

Proposed Development of 45 Dwellings

KEY INFORMATION

Ward North East

Address

Site of former flats
Hebrides Drive
Dundee

Applicant

Home Group
Pavilion 6
321 Springhill Parkway
Glasgow

Agent

Venue Studios

Registered 12 Nov .2018

**Report by Head of Planning
and Economic Development**

Contact: Craig Swankie



SUMMARY OF REPORT

- Planning permission is sought for the erection of 45 social rented dwellings, comprising 17 houses and 28 flats. The proposed houses include a mix of detached, semi-detached and terraced properties. The proposed flats comprise 1 and 2 bed cottage flats and apartments. The cottage flats include wheelchair accessible units to the ground floor with apartments above. Also included as part of the application is landscaping and infrastructure works.
- The application site comprises allocated housing site H21 and H22 of the Dundee Local Development Plan 2019.
- The application is not in accordance with the development plan due to the provision of houses which fail to meet the requirements of Local Plan with regard to floor space and garden ground provision and the provision of flats within a suburban area of the city.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. No letters of objection and no letters of support have been received.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee at the request of an elected member.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/>.

RECOMMENDATION

The proposal is not in accordance with the Development Plan. There are material considerations of sufficient weight to justify approval of planning permission. It is recommended that planning permission be **APPROVED** subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 The application proposes the erection of 45 social rented dwellings, comprising 17 houses and 28 flats along with associated infrastructure and landscaping.
- 1.2 The proposed houses include 7 different house types comprising detached, semi-detached and terraced houses. All of the proposed houses address access roads within the site, have private garden ground and in-curtilage parking. A mix of 2, 3, 4 and 5 bedroom houses are proposed, 13 of the houses are two storeys in height and four are three storeys in height. Within the north of the site three, 2 bed dwellings and a detached 4 bed dwelling are proposed. Within the south of the site 12 semi-detached and terraced dwellings and 1 detached dwelling are proposed. The dwellings are to be finished in white render and dark blue brick with varying roof pitches and orientations to provide a range of dwelling types, styles and colours. Roofs are to be finished in slate grey concrete tiles and windows and doors are to be finished in grey timber.
- 1.3 Towards the centre of the site flatted units are proposed. The proposed flats comprise 8 cottage flats within four, 2 storey buildings which have wheelchair accessible units on the ground floor. A further 20 apartments are proposed within two and three storey buildings. Proposed finish materials include slate grey concrete roof tiles and grey timber windows and doors. External walls are to be finished in white render and dark blue facing brick to provide variety and interest to the buildings.
- 1.4 Access would be taken from Hebrides Drive, to the west of the site. The proposals would utilise an existing sustainable urban drainage system (SUDS) area to the south west of the site which has capacity to accommodate drainage water from the proposed development. Areas of planting and landscaping are proposed, comprising trees and hedging to dwelling boundaries and along access roads and footpaths.
- 1.5 In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee at the request of an elected member.
- 1.6 The applicant has submitted the following in support of the application:
- Planning and Design Statement
 - Transport Statement
 - Flood Risk Assessment
 - Drainage Scheme
 - Tree Survey
 - Contaminated Land Assessment
 - Noise Impact Assessment

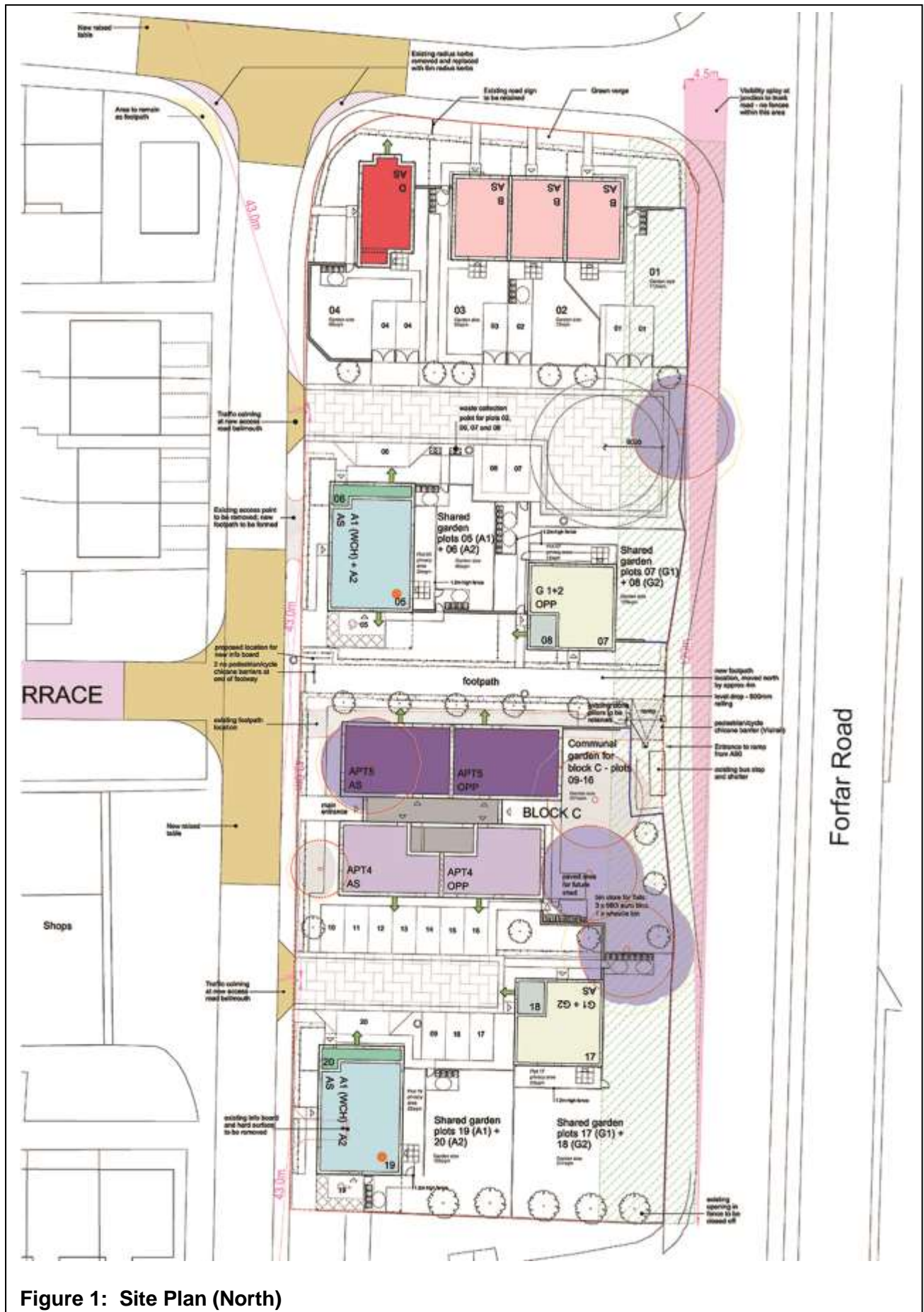


Figure 1: Site Plan (North)

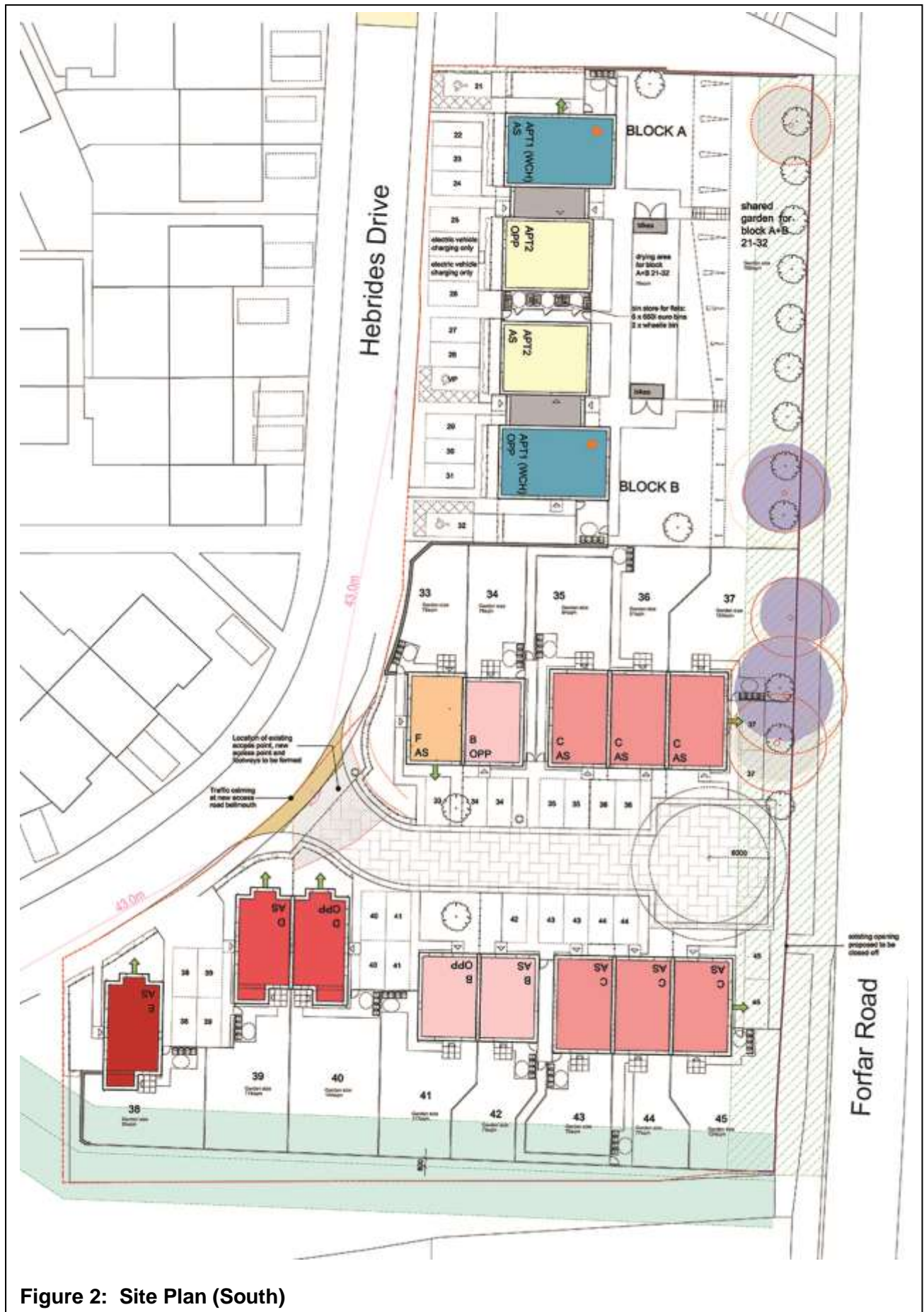


Figure 2: Site Plan (South)



Figure 3: Proposed Street Elevations (North)



Figure 4: Proposed Street Elevations (South)

2 SITE DESCRIPTION

- 2.1 The site (1.0 hectare) is located to the west of A90/Forfar Road and east of Hebrides Drive. The site which is long and narrow in form is split into two sections by access paths to a bridge which crosses the A90 and by a petrol station which is located towards the centre of the site.
- 2.2 The north section is rectangular in form and contains a gently sloping area of grass and small number of trees. The site which is bound to the north, east and west by public roads is crossed by a path which links Hebrides Drive to a bus stop on the A90/Forfar Road. The site is vacant following the demolition of flats which previously occupied the site.
- 2.3 The south section is of a similar form, comprising a levelled area of grass on a gently sloping south facing site. As the north section, the site is vacant following the demolition of flats within the site. The site is bound to the east and west by public roads, with Dighty Water and associated trees and open space to the south.
- 2.4 The local area is primarily residential in character with housing to the east and west of the site on Hebrides Drive and Finavon Street within Mill O' Mains and Fintry. The wider area contains a mixture of uses including Claverhouse West Industrial Estate to the north and a supermarket to the south east.



Figure 5: Site Photo (North)

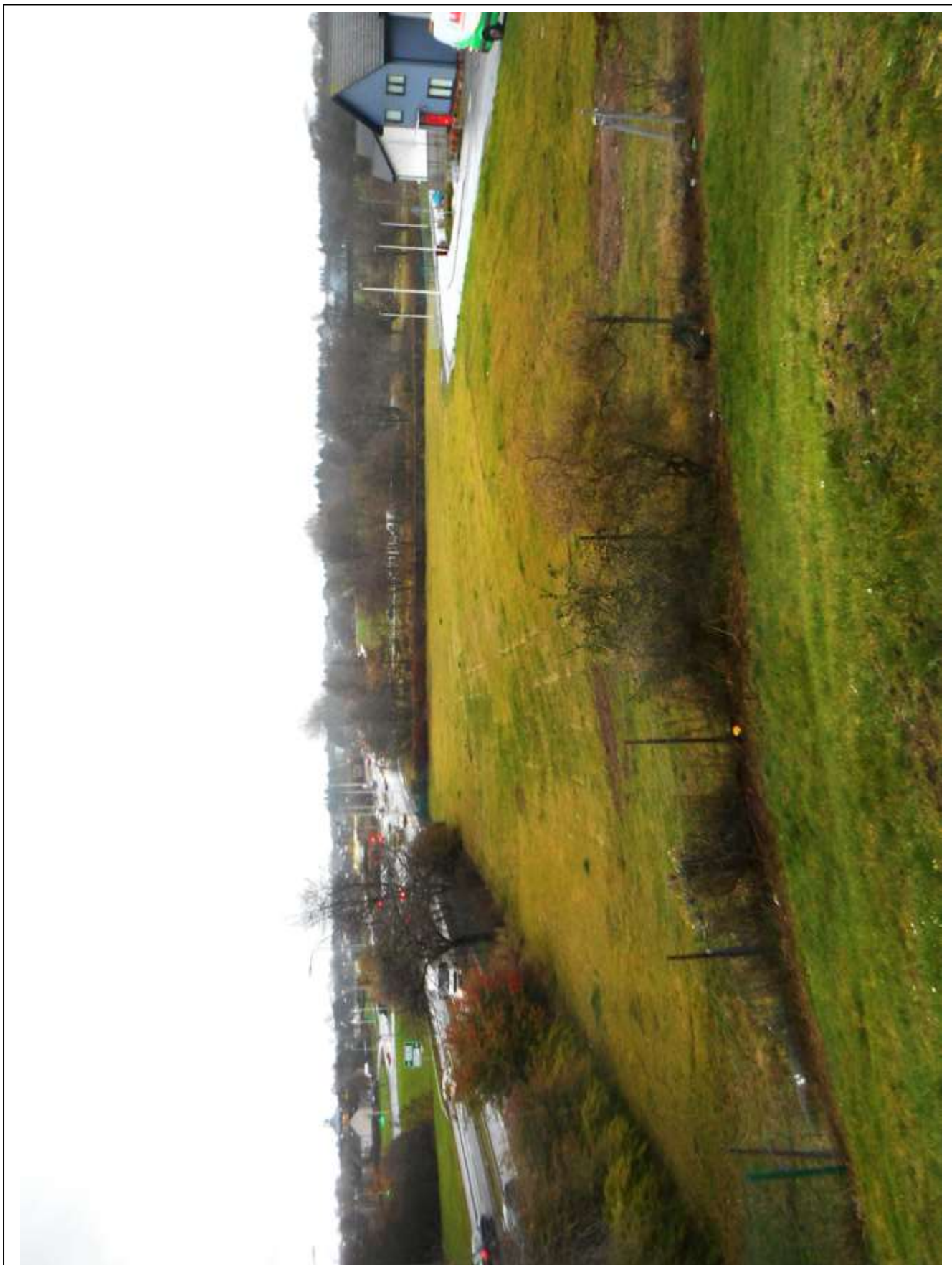


Figure 6: Site Photo (South)

3 POLICY BACKGROUND

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

TAYPlan 2016-2036

Policy 1: Location Priorities

Policy 4: Homes

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 1: High Quality Design and Placemaking

Policy 2: Public Art Contribution

Policy 9: Housing Land Release

Policy 10: Design of New Housing

Policy 35: Trees and Urban Woodland

Policy 36: Flood Risk Management

Policy 37: Sustainable Drainage Systems

Policy 39: Environmental Protection

Policy 41: Land Contamination

Policy 44: Waste Management Requirements for Development

Policy 48: Low and Zero Carbon Technology in New Developments

Policy 54: Safe and Sustainable Transport

3.2 The following plans, policies and non-statutory statements are considered to be of direct relevance:

Mill O' Mains Regeneration Masterplan October 2008 (Revised May 2009)

4 SITE HISTORY

4.1 There is no relevant planning history.

5 PUBLIC PARTICIPATION

5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.

5.2 No comments have been received.

6 CONSULTATIONS

6.1 **Scottish Water** – has no objection to the proposals and notes there is capacity within the existing water network.

6.2 **Transport Scotland** - has no objection to the proposals, subject to conditions to ensure visibility from Hebrides Drive onto Forfar Road is maintained.

- 6.3 **The Head of Community Safety and Protection** has provided comments on the following:
- Contaminated Land** – the conclusions of the submitted Contaminated Land Investigation are agreed. It is recommended that conditions are attached to any planning permission requiring the conclusions of the Investigation are implemented and a verification report is provided.
- Air Quality** – As no development is proposed within 10 metres of the A90/Forfar Road and no flues are proposed the proposals do not raise any air quality issues.
- Noise** – The applicant has submitted a Noise Impact Assessment (NIA) with the application. The NIA identifies a requirement for to an acoustic fence to be provided to the sites east boundary to reduce the impact of traffic noise on the proposed residential development. The Head of Community Safety and Protection has reviewed the report and notes the proposed 2.7 metre high acoustic fence would result in particular properties within the east of the proposed development not achieving the desired minimum noise levels. The Head of Community Safety and Protection therefore does not support the proposals.
- 6.4 **The Head of Housing and Communities** - supports the proposals which would provide new social housing and flats in line with the Dundee City Council Strategic Housing Investment Plan.
- 6.5 **SEPA** – has no objection to the proposals.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Town and Country Planning Act 1997 as amended 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 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 proposed residential development is located in an area of Dundee with an established residential character. The proposal would re-use a vacant brownfield site and the applicant has demonstrated 45 dwellings can be integrated into the surrounding area in terms of drainage infrastructure, roads access and public transport.
- 7.4 **The proposal would therefore satisfy Policy 1.**
- 7.5 **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.

7.6 The application site is allocated within the Dundee Local Development Plan 2019 for housing and will contribute to the mix of housing types, size and tenures in the local area.

7.7 **The proposal would therefore satisfy Policy 4.**

DUNDEE LOCAL DEVELOPMENT PLAN 2019

7.8 **Policy 1: High Quality Design and Placemaking** - states that all development proposals should follow a design-led approach to sustainable, high quality placemaking. The design and siting of development should respect the character and amenity of the place, create a sense of community and identity, enhance connectivity and incorporate creative approaches to urban design, landscaping and green infrastructure, appropriate to the local context and the scale and nature of the development. New development will be required to meet the six qualities of successful place in accordance with the guidance provided in Appendix 1.

7.9 The proposal relates to the redevelopment of a brownfield site for residential use in a manner that maintains and respects the design and form of the surrounding properties. The site would contain 45 properties which are to front onto Hebrides Drive and access roads within the site. 28 flats are to be contained within two and three storey buildings which are located towards the centre of the development. The proposed development would integrate with existing development at Mill O' Mains through the replacement of recently demolished flats with houses and flats of varying sizes to meet the needs of the local community. The layout proposed provides a variety of routes by foot, bicycle and car, with access to public transport on Forfar Road/Hebrides Drive. The proposal is in keeping with the aspirations of the Mill O' Mains Masterplan which aims to enhance connectivity and accessibility through connecting existing streets and creating meaningful spaces for all the residents of Mill O' Mains.

7.10 The proposed houses and flatted apartments would have pitched roofs and walls finished in white render and facing brick. Building height, materials, scale, massing and finishes would be in keeping with similar developments within the vicinity of the application site. Windows are proposed on the end elevation of houses which face Hebrides Drive to enhance the appearance of the properties.

7.11 The layout and design of the development, including access roads and footpaths would respect the character and amenity of the surrounding area. The proposals incorporate landscaping and retain access paths within the north and centre of the site which provide access to the surrounding area, including a bus stop on Forfar Road and a bridge across the A90. Footpaths and access roads are to contain planting including trees and hedging which are acceptable in principle, with full landscaping details to be controlled by condition.

7.12 With reference to Appendix 1, the proposal is required to meet the 6 qualities of successful place - distinctive; safe and pleasant; easy to move around and beyond; welcoming; adaptable and resource efficient.

7.13 The design and siting of the proposed housing, boundary treatments including hedging and provision of roads and footpaths provides attractive frontages onto surrounding streets and ensures ease of movement. The proposed dwellings towards the sites north boundary provide an attractive entrance to Mill O' Mains from A90/Forfar Road which maintains the character of development in the local area. Within the proposed development appropriate spaces are provided for active travel, vehicle parking and waste storage. The design and layout of the proposed development is of a high quality and provides a safe and pleasant housing development. The proposal demonstrates compliance with Appendix 1.

- 7.14 The proposed site layout and dwelling design would create a development of a high quality which maintains connectivity through the site whilst providing modern, accessible housing which meets the needs of the local community.
- 7.15 **The proposal is in accordance with Policy 1, subject to conditions.**
- 7.16 **Policy 2: Public Art Contribution** states all developments in Dundee with construction costs of £1 million or over will be required to allocate at least 1% of construction costs for the inclusion of art projects in a publicly accessible/visible place or places within the development.
- 7.17 Residential developments which comprise wholly of social rented properties are exempt from most developer contributions in order to support their viability. As the proposals comprise exclusively of social rented accommodation a public art contribution is not required.
- 7.18 **In this instance the requirements of Policy 2 are not applicable.**
- 7.19 **Policy 9: Housing Land Release** - states priority will be given to the development of the allocated brownfield and greenfield sites. To ensure that an effective 5 year supply of housing land is maintained over the plan period the sites allocated in Appendix 3 shall not be developed for other uses.
- 7.20 The application site contains two allocated housing sites, H21 Hebrides Drive North East and H22 Hebrides Drive South East.
- 7.21 Appendix 3 of the Local Plan states site H21 has an indicative capacity of 15 houses and site H22 an indicative capacity of 20 units. The current application seeks planning permission for 20 units proposed within H21 and 25 units proposed within H22.
- 7.22 The proposed development does increase the scale and density of development beyond the indicative capacity in Appendix 3. Whilst it is accepted that the number of units that can actually be accommodated may increase or decrease from that identified for each of the allocated sites, it is still incumbent on any proposed development to demonstrate that the design and layout is of a high quality.
- 7.23 The proposed development is of a quality which meets the aspirations of the Mill O' Mains masterplan in providing a range of house types and sizes to meet local needs. The provision of 28 flatted units within the development increases the overall density in a manner which does not impact on the overall quality or character of the proposals. The applicant has demonstrated that 45 units could be developed on the site in a manner that would not have any significant detrimental impact on the quality of the overall development.
- 7.24 **The proposal is in accordance with Policy 9.**
- 7.25 **Policy 10: Design of New Housing** - requires that the design and layout 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.
- 7.26 As assessed against Policy 1, the design and form of the proposal, including mixture of houses, cottage flats and apartment buildings is appropriate to the application site and would reflect the form and character of development within Mill O' Mains. The proposal would make a positive contribution to the visual amenity of the area by developing a site which is currently vacant whilst respecting the character of the application site and neighbouring dwellings.
- 7.27 All new housing development will require to conform to the guidance on the Design of New Housing set out in Appendix 4.

- 7.28 The proposed development is required to comply with Suburban Standards for residential development set out in Appendix 4.
- 7.29 **Appendix 4 requires houses to provide:**
- 7.30 **House Type** – in general, 75% of houses should have 3 or more bedrooms or a minimum gross internal floor area of 100m².
- 7.31 10 of the 17 proposed houses have 3 or more bedrooms which is 59% of the proposed houses. However, 7 of the proposed semi-detached houses have 2 bedrooms and below 100m² of floor area. The proposal therefore fails to meet this requirement of Policy 10.
- 7.32 **Car Parking** - all car parking should be located within the curtilage of each house. For social rented accommodation all tenures should have at least 1 space.
- 7.33 The proposals include in curtilage parking for all dwellings, with four dwellings served by 1 space and thirteen dwellings served by 2 spaces. The proposal meets this requirement of Policy 10.
- 7.34 **Amenity/Garden Ground** - brownfield sites will provide an average private useable garden ground of 140m² per house with a minimum garden size of 120m². The provision for mid terrace houses may be relaxed. Mid terraced gardens should be serviceable by a private path to the street.
- 7.35 Two of the proposed dwellings are served by in excess of 120m² private garden ground. However, 15 of the proposed dwellings are served by garden ground of less than 120 square metres. The proposal therefore fails to meet this requirement of Policy 10.
- 7.36 **Cycle Provision** - one secure, covered space per house must be provided unless a suitable garage or other secure area is provided within the curtilage of the house.
- 7.37 The proposed dwellings include indoor storage areas, and benefit from private garden ground with space for additional outdoor cycle storage. The proposal therefore meets this requirement of Policy 10.
- 7.38 **Privacy** - a minimum of 18 metres between the facing windows of habitable rooms or between balconies and the facing windows of habitable rooms.
- 7.39 The proposal provide a minimum of 18 metres separation between the facing windows of habitable rooms, meeting this requirement of Policy 10.
- 7.40 **Appendix 4 requires flats to provide:**
- 7.41 **House Type** – flats may be acceptable through conversions of buildings of merit where conversion to houses is not suitable or achievable or where identified in a site planning brief. Flats require to have a minimum gross internal floor area of 80m².
- 7.42 The flats would be new build units and are not identified within a site planning brief. The flats which include one bed units provide less than 80m² of internal floor area. The proposed flats therefore fail to meet this requirement of Policy 10.
- 7.43 **Car Parking** - all car parking should be located within the curtilage of the property. A minimum of 150% car parking should be provided with at least 1 space dedicated to each flat.

- 7.44 The proposals provide 1 space dedicated to each flat, however they fail to provide the 150% parking provision required by Policy 10.
- 7.45 **Amenity/Garden Ground** - each proposal must provide a high quality living environment with attractive outdoor space for occupants. This space may be private communal garden or private garden for each flat.
- 7.46 The proposed two in a block cottage flats are each served by communal garden areas. The proposed apartment blocks which contained 8 flats and 12 flats are also served by communal garden areas. The communal garden areas are of a size and form which would provide an attractive outdoor amenity space that is adequate for the number of flats proposed. The proposals meet this requirement of Policy 10.
- 7.47 **Cycle Provision** - secure indoor storage for bikes will be provided in accordance with the number of flats being provided.
- 7.48 Flats within proposed block C contain storage areas within the flats which are adequate for cycle storage. Blocks A and B are served by two secure covered cycle storage spaces within the communal garden ground. The proposals meet this requirement of Policy 10.
- 7.49 **Privacy** - a minimum of 18 metres between the facing windows of habitable rooms or between balconies and the facing windows of habitable rooms.
- 7.50 The proposals provide the minimum requirement of 18 metres separation between the facing windows of habitable rooms meeting this requirement of Policy 10.

General Requirements

- 7.51 Provision for waste and recycling should be provided in accordance with the Council's waste management strategy. All houses and flats would be served by dedicated bin storage areas.
- 7.52 The proposals include the provision of bin storage areas for each of the houses and flats are to be served by communal bin storage areas. The proposal meets this requirement of Policy 10.
- 7.53 Flatted developments should include storage areas in addition to cycle storage.
- 7.54 The proposed flats include storage areas in addition to those required for cycle storage which are of an appropriate size and location within each dwelling. The proposal meets this requirement of Policy 10.
- 7.55 In summary, the proposal fails to satisfy the requirements of Policy 10 and Appendix 4. With regard to the proposed houses, the proposal fails to provide 75% of houses with three bedrooms or a minimum internal floor area of 100m² and the minimum garden area requirement is not met. With regard to the proposed flats, the provision of flats is not specified in a site planning brief, the flats provide less than the minimum 80m² internal floor area and fail to provide 150% parking provision.
- 7.56 **The proposal is not in accordance with Policy 10.**
- 7.57 **Policy 35: Trees and Urban Woodland** - states that new development must ensure the survival of existing healthy mature trees through sensitive site layout both during and after construction.

- 7.58 The proposals will result in the loss of a small number of mature trees and bushes within the site, and on the site's east boundary. To ensure the development provides an acceptable level of planting and open space, the proposals include the provision of landscaping including trees and hedging. The provision of the proposed landscaping, and maintenance of trees and hedging within the site will be controlled by condition.
- 7.59 **The proposal is in accordance with Policy 35, subject to a condition.**
- 7.60 **Policy 36: Flood Risk Management** - states development within a medium to high risk area may be acceptable where sufficient flood defences already exist, the proposal will not increase the probability of flooding elsewhere, the development is protected through the use of appropriate water resistant materials and the finalised scheme does not result in a land use which is more vulnerable to flooding.
- 7.61 The applicant has submitted a flood risk assessment with the application. The flood risk assessment identifies a medium risk of surface water flooding within the north of the application site. The applicant proposes a drainage system with capacity to accommodate all surface water from the site, removing the risk of surface water flooding the proposed properties. Surface water would be attenuated within storage cells within the site then enter an existing drainage basin to the south west of the application site.
- 7.62 Dighty Water is located to the south of the application site, running west to east through a cutting which contains trees and grass slopes. The Dighty Water 1:200 year flood event area is immediately to the south of the application site. The submitted flood risk assessments confirms the application site will be out with the flood risk area and therefore the proposed dwellings would not be at risk of flooding from Dighty Water. As no works are proposed beyond to south boundary or to the embankments of Dighty Water the proposals will also not result in any increased flood risk downstream of the site. SEPA has been consulted and raised no objection to the proposed development.
- 7.63 **The proposal is in accordance with Policy 36.**
- 7.64 **Policy 37: Sustainable Drainage Systems** - requires surface water generated by new development to be treated by a Sustainable Urban Drainage System. SuDS should be designed so that the water level during a 1:200 year rainstorm event plus allowances for climate change and future urban expansion is at least 600mm below finished floor levels.
- 7.65 The applicant has submitted a drainage appraisal and flood risk assessment with the application, which demonstrates a mixture of porous surfacing, cellular storage units and drainage channels can be located within the site which discharges into an existing drainage basing to the south west of the site. The principle of this is considered to be acceptable subject to the detail of the scheme being submitted and approved, and provided that Scottish Water provide technical approval for the connection to the proposed discharge point.
- 7.66 **The proposal is in accordance with Policy 37, subject to conditions.**
- 7.67 **Policy 39: Environmental Protection** - states all new development or an extension to an existing development that would generate noise, vibration, odour, emissions to air, dust 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, odour, emissions to air, dust 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.

- 7.68 The applicant has submitted a Noise Impact Assessment with the application which considers the impact of traffic noise from the A90/Forfar Road on the proposed development. The Noise Impact Assessment considers a barrier of 4 metres is required to achieve the desired maximum external noise level of 50dB LAeq. and a barrier of 13 metres high is required to achieve the desired internal noise levels of 30dB LAeq for bedrooms during the day and 25dB LAeq during night time periods.
- 7.69 The provision of an acoustic fence of between 4 and 13 metres in height along the sites east elevation with Forfar Road would be unfeasible and would have a significant detrimental visual impact on the application site and Forfar Road Streetscape. The applicant therefore proposes an acoustic fence of 2.7 metres in height.
- 7.70 The proposed 2.7 metre high fence would achieve an external noise level of 54dB LAeq within the gardens of proposed houses within the east of the site, with noise levels reducing to 48dB LAeq within garden ground of properties within the west of the site towards Hebrides Drive. Overall, 9 houses and 8 cottage flats would fail to achieve the desirable external noise levels. With regard to internal noise levels, with windows closed the NIA considers 35dB LAeq could be achieved. However, with windows open noise levels would be similar to those of external areas reaching 50dB LAeq for all dwellings within the proposed development. As the proposed development would not meet the desired maximum noise levels the Head of Community Safety and Protection does not support the application.
- 7.71 Noise from traffic on A90/Forfar Road is unavoidable at this site which is allocated for housing. Whilst the proposals would not meet the desired maximum external noise level of 50dB LAeq, the levels predicted are not significantly in excess of this and would allow for a lower fence to be acceptable in this instance. The proposals are a redevelopment of a residential site which was previously occupied by flats with no acoustic barrier towards A90/Forfar Road. The provision of a 2.7 metre high acoustic fence would afford residents a reasonable level of amenity, and would result in a greater level of amenity and reduced noise levels when compared to the previous flats which occupied the site. To ensure the required acoustic fence is of an appropriate form and constructed prior to the occupation of any dwellings it is recommended full details are controlled by condition. With regard to internal noise, double glazed windows could achieve a noise level of 35dB LAeq, this would exceed the desired 30dB LAeq but would allow for level of residential amenity which would be reasonable for a site within close proximity to a dual carriageway. However, with windows open internal noise levels would exceed 35dB LAeq. To ensure properties can be ventilated with windows closed, it is recommended details of a mechanical ventilation system within each property is provided. The provision of an appropriate ventilation system can be controlled by condition. Subject to the provision of acoustic fencing and provision of a ventilation system which allows ventilation whilst the windows remain closed, the proposed development would provide residents with a reasonable level of amenity.
- 7.72 **The proposal is in accordance with Policy 39, subject to conditions.**
- 7.73 **Policy 41: 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.
- 7.74 The applicant has submitted a Preliminary Risk Assessment with the application. The Head of Community Safety and Protection has reviewed the assessment and supports the conclusions of the submitted investigation. To ensure that the requested further investigation and remedial measures are taken forward as part of the development it is recommended that contaminated land conditions are applied to any planning permission granted.

- 7.75 **The proposal is in accordance with Policy 41, subject to conditions.**
- 7.76 **Policy 44: Waste Management Requirements** - for Development states proposals require to demonstrate that they adequately address the Scottish Government's Zero Waste Policy and that sufficient provisions are made to maximise opportunities for waste reduction and waste separation at source and enable the separate collection of recyclable material as outlined in the Waste (Scotland) Regulations 2012.
- 7.77 In terms of waste management each dwelling and flat is served by a designated bin storage area within rear garden ground. The waste storage areas are of a size and location which is acceptable and able to cater for the number and types of bin required.
- 7.78 **The proposal is in accordance with Policy 41.**
- 7.79 **Policy 48: Low and Zero Carbon Technology in New Developments** - states proposals for all new buildings will be required to demonstrate that a proportion of the carbon emissions reduction standard set by Scottish Building Standards will be met through the installation and operation of low and zero carbon generating technologies.
- 7.80 The applicant has submitted proposed plans and street elevations which illustrate renewable technologies such as photovoltaic panels being incorporated into the proposed development. However, full details of the renewable technologies have not been provided. It is recommended the provision of a report demonstrating the requirements of Policy 48 are met is controlled by condition should Members be minded to approve the application.
- 7.81 **The proposal is in accordance with Policy 48, subject to a condition.**
- 7.82 **Policy 54: Safe and Sustainable Transport** - states 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 provide for easy access to local amenities, education facilities and other services.

Development proposals will be required to:

- 1 minimise the need to travel by private car;
- 2 provide facilities on-site (and/or off-site through developer contributions or by direct delivery) for walking, cycling and public transport networks, including road/junction improvements and cycle parking. Developments without high quality, safe and convenient links to adjacent walking and cycling networks will not be supported;
- 3 incorporate measures to permit access to public transport networks within a walking distance of no more than 400 metres from all parts of the development;
- 4 have no detrimental effect on the capacity or safe functioning of the existing road or rail networks;
- 5 ensure that safe and adequate provision is made for road freight and waste access, loading and unloading;
- 6 comply with the National Roads Development Guide and any local variations within Dundee City Council's roads design standards; and

- 7 be supported by a travel plan to mitigate transport impacts and improve the accessibility of developments where the council considers that the development will generate significant travel.

Walking and cycling routes should be fully useable prior to the first occupation of a new development.

- 1 The proposals are connected to surrounding residential areas and local shops and services by footpaths. There is also access to public transport with a bus stop immediately to the east of the site. The proposed site layout ensures connections to surrounding footpaths and bus stops are maintained.
- 2 The proposed development is provided with high quality, safe and convenient links to adjacent walking and cycling networks. Direct pedestrian access is provided onto Hebrides Drive and Forfar Road and bicycle storage areas will be provided within the proposed development. Streets in the vicinity of the development are suitable for use by pedestrians: being lit and being pedestrianised or having footways contiguous to the carriageway. Dundee Green Circular crosses the centre of the application site and runs to the south west along Hebrides Drive towards Dighty Water. The site therefore has excellent access to a signed cycle route and nearby open space including Caird Park and Finlathen Park.
- 3 The proposed site layout includes footpaths with direct access to two bus stops on Hebrides Drive and one stop on Forfar Road/A90. All of the bus stops are within 100 metres of the site and served by frequent services to surrounding residential areas and the city centre.
- 4 The applicant has provided a transport statement which demonstrates the proposal would have no detrimental effect on the capacity of the existing road or rail networks. The provision of adequate visibility splays on Forfar Road to the satisfaction of Transport Scotland will be controlled by condition.
- 5 The proposed site layout and form of access roads ensures there is adequate space for bin lorries and delivery vehicles to serve the proposed dwelling.
- 6 Vehicular accesses onto Hebrides Drive will be formed to Dundee City Council specifications, no further variations are required to roads surrounding the site.
- 7 The applicant has provided a summary of local public transport provision in support of the proposals, which demonstrate the proposal would be accessible and would not generate a significant travel requirement.

7.83 **The proposal is in accordance with Policy 54, subject to conditions.**

7.84 **It is concluded that the proposal does not fully comply with the provisions of the Development Plan.**

MATERIAL CONSIDERATIONS

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

A - JUSTIFICATION FOR A DEPARTURE TO THE DEVELOPMENT PLAN

7.86 **Applicant Supporting Statement** - the applicant has submitted planning and design statement which supports the provision of two bedroom houses and one bedroom flats within

the development. The mix, size and type of dwellings proposed would address a specific need for this type of accommodation in the area and the development would reduce waiting lists for such properties as a result.

- 7.87 The applicant has provided details from Dundee City Council Neighbourhood Services (Housing) Department which confirms the proposals are supported and would provide new social housing as part of the redevelopment of this area of Mill O' Mains. The proposed houses and flats would provide accommodation which is in line with the Dundee City Council Strategic Housing Investment Plan.
- 7.88 There is currently demand for social rented housing which meets expressed housing needs in the Mill O' Mains area. The provision of 1 bed units within the development is to meet the demand for this size of dwelling.
- 7.89 Similarly, there is strong demand for wheelchair accessible accommodation. To help meet this demand the proposed development includes wheelchair accessible housing and flats for residents with particular needs. This would meet the requirement for particular needs housing in the Strategic Housing Investment Plan 2018 – 23.
- 7.90 It is considered in this instance that the proposals would be a positive redevelopment for the area and would address specific local housing needs. The provision of good quality social housing which is of a size and form that meets the needs of the local area, while not fully meeting Adopted Dundee Local Development Plan standards, is considered to be acceptable and would be of sufficient weight to justify a departure from Appendix 4 standards in this instance.

B - MILL O' MAINS MASTER PLAN

- 7.91 A Masterplan for Mill O' Mains was formally approved by the Development Management Committee in July 2009. The proposed houses and flats represents the final phase of redevelopment of Mill O' Mains following the demolition of 68 flats within allocated housing sites H21 and H22.
- 7.92 The housing developed during phases 1 to 3 of the redevelopment of Mill O' Mains has successfully met the requirements for housing which is of a size and form that meets the needs of the local area and provides residents with modern housing and attractive open spaces.
- 7.93 It has been established in the assessment of the proposed development above that the proposed houses and flats do not comply with the requirements of the Local Development Plan. However, the provision of 2 bed houses with less than 100m² floor area and garden grounds of less than 120m² would be in keeping with the size and form of dwellings on Lewis Terrace, Lismore Terrace and Hebrides Drive. In addition it should be noted that the level of environmental quality and amenity afforded to the new build houses is significantly higher than the level of environmental quality and amenity afforded to the previous flatted properties. If the proposed houses had to satisfy the Local Development Plan guidelines for the provision of private useable garden ground this would reduce the number of houses that could be built.
- 7.94 With regard to garden ground provision the Mill O' Mains Masterplan allows for garden grounds below the standards outlined within the Local Plan, where the proposed gardens are of a scale and form which is in keeping with that of existing dwellings at Mill O' Mains. The proposals would afford all dwellings with a minimum private useable garden ground which is in keeping with the garden ground provision of neighbouring developments and is appropriate to the size of dwelling proposed.

- 7.95 The inclusion of one bedroom flats within the housing mix is in response to the changing needs of the local community. While contrary to internal size guidelines for flats within suburban areas of the City, the provision of one bedroom flats will enhance the variety and residential environment available to residents within Mill O' Mains.
- 7.96 **It is concluded that there are material considerations of sufficient weight in this case to justify approval of planning permission.**

8 CONCLUSION

- 8.1 The application for 17 houses and 28 flats is not in accordance with the Development Plan. However, 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.

9 RECOMMENDATION

- 9.1 It is recommended that planning permission be GRANTED subject to the following conditions:

- 1 **Condition** - development shall not begin until the investigation and risk assessment proposed in the submitted Stage I Desk Study is completed, and if required, an Intrusive Investigation and a scheme to deal with contamination at the site has been submitted to and approved in writing by the planning authority. The scheme shall contain proposals to deal with contamination to include:
 - a assessment of the risks associated with contaminant sources, pathway and receptors specific to the proposed use of the site, and if necessary;
 - b a remediation implementation plan detailing measures to treat/remove contamination and mitigate risks to ensure the site is fit for the proposed;
 - c Measures to deal with contamination during construction works; and
 - d Verification of the condition of the site on completion of decontamination measures.

Reason - In the interests of providing a site which is suitable for residential development.

- 2 **Condition** - before any unit is occupied the remediation strategy shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority

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

- 3 **Condition** - a visibility splay shall be provided and maintained to the south of Hebrides Drive to the satisfaction of the local Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.

Reason - to ensure that vehicles entering or exiting Hebrides Drive from A90/Forfar Road can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.

- 4 **Condition** - the proposed fences, shown on Drawing 01484_S_11, dated 29 October 2018, drawn by JTP, are to be re-sited such that they will not encroach into the visibility splay noted in the above condition.

Reason - to ensure that vehicles entering or exiting Hebrides Drive from A90/Forfar Road can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.

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

Reason - in the interests of vehicle and pedestrian safety within the proposed development and on Hebrides Drive.

- 6 **Condition** - Hebrides Drive. Details of the footway must be agreed prior to any works on site.

Reason - in the interests of vehicle and pedestrian safety and to ensure the site is accessible.

- 7 **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 on Hebrides Drive and Forfar Road.

- 8 **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

- 9 **Condition** - the hard surface within each curtilage 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.

- 10 **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.

- 11 **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.

- 12 **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.

- 13 **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 interest of flood prevention.

- 14 **Condition** - prior to the commencement of any works on site full details of the acoustic fence shall be submitted to the Council for written approval. Thereafter, the fence shall be completed as the approved details prior to the first occupation of the dwellings hereby approved.

Reason – to ensure an appropriate acoustic barrier is provided in the interest of residential amenity and to ensure the fence is of a design and form that is appropriate to the application site.

- 15 **Condition** - prior to the commencement of any 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.

- 16 **Condition** - prior to the commencement of development, details of a ventilation system for each dwelling will be submitted to the Council for written approval. Thereafter, the ventilation system approved by virtue of this condition shall be implemented and operational prior to the first occupation of any residential unit within the development.

Reason – to ensure adequate ventilation is provided within each dwelling with windows closed, allowing for internal noise levels to be reduced to a level which achieves a satisfactory level of residential amenity.

Informatives

- 1 The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Trunk Road and Bus Operations. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal. Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation. Trunk road modifications shall, in all respects, be designed and

constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

- 2 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.