

# Residential Development of 131 Homes and 4 Commercial Units, With Access, Landscaping and Associated Works

## KEY INFORMATION

**Ward** Coldsid  
**Address**  
 Site of Former Hilltown  
 Market  
 Main Street  
 Dundee

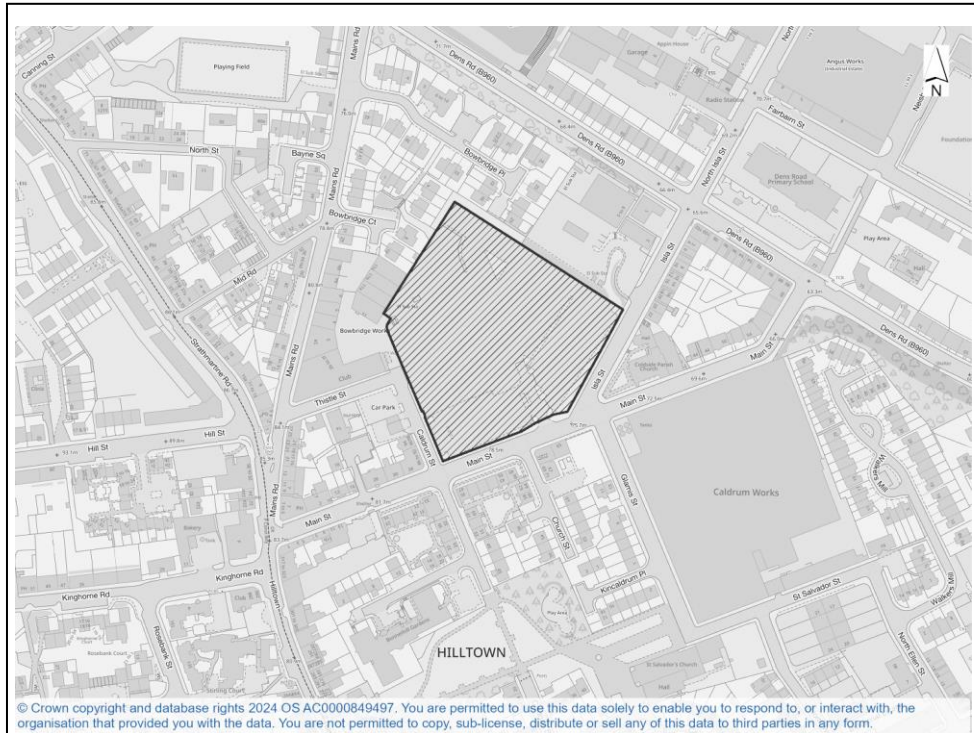
**Applicant**  
 Springfield Properties Plc

**Agent**  
 Springfield Properties Plc

**Validated:** 31 May 2023

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

**Contact:** Edward Bean



## SUMMARY OF REPORT

- Planning permission is sought for the erection of a residential development, comprising 131 social and mid-market affordable housing units and 4 commercial units.
- The site is a brownfield site that has lain vacant and derelict for several years.
- The application is not fully in accordance with the Development Plan as it fails to fully comply with the requirements of Policy 16f of NPF4. However, there are material planning considerations of significant weight which justify approval of planning permission.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. Two letters of objection were received, raising concerns with lack of nearby community facilities, the condition of surrounding roads, and antisocial behaviour. One neutral representation was received which supports the principle of the proposal but makes recommendations regarding the form of the development.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as it is a major development as identified in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.
- More details can be found at <https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=summary&keyVal=RSP05CGCJ2C00>

## RECOMMENDATION

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

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# 1 DESCRIPTION OF PROPOSAL

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- 1.1 Planning permission is sought for the erection of a residential development, comprising 131 social and mid-market affordable housing units with associated amenity space, landscaping and access as well as 337 square metres of commercial space.
- 1.2 The residential mix incorporates a combination of houses and flats ranging in size from 1 to 4 bedrooms with 10% of units specifically designed to accommodate wheelchair users. All dwellings are 100% affordable housing, comprising social housing and properties for mid-market rent. The proposed mix is as follows:
- 11 x 1 bed flats;
  - 94 x 2 bed flats;
  - 5 x 3 bed flats;
  - 4 x 2 bed wheelchair adaptable houses;
  - 5 x 4 bed wheelchair adaptable townhouses;
  - 4 x 2 bed wheelchair adaptable flats; and
  - 8 x 2 bed duplex flats.
- 1.3 Four commercial units with a total floor space of 337 square metres would be located at ground floor level of Block A facing onto Thistle Street. The applicant has not identified operators for the commercial units at the time of determination. However, it is envisioned that any future use of the commercial/retail units would fall within Class 1A (Shops, Financial, Professional and Other Services) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended).
- 1.4 The physical form is comprised of three flatted blocks (Block A, B & C), a terrace containing wheelchair adaptable flats and duplex flats, 3 storey townhouses and 2 storey houses.
- 1.5 Block A, the largest block would be positioned in the southernmost corner of the application site where Caldrum Street meets Main Street. This 'L' shaped block would be 6 storeys in height in the southernmost corner of the site, dropping down to 5 storeys on its north and east side, and would contain 55 flats.
- 1.6 Block B would be positioned against the south-east edge of the application site adjacent to Isla Street and would contain 35 flats.
- 1.7 Block C would be positioned against the west edge of the application site adjacent to Thistle Street and the Bowbridge Works buildings, and would contain 20 flats.
- 1.8 The block containing the wheelchair adaptable flats and duplex flats would take the form of a 3 storey terrace which would be positioned opposite the north-east boundary of the site.
- 1.9 The houses and townhouses would also each take the form of a terrace which would be positioned opposite the north-west boundary of the application site. The house terrace would be 2 storeys in height whilst the townhouses would be 3 storeys in height.
- 1.10 For the main flatted blocks, facing brick forms the principal material with two complementary tones of light buff and contrasting dark charcoal. A range of features will break up key frontages, such as projecting bricks, recessed balconies (Block A and B) and inset cladding panels. The ground floor commercial units would be finished with large, glazed curtain walling divided by dark cladding panels. A projecting canopy creates a horizontal break between commercial and residential, helping to emphasise the commercial entrances.

- 1.11 The block containing the wheelchair adaptable flats and duplex flats would also be constructed from facing brick, with a mix of dark brick at ground floor level, and light brick at first and second floor level. The townhouses would be constructed from light coloured brick whilst the terraced houses would be constructed from dark coloured brick. Projecting brick wall features would provide visual interest.
- 1.12 A central green open space to be used as a communal amenity area has been created as the main focal point with the buildings arranged around the perimeter. The green also contains pedestrian routes through the space to connect each of the buildings which are inset to the site, with wider links connect to Thistle Street and Main Street. The proposal also incorporates parking provision, covered cycle storage, soft and hard landscaping and public open space forward of the proposed commercial units. Acoustic fencing is also proposed to be installed around the periphery of the site as well as a new substation on the west side of the site.
- 1.13 The applicant has submitted the following in support of the application:
- Pre-Application Consultation Report;
  - Design and Access Statement;
  - Drainage Assessment;
  - Preliminary Site Investigation,
  - Energy Statement;
  - Transport Statement;
  - Tree Survey; and
  - Noise Impact Assessment.









Figure 2- CAD image of proposed site

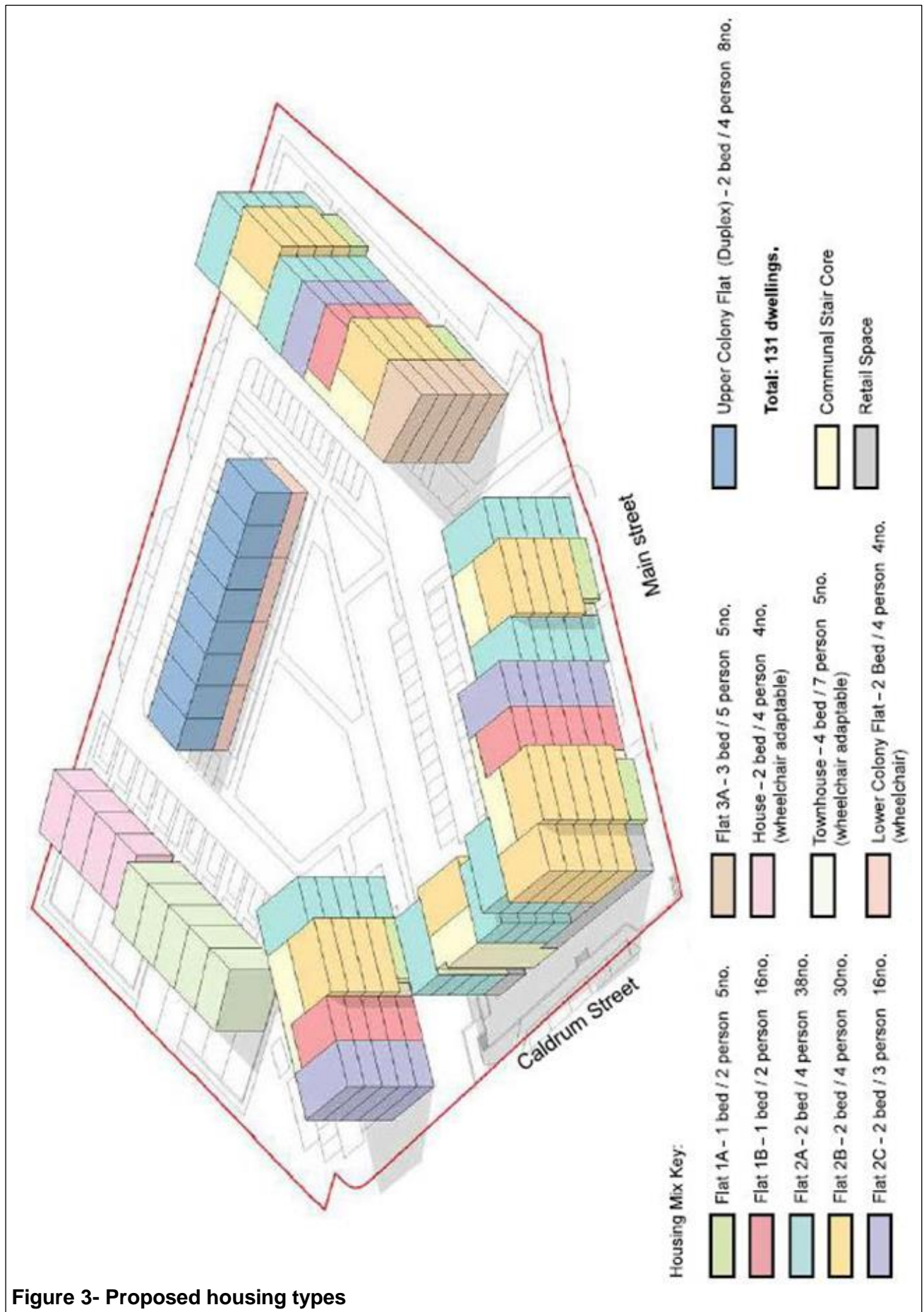


Figure 3- Proposed housing types



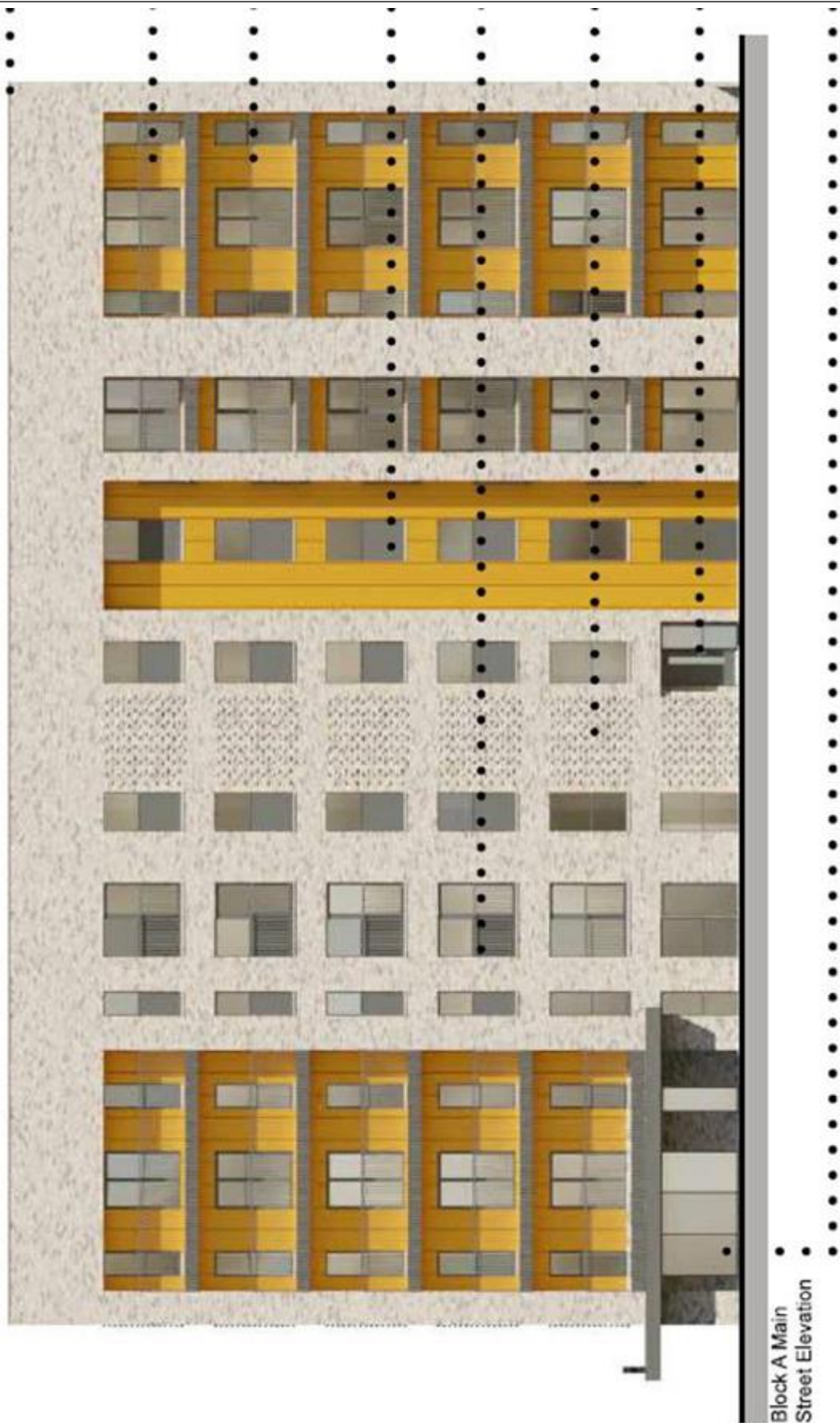


Figure 4- Main Street Block A elevations



Figure 5- Block B elevations



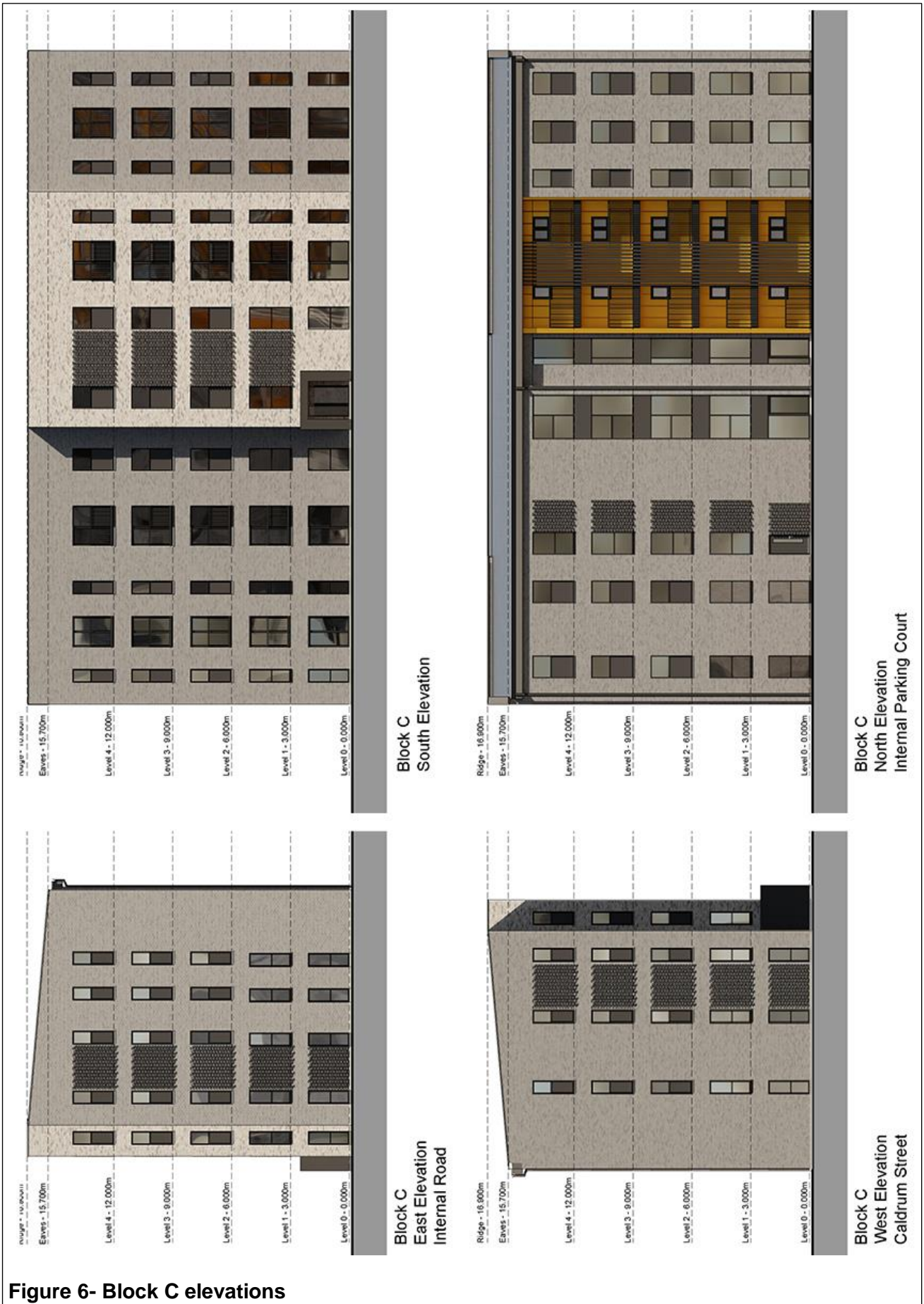


Figure 6- Block C elevations



Figure 7- Terraced duplex flats elevations



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## 2 SITE DESCRIPTION

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- 2.1 The application site application site is located on the north side of Main Street and measures some 1.6 Ha in area. It is bounded by Main Street to the south, Caldrum Street to the west and Isla Street to the east. To the north lies the residential properties within Bowbridge Court and Bowbridge Place, together with a small grouping of industrial buildings and an EV charging station accessed from Isla Street. Several commercial units also exist at the north end of Caldrum Street. The application site was most recently the location of a fitness club operated by Energie. However, the site has now been cleared of all buildings and lies vacant, enclosed by Heras fencing. Several mature trees existing along the roadside boundary with Isla Street.
- 2.2 Physically, the site is relatively level, but the street level reduces from east to west meaning there is a bank up to Caldrum Street to the west, and a drop onto Isla Street and the industrial units and EV charging station to the north-east.
- 2.3 Although the application site is not within a conservation area, the Category C listed Bowbridge Works Gates and Gatepiers are near the west of the site.
- 2.4 The site is not allocated in the Dundee Local Development Plan for any particular use, but is located within the Inner City, and within the Hilltown District Centre as shown on the LDP Proposals Map.



**Figure 8- View of site from Main Street/ Isla Street junction**





Figure 9- View of Site from Caldrum Street/ Main Street junction



Figure 10- View of site entrance facing Main Street



Figure 11- View across site facing Main Street

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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:

**NATIONAL PLANNING FRAMEWORK 4 (NPF4)**

Policy 1: Tackling the climate and nature crises

Policy 2: Climate mitigation and adaptation

Policy 3: Biodiversity

Policy 6: Forestry, woodland and trees

Policy 7: Historic assets and places

Policy 9: Brownfield, vacant and derelict land and empty buildings

Policy 12: Zero waste

Policy 13: Sustainable transport

Policy 14: Design, quality and place

Policy 15: Local living and 20 minute neighbourhoods

Policy 16: Quality homes

Policy 19: Heat and cooling

Policy 22: Flood risk and water management

Policy 23: Health and safety

Policy 27: City, town, local and commercial centres

**DUNDEE LOCAL DEVELOPMENT PLAN 2019 (LDP)**

Policy 1: High Quality Design and Placemaking

Policy 2: Public Art Contribution

Policy 10: Design of New Housing

Policy 17: Small Scale Commercial Uses within Residential Areas

Policy 21: Town Centre First Principle

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 46: Delivery of Heat Networks

Policy 48: Low and Zero Carbon Technology in New Development

Policy 49: Listed Buildings

Policy 54: Safe and Sustainable Transport

Policy 56: Parking

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

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## 4 SITE HISTORY

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4.1 Proposal of Application Notice 22/00156/PAN was submitted in March 2022 for a proposed new housing and ground floor mixed use development.

4.2 Planning application 19/00846/FULL for a new leisure park was granted consent in September 2021.

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## 5 PUBLIC PARTICIPATION

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- 5.1 A Pre-application Community Consultation Report has been submitted with this major planning application. This sets out what has been done during the pre-application phase to comply with the statutory requirements for pre-application consultation with the public. Namely that the applicant conducted two in person consultation events, as well as hosting a website which allowed for the provision of feedback.
- 5.2 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- 5.3 Two letters of objection were received, raising the following material considerations:
- the existing traffic levels and associated noise are high, and the proposals will exacerbate this;
  - the condition of the existing road network in the area is poor and the proposals will exacerbate this;
  - the proposals will increase the current levels of anti-social behaviour;
  - the site should be used for business, instead of housing and retail;
  - no details have been submitted for the proposed retail units;
  - lack of nearby community facilities; and
  - concern about maintenance of the site
- 5.4 One neutral letter of representation was received. The letter confirms there is no objection to the principle of the development at this location, but does raise the following points:
- there is no consideration of district or even block heating, but only the heating of individual flats, with no attempt to provide renewable energy;
  - the layout does not permit maximum solar gain as stated in the submitted Sustainability Statement;
  - the shallow roof pitches are not suitable for solar panels and a steeper pitch would be more in keeping with the architecture of surrounding buildings;
  - the elevations would benefit from more variation in design;
  - the site layout suffers from an over-dominance of car parking, which needs breaking up with more greenery;
  - there is no biodiversity statement contained within the design statement;
  - more landscaping and planting should be provided on the north-east side of the site;
  - a public art contribution should be provided by the developer within the site; and
  - cycle storage provision should be one per household and should be secure.



- 5.5 The valid grounds of representation are taken into account in the material considerations section of this report.

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## 6 CONSULTATIONS

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- 6.1 **Head of Communities, Safety and Protection** has commented on the following matters:

**Contaminated Land** – a preliminary site investigation has been submitted and reviewed. Conditions are recommended should planning permission be granted.

**Odour** - as there is no high-level discharge or an extract ventilation system proposed for the commercial units, it is recommended that a condition is included which limits the carrying out of cooking/reheating within the commercial premises, together with details of the proposed occupying uses.

**Noise** – the applicant has submitted a noise impact assessment (NIA) in support of the application. The NIA identifies mitigation measures will be required to achieve target internal noise levels. As the NIA details that internal noise criteria are only able to be achieved with windows closed, there needs to be appropriate alternative ventilation. Should planning permission be granted, it is recommended the implementation of mitigation measures as outlined in the NIA, together with details of ventilation are provided prior to occupation. Further conditions are also recommended in relation to control of noise levels from plant equipment and a sub-station.

- 6.2 **Head of Environment** - recommends that a detailed landscape and maintenance plan, together with tree protection plan is provided prior to any works beginning. Subject to the imposition of conditions requiring the above, the Head of Environment does not object to the proposals.
- 6.3 **Head of Sustainable Transport and Roads** – reviewed the Transport Statement submitted with the application and is satisfied with its conclusion. The Head of Sustainable Transport and Roads does advise that several conditions are required should planning permission be granted.
- 6.4 **Scottish Water** - has no objection to the proposal.

## 7 DETERMINING ISSUES

- 7.1 **Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission 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.

#### Principle of Development

- 7.2 **NPF4 Policy 9a: Brownfield, Vacant and Derelict Land and Empty Buildings** – states development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.

- 7.3 The application site was most recently the location of a fitness club operated by Energie. However, following a fire the site has now been cleared of all buildings and lies vacant, enclosed by temporary fencing. The site does not contribute positively to the surrounding area, instead detracting from it due to the sense of vacancy and dereliction the existing site and concrete hard standing conveys. It has also become a target for fly tippers. Redevelopment of the application site would improve this situation to a significant degree. The proposal seeks to completely clear the site and erect residential development with commercial units across several blocks. The proposal would support the long-term use and occupation of this inner-city site providing residential accommodation and generating footfall within a highly accessible location.
- 7.4 The existing site does not contribute to biodiversity, other than the existing roadside trees which are proposed to be retained. The redevelopment of the site provides opportunities to incorporate planting and measures to support wildlife such as bird or bat boxes, which will enhance its biodiversity value. Overall, the proposed development would be in a highly accessible, brownfield site supporting the re-use of vacant land and contributing to the vitality and vibrancy of the Hilltown District Centre.
- 7.5 **The proposal is in accordance with NPF4 Policy 9a.**
- 7.6 **NPF4 Policy 16b: Quality Homes** - states that development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:
- i meeting local housing requirements, including affordable homes;
  - ii providing or enhancing local infrastructure, facilities and services; and
  - iii improving the residential amenity of the surrounding area.
- 7.7 The applicant has submitted a Statement of Community Benefit.
- 7.8 In reference to point i) the applicant explains that the proposal is for 100% affordable housing, resulting in 131 new homes. The house types proposed range from 1–3 bedroom flats and 2-4 bedroom houses and townhouses. From single occupants to families, the range of house types proposed meets a range of needs and demands. 10% of the properties proposed are wheelchair adaptable. All flats have lift access and are designed to Housing for Varying Needs space standards.
- 7.9 In reference to point ii) the applicant explains that the central accessible open space, along with the provision of commercial/retail units, will provide and enhance the local infrastructure, facilities and services.
- 7.10 In reference to point iii) the applicant explains that the application site is brownfield and currently classed as vacant and derelict land. There is no purpose to the site, and in its current form, degrades the amenity of the neighbouring area. Development of this site, with the design principles proposed, will bring a significant improvement to the residential amenity. The mixed-use nature of the site provides commercial/retail space for residents in the surrounding area to use and gives the opportunity for local investment through the expansion or start-up of new businesses.
- 7.11 The Statement of Community Benefit adequately explains how the development will benefit the local community.

- 7.12 **The proposal is in accordance with NPF4 Policy 16b.**
- 7.13 **NPF4 Policy 16c: Quality Homes** - states that development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, including affordable homes, will be supported.
- 7.14 The supporting statement advises that the need and demand for affordable housing in the area, along with the type and mix proposed has been established through discussions with Hillcrest to provide specific property types to meet their residents' requirements. All dwellings are 100% affordable housing, comprising social housing and properties for mid-market rent.
- 7.15 **The proposal is in accordance with NPF4 Policy 16c.**
- 7.16 **NPF4 Policy 16e: Quality Homes** - states that development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:
- i a higher contribution is justified by evidence of need, or
  - ii a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.
- The contribution is to be provided in accordance with local policy or guidance.
- 7.17 All dwellings are affordable housing, comprising social housing and properties for mid-market rent. The LDP notes that it will help meet the Local Housing Strategy through improvements to the quality, affordability and choice of housing across tenures and markets. The LDP strategy supports the delivery of affordable housing within the City through enabling the continued partnership working with the Scottish Government, affordable housing providers and developers. In this case the applicant is working with Hillcrest Housing Association who have, through partnership working with the Council identified a demand for the housing and in turn identified the site for funding through the Dundee Strategic Housing Investment Plan 2023 – 2028.
- 7.18 **As the development is for affordable housing it is in accordance with NPF4 Policy 16e.**
- 7.19 **NPF4 Policy 16f: Quality Homes** states that development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:
- i the proposal is supported by an agreed timescale for build-out;
  - ii the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20-minute neighbourhoods; and
  - iii either:
    - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
    - the proposal is consistent with policy on rural homes; or



- the proposal is for smaller scale opportunities within an existing settlement boundary; or
- the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

7.20 In relation to point i), the applicant advises that it would be their intention to start on site in March 2025 and it would be a 24-month build, finishing in March/April 2027.

7.21 In relation to point ii), the site is not allocated in the Dundee Local Development Plan for any particular use, but is located within the Inner City, and within the Hilltown District Centre, where residents would have access to a wide range of services, supporting the provision of 20-minute neighbourhoods.

7.22 In relation to point iii) the proposal does not meet any of the criteria.

7.23 **The proposal is therefore not fully in accordance with NPF4 Policy 16f.**

7.24 **NPF4 Policy 15a: Local Living and 20-minute neighbourhoods** - states development proposals will contribute to local living including, where relevant, 20-minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:

- sustainable modes of transport including local public transport and safe, high-quality walking, wheeling and cycling networks;
- employment;
- shopping;
- health and social care facilities;
- childcare, schools and lifelong learning opportunities;
- playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
- publicly accessible toilets; and
- affordable and accessible housing options, ability to age in place and housing diversity.

7.25 The proposal is for the erection of a residential development, comprising 131 social and mid-market units with associated amenity space, landscaping and access as well 4 commercial units.

7.26 The site is in a highly accessible district centre location, within walking distance of a range of shops, services and amenities. The site is connected to the surrounding area by existing footpaths, and within 20 minutes walking distance of facilities including primary and secondary schools, public open space, places of employment and health and social care facilities.

7.27 The site is connected by public footpaths to open spaces within the wider area, including Canning Street and Hilltown Park. There are playgrounds and sports facilities within the local area.

7.28 The supporting statement advises that the applicant has been working with Hillcrest Housing Association to identify the need and demand for affordable housing in the area, with the type and mix proposed having been established through discussions with Hillcrest to provide specific property types to meet their residents' requirements. All dwellings are 100% affordable housing, comprising social and mid-market properties. The proposal would therefore contribute to the range and availability of affordable housing in the city and help meet demand.

- 7.29 Overall, the proposed development is well connected to surrounding facilities and services by existing footpaths and roads. The site is within the Hilltown District centre where residents would have access to a wide range of services, supporting the provision of 20-minute neighbourhoods.
- 7.30 **The proposal is in accordance with NPF4 Policy 15a.**
- 7.31 **NPF4 Policy 27a: City, Town, Local and Commercial Centres** - states that development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.
- 7.32 **NPF4 Policy 27b: City, Town, Local and Commercial Centres** - states that development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces will be supported in existing city, town and local centres.
- 7.33 **LDP Policy 21: Town Centres First Principle** - states all new or expanded uses that will generate significant footfall should be located in the City Centre or a District Centre.
- 7.34 The application is for a new build mixed use residential development, comprising 131 social and mid-market units as well as 337 square metres of commercial space. The commercial aspect of the proposed development would generate footfall. It would be contained within an accessible location within the Hilltown District Centre. The proposal would return to use a site which is currently vacant and provide a well-connected development in a location that would support the vibrancy and vitality of the Hilltown District Centre.
- 7.35 **The proposal is in accordance with NPF4 Policy 27a and Policy 27b and LDP Policy 21.**
- 7.36 **NPF4 Policy 27e: City, Town, Local and Commercial Centres** - states development proposals for residential development within city/town centres will be supported, including new build residential development.
- 7.37 The proposed development is for a new build mixed use residential development, comprising 131 social and mid-market units as well as 337 square metres of commercial space. The provision of residential accommodation within the District Centre supports the principles of local living and sustainable travel and encourages town centre living as required by Policy 27e.
- 7.38 **The proposal is in accordance with NPF4 Policy 27e.**
- 7.39 **LDP Policy 17: Small Scale Commercial Uses within Residential Areas** - states that 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 residents by virtue of design, layout, parking and traffic movement, noise or smell.
- 7.40 It is proposed that four commercial units with a total floor space of 337 square metres would be located at ground floor level of Block A facing onto Caldrum Street. The applicant has not identified operators for the commercial units at the time of determination. However, it is envisioned that any future use of the commercial units would fall with Class 1A of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

- 7.41 The commercial units are to be located within the ground floor of Block A which faces onto Caldrum Street. As assessed within this report, the proposal is consistent with the six qualities of successful places. The development, of which the commercial units form part, will be distinctive and well connected, and will contribute positively to the appearance of the Hilltown District Centre.
- 7.42 As assessed within this report, it is considered that subject to the inclusion of planning conditions, the commercial units would have the ability to be accommodated without having a detrimental effect on the residential amenity of existing nearby residents.
- 7.43 **The proposal is in accordance with LDP Policy 17, subject to conditions.**

### Design

- 7.44 **NPF4 Policy 14b: Design, Quality and Place** states development proposals will be supported where they are consistent with the six qualities of successful places:
- **Healthy:** supporting the prioritisation of women's safety and improving physical and mental health;
  - **Pleasant:** supporting attractive natural and built spaces;
  - **Connected:** supporting well connected networks that make moving around easy and reduce car dependency;
  - **Distinctive:** supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity;
  - **Sustainable:** supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions; and
  - **Adaptable:** supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.
- 7.45 **LDP Policy 1: High Quality Design and Placemaking** - all development proposals should follow a design-led approach to sustainable, high quality placemaking. Development should contribute positively to the quality of the surrounding built and natural environment and should be planned and designed with reference to climate change mitigation and adaptation. 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.
- 7.46 The built environment of the nearby vicinity is predominantly between 2 and 4 storeys in height, with the immediate context formed by 4-storey tenement buildings on Caldrum Street and Main Street and 2-storey dwellings both on Main Street and at Bowbridge Court/Place. The surrounding area currently features a mix of new and old developments, with existing structures using materials such as brick, render, stone, metal, and timber cladding, resulting in a diverse architectural palette within this part of the Hilltown District Centre.



- 7.47 In response to this context, the proposed development respects the height established by adjacent buildings to create a harmonious relationship. The development site is relatively flat in comparison with its surroundings. However, the site does sit 1.3/1.5m below Caldrum Street and part of Main Street, meaning that although Block A is 6-storeys in height, its overall height is not dissimilar to the 4 storey tenement buildings on the west side of Caldrum Street.
- 7.48 With the corner of Block A being 6 storeys in height, it offers scale and mass to the prominent corner of Main Street and Caldrum Street, subsequently stepping down to 5 storeys to the north and east. The varied storey heights create a sense of hierarchy, with the L-shaped Block A on the corner of Main Street and Caldrum Street serving as the main structure on this prominent corner. Similarly, Block B with its 5-storey height helps to provide a strong street presence, and when considered in combination with Block A, they provide an inviting frontage to the south, west and south east sides of the development. Adjacent buildings along the boundary edges step down to five storeys, while structures within the site decrease appropriately to three and two storeys where they face existing housing. This variation in scale is reflective of the surrounding area. The proposal responds positively and sensitively to the character of the area and maintains the established density of development in this inner-city location.
- 7.49 The lowered retail zone facing onto Caldrum Street enhances the urban realm along Caldrum Street and at the junction with Main Street. The applicant explains that the hard-landscaped area adjacent to the commercial units will feature formal seating, street trees, and raised planters, creating an aesthetically pleasing public zone with direct access to the commercial units.
- 7.50 Block C, together with boundary treatments have been intentionally set back from the west edge of the application site to avoid any harmful impacts on the C listed Bowbridge Works Gates and Gate piers. The form and scale of the proposal has been considered to reduce the physical impacts of the development on the nearby listed building, and to ensure there is no significant impact on the setting of the building.
- 7.51 By virtue of the above, the height, scale and massing of the proposed buildings are in keeping with that of the existing buildings surrounding the application site. With regard to the character and amenity of Main Street and surrounding buildings, the scale, massing and design of the proposed development is such that the proposal will integrate into the existing streetscape.
- 7.52 The proposals are therefore considered to be an acceptable scale of development in this location, which reflects the general height of buildings along Main Street and within the wider Inner City area and would create an appropriate development scale and height that respects the surrounding context.
- 7.53 The provision of high-quality finish materials on a development which is in a prominent location on Main Street is essential to ensure the proposals contribute positively to the local streetscape and improve the character of the local area. The proposed development would be of modern design, and a simple, robust, and cohesive palette of materials has been carefully chosen for use throughout the development to establish a strong sense of place and complement the existing built environment. Facing brick serves as the primary material, with two complementary tones: a multi-stock earthy light buff and a bold, contrasting dark charcoal. Various features will break up key frontages, including projecting bricks, recessed balconies, and contrasting materials. Full details and samples of the proposed finish materials, as well as a landscaping plan will be controlled by condition to ensure the development contributes to the character and quality of the local area.
- 7.54 The development has been carefully planned to allocate a significant portion of space to landscaping, ensuring a generous amount of maintained attractive greenspace throughout.

The proposal includes various landscaped areas, including informal public spaces, commercial areas, secure semi-private courtyards, and parking areas. The central green area serves as an engaging focal point, featuring a variety of amenity spaces subdivided to accommodate different uses. This mix includes soft and hardscaped finishes, as well as boundary treatments such as raised planters and seating, picnic areas, passive play zones, and shared community gardening opportunities. The proposal positively promotes wayfinding and a sense of orientation.

- 7.55 The proposal would be well connected to the existing road and path network linking the development to the surrounding area. Through design, the development creates a safe environment for a variety of users and considers how people will move through those spaces. The courtyard landscaping will be overlooked by the properties, host a variety of amenity uses and provide opportunities to establish community engagement within the development. Living rooms are mostly positioned to the front overlooking the streets and busy public areas, with bedrooms predominantly to the rear preventing noise pollution from busy streets. Entrances to blocks are welcoming and transparent and clearly defined with lots of glazing and change of facade material. There is provision of public transport in the surrounding area with a bus stop on Main Street directly to the south of the application site. A core path is also within proximity on Hilltown.
- 7.56 The applicant explains that internal road network will be softened with the addition of street trees, hedging, boundary walls, and low shrub planting at the ends of parking bays. The assessment against Policy 6 above outlines that conditions are attached to include mitigation for any trees loss, together with further biodiversity enhancement measures. Subject to the aforementioned planting, the site has the potential to create an attractive environment for future residents.
- 7.57 The site is currently vacant brownfield land and does not offer a positive contribution to the surrounding area, instead detracting from it due to the sense of vacancy and dereliction the existing site and concrete hard standing conveys. The application site has also become a target for fly tippers. The proposal seeks to introduce a modern high-quality development. The site is not at any specific risk from climate change and would not cause harm to nature given its brownfield nature. The new building would enhance the visual amenity of Main Street and improve the quality of the surrounding area. The proposed development would therefore demonstrate compliance with the six qualities of successful place.
- 7.58 For the reasons considered above, the proposal is consistent with the six qualities of successful places. The development will be distinctive and well connected and contribute positively to the appearance of this prominent District Centre site.
- 7.59 **The proposal is in accordance with NPF4 Policy 14b and LDP Policy.**
- 7.60 **LDP Policy 10: Design of New Housing** - design and layout of new housing developments in Dundee should be of a high quality and contribute to creating places that respect and enhance the distinct character and identity of the different parts of the City.

All new housing developments should meet the six qualities of successful place, as set out in Policy 1 and should provide a balanced choice and type of housing.

All new housing developments will be required to conform to the guidance on the Design of New Housing set out in Appendix 4.

All new housing developments will need to ensure that the design and layout respects and enhances the character of adjoining properties and the surrounding area and does not have a detrimental impact on residential amenity and parking.

- 7.61 The proposed development is required to meet the Inner-City Standards set out in Appendix 4. Each standard is considered in turn:
- 7.62 **House Type** - houses should have 2 or more bedrooms. In addition, 65% to have 3 or more bedrooms or a minimum gross internal floor area of living accommodation of 100m<sup>2</sup>. Flats will be 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 and houses are impractical. All flats will have a minimum of 2 bedrooms or a minimum gross internal floor area of 60m<sup>2</sup>.
- 7.63 The residential aspect of the development comprises 131 units incorporating a combination of townhouses and flats ranging in size from 1 to 4 bedrooms. The proposed mix is as follows:
- 11 x 1 bed flats;
  - 94 x 2 bed flats;
  - 5 x 3 bed flats;
  - 4 x 2 bed wheelchair adaptable houses;
  - 5 x 4 bed wheelchair adaptable townhouses;
  - 4 x 2 bed wheelchair adaptable flats; and
  - 8 x 2 bed duplex flats.
- 7.64 In terms of the development of flats on this site, the supporting statement advises that the applicant has been working with Hillcrest Housing Association to identify the need and demand for affordable housing in the area, with the type, quantity and mix proposed having been established through discussions with Hillcrest to provide specific property types to meet their residents' requirements. The proposed flats would therefore contribute to the range and availability of affordable housing in this part of the city and would satisfy the identified demand both in terms of tenure and quantity of units. As the level of demand requires flatted properties, their construction on this site is adequately justified.
- 7.65 All houses have at least 2 bedrooms with a gross internal floor area of at least 100 square metres. All flats have an internal floor area of at least 60 square metres, therefore meeting the requirements of this standard.
- 7.66 **Car Parking** - all tenures should have at least 1 parking space within the curtilage of each dwellinghouse. Social rented flats should have 100% parking provision.
- 7.67 Flats - there are 110 parking spaces proposed for the 110 flats.
- 7.68 Block of flats containing wheelchair adaptable flats - there are 12 parking spaces proposed for the 12 flats. The 4 ground floor wheelchair flats will all have an accessible disabled parking bay, with the 2 bedroom upper duplex flat each having their own parking space. There are a further 3 communal parking bays on the opposite side of the road. These spaces can also serve as visitor spaces. The total parking, including communal spaces, equates to 15 spaces (125%).
- 7.69 Houses/Townhouses - the two-bedroom terrace housing, and the three storey 4 bedroom townhouses all have an in-curtilage private driveway, along with a further 6 communal parking bays. The total parking for the 12 terraced housing units, including communal spaces, equates to 16 spaces (133%)
- 7.70 The proposed parking provision meets the requirements of this standard.
- 7.71 **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. For flats, secure

indoor storage for bikes will be provided in accordance with the number of flats being provided. Conversions may require a more flexible or creative approach to cycle storage.

- 7.72 Each block will be provided with 100% cycle provision by providing a secure, sheltered space either within the block or in the form of a secured external pergola style enclosure. The houses all have secured rear gardens or generous internal storage to house a bike.
- 7.73 **Amenity/Garden Ground** - a minimum of private useable garden ground of 50 square metres should be provided for all houses. In addition, 30% should have garden ground of more than 75 square metres. For flats, a useable private communal garden area of a minimum of 100 square metres or 10 square metres per flat, whichever is greater is required. Drying areas to be provided in addition. Private communal garden provision may be reduced if balconies that are useable and attractive in terms of size and outlook are provided.
- 7.74 A minimum of 1,100 square metres of open space is required for the 110 flats. The proposal, with its central green space provides more than double this at 2,408 square metres. When taking into account the front of block amenity space, the developments useable open space totals 3461 square metres which equates to 34 square metres per flat. In addition, each of the blocks have a rear courtyard to house the functional requirements including drying areas and cycle storage. The flats within block A will also be provided with a very spacious balcony to further enhance their amenity. The terraced houses have their own private rear garden providing at least 75 square metres of private amenity space.
- 7.75 The garden ground requirement is therefore met.
- 7.76 **Privacy** - a minimum of 18 metres between the facing windows of habitable rooms.
- 7.77 A privacy distance of 18m has been retained between the habitable windows of new houses and existing residential properties surrounding the site. The layout of the site has been sensitively designed to mitigate any privacy issues. Overall, the proposal would not result in any loss of privacy due to harmful overlooking. This standard is met.
- 7.78 **General Requirements** - provision for waste and recycling should be provided in accordance with the Council's waste management strategy. Also, parking areas should include provision for electric car charging points.
- 7.79 The bins for low-rise terraced dwellings are stored in the rear garden and will be presented on street on collection days. The flatted blocks have an external refuse store and integral store, which both have the ability to be easily accessed. 'Pergola' style bin and recycling stores with facing brick and timber slatted perimeter walls provide an aesthetically pleasing enclosure which integrates with the road and pedestrian network landscaping, whilst permitting natural surveillance and ventilation. Block A has been designed with an internal bin and bike store. Commercial and domestic waste will be segregated and provided with separate collection points. The proposal is to have a separate safe and secure bin store for the commercial units.
- 7.80 It is proposed that there will be 100% electric vehicle charging points provided, meaning the properties are capable of EV charging installation as required through the Building (Scotland) Regulations. This standard is met.
- 7.81 The proposals are generally in accordance with the Appendix 4 standards.
- 7.82 Policy 10 requires that new development does not have a detrimental impact on residential amenity. The plans show that the proposed Block A in the south-west corner of the development is located where its six storey height may impact on the level of daylight and sunlight entering the existing tenement flats on Caldrum Street to the west.



- 7.83 It is acknowledged that there would be some loss of light to those properties. However, by virtue of their close proximity to the junction of Main Street and Caldrum Street, the dwellings on the west side of Caldrum Street benefit from a relatively open aspect to the south. It is also 18 metres from the windows to Block A meaning that the development would not have an overbearing effect on the Caldrum Street flats. This relative openness and distance between buildings means that the loss of light is likely to be at a level which would not significantly reduce the levels of light within the affected properties to such a degree that there would be a detrimental impact on residential amenity.
- 7.84 It is also noted that the height, massing, and position of the building in the context of the existing streetscape would not be atypical of the relationship between historic buildings found in the nearby surrounding streetscape. The positioning of the proposed building close to the junction of Main Street and Caldrum Street creates a strong street frontage, with Block A on the corner of Main Street and Caldrum Street serving as the main structure on this prominent corner. The building subsequently steps down to 5 storeys to the north and east, to create a sense of hierarchy, and is no higher than the tenement block to the west. Block A is sufficiently set back into the site that harmful overlooking would not occur.
- 7.85 The proposal would otherwise be a sufficient distance away from any other existing neighbouring properties that they would not have an overbearing effect, nor result in any harmful loss of sunlight or daylight.

7.86 **The proposal is in accordance with LDP Policy 10.**

#### **Public Art**

7.87 **LDP Policy 2: Public Art Contribution** – 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.

7.88 The proposals will require to provide public art as part of the development. Details of the public art have not been confirmed as part of this application. Therefore, it is recommended that full details of public art provision, and its completion as part of the development be secured by condition.

7.89 **The proposal is in accordance with LDP Policy 2 subject to a condition.**

#### **Transport**

7.90 **NPF4 Policy 13b: Sustainable Transport** - states development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

- i provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
- ii will be accessible by public transport, ideally supporting the use of existing services;
- iii integrate transport modes;
- iv provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;

- v supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
- vi are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
- vii have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
- viii adequately mitigate any impact on local public access routes.

7.91 **LDP Policy 54: Safe and Sustainable Transport** - 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.

7.92 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.

7.93 **LDP Policy 56: Parking** – states for developments outwith the city centre, all new developments shall be required to comply with Dundee City Council's adopted guidance on road standards; with the national maximum parking standards; and the national minimum disabled parking standards. Residential developments should include infrastructure to provide electric car charging points, either through electrical connections adjacent to private driveways, or through infrastructure for the installation of charging points within communal car parking areas. All new developments should include cycle parking facilities in accordance with Dundee City Council's adopted guidance on roads standards and the Appendix 4 design standards.

7.94 In respect of the policy criteria, the development proposal includes direct connections to existing footpaths and streets which would provide safe and convenient access to local facilities in the Hilltown District Centre and surrounding area. The site is adequately served

by public transport, with a bus stop on Main Street directly to the south of the application site. This stop is served by regular services to the city centre and Lochee.

- 7.95 It is proposed that there will be 100% electric vehicle charging points provided. Each block will be provided with 100% cycle parking by providing a secure, sheltered space either within the block or in the form of a secured external pergola style communal enclosure. The houses all have secured rear gardens or internal storage to house a bike. Further details of the external cycle parking will be required to be agreed through a planning condition and this will also require the cycle parking to be provided prior to first occupation of the development. The proposal would utilise existing footpaths on Main Street and Thistle Street, with direct access on surrounding streets. The existing footpaths and road crossing ensure that safe and adequate provision is made for walking, cycling and road vehicles including delivery and refuse vehicles.
- 7.96 The existing vehicular site access from Main Street will be upgraded and widened as necessary, with full details to be provided as a requirement of condition should planning permission be granted. Internally, the dedicated footpaths and shared street surfaces would create a distinct, pedestrian friendly environment. The central green also contains pedestrian routes through the space to connect each of the buildings which are inset to the site, with wider links deliberately positioned to connect externally to Thistle Street and Main Street, allowing movement permeability and choice of routes into, through the site, and to the wider area.
- 7.97 The application has been considered by the Council's Head of Sustainable Transport and Roads, who is content that the proposed development would not result in any detrimental effect on the capacity or safe functioning of the existing road network.

- 7.98 **The proposal is in accordance with NPF4 Policy 13b and LDP Policies 54 and 56 subject to conditions.**

### **Flood Risk and Drainage**

- 7.99 **NPF4 Policy 22c: Flood Risk and Water Management** - states development proposals will:
- i not increase the risk of surface water flooding to others, or itself be at risk;
  - ii manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer; and
  - iii seek to minimise the area of impermeable surface and accessibility and is designed to be multi-functional and well-integrated into the overall proposals.
- 7.100 **LDP Policy 37: Sustainable Drainage Systems** - states that surface water discharging to the water environment from new development must be treated by a Sustainable Drainage System (SuDS) except for single houses or where discharge is to coastal waters. 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. This incorporates an allowance for the effect of climate change. 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 the system to form an integral part of the Dundee Green Network through habitat creation or enhancement through measures such as the formulation of wetlands or ponds. Proposals should have no detrimental impact on the ecological quality of the water environment.

- 7.101 There is an area of low-risk surface water flooding within the boundary of the site. However, based upon the degree of risk of flooding and the fact that the proposals are supported by a proposed SUDS system, it is considered that the proposals would not increase the risk of surface water flooding to others, or itself be at risk
- 7.102 Detailed drainage information has been provided through the application process and reviewed by City Engineers. Upon review of the surface water management proposals and accompanying calculations and certificates, City Engineers have confirmed that they have no objections to the proposed development.
- 7.103 It has been demonstrated that an acceptable drainage solution for this site can be achieved. Conditions are recommended to ensure full details of the drainage system are agreed with Dundee City Council and thereafter implemented on site in the interest of flood protection.
- 7.104 **The proposal is in accordance with NPF4 Policy 22c and LDP Policy 37 subject to conditions.**
- 7.105 **NPF4 Policy 22d: Flood Risk and Water Management** - states proposals will be supported if they can be connected to the public water mains. If this is not possible then a demonstration is required that drinking water can be sourced from a sustainable water source.
- 7.106 In terms of connection to water, Scottish Water have been consulted and do not object to the proposals.
- 7.107 **The proposal is in accordance with NPF4 Policy 22d.**
- Climate and Nature Crises**
- 7.108 **NPF4 Policy 1: Tackling the Climate and Nature Crises** - states when considering all development proposals, significant weight will be given to the global climate and nature crises.
- 7.109 Through the assessment of this planning application consideration has been given to the global climate and nature crises. The assessment of the proposal against policies relating to biodiversity, transport, waste, flooding and drainage considers the local level effects of development, which can collectively with other developments have an impact on the global climate and nature crises.
- 7.110 The proposal includes the complete clearing of the existing vacant brownfield site. The proposed redevelopment of the site as proposed would support the provision of modern affordable residential accommodation and commercial units within a highly accessible location within the Hilltown District Centre. The proposed buildings will include insulation and low carbon technologies to current building standards. The proposals will include enhancements to planting within the site and measures to support wildlife which will contribute positively to the ecological value of the site.
- 7.111 The location of the site is appropriate for the proposed development, with links to surrounding road and footpath networks which support the use of active travel. The site is within walking distance of higher education institutions, shops and services minimising the need to travel by car.
- 7.112 **The proposal is in accordance with NPF4 Policy 1.**
- 7.113 **NPF4 Policy 2: Climate Mitigation and Adaptation Crises** – states that:



- a Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b Development proposals will be sited and designed to adapt to current and future risks from climate change.

- 7.114 **LDP Policy 46: Delivery of Heat Networks** - requires new development to consider the feasibility of meeting their heat demand through heat networks. A statement is required to be submitted with applications that are major planning applications or are within locations identified within the Scotland's Heat Map or the city's heat network strategies as close to significant heat supply source or a planned heat network. Development layouts should be designed to be capable of connecting to a heat network or heat source and areas for pipe runs within the development should be safeguarded to enable future connectivity.
- 7.115 **LDP Policy 48: Low and Zero Carbon Technology in New Development** - 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. A statement will be required to be submitted with an application for planning permission to demonstrate compliance with this requirement.
- 7.116 The applicant has submitted an Energy Statement which considers various heating strategies, including forming communal air source heat pumps via a centralised 'energy centre'. However, the applicant advises that it is more financially viable to use individual air source heat pumps to serve the housing, with the flats served with individual air heat pumps with integrated ventilation. Notwithstanding this, the type of development proposed in this district centre location would be suitable for connection to a heat network in future should such infrastructure be progressed.
- 7.117 Implementing the strategy options would allow the development to achieve compliance with building regulations, providing a significant improvement over the regulations through the installation and operation of low and zero carbon generating technologies.
- 7.118 In respect of part b) of NPF4 Policy 2, there is an area of low-risk surface water flooding within the boundary of the site. However, based upon the degree of risk of flooding and the fact that the proposals are supported by a proposed SUDS system, it is considered that the proposals are able to adapt to current and future risks from climate change.
- 7.119 **The proposal is in accordance with NPF4 Policy 2 and LDP Policies 46 and 48.**
- 7.120 **NPF4 Policy 19f: Heat and Cooling** - states that development proposals for buildings that will be occupied by people will be supported where they are designed to promote sustainable temperature management, for example by prioritising natural or passive solutions such as siting, orientation, and materials.
- 7.121 The planning statement submitted with the application advises that the site layout has been carefully considered to maximise solar gain where possible through orientation of blocks and large areas of glazing where appropriate, with careful consideration given preventing overheating. Furthermore, all dwellings have been designed to achieve high energy performance SAP ratings demonstrating low CO2 emissions and high energy efficiency.
- 7.122 **The proposal is in accordance with NPF4 Policy 19f.**
- 7.123 **NPF4 Policy 12a: Zero Waste** - states development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.

- 7.124 **LDP Policy 44: Waste Management Requirements for Development** - development proposals should 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. The policy also requires site waste management plans be prepared and used during the construction of major developments.
- 7.125 The development has been designed to allow for safe access by refuse, emergency and large delivery vehicles. The bins for low-rise terraced dwellings are stored in the rear garden and will be presented on street on collection days. The flatted blocks have an external refuse store and integral store, which both have the ability to be easily accessed. 'Pergola' style bin and recycling stores with facing brick and timber slatted perimeter walls provide an aesthetically pleasing enclosure which integrates with the road and pedestrian network landscaping, whilst permitting natural surveillance and ventilation. Block A has been designed with an internal bin and bike store. Commercial and domestic waste will be segregated and provided with separate collection points. The proposal is to have a separate safe and secure bin store for the commercial units.
- 7.126 There is therefore sufficient provision for waste reduction and waste separation within the development. The proposal would support waste separation, recycling and reduction in line with the waste hierarchy.
- 7.127 It is recommended that the provision of a site waste management plan and its implementation during construction works be controlled by condition.
- 7.128 **The proposal is in accordance with NPF4 Policy 12a and LDP Policy 44 subject to a condition.**
- 7.129 **NPF4 Policy 3a: Biodiversity** - states development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all the following criteria:
- i the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
  - ii wherever feasible, nature-based solutions have been integrated and made best use of;
  - iii an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
  - iv significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and
  - v local community benefits of the biodiversity and/or nature networks have been considered.

- 7.130 The site is presently vacant and derelict. Other than several trees existing along the south roadside boundary, there is no planting, greenspaces or measures to support biodiversity. The application site is within a district centre location surrounded by relatively dense development with limited opportunities for nature. The proposed development would provide an opportunity to implement biodiversity enhancements into this district centre site.
- 7.131 The proposal includes the provision of outdoor amenity space where there is scope for planting and measures to support biodiversity such as wildflowers and native tree species. Within the buildings, including their roofs, there is scope to incorporate features such as bat and bird boxes.
- 7.132 The proposal includes outdoor amenity space throughout the site with a larger central area surrounded by the proposed buildings. However, detailed landscaping proposals have not been provided. It is recommended the provision of full details of landscaping within the site, including plant species and measures to support biodiversity are controlled by condition.
- 7.133 The existing site does not contribute to biodiversity and is of little to no ecological value except for the trees along the south boundary, for which conditions are proposed to ensure their retention and protection during construction. There is scope for the development to contribute positively to and significantly enhance biodiversity in this district centre location. Subject to conditions requiring full details of measures to enhance biodiversity being submitted to and agreed with the Council, the proposal would significantly enhance biodiversity within the site.
- 7.134 **Subject to conditions, the proposal is in accordance with NPF4 Policy 3a.**
- 7.135 **NPF4 Policy 6b: Forestry, Woodland and Trees** states that development proposals will not be supported where they will result in adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy.
- 7.136 **LDP Policy 35: Trees and Urban Woodland** - states that the Council will support the establishment and enhancement of woodland, tree belts and corridors. New development must ensure the survival of woodland, hedgerows and individual trees, especially healthy mature trees, of nature conservation or landscape value through sensitive site layout both during and after construction, unless removal has been approved in advance by the Council. Where appropriate, development proposals must be accompanied by maintenance arrangements and justification for the removal of any trees or hedgerows.
- 7.137 As discussed above in relation to Policy 3, several mature trees exist along the south roadside boundary. The applicant has submitted a tree survey which details the trees within the application site are predominantly minor specimens categorised as Category C (low quality) with an individual specimen recorded as Category B (moderate quality). The trees on the site are therefore not considered to have high biodiversity value nor are they identified for protection in Dundee City Councils Strategic Forest Plan. The trees on the site are also not protected by any Tree Preservation Order (TPO).
- 7.138 The applicant proposes to retain the trees along the south boundary of the site adjacent to Isla Street only. Whilst the remainder of the trees are not considered to be of high biodiversity value, they do contribute to the overall biodiversity value of the site. Conditions are therefore attached to include mitigation planting for any tree loss and protection for retained trees during construction, together with further biodiversity enhancement measures and features. It is considered that the tree cover on the site will be enhanced as a result.
- 7.139 **The proposal is in accordance with NPF4 Policy 6b and LDP Policy 35 subject to conditions.**

### Historic Environment

- 7.140 **NPF4 Policy 7c: Historical Assets and Places** - states development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.
- 7.141 **LDP Policy 49: Listed Buildings** - states development proposals near or within the curtilage of a listed building should have regard to the preservation or enhancement of the setting of the listed building.
- 7.142 Of significance to this application is the Category C listed Bowbridge Works Gates and Gatepiers which lie directly to the west of the application site on Caldram Street.
- 7.143 The applicant advises in the submitted design statement that Block C, together with boundary treatments have been intentionally set back from the west edge of the application site to avoid any harmful impacts on the C listed Bowbridge Works Gates and Gatepiers. The form and scale of the development has therefore been considered to reduce its physical impacts on the nearby listed building, and to ensure there is no significant impact on the setting of the building.
- 7.144 By virtue of the height, scale, massing and position of the proposed built form on the application site, there would be no substantial impact on the above designation. The proposed development would preserve the character and special architectural and historic interest of the setting of the listed building adjacent to the application site.
- 7.145 **The proposal is in accordance with NPF4 Policy 7c and LDP Policy 49.**

### Health, Safety and Amenity

- 7.146 **NPF4 Policy 23d: Health and Safety** - states development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.
- 7.147 In terms of odour, the Head of Communities, Safety and Protection notes that there is no high-level discharge or an extract ventilation system proposed for the commercial units. It is recommended that a condition is included which limits the carrying out of cooking/reheating within the commercial premises, together with details of the proposed occupying uses.
- 7.148 Subject to the inclusion of controls over the use of the commercial units, the proposed development would ensure residents are provided with a satisfactory level of residential amenity and that there is no disturbance on premises within the surrounding area.
- 7.149 **NPF4 Policy 23e: Health and Safety** - states development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.
- 7.150 **LDP Policy 39: Environmental Protection** – 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 close 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.



- 7.151 The proposals comprise 131 social and mid-market residential units as well as 337 square metres of commercial space.
- 7.152 The site is within the Hilltown District Centre. Due to the proximity of the site to the surrounding road network, the industrial estates and local businesses/venues, there is potential for road noise, commercial/industrial noise and live music noise to impact future residents of the proposed development.
- 7.153 The applicant has submitted a Noise Impact Assessment (NIA). The NIA explains that noise monitoring of road traffic, industrial/commercial activities, live music/events, and baseline/background noise took place over the course of multiple surveys between November 2022 and January 2023. Noise modelling was then carried out in order to determine the noise levels at the most exposed parts of the proposed development. Based on the results of the modelling, the NIA identifies that mitigation would be required to achieve the required external and internal limits.
- 7.154 The NIA advises that acoustic barriers in combination with non-standard glazing specifications have a cumulative effect, reducing all internal noise impacts to neutral for all situations, resulting in no noise impacts throughout the site. No internal closed window exceedances are predicted for any situation (road, industrial/commercial and live music noise) with the improved window specifications recommended.
- 7.155 The Head of Communities, Safety and Protection has reviewed the NIA and has no objection to the proposal. On the basis that the internal noise criteria are only able to be met with closed windows, they advise that details of appropriate ventilation for the residential units that does not compromise the façade insulation or the resulting noise level must be supplied. The Head of Communities, Safety and Protection is able to support the proposals subject to planning conditions requiring the implementation of mitigation measures identified in the report in the interest of protecting the amenity of residents. Further conditions are recommended in relation to noise associated with mechanical and electrical plant and a proposed substation within the application site.
- 7.156 In terms of odour, the Head of Communities, Safety and Protection notes that there is no high-level discharge, or an extract ventilation system proposed for the commercial units. It is recommended that a condition is included which limits the carrying out of cooking/reheating within the commercial premises.
- 7.157 Subject to the provision of mitigation measures and noise controls as identified within the NIA, together with controls over the use of the commercial units, the proposed development would ensure residents are provided with a satisfactory level of residential amenity and that there is no disturbance on premises within the surrounding area.
- 7.158 **The proposal is in accordance with NPF4 Policy 23d and 23e and LDP Policy 39 subject to conditions.**
- 7.159 **NPF4 Policy 9c: Brownfield, vacant and derelict land and empty buildings** - states where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- 7.160 **LDP Policy 41: Land Contamination** – development of potentially contaminated or statutorily identified contaminated land will be considered where:
- 1 a site investigation is submitted establishing the nature and extent of contamination; and

- 2 the Council is satisfied that remediation measures proposed for the development, adequately address contamination risks to all receptors, such that the land demonstrably does not meet the statutory definition of contaminated land and is suitable for the planned use.

- 7.161 A combined Phase 1/Desk study and Phase 2/Site investigation has been submitted as part of the application. The Head of Communities, Safety and Protection has reviewed the report and notes that it does not consider the full site history which includes the potential for an underground petrol tank. The Head of Communities, Safety and Protection therefore requested that revised reporting is submitted for review, or alternatively that suspensive planning conditions are applied in relation to the completion of further investigations and provision of a remediation strategy to ensure any contamination within the site is addressed prior to any construction works.
- 7.162 Subject to the inclusion of the recommended suspensive conditions, the proposals will ensure any risks are addressed.
- 7.163 **The proposal is in accordance with NPF4 Policy 9c and LDP Policy 41 subject to conditions.**
- 7.164 **It is concluded that the proposal is not in full accordance with the Development Plan.**

#### **STATUTORY DUTY**

- 7.165 **Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.**
- 7.166 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications that affect listed buildings, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which they possess.
- 7.167 These matters have been considered in the assessment of the proposed development under policy 7 of NPF4 and policy 49 of the Dundee Local Development Plan 2019. It is concluded that the proposed development would have no significant impact on the character or setting of listed buildings within the surrounding, namely the Category C listed Bowbridge Works Gates and Gatepiers which lie directly to the west of the application site on Caldrum Street.
- 7.168 It is considered that the application discharges the statutory duty as set out above.

#### **MATERIAL CONSIDERATIONS**

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

##### **A – JUSTIFICATION FOR DEVELOPMENT PLAN DEPARTURE - NPF4 POLICY 16f**

- 7.170 The proposal fails to comply with NPF4 Policy 16 – Quality Homes, part f with reference to point iii as it has not been demonstrated that the proposed development, which is on an unallocated site would meet with any of the following exceptions:
- delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
  - the proposal is consistent with policy on rural homes; or

- the proposal is for smaller scale opportunities within an existing settlement boundary; or
- the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

7.171 The site is currently vacant land and does not offer a positive contribution to the surrounding area, instead detracting from it due to the sense of vacancy and dereliction the existing site and concrete hard standing conveys. The proposed redevelopment of the site as proposed would support the provision of modern affordable residential accommodation which would meet an identified need and demand for affordable housing in the area. The proposal would support the long-term use and occupation of this vacant and inner-city site which would provide residential accommodation and generate footfall within a highly accessible location.

7.172 The proposal would make a positive contribution to the regeneration objectives of the area and would not have a detrimental impact on the housing strategy in the LDP, thereby justifying the departure from NPF4 Policy 16.

## **B – REPRESENTATIONS**

7.173 In total two letters of objection were received, raising the following valid planning considerations:

- the existing traffic levels and associated noise are high, and the proposals will exacerbate this;
- the site should be used for business, instead of housing and retail;
- no details have been submitted for the proposed retail units; and
- lack of nearby community facilities.

7.174 These are considered and assessed as follows:

7.175 **Objection** – the existing traffic levels and associated noise are high, and the proposals will exacerbate this.

7.176 **Response** – the application has been considered by the Council's Head of Sustainable Transport and Roads, who is content that the proposed development would not result in any detrimental effect on the capacity or safe functioning of the existing road network. Noise from traffic is typical and should be anticipated within this District Centre location.

7.177 **Objection** – the site should be used for business, instead of housing and retail.

7.178 **Response** – the site is not allocated in the Dundee Local Development Plan for any particular use. However, the above assessment finds that the redevelopment of the site as proposed would support the provision of modern residential accommodation which would meet an identified need and demand for affordable housing in the area. Furthermore, the proposed commercial units would help support the role and function of the District Centre and would have the ability to be accommodated without any detrimental effect on the residential amenity of existing nearby residents.

7.179 **Objection** – no details have been submitted for the proposed retail units.

7.180 **Response** – the applicant has not identified tenants for the proposed commercial units at this stage. As such, conditions are included which require the submission of details of the

occupying use prior to occupation, as well as a condition which limits the carrying out of cooking/reheating within the commercial premises.

- 7.181 **Objection** – lack of nearby community facilities
- 7.182 **Response** – as discussed above in relation to Policy 15a: Local Living and 20-minute neighbourhoods, the proposed development is well connected to surrounding facilities and services by existing footpaths and roads. The site is within the Hilltown District centre where residents would have access to a wide range of services, supporting the provision of 20-minute neighbourhoods.
- 7.183 One neutral representation was received:
- 7.184 **Comment** - there is no consideration of district or even block heating, but only the heating of individual flats, with no attempt to provide renewable energy.
- 7.185 **Response** – the applicant has submitted an Energy Statement which explores and considers various heating strategies including forming communal air source heat pumps via a centralised 'energy centre'. However, the applicant advises that it was more financially viable to propose individual air source heat pumps to the housing, with the flats served with individual exhaust air heat pumps with integrated ventilation.
- 7.186 **Comment** - the shallow roof pitches are not suitable for solar panels and a steeper pitch would be more in keeping with the architecture of surrounding buildings.
- 7.187 **Response** – solar panels could be fitted at a later date without reliance on roof pitch angle. The proposed appearance of the buildings is considered acceptable and would contribute positively to the appearance of this prominent District Centre site as determined above in the assessment against NPF4 Policy 14.
- 7.188 **Comment** - the elevations would benefit from more variation in design.
- 7.189 **Response** – the proposed appearance of the buildings is considered acceptable and would contribute positively to the appearance of this prominent District Centre site as determined above in the assessment against NPF4 Policy 14.
- 7.190 **Comment** - the site layout suffers from an over-dominance of car parking, which needs breaking up with more greenery.
- 7.191 **Response** – the level of vehicle parking proposed conforms to the guidance on the Design of New Housing set out in Appendix 4. Although details of indicative planting have been submitted, conditions requiring full details of planting and measures to enhance biodiversity and soften the visual impact of parking will require to be submitted to and agreed with the Council, should the application be approved.
- 7.192 **Comment** - there is no biodiversity statement contained within the design statement.
- 7.193 **Response** – the existing site does not contribute to biodiversity and is of little to no ecological value with the exception of the aforementioned trees along the south boundary, for which conditions are included to ensure their retention and protection during construction. There is scope for the proposed new build development to contribute positively to and enhance biodiversity in this District Centre location. Subject to conditions requiring full details of measures to enhance biodiversity being submitted to and agreed with the Council, the proposal would enhance biodiversity within the site.

- 7.194 **Comment** - more landscaping and planting should be provided on the north east side of the site.
- 7.195 **Response** – as above, although details of indicative planting have been submitted, conditions requiring full details of planting and measures to enhance biodiversity will require to be submitted to and agreed with the Council, should the application be approved.
- 7.196 **Comment** - a public art contribution should be provided by the developer within the site.
- 7.197 **Response** - details of public art have not been confirmed as part of this application. Therefore, it is recommended that full details of public art provision, and its completion as part of the development be secured by condition, should the application be approved.
- 7.198 **Comment** - cycle storage provision should be one per household and should be secure.
- 7.199 **Response** – each block will be provided with 100% cycle provision by providing a secure, sheltered space either within the block or in the form of a secured external pergola style enclosure.
- 7.200 **It is concluded that there are material considerations of sufficient weight in this case to support a departure from the Development Plan and approval of planning permission.**

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## 8 CONCLUSION

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- 8.1 The proposals do not fully accord with the relevant policies of National Planning Framework 4 and the adopted Dundee Local Development Plan, 2019. However, there are material considerations of sufficient weight that would justify approval of planning permission.

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## 9 RECOMMENDATION

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- 9.1 It is recommended that planning permission be GRANTED subject to the following conditions:
- 1 **Condition** - the development hereby permitted shall be commenced within three years from the date of this permission.  
**Reason** - to comply with Section 58 of the Town & Country Planning (Scotland) Act 1997.
  - 2 **Condition** - development shall not begin until an updated Preliminary Risk Assessment for contaminated land 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 details of proposals to deal with contamination to include:
    - i assessment of the risks associated with contaminant sources, pathways and receptors specific to the proposed use of the site, and if necessary, a Remediation Implementation Plan detailing measures to treat/remove contamination and mitigate risks to ensure the site is fit for the proposed use;
    - ii measures to deal with contamination during construction works, and
    - iii verification of the condition of the site on completion of decontamination measures.



**Reason** – in order to ensure that any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

- 3 **Condition** – before any unit is occupied the remediation scheme 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 order to ensure that any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

- 4 **Condition** - prior to the commencement of any construction works, details of a scheme of public art to be provided within the development hereby approved shall be submitted to the Council for written approval. This scheme shall include a programme for the installation of the public art and the works shall be completed in accordance with the agreed programme.

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

- 5 **Condition** - prior to the commencement of development, a scheme of features or measures to conserve, restore and enhance biodiversity, such as those measures set out in the NatureScot Developing with Nature guidance shall be submitted to and agreed in writing by the Council. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

**Reason** - to ensure that a satisfactory biodiversity enhancement scheme is proposed and implemented, mitigating the biodiversity impact that development has on the site.

- 6 **Condition** - no development shall take place on site until temporary protective fencing has been erected in around the existing trees to be retained on the development site. This temporary protective fencing shall be 2.3 metres in height, erected prior to works commencing and kept in good condition throughout the works, all in accordance with Figure 2 of British Standard 5837:2005 "Trees in Relation to Construction".

All weather notices shall be erected on said fencing with words such as "construction exclusion zone - Keep out" and the fencing shall remain on site and intact through to completion of the development.

Care must be taken when planning site operations to ensure that wide or tall loads, or plant with booms, jibs and counterweights can operate without coming into contact with any retained trees.

Material that will contaminate the soil, e.g. concrete/mortar mixing, diesel oil, paints, solvents and vehicular washings, shall not be discharged within 10 metres of any tree trunk. Allowance shall be made for the slope of the ground so that such damaging materials cannot run towards retained trees.

**Reason** - to ensure the retention and maintenance of the trees on the site which make an important contribution to the visual appearance of the area.

- 7 **Condition** – prior to the commencement of development, a detailed hard and soft landscaping plan shall be submitted to the Council for written approval. The hard landscaping shall be completed in accordance with the approved details prior to the first occupation of the dwellings hereby approved. All planting, seeding or turfing as may be

comprised in the approved plan shall be carried out in the first planting and seeding seasons following the commencement of the development, unless otherwise stated in the approved scheme. 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 the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local streetscape in the interests of the visual amenity of the area.

- 8 **Condition** – prior to the commencement of any construction works, 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 sustainable drainage provision and flood protection.

- 9 **Condition** – prior to the commencement of any construction works, 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 and visual amenity.

- 10 **Condition** - Prior to the commencement of any works on site, details of measures proposed to manage surface water run-off from the site during construction shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to construction works commencing on any part of the development hereby approved.

**Reason** - in the interests of sustainable drainage provision and flood protection.

- 11 **Condition** – prior to first occupation of the residential dwelling units hereby approved, the noise mitigation measures detailed in the Noise Impact Assessment undertaken by Envirocentre, Reference Document number 14039, dated February 2024 shall be implemented in full. For avoidance of doubt, the noise level criteria to be met in perpetuity are 35dB LAeq (16 hour) within bedrooms and other habitable rooms for daytime periods (07:00 to 23:00 hours), 30dB LAeq (8hour) within bedrooms during night-time periods (23:00 to 07:00 hours), 50dB LAeq(16 hour) for external amenity areas for daytime periods (07:00 to 23:00 hours) and an internal level of NR15 for music noise generated from the existing commercial music venues. If relying on closed windows to meet the guide values, there needs to be an appropriate alternative means of ventilation that does not compromise the façade insulation or the resulting noise level."

**Reason** – to ensure adequate noise mitigation measures are implemented in the interests of protecting surrounding land uses and residential amenity.

- 12 **Condition** - prior to the first occupation of the residential dwelling units hereby approved, the exact specification of the glazing for each residential property, as detailed in the Noise Impact Assessment undertaken by Envirocentre, Reference Document number 14039,

dated February 2024, is required to be submitted to the Council for approval in writing, and the windows shall be installed as per the approved specification.

**Reason** – to ensure measures are implemented in the interests of protecting residential amenity.

- 13 **Condition** - prior to the commencement of works on site, the exact specification of ventilation to be provided for each residential property is required to be submitted to the Council for approval in writing, and the ventilators/ventilation systems shall be installed as per the approved specification.

**Reason** – to ensure residential amenity is protected.

- 14 **Condition** - the total noise from the mechanical and electrical plant/services shall not exceed NR45 during daytime and shall not exceed NR35 during nighttime, as measured 1 metre external to the facade of adjacent residential property. Furthermore, it shall not exceed NR25 within any adjoining residential property.

NR45 is applicable for the period 07:00 to 23:00 hours, and NR35 and NR25 are applicable for 23:00 to 07:00 hours.

**Reason** - in the interests of protecting residential amenity.

- 15 **Condition** – the received noise from the electrical substation(s) shall not exceed NR30, as measured 1 metre external to the facade of adjacent residential property.

**Reason** - in the interests of protecting residential amenity.

- 16 **Condition** – the total noise from the air source heat pumps shall not exceed NR35 as measured externally to any facade of adjacent residential property and shall not exceed NR25 within any adjoining residential property.

**Reason** - in the interests of protecting residential amenity.

- 17 **Condition** - prior to the first occupation of the residential dwelling units hereby approved, full details of the acoustic barriers/fencing to be provided, as detailed in the Noise Impact Assessment undertaken by Envirocentre, Reference Document number 14039, dated February 2024, and as shown in Drawing DU01-SK- (SL) - 04 dated August 2023, are required to be submitted to the Council for approval in writing. The acoustic barriers/fencing shall be installed as per the approved specification and maintained in perpetuity.

**Reason** – in the interest of protecting residential amenity.

- 18 **Condition** - all servicing and deliveries, including loading, unloading, or lay-up, shall be between 07:00 and 20:00 hours Monday to Saturday and 09:00 to 18:00 hours Sunday.

**Reason** - in the interest of protecting residential amenity.

- 19 **Condition** - prior to the first occupation of each of the ground floor commercial/retail units within the development, full details of the occupying use shall be submitted to the Council for approval in writing and thereafter occupied in accordance with the agreed use.

**Reason** – to ensure the proposed occupying use is suitable for this location in the interest of protecting residential amenity.

- 20 **Condition** - no cooking/reheating shall be carried out in the commercial premises hereby approved except for the use of microwaves, toasters, panini machines, and soup urns only. No other forms of cooking/reheating shall take place without prior written approval from the Planning Authority.

**Reason** - in the interest of protecting residential amenity.

- 21 **Condition** – prior to the commencement of works on site, details of the proposed roads within the development shall be submitted to the Council for written approval. Thereafter the roads shall be formed constructed in accordance with those approved details.

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

- 22 **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.

- 23 **Condition** - prior to occupation of the first property a Residential Travel Plan shall be submitted to and agreed in writing by the Planning Authority. The residential travel pack shall identify details of different travel options available in the area in order to discourage the use of the private car. The approved travel pack shall be supplied to the occupants of every residential unit on occupation.

**Reason** - in the interests of promoting sustainable transport.

- 24 **Condition** – full details of secure and covered cycle storage within the site shall be submitted to the Council for approval. Thereafter, the cycle storage shall be installed as the agreed details prior to first occupation of the development.

**Reason** – in the interest of ensuring that provision is made for sustainable transport measures.

- 25 **Condition** - the hard surface within individual 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.

- 26 **Condition** - prior to the commencement of development, a site waste management plan shall be submitted to and approved by the Council. The waste management plan shall contain details of how site waste will be controlled during construction and operation of the development.

**Reason** - in the interest of sustainable waste management.

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

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

- 28 **Condition** - Prior to the commencement of development, a construction management plan shall be submitted for written approval by the planning authority. The construction management plan shall detail the site access to be used; vehicular routes to the site; site operational times; timing of construction traffic to minimise impact on local communities, particularly at school start and finishing times, on days when refuse collection takes place, on Sundays or during local events; arrangements for signage at site access and crossovers in order to provide safe access for pedestrians and cyclists; arrangements for safe use of footways in and around the site; details of information signs to inform other road users of construction traffic; arrangements to ensure that access for emergency service vehicles are not impeded; arrangements for the cleaning of wheels and chassis of vehicles to prevent material from the construction site associated with the development being deposited on the public road; and arrangements for cleaning of roads affected by material deposited from construction sites associated with the development.

**Reason** - In the interests of vehicle and pedestrian safety and residential amenity.

#### 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 any proposed roads or the adjacent public road or footway and consent for this must be obtained prior to the commencement of any works on new roads or the public road or footway. For further details please contact 01382 433341 or [developmentroads@dundee.gov.uk](mailto:developmentroads@dundee.gov.uk).