

# Demolition of 128 Cottage Flats and 1 Shop Proposed Creation of 130 New Homes and 1 Shop

## KEY INFORMATION

**Ward** Maryfield

### Address

Site at Ellengowan Drive  
Dundee

### Applicant

Mr David Zwirlein  
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Ltd, 1 Explorer Road  
Dundee DD2 1EG

### Agent

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G1 5AB

**Registered** 6 July 2018

### Report by:

Head of Planning & Economic  
Development



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## SUMMARY OF REPORT

- This is a major application for the redevelopment of the existing Ellengowan Drive housing estate and involves the demolition of 128 cottage flats and 1 kiosk style shop to enable the creation of 130 new homes and 1 shop with associated new roads, pedestrian routes and public green space.
- The 130 new homes proposed consists of 39 houses and 91 flats for mid-market and social rent.
- Six valid letters of objection were received from members of the public.
- In accordance with the Council's Scheme of Delegation, all Major Planning Applications must be determined by the Council's Planning Committee.
- The proposal is not fully in accordance with the requirements of the Development Plan. There are material considerations of sufficient weight to justify approval of planning permission.
- Health and Safety Executive – advise against the proposal on the grounds of the sites location near to a major hazard site on East Camperdown Street. Members should note that if Committee is minded to approve this application, the Council must notify Scottish Ministers of its intention to grant planning permission in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/simpleSearchResults.do?action=firstPage>.

## RECOMMENDATION

Demolition of 128 cottage flats and 1 shop to enable the creation of 130 new homes and 1 shop with associated new roads, pedestrian routes and public green space is **RECOMMENDED FOR approval subject to conditions.**

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## 1 DESCRIPTION OF PROPOSAL

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- 1.1 This is a major application for the demolition of 128 cottage flats and 1 kiosk style shop to enable the redevelopment of 130 new modern homes and 1 shop with associated new roads, pedestrian routes and public green space.
- 1.2 The 130 new homes proposed consists of 39 houses and 91 flats for mid-market and social rent and would be managed by Northern Housing Company which is part of the Hillcrest Group. The proposed scale and massing of the new housing ranges from a 3/4 storey flatted block on Arbroath Road in the northern part of the site, to 2 storey cottage flats and houses arranged to address the surrounding streets, to a 3 storey flatted block fronting Broughty Ferry Road on the southern boundary of the site.
- 1.3 New roads and footpaths are proposed to make the housing site more open and accessible and to meet the requirements of the Local Development Plan standards for parking. The landscape proposals have been designed to retain much of the existing mature landscape and green space, creatively address the steep topography of the site and to provide a high quality environment for the proposed new houses.
- 1.4 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.
- 1.5 A Proposal of Application Notice (PAN) was submitted in August 2017 and a Pre-application Consultation Report was submitted with the application which reports on the 3 public events held at Craigie Bowling Club in August 2017, September 2017 and February 2018.
- 1.6 A Design and Access Statement, Transport Statement, Drainage Strategy, Ground Investigation Report, Air Quality Assessment, 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 Planning Committee.



Figure 1 – Proposed Site Layout – North/Top Section





Figure 2 – Proposed Site Layout – South/Bottom Section



Figure 3 – Visual of Proposed Flatted Block at Corner of Arbroath Road and Dalkeith Road



Figure 4 – Visual of Proposed Flatted Block at Ellengowan Drive and Arbroath Road



Figure 5 – Proposed Development Viewed From Ellengowan Drive



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## 2 SITE DESCRIPTION

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- 2.1 The application site is the Ellengowan Drive housing estate located on a steeply sloping site between Arbroath Road (north) and Broughty Ferry Road (south). Dalkeith Road is located to the immediate east of the site and to the immediate west is Ellengowan Drive.
- 2.2 The surrounding area is mainly residential with a mix of house types and styles.
- 2.3 Baxter Park, a nationally important designed landscape and a conservation area, is located to the north of the site. To the south of the site, on the south side of Broughty Ferry Road, is the boundary of the East Dock Street Principal Economic Development Area.
- 2.4 The existing Ellengowan Drive housing dates from the mid-1920s. Every block across the site contains an identical arrangement of eight cottage flats, arranged over two storeys.
- 2.5 The site is steeply sloping from north to south, with an average gradient of 10% over the length of the site, including steeper areas towards the southern boundary of the site on Broughty Ferry Road. As such the site benefits from extensive views over the Tay Estuary and to the hills of Fife.



**Figure 6 – Photo of Existing Houses Fronting Arbroath Road (north)**





Figure 7 – Photo of Existing Houses on Ellengowan Drive (west)



Figure 8 – Photo of Existing Houses Looking North On Dalkeith Road (east)



Figure 9 – Photo of Existing Houses on Broughty Ferry Road (south)



Figure 10 – Photo of Existing Greenspace





Figure 11 – Photo of Mature Planting on Ellengowan Drive

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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 16: Small Scale Commercial Uses within Residential Areas

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 44: Air Quality

Policy 45: Land Contamination

Policy 46: Development of or Next to Major Hazard Sites

Policy 47: Environmental Protection

Policy 50: Development in Conservation Areas



Policy 52: Gardens and Designed Landscapes  
 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 17: Small Scale Commercial Uses within Residential Areas  
 Policy 28: Protecting and Enhancing the Dundee Green Network  
 Policy 30: Green Infrastructure Maintenance  
 Policy 35: Trees and Urban Woodland  
 Policy 37: Sustainable Drainage Systems  
 Policy 39: Environmental Protection  
 Policy 40: Air Quality  
 Policy 41: Land Contamination  
 Policy 42: Development of or Next to Major Hazard Sites  
 Policy 46: Delivery of Heat Networks  
 Policy 48: Low and Zero Carbon Technology in New Development  
 Policy 51: Development in Conservation Areas  
 Policy 53: Gardens and Designed Landscapes  
 Policy 54: Safe and Sustainable Transport

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

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.

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

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 No relevant planning history.

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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
- 5.2 Six valid letters of objection were received from members of the public. The valid planning matters raised included overlooking; loss of privacy; the scale of the flatted block on Arbroath Road; tree removal; dust management during demolition works; lack of parking spaces and impact on the surrounding road network.

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## 6 CONSULTATIONS

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- 6.1 **Scottish Water** – has no objection to the proposal.
- 6.2 **Historic Environment Scotland** – has no comment to make on the proposals.
- 6.3 **SEPA** – has no objection to the proposal.
- 6.4 **Health and Safety Executive** – advise against the proposal on the grounds of the sites location near to a major hazard site on East Camperdown Street. Members should note that if Committee is minded to approve this application, the Council must notify Scottish Ministers of its intention to grant planning permission in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.
- 6.5 **The Head of Community Safety and Protection** – has no comment to make on the proposals.

**Contamination** – a Remediation Statement was submitted which proposes a further investigation and risk assessment. It is recommended that conditions are attached to any planning permission granted to ensure this is undertaken prior to the commencement of development.

**Noise** – a noise condition is recommended to demonstrate that future residents will not be impacted by road traffic noise due to the location of the proposed housing adjacent to the Arbroath Road and Broughty Ferry Road. Also, as a shop is proposed on the ground floor of a flatted block, conditions are recommended in order to protect residential amenity from noise from mechanical and electrical plant/services and from deliveries and servicing of the retail unit.

**Air Quality** – an Air Quality Assessment (AQA) was required to be prepared due to the proximity of the proposed housing to Arbroath Road. The findings and conclusion of the AQA have been agreed and there will be no adverse impact in relation to residential exposure to traffic emissions. Discussion has also taken place with the applicant's agent regarding the requirement for an assessment for a Dust Management Plan which will include appropriate and proportionate mitigation measures during the demolition and construction phases of the development. The Head of Community Safety and Protection has recommended that a condition is attached to any planning permission granted to ensure that this is undertaken prior to any demolition, construction or earthworks on the site.

- 6.6 **The Head of Environmental Management** - was consulted on the submitted tree survey, tree retention plan and landscape plans. A tree protection plan is required for the trees to be retained and it is recommended that this is conditioned. Also, full details including the species and location of the new trees to be planted is required to be submitted for the written approval of 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 is for the demolition and the redevelopment of the Ellengowan Estate which is in line with the re-use of previously developed land outlined as a priority in this policy.
- 7.4 **The proposal therefore satisfies Policy 1 of the Adopted Strategic TAYplan.**
- 7.5 **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.
- 7.6 The proposal is for the redevelopment of a residential area. The proposed new housing is sensitively integrated with the surrounding area; waste management has been considered in the site layout and the new design and layout is in line with the Scottish Government's Designing Places and Designing Streets.
- 7.7 **The proposal therefore satisfies Policy 2 of the Adopted Strategic TAYplan.**
- 7.8 **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.
- 7.9 The site is not allocated in the current Dundee Local Development Plan 2014 however the Local Development Plan makes provision for residential development on unallocated brownfield sites. The proposal is for the redevelopment of an existing housing site which will improve the range of housing available and make a positive contribution to the area.
- 7.10 **The proposal therefore satisfies Policy 4 of the Adopted Strategic TAYplan.**

#### DUNDEE LOCAL DEVELOPMENT PLAN 2014

- 7.11 **Policy 7: High Quality Design** – requires all new development to contribute positively to the quality of the surrounding built and natural environment. The design and siting of a development should respect the character and amenity of the place and should create and



improve links within the site and into the surrounding area. Proposals should also incorporate new landscaping appropriate to the local context and scale and nature of the development.

- 7.12 The Design and Access Statement sets out the approach to the design and layout of this housing site which it highlights is situated at an important transition between the urban inner city area and the suburban density to the east. It sets out the following aims for the site's redevelopment - to work with the sloping topography to maximise access to views and southerly aspect to all homes; to respect and further develop the "green, leafy" character of the existing estate; to produce an environment that respects the requirement for vehicular access whilst prioritising the needs of the pedestrian and to form an appropriate urban edge to the surrounding townscape on all sides. A creative approach is outlined for the road and path layout and landscaping given the challenging topography and the aim to sensitively manage site levels and avoid the need for retaining walls throughout. The statement notes that the creation of a north-south green route on the western boundary of the site lies at the root of the approach to delivering these ambitions.
- 7.13 The Design and Access Statement outlines the overall strategy for the design of the houses is to locate the main living space in the upper level thus integrating everyday life with the natural advantages of the sites southerly aspect. The housing blocks are often double fronted where the living room is situated to the south but the front door is to the north.
- 7.14 The main finishing material proposed is an attractive grey/buff handmade multi brick. Different shades of mortar (light or dark) is proposed on the corners of buildings to provide variation and visual interest together with recessed windows and a vertical brick design at window openings. The Design and Access Statement notes that the proposed grey brick tone is a similar texture and hue to the stone of the neighbouring 19th Century tenements.
- 7.15 The design and layout of the site has evolved through positive ongoing discussion with the applicant's agent during the application process. This has resulted in a more sympathetic density for the site; the retention of part of the existing central green space in addition to the creation of pocket parks; increased permeability to the site from Arbroath Road; more parking and also a more sympathetic approach to the design, scale and massing of the proposed 4 storey flatted block on Arbroath Road given its proximity to Baxter Park and sensitive location at the transition from the inner city to suburban area. The changes are outlined in detail in the supporting Design and Access Statement.
- 7.16 The finalised drawings show a high quality redevelopment of the housing site which creatively addresses the challenges of the steeply sloping site to offer a more sustainable mix of modern homes. In order to secure a high quality finish for the development it is recommended that a condition is 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 prior to the commencement of development.
- 7.17 In line with Policy 7, early discussion has taken place regarding the inclusion of an art project as part of the redevelopment of the site. It is recommended that a condition to secure a contribution towards an art project is attached to any planning permission granted.
- 7.18 Overall the redevelopment of the site will contribute positively to the quality of the surrounding built and natural environment. The design and layout respects the character and amenity of the place with the houses designed to provide a frontage onto surrounding streets. Links within the site and to the surrounding area will be improved and the new landscaping proposed has been sensitively considered and is appropriate to the local context and scale and nature of the development.
- 7.19 **With the inclusion of conditions the proposal satisfies Policy 7.**

- 7.20 **Policy 8: Housing Land Release** - states that priority will be given to the development of the allocated brownfield and greenfield sites. Housing land release on brownfield sites, in addition to the allocations set out in Appendix 2, may be acceptable where it can be demonstrated that it will improve the tenure mix in an area where existing choice is limited and would make a positive contribution to the regeneration objectives of the area.
- 7.21 The proposal is for the redevelopment of an existing housing site which will improve the range of housing available and make a positive contribution to the area.
- 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 130 new homes consisting of 39 houses and 91 flats for mid-market and social rent. 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** – as noted in a supporting statement included in the Design and Access Statement, 51% of the 39 houses proposed have 3 or more bedrooms which is below the required standard of 65%. The proposal does not meet the standard.
- 7.30 **Car Parking** – a total of 39 houses are proposed. 32 houses have 1 in-curtilage parking space as required by this standard. 3 houses in Block 1E fronting Dalkeith Road and 4 houses in Block 2W fronting Ellengowan Drive are each served by 100% remote parking in close proximity to the houses. The proposal does not meet the standard.
- 7.31 **Amenity/Garden Ground** – the 39 houses proposed will all benefit from a minimum private rear garden ground of 50m<sup>2</sup> as required by this standard. The standard also requires 12 houses to benefit from more than 75m<sup>2</sup> however as outlined in the Design and Access Statement due to site constraints it has only been possible to provide 3 houses with gardens that meet this requirement (Block 2W (85m<sup>2</sup>), Block 3N (76m<sup>2</sup>), Block 4N (78m<sup>2</sup>)). For this reason, the proposal does not meet the standard. As required by this standard all mid terraced gardens are served by private paths leading to streets.

- 7.32 **Privacy** – in line with this standard a minimum of 18 metres between the facing windows of habitable rooms is provided for and living room windows and balconies do not unacceptably overlook private gardens of houses.

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** – the site has no planning brief and the proposal is not a conversion. The Design and Access Statement outlines that the proposed massing responds to a number of factors in order to provide appropriate frontages to the adjacent townscape and to integrate sensitively within the local context. The detailed analysis provided in the Design and Access Statement shows that the scale of buildings in the surrounding area varies on Arbroath Road from 4 and 5 storey tenements to the west and 1 storey dwellings to the east. A flatted block is proposed to complement and extend the existing civic scale frontage on Arbroath Road and to address the public realm. The site is located on an important transition from the City's inner city boundary and the suburban boundary and to aid this transition on Arbroath Road the flatted block drops from 4 storeys to 3 storeys with only 2 storeys proposed at the corner of Arbroath Road and Dalkeith Road. The 2 storey properties proposed on Dalkeith Road respect the existing 2 storey cottage flats on the eastern side of the road as does the proposed 2 storey properties on Ellengowan Drive which have been designed to provide a strong frontage to the street. The proposed 3 storey flatted block on Broughty Ferry Road aims to strengthen the coherence of the scale of buildings and reflect its location within the inner city boundary. The proposed flats integrate sensitively with the existing massing and local context. Therefore, it is recognised that there are site specific circumstances which require a flatted solution to ensure a high quality redevelopment of the site which respects and enhances the local character. 91 flats are proposed and 87 of these have 2 bedrooms or more in line with this standard. 4 one bed flats are proposed with 3 measuring 52.3m<sup>2</sup> and one measuring 50.5m<sup>2</sup> which does not meet the gross internal floor area of 60m<sup>2</sup> required by this standard.
- 7.39 **Car Parking** - the Design and Access Statement highlights that 124 parking spaces are proposed across the whole site (39 for the houses and 85 for the flats). 93% provision has been provided for the proposed flats not 100% as required by this standard
- 7.40 **Amenity/Garden Ground** – the Design and Access Statement outlines that each block of flats achieves this standard by combining rear gardens to ground floor flats (where practical) and communal gardens to upper floor units. This ensures a generous provision with drying areas provided in addition. Each of the cottage flats will have their own private garden space in excess of 10m<sup>2</sup> and a clothes drying area. The required standard is satisfied.



7.41 **Privacy** – due to infrastructure constraints notified during the application process, Block 1W was moved east which means the privacy distance between Blocks 1W (east elevation) and 1E (west elevation) is 16m. As such the proposal does not meet this standard. This standard is met elsewhere in the site.

Appendix 3 General Standards

7.42 **Waste Management** – the Design and Access Statement outlines that discussion has taken place with Neighbourhood Services regarding on site provision. Supporting information shows that appropriate waste and recycling provision has been provided in line with Dundee City Council's Waste Strategy. This standard is satisfied.

7.43 **Electric Charging Points** – a total of 4 car charging points are proposed in communal parking areas. 2 to serve the flatted blocks to the north of the site and 2 to serve the flatted blocks to the south. This standard is satisfied.

7.44 **Additional Storage** – the floorplans show that each flatted block has adequate storage areas in line with this requirement.

7.45 **Cycle Storage** - the Design and Access Statement outlines that each of the blocks of flats will have individual secure bike stores with the following approximate provision:

- Block 1W Amenity Flats: 11 cycle spaces for 22 flats (50%) and 2 mobility scooters;
- Block 1E: 7 cycle spaces for 7 units (100%);
- Block 5: 12 cycle spaces for 12 units (100%); and
- Block 6: 12 cycle spaces for 12 units (100%).

7.46 The provision outlined above is shown on the proposed floor plans. With the exception of Block 1W 100% provision is provided in line with this standard. The Design and Access Statement provides justification for the reduced cycle provision in Block 1W which is due to the intended elderly resident group in this block. To account for this, provision has been made for mobility scooters in the store and this is shown on the proposed floor plans. The proposal does not meet this standard.

7.47 The Head of Community Safety and Protection was consulted and to ensure residents are not disturbed by road traffic noise due to the sites location adjacent to the Arbroath Road and Broughty Ferry Road, it is recommended that a noise condition is attached to any planning permission granted to demonstrate compliance with the British Standard noise level criteria prior to the first occupation of the houses.

7.48 The design and layout sensitively addresses the challenging topography and constraints of the site. The proposed redevelopment is of a high quality and will enhance the character and identity of this part of the City.

7.49 **The proposal is not fully in accordance with Policy 9 and Appendix 3.**

7.50 **Policy 16: Small Scale Commercial Uses within Residential Areas** - the City Council will support the development of a range of small scale commercial services and facilities close to and within existing and proposed housing areas. The development of small scale commercial services and facilities will need to ensure that they do not have a detrimental effect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement, noise or smell.

- 7.51 A ground floor retail unit is proposed within the 3 storey flatted block located at the corner of Arbroath Road and Dalkeith Road. This will replace an existing corner kiosk on the site and is a small scale commercial service supported by this policy.
- 7.52 The Head of Community Safety and Protection was consulted and in order to protect residential amenity has recommended that noise conditions are attached to any planning permission granted with regards to any proposed mechanical and electrical plant/services and to restrict the times of deliveries and servicing of the shop.
- 7.53 **With the inclusion of conditions, the proposal satisfies Policy 16.**
- 7.54 **Policy 29: Low and Zero Carbon Technology in New Development** - proposals for all new buildings will be required to demonstrate that at least 10% of the carbon emissions reduction standard set by 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. A statement will be required to be submitted demonstrating compliance with this requirement.
- 7.55 A statement was submitted which confirms that the appropriate documentation will be provided demonstrating compliance with the current Building Regulations following the detailed design stage and once the proposed building has been modelled. A condition will be attached to any planning permission granted to ensure that this is demonstrated in line with Policy 29.
- 7.56 **With the inclusion of a condition the proposal satisfies Policy 29.**
- 7.57 **Policy 38: Trees and Urban Woodland** - the Council will support 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.
- 7.58 A tree survey was undertaken and the submitted report shows that 57no trees were assessed. A tree removal plan has been submitted and the landscape proposals are contained within the Design and Access Statement. A number of mature trees will be retained (17) and sensitively integrated into the proposed development however a number of trees are required to be removed (40) to accommodate the redevelopment works. A selection of native tree species will form new planting on the western green link and will add visual interest to the informal play spaces to be created. The proposed planting framework will strengthen the north south, east west movement across the site and add to the high quality environment intended for the redevelopment of the housing site.
- 7.59 The Head of Environmental Management was consulted and recommends that a condition is attached to any planning permission granted to request that a tree protection plan is submitted together with a detailed plan showing the location and species of all new planting.
- 7.60 **With the inclusion of a condition the proposal satisfies Policy 38.**
- 7.61 **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.

- 7.62 The Design and Access Statement outlines that discussion has taken place with Neighbourhood Services regarding on site provision. Supporting information shows that appropriate waste and recycling provision has been provided in line with Dundee City Council's Waste Strategy.
- 7.63 **The proposal satisfies Policy 40.**
- 7.64 **Policy 42: Sustainable Drainage Systems** - 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.
- 7.65 The existing drainage for 128 houses and roads comprises a combined system connecting to Broughty Ferry Road. The proposal is to alter the existing combined sewer running through the site and provide separate foul and attenuated surface water systems with connections to Broughty Ferry Road and Dalkeith Road. A suitable drainage design has been submitted for the proposed redevelopment of the site. Discussion is ongoing with Scottish Water regarding this proposal and it is recommended that drainage conditions are attached to any planning permission granted to ensure the full details of the design are finalised and a maintenance schedule together with evidence of Scottish Water approval for the drainage system is submitted to the Council for written approval.
- 7.66 **With the inclusion of conditions the proposal satisfies Policy 42.**
- 7.67 **Policy 44: Air Quality** - there is a general presumption against development proposals that could significantly increase air pollution or introduce people into areas of elevated pollution concentrations unless mitigation measures are adopted to reduce the impact to levels acceptable to the Council.
- 7.68 It was agreed during pre-application discussion that due to the location of the proposed flatted block on the northern boundary of the site and its proximity to Arbroath Road (Block 1E and 1W) an Air Quality Assessment (AQA) should be submitted. An AQA was submitted and reviewed by the Head of Community Safety and Protection who agreed with its outcome. The assessment confirmed that there would be no adverse impact in relation to residential exposure to traffic emissions.
- 7.69 Another issue was raised through the objection letters and discussed with the applicant's agent during the application process. This was with regard to the impact of the demolition process on the surrounding residents and the requirement for an IAQM Construction Dust Assessment and subsequent Construction Dust Management Plan.
- 7.70 The Head of Community Safety and Protection has recommended that a condition is attached to any planning permission granted to request that prior to the commencement of any demolition, construction or earthworks on site, a construction dust management plan shall be prepared in accordance with IAQM Guidance and submitted to the Council for written approval.
- 7.71 **With the inclusion of conditions the proposal satisfies Policy 44.**
- 7.72 **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.

- 7.73 An initial investigation and risk assessment and subsequent partial remediation statement was submitted. This proposes some remediation before the demolition works followed by further investigation and, if necessary, remediation works after completion of the demolition works.
- 7.74 The Head of Community Safety and Protection has reviewed the documents submitted and has been in direct dialogue with the applicant's consultant during the application process regarding this matter. It has been recommended that conditions are attached to any planning permission granted to secure the investigation works proposed in the partial Remediation Statement (October 2018).
- 7.75 **With the inclusion of conditions the proposal satisfies Policy 45.**
- 7.76 **Policy 46: Development of or next to Major Hazard Sites** - the siting of new or extensions to existing hazard sites or sites which operate under Scottish Environment Protection Agency authorisation will not be permitted in close proximity to residential areas and/or areas of public use or interest, where the risk to people or the environment is likely to be significantly increased.
- 7.77 The application is not for a major new hazard site and is therefore not contrary to the Local Development Plan. However, the Health and Safety Executive (HSE) is a statutory consultee and they have advised against the proposal for housing on the site on the grounds of the sites location near to a major hazard site on East Camperdown Street. Members should note that if Committee is minded to approve this application, the Council must notify Scottish Ministers of its intention to grant planning permission in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.
- 7.78 The proposal is for the redevelopment of an existing housing site. HSE does not take into account any existing use which a site may have, or any existing developments in the surrounding area following a procedural review in 2008. That review identified that taking the existing use of a site into account could result in HSE not advising against developments which were clearly incompatible with the residual risks posed by a major hazard site.
- 7.79 The application is for 130 new houses and 1no retail unit on the existing site of 128 houses and 1 retail unit. The proximity of the HSE site is shown by an Inner, Middle and Outer ring. It is noted that the northern part of the site, from Block 3N, falls outwith the inner/middle/outer rings.
- 7.80 Following a review of the southern part of the site there are currently 64 units in the HSE rings as follows – 40 (inner); 0 (middle) and 24 (outer).
- 7.81 The proposed redevelopment is for 24 (inner); 10 (middle) and 30 (outer). This highlights a reduced number of units proposed in the inner ring and therefore an improvement to the existing situation. As a result it is not considered reasonable to refuse the application.
- 7.82 **The application is not contrary to Policy 46.**
- 7.83 **Policy 47: Environmental Protection** - 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. 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.

- 7.84 A ground floor retail unit is proposed within the 3 storey flatted block located at the corner of Arbroath Road and Dalkeith Road.
- 7.85 The Head of Community Safety and Protection was consulted and in order to protect residential amenity has recommended that noise conditions are attached to any planning permission granted with regards to the installation of mechanical and electrical plant/services and to restrict the times of deliveries and servicing of the retail unit.
- 7.86 **With the inclusion of conditions the proposal satisfies Policy 47.**
- 7.87 **Policy 52: Gardens and Designed Landscapes** - development affecting gardens and designed landscapes shall protect, preserve and enhance such places and shall not impact adversely upon their character, upon important views to, from and within them, or upon the site or setting of component features which contribute to their value.
- 7.88 There are three gardens and designed landscapes in Dundee including Baxter Park which are important features for the city. The Inventory of Garden & Designed Landscapes is maintained by Historic Environment Scotland who were consulted on the proposal and have no comment to make.
- 7.89 The proposed redevelopment of the site is of a high quality which respects the character and setting of the Baxter Park Garden and Designed Landscape. In order to secure a high quality finish for the development, given the sites sensitive location, it is recommended that a condition is 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 prior to the commencement of development.
- 7.90 **With the inclusion of conditions the proposal satisfies Policy 52.**
- 7.91 **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.

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.



- 7.92 A Transport Statement was submitted and its findings accepted. The Design and Access Statement outlines that the existing development has restricted access in a north-south direction from Ellengowan Drive and Dalkeith Road and has no in-curtilage parking provision. To improve car parking provision within the development it has been necessary to bring transverse roads through the site. The aim has been to keep this to a minimum in order to retain the pedestrian friendly attributes of the existing development whilst making the development more open and accessible.
- 7.93 In respect of the criteria above:
- 1 The proposed design and layout increases permeability through the site making the new development more open and accessible. 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. Cycle parking has been accommodated in the layout in line with the Appendix 3 standards.
  - 2 Public transport networks on Arbroath Road and Broughty Ferry Road are easily accessible from the improved permeability and the creation of a north-south green route.
  - 3 A Transport Statement was submitted and its findings accepted. The roads and footways have capacity to cater for the development. There will be no detrimental effect on the capacity or functioning of the existing road network.
  - 4 The Design and Access Statement outlines that discussion has taken place with Neighbourhood Services regarding safe and convenient waste collection from the site. The supporting documents confirm that safe and adequate provision is made for road freight and waste access, loading and unloading.
  - 5 Due to the existing gradients on Ellengowan Drive which do not meet current standards for a public road but will have to be used to allow development, some form of vehicle restraint will be required at the bottom of the gradient where the prospectively public road will end and the private footpath to the flats will be located. In the interests of vehicle and pedestrian safety, it is recommended that a condition is attached to any planning permission granted to request full details of the required roadside traffic restraint at the link between prospectively public and private roads at the south of the site is submitted for written approval by the Council prior to any works on site. 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 further recommended that a number of standard conditions are attached to any planning permission granted.
- 7.94 **With the inclusion of conditions the proposal satisfies Policy 55.**
- 7.95 **It is concluded from the foregoing that the proposal is not fully in accordance with the provisions of the development plan.**

## **OTHER MATERIAL CONSIDERATIONS**

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

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

- 7.96 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.

- 7.97 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.
- 7.98 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.
- 7.99 The following policies are considered to be a material change:
- 7.100 **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.
- 7.101 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. The layout introduces a street pattern which encourages permeability and connects with the surrounding streets. A rich diversity of landscaping is proposed with a north-south green route created to improve access to Baxter Park and public transport routes. New pocket parks have been created and designed to appeal to all ages. The green spaces have also been creatively designed to integrate level changes and reduce the requirement for unsightly retaining walls which can also inhibit access. The proposed development meets Scottish Planning Policy's six qualities of successful place.
- 7.102 **With the inclusion of conditions the proposal satisfies Policy 1.**
- 7.103 **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.
- 7.104 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 Baxter Park to the north of the site.
- 7.105 A number of mature trees will be retained and sensitively integrated into the proposed development. However a number of trees are required to be removed to accommodate the redevelopment works. The Design and Access Statement reports that a selection of native tree species will form new planting on the north-south green route and will add visual interest to the informal play spaces to be created. The proposed planting framework will strengthen the north south, east west movement across the site and add to the high quality environment intended for the redevelopment of the housing site.
- 7.106 The Head of Environmental Management was consulted and recommends that a condition is attached to any planning permission granted to request that a tree protection plan is submitted together with a detailed plan showing the location and species of all new planting.
- 7.107 **With the inclusion of conditions the proposal satisfies Policy 28.**

- 7.108 **Policy 30: Green Infrastructure Maintenance** - the Council will apply planning conditions or Section 75 obligations to planning permissions to make suitable provision for the long-term maintenance of green infrastructure (including open space and landscaping associated with Sustainable Drainage Systems) in new housing developments.
- 7.109 A statement has been received to confirm that Hillcrest has an open space and landscaping contract for its portfolio of properties within Dundee. It is intended that the Ellengowan open space and landscaping will be added to this contract. This maintenance contract is paid for through a modest service charge which is added to tenant's rents. The proposal satisfies Policy 30.
- 7.110 **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.
- 7.111 A statement was submitted to demonstrate that consideration had been given to the viability of creating or linking into a heat network. The statement confirms that connecting to an existing heat network is not feasible and sets out the options explored in terms of costs and feasibility of creating a new heating district system to serve the development versus individual gas boilers within each property. Low carbon local gas boilers are proposed within properties.
- 7.112 **The proposal satisfies Policy 46.**
- 7.113 **There are no other material changes. The proposal complies with the provisions of the Proposed Dundee Local Development Plan 2.**

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

- 7.114 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.
- 7.115 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 fully meet the requirements of Appendix 3 and the following justification for a departure from the Local Development Plan is provided -

##### Appendix 3 - Standards for Houses

- 7.116 **House Type** - the Supporting Statement outlines that proposed mix of housing aims to address the needs of current and future tenants in the development. The range and proportion of house types reflects housing need in the City and this can be evidenced by housing need information. A separate justification statement confirms the proposed redevelopment meets a specific housing need in the City and that the Council has included this project in their Strategic Housing Investment Plan, and have allocated funding for this site. A departure from the standard is therefore deemed to be acceptable as this proposal is for the redevelopment of an existing housing site and the proposed housing mix is meeting an identified need.
- 7.117 **Car Parking** - justification for this has been provided in the supporting Design and Access Statement which outlines that in curtilage parking on Dalkeith Road is unacceptable due to road safety concerns and the section of Ellengowan Drive which Block 2W fronts is to be pedestrianised as part of the redevelopment of the site and in-curtilage parking is therefore

not possible. It is noted from the supporting information that currently there are 29 spaces within the site with no in curtilage parking provision. During the applicant's consultation process with residents it was confirmed that car ownership amongst existing residents is low and that many of the existing residents will move back into the development once constructed. It is considered that the proposed 100% remote parking for the 7 housing units together with the 100% in curtilage parking proposed for 32 housing units is an acceptable departure given the site constraints and the justification provided in the Design and Access Statement.

- 7.118 **Amenity/Garden Ground** - the Design and Access Statement outlines that, in addition to private garden ground, a central area of communal green space (393m<sup>2</sup>) has been provided to the rear of 12 houses (Housing Blocks 3N and 3S). A departure from the standard is therefore deemed to be acceptable.

#### Appendix 3 Standards for Flats

- 7.119 **House Type** - in respect of this, as outlined above, a justification statement confirms the proposed redevelopment meets a specific housing need in the City and that the Council has included this project in their Strategic Housing Investment Plan, and have allocated funding for this site. A departure from the standard is therefore deemed to be acceptable as this proposal is for the redevelopment of an existing housing site and the proposed housing mix is meeting an identified need.

- 7.120 **Car Parking** - justification for this departure is provided in the Design and Access Statement which notes that 100% provision is provided for all flats except Block 1W on the northern boundary of the site which will serve elderly residents. This block is located in close proximity to the bus stops on Arbroath Road. It further highlights that there is limited parking available within the existing site and during the consultation process with residents it was confirmed that car ownership is low and many of the existing residents will move back into the development once constructed. It is noted from the supporting information that currently there are 29 spaces within the site and 124 spaces are proposed in total as part of the redevelopment of the site. A departure from the standard is acceptable given the site constraints and the justification provided in the Design and Access Statement.

- 7.121 **Privacy** – the 16m separation between Block 1W and Block 1E is acceptable given that the flatted blocks are separated by public space in the form of amenity/garden space and footpaths linking to Arbroath Road.

#### Appendix 3 General Standards

- 7.122 **Cycle Storage** - a departure from the standard is acceptable given the justification provided in the Design and Access Statement and the provision made for storing mobility scooters.
- 7.123 The proposed residential development respects the character and amenity of the surrounding area. The design and layout responds positively to the steep topography and sensitively integrates the new housing with existing and new green infrastructure to offer a quality residential development.

### **C - VIEWS OF OBJECTORS**

- 7.124 Six valid letters of objection were received from members of the public. The valid planning matters raised included overlooking; loss of privacy; the scale of the flatted block on Arbroath Road; tree removal; lack of parking spaces and impact on surrounding road network; dust management during demolition works.

In response to the matters raised:

- 7.125 **Overlooking and Loss Of Privacy** – this relates in particular to the proposed housing on the western boundary of the site (Block 1W, 2W and Block 3W) and the potential for overlooking and loss of privacy for existing residents whose rear gardens back onto Ellengowan Drive. The matters raised relate to the proximity of the housing and design of the houses with the main living area located on the upper level and balconies proposed for the flats. Ellengowan Drive is currently a vehicular access road which will be part pedestrianised in the redevelopment of the site with a north-south green route being created. The matters raised by the objectors have been considered during the application process and Block 2W has moved and is located 20m away from the existing properties which is regarded as an acceptable distance. The distance between the existing housing and Block 3W is 25m which is regarded as an acceptable distance. Ellengowan Drive is a public route which separates the existing residents and the new development. Existing boundary structures on the western side of Ellengowan Drive provide screening and existing mature trees are to be retained as part of the proposed north-south green route. Further new planting is proposed on the western side of Ellengowan Drive which will provide further screening between the residential properties. With regards to the design of the houses/flats only Juliet balconies are proposed for design aesthetics and it is not considered that having the main living area located on the upper level will lead to overlooking and privacy issues with acceptable distances between the residential properties being highlighted above.
- 7.126 **Scale of Flatted Block on Arbroath Road** – as outlined above, the design and layout of the site has evolved through positive ongoing discussion with the applicant's agent during the application process. This has resulted in a more sympathetic approach to the design, scale and massing of the proposed 4 storey flatted block on Arbroath Road given its sensitive location adjacent to Baxter Park. The changes are outlined in detail in the supporting Design and Access Statement.
- 7.127 **Tree Removal** – the matters raised relate in particular to Trees 1783 and 1784 which were originally shown on the Tree Removal Plan and are now being retained.
- 7.128 **Lack of Parking Spaces and Impact On Surrounding Road Network** - the Design and Access Statement highlights that 124 parking spaces are proposed across the whole site – 39 for the houses (100%) and 85 for the flats (93%). It is noted that currently there are 29 spaces within the site. The Design and Access Statement notes that 100% provision is provided for all flats except Block 1W on the northern boundary of the site which will serve elderly residents and is in close proximity to the bus stops on Arbroath Road. It further highlights that there is limited parking available within the existing site and during the consultation process with residents it was confirmed that car ownership is low and many of the existing residents will move back into the development once constructed. As outlined above, a departure from the standard is acceptable given the site constraints and the justification provided in the Design and Access Statement. A Transport Statement was submitted and its findings accepted. It is confirmed that the roads and footways have capacity to cater for the development and that there will be no detrimental effect on the capacity or functioning of the existing road network.
- 7.129 **Dust Management During Demolition Works** – concern was raised with regards to this and the removal of asbestos from the site. As outlined in the report, this matter was raised and discussed with the applicant's agent during the application process. The Head of Community Safety and Protection has requested that a condition is attached to any planning permission granted to request that prior to the commencement of any demolition, construction or earthworks on site, a construction dust management plan shall be prepared in accordance with IAQM Guidance and submitted to the Council for written approval.



7.130 The issues raised in the letters of objection have been considered and addressed in the report and are not of sufficient weight to justify refusal of planning permission.

7.131 **It is concluded from the foregoing that there are material considerations of sufficient weight to justify the approval of planning permission contrary to the Development Plan.**

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## 8 CONCLUSION

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8.1 The proposal is not fully in accordance with the requirements of the Development Plan. There are material considerations of sufficient weight to justify approval 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 GRANTED subject to the following conditions:

- 1 **Condition** – prior to the commencement of work on site, details and samples of the proposed finishing materials for 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 interest 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 full and detailed 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** - prior to first occupation of the residential dwellings, details demonstrating means for compliance with both internal and external noise level criteria set within Section 7 of BS8233:2014 shall be submitted to the Council for written approval. For avoidance of doubt, the noise level criteria is 35dB LAeq (16hours) for bedrooms and other habitable rooms areas for day time periods (0700 – 2300hrs), 30dB LAeq (8hours) for bedrooms during night time periods (2300-0700hrs), and 50dB LAeq (16hours) for external amenity areas for day time periods (0700 – 2300hrs) For the location of this proposed development, the internal noise level criteria are to be achieved allowing windows to be open for ventilation.

**Reason** – to protect residential amenity.

- 8 **Condition** – the total noise from the mechanical and electrical plant/services shall not exceed NR35 during night-time, as measured 1 metre external to the facade of adjacent residential property. Furthermore, it shall not exceed NR25 within any adjoining residential property For the avoidance NR35 and NR25 are applicable for 2300 to 0700 hours.

**Reason** – in order to protect residential amenity.

- 9 **Condition** - deliveries and servicing of the retail shop hereby approved, including loading, unloading or lay-up, shall not take place between 2200 and 0700 hours.

**Reason** – in order to protect residential amenity.

- 10 **Condition** - development shall not begin until the further investigation and risk assessment proposed in the submitted partial Remediation Statement, October 2018 are completed and, if necessary; a further remediation strategy to deal with contamination at the site has been submitted to and approved in writing by the planning authority. The strategy shall contain proposals to deal with contamination to include:

- i the nature, extent and type(s) of contamination on the site;
- ii measures to treat/remove contamination to ensure the site is fit for the use proposed and does not contain any significant pollution linkages;
- iii measures to deal with contamination during construction works; and
- iv verification of the condition of the site on completion of decontamination measures.

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

- 11 **Condition** – before any unit is occupied the October 2018 and any further remediation strategy shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategies 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.

- 12 **Condition** – prior to the commencement of any demolition, construction or earthworks on site, a construction dust management plan shall be prepared in accordance with IAQM Guidance, and submitted for the prior approval of Dundee City Council as Planning Authority. Thereafter any mitigation measures identified shall be implemented in full.

**Reason** – in the interests of safeguarding residential amenity.

- 13 **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 the development hereby approved.

**Reason** - in the interests of flood protection.

- 14 **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 the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out in perpetuity.

**Reason** - in the interests of flood protection.

- 15 **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 protection.

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

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

- 17 **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.

- 18 **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.

- 19 **Condition** – prior to the commencement of development full details of the electric car charging points shall be provided at a location and number to be approved in writing by the Council together with a timescale for the installation of the equipment.

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

- 20 **Condition** – the hard surface of individual car parking and driveways should be made of porous materials or provision should be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

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

- 21 **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.

- 22 **Condition** – details of required amendments to parking on Dalkeith Road shall be agreed prior to any works on site.

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

- 23 **Condition** – details of location and type of pedestrian handrails shall be agreed prior to any works on site.

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

- 24 **Condition** - details of required roadside traffic restraint at the link between prospectively public and private roads at the south of the site shall be agree prior to any works on site.

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

- 25 **Condition** – prior to the commencement of the development hereby approved full details of a pedestrian crossing on Arbroath Road shall be submitted for written approval by the Council. Thereafter the pedestrian crossing shall be installed and operational prior to the opening of the development.

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

#### Informative

A Road Construction Consent (RCC) application (found via the following link on DCC website: <http://www.dundee.gov.uk/a2z/constructionconsent>) must be submitted to Dundee City Council as Roads Authority for work on the adjacent public road or footway and consent for this must be obtained prior to the commencement of any work on the public road or footway For further details please contact 01382 433341 or [developmentroads@dundee.gov.uk](mailto:developmentroads@dundee.gov.uk).