the houses responds positively to the constraints on the site including the steep topography. In so doing, it sensitively integrates the new housing with existing and new green infrastructure to offer a distinct layout and a quality residential development. The proposed development will contribute positively to the regeneration of the area.
- 7.108 **It is concluded from the foregoing that this is a material consideration of sufficient weight to justify a departure from the Local Development Plan.**

#### **C - WHITFIELD PLANNING FRAMEWORK/SUDS GUIDANCE/WHITFIELD GREEN INFRASTRUCTURE**

- 7.109 Whitfield is the subject of a planned regeneration to build a new community around the framework of the original Whitfield by developing cleared sites within a comprehensive strategy. The Whitfield Planning Framework was approved by the Council as its vision for the regeneration of Whitfield.
- 7.110 There is the potential for the development of between 800 and 1,000 new dwellings providing a greater mix of house types and tenures in the area.
- 7.111 The Framework sets out the principles required for the sustainable regeneration of the area and is a material consideration in the determination of the planning applications within the area.
- 7.112 In addition to the Whitfield Planning Framework, further detail has been prepared in relation to SUDS and green infrastructure to ensure the provision of well-designed green infrastructure throughout Whitfield.

7.113 The proposed development for 27 dwelling houses is Phase 2 of a two phase development providing a mix of house types and tenures on an allocated brownfield housing site (H33). The proposal meets the principles set out in the Whitfield Planning Framework and associated guidance on SUDS and green infrastructure.

#### **D - HADDINGTON EAST SITE PLANNING BRIEF (2015)**

7.114 The site planning brief was approved in March 2015. It states that an opportunity exists to create a high quality housing development that provides a mix of house types and sizes. The development must contribute positively to the quality of the surrounding built and natural environment. A permeable network of streets and pathways should be created to provide access and a choice of routes through the development. These should be overlooked by the fronts of new development to ensure routes benefit from natural surveillance and are well lit, attractive and interesting.

7.115 The proposed residential development offers a range of house types to provide affordable, high quality, accessible homes as part of the wider regeneration of the area.

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

#### **E - VIEWS OF OBJECTORS**

7.117 Eight valid letters of objection were received from members of the public. The letters raised issues with road safety; traffic congestion; pedestrian safety; increased traffic; parking issues; detrimental to residential amenity; loss of green space and contrary to local development plan.

#### **Response**

7.118 **Increased Traffic, Road and Pedestrian Safety** – a Transport Statement has been submitted. Its findings have been accepted and it is confirmed that the roads/footways leading to the site have capacity to cater for the proposed development. The Design and Access Statement highlights that footpath links allow pedestrian permeability to be retained through and out-with the site and these have been exploited to further integrate the development with its surroundings. It is recommended that conditions are attached to any planning permission granted to ensure proposed vehicle accesses, alterations to existing traffic calming and the provision of a new footway on Haddington Avenue are all agreed in writing by the Council prior to the commencement of work on site.

7.119 **Parking Issues** - in curtilage parking has been provided for the proposed housing in line with the standards set out in the Local Development Plan.

7.120 **Loss Of Green Space** - the site previously contained several blocks of flats. The site was cleared of all buildings and laid to grass whilst it awaited redevelopment. The site forms part of long standing physical regeneration proposals for the area and is an allocated brownfield housing site in the Local Development Plan. In line with the site planning brief, an area of green space is to be retained to the north of the site and access to this has been sensitively retained and enhanced as part of the proposed development. The Proposed Landscaping Plan (Phase 2) submitted with the application shows soft landscaping, feature planting and hedging around the application site with new trees proposed on the southern boundary and on a new link path to be created running north to south through the site. The proposed new planting will enhance the surrounding network of green infrastructure. The proposal is in line with the Local Development Plan and the principles set out in the Whitfield Framework and associated guidance on green infrastructure.

- 7.121 **Detrimental to Existing Residential Amenity** - the proposed residential development has been sensitively designed to respect the character and amenity of the surrounding area. An attractive, high quality environment is proposed to contribute positively to the ongoing regeneration of the area.
- 7.122 **Contrary to Local Development Plan** – the proposed development for 27 dwelling houses is Phase 2 of a two phase development providing a mix of house types and tenures on an allocated brownfield housing site (H33). The two phase development of the allocated site comprises of 40 dwellings in total. The applicant has demonstrated that the allocated brownfield site has capacity for 40 units. As outlined above, there are material considerations of sufficient weight to justify a departure from the Local Development Plan. The proposal meets the principles set out in the Whitfield Planning Framework, associated guidance on SUDS and green infrastructure and the Site Planning Brief.
- 7.123 The issues raised in the letters of objection have been considered and addressed in the report are not of sufficient weight to justify refusal of the application.
- 7.124 **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 There are material considerations of sufficient weight to justify a departure from the Development Plan in respect of the proposed 4 cottage flats and the garden ground provision for 2 dwelling houses. There are no material consideration that would justify refusal of planning permission. Therefore, it is 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
- 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 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.

- 4 **Condition** – full details of a maintenance plan for the existing (and 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.

- 5 **Condition** – development shall not begin until a proposal for the watching brief and further screening recommended in the submitted "Response to Contaminated Land Officer Comments", dated 5 June 2018, has been submitted to and approved in writing by the planning authority. This shall contain proposals to deal with any contamination discovered 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.

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

- 6 **Condition** – before any unit is occupied the findings of the watching brief, and if necessary, the remediation strategy shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the watching brief/remediation strategy have been achieved shall be submitted to and approved by the planning authority.

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

- 7 **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 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.

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

- 8 **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.

- 9 **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.

- 10 **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.

- 11 **Condition** – details of the proposed access, roads, footways and footpath links, including visibility splays, road markings and signing for the 20 mph zone, must be agreed prior to any works on site and the access, roads, footways, footpath links, visibility splays, road markings and signing for the 20mph zone, must be formed and constructed to Dundee City Council standards and specifications.

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

- 12 **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 an pedestrian safety.

- 13 **Condition** – details of the required stopping-up of existing carriageways, footways and footpaths and the 20mph zone must be agreed and the stopping-up/20 mph zone orders completed prior to any works on site.

**Reason** - in the interests of vehicle and pedestrian safety and promoting sustainable transport.

- 14 **Condition** – a Stage 2 Road Safety Audit to Dundee City Council specifications must be submitted and agreed for all new roads associated with the development.

**Reason** - in the interests of vehicle and pedestrian safety

- 15 **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.

- 16 **Condition** – any gates formed as access to drives/parking must open inwards to within the curtilage.

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



- 17 **Condition** – hard surface within the curtilages should be made of porous materials and/or provision made to direct run off water from the hard surfaces to a system or a permeable or porous area or surface within the curtilages of the site.

**Reason** – to ensure that surface water from within the curtilage of the site does not drain to the adjacent adopted road.

- 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 in-perpetuity by the relevant authority. Written proof must be provided by the applicant as confirmation that Scottish Water are satisfied with the overall surface water drainage proposal.

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

- 19 **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.

- 20 **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 order to protect residential amenity.