

Erection of 21 Houses on Allocated Housing Site H12 - Former St Columba's Primary School

KEY INFORMATION

Ward Strathmartine

Address
Site of Former St Columba's Primary School, Kirkton Road

Applicant
H & H Properties Ltd
71 Blackness Road
Dundee

Agent - None

Registered 5 June 2017

Report by Head of Planning & Economic Development

Contact: Claire Myles



SUMMARY OF REPORT

- Planning permission is sought for the development of 21 private 3-bedroom houses and associated hard and soft landscaping.
- The application site comprises allocated housing site H12 of the Dundee Local Development Plan 2019.
- The application is in accordance with the Development Plan.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. One letter of representation has been received.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee at the request of an elected member.
- More details can be found at: <http://idoxwam.dundeeecity.gov.uk/idoxpa-web/applicationDetails.do?keyVal=OR2MVKGC04Q00&activeTab=summary>

RECOMMENDATION

The proposal is in accordance with the Development Plan. There are no material considerations of sufficient weight to justify refusal of planning permission. It is therefore recommended that planning permission be **APPROVED** subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 The application is for the development of 21 private 3-bedroom houses. A mix of 2 storey detached (5) and semi-detached (16) houses are proposed.
- 1.2 A cul-de-sac layout is proposed with 10 houses fronting Kirkton Road and 11 houses located to the rear. Vehicle access is proposed from Kirkton Road. All houses would have front and rear gardens and in curtilage parking for 2 cars. Tree planting is proposed in front garden ground with additional tree planting and landscaping within the site.
- 1.3 The applicant has submitted the following in support of the application:
- Planning, Design & Access Statement;
 - Transport Statement;
 - Drainage Scheme;
 - Tree and Landscape Plan;
 - Contaminated Land Assessment; and
 - Sustainability Statement.



Figure 1 – Proposed Site Plan – Revision A

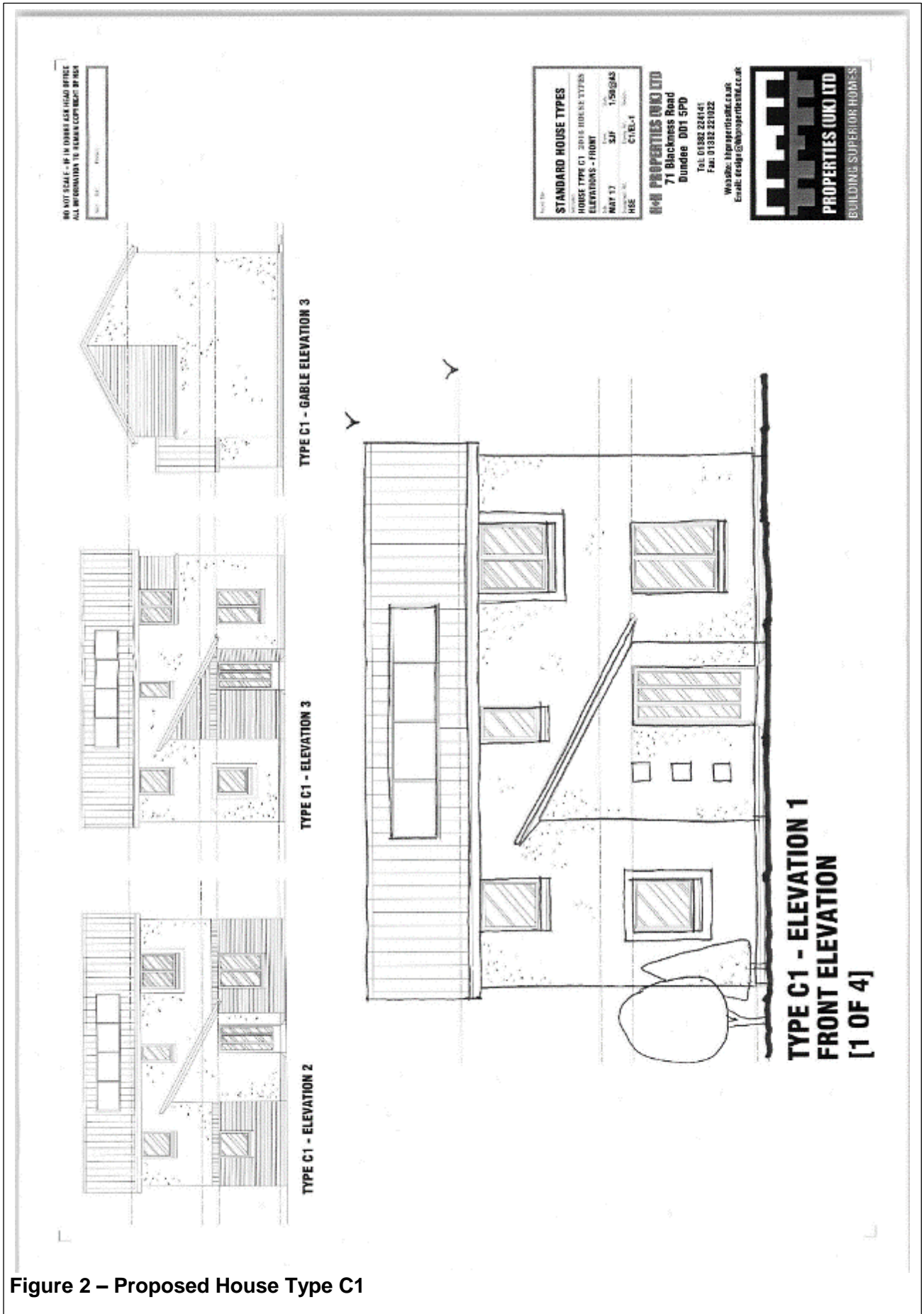


Figure 2 – Proposed House Type C1

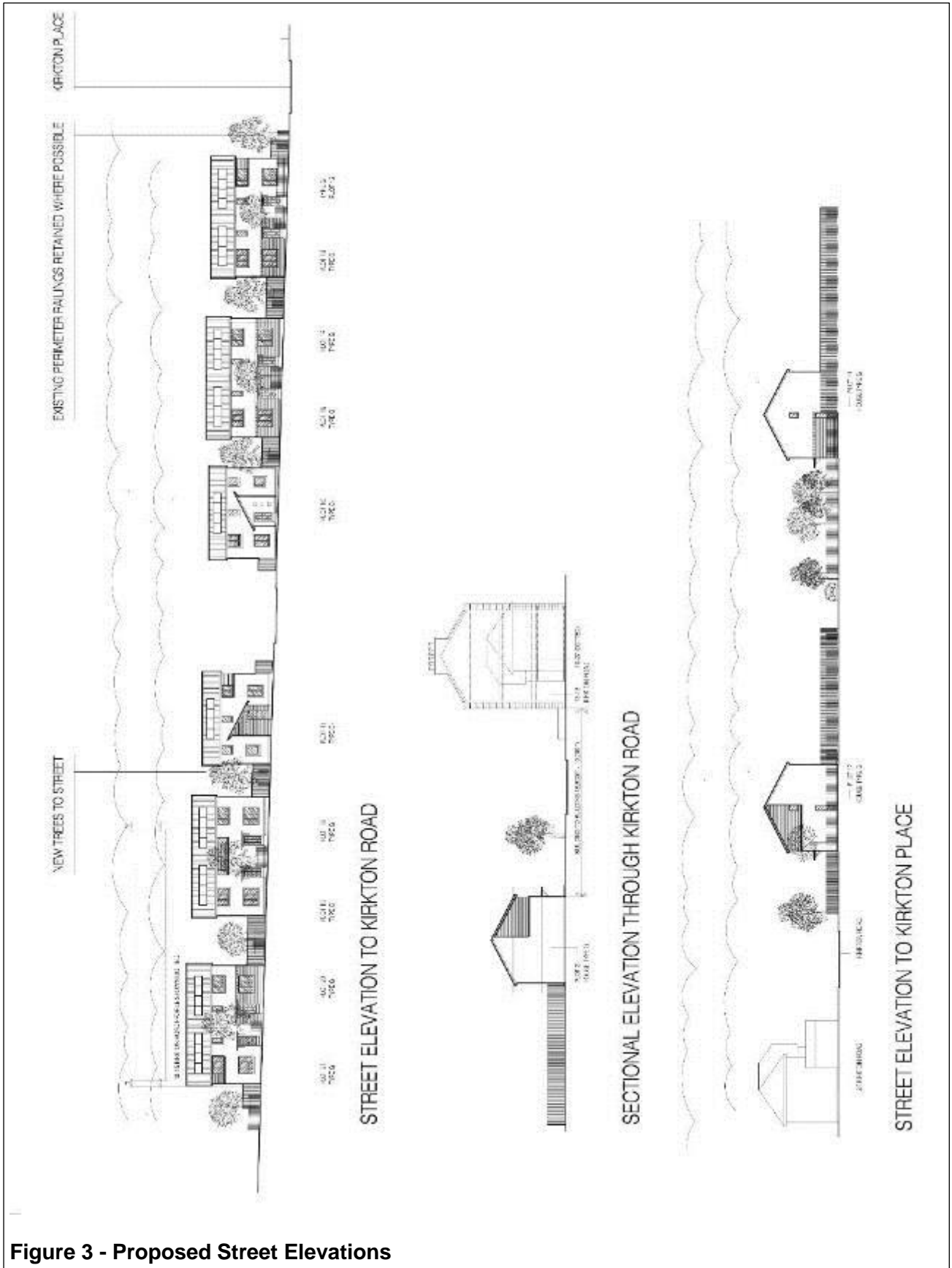


Figure 3 - Proposed Street Elevations

2 SITE DESCRIPTION

- 2.1 The site was the former St Columba's Primary School. The school buildings have been demolished and the site laid to grass. There are a number of mature trees on the site boundary.
- 2.2 The site is located on a corner site at the junction of Kirkton Road (south) and Kirkton Place (east).
- 2.3 To the north-west of the site is Downfield Primary School and to the north is the school playing field. Houses front the eastern boundary and terraced houses and a tenement block front the southern boundary of the site. The surrounding area is mainly residential.



Figure 4 – Photo of Site



Figure 5 – Photo of Site and Existing Trees

3 POLICY BACKGROUND

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

TAYPlan 2016-2036

Policy 1: Location Priorities

Policy 2: Shaping Better Quality Places

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 1: High Quality Design and Placemaking

Policy 2: Public Art Contribution

Policy 9: Housing Land Release

Policy 10: Design of New Housing

Policy 30: Green Infrastructure Maintenance

Policy 35: Trees and Urban Woodland

Policy 37: Sustainable Drainage Systems

Policy 39: Environmental Protection

Policy 41: Land Contamination

Policy 44: Waste Management Requirements for Development

Policy 48: Low and Zero Carbon Technology in New Development

Policy 54: Safe and Sustainable Transport

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

4 SITE HISTORY

4.1 There are no previous planning applications.

5 PUBLIC PARTICIPATION

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

5.2 One letter of representation has been received from the Kirkton Community and Safety Partnership (June 2017). The representation outlined the Partnership's concerns with the following:

- overlooking and privacy concerns for new and existing houses on Kirkton Place/Kirkton Road;
- parking issues on Kirkton Road and 2no in-curtilage spaces proposed for each plot is insufficient;
- removal of mature trees along Kirkton Road;
- insufficient public open space and green space in the surrounding area with yet another site proposed for housing;
- junction of Kirkton Road with Strathmartine Road is already busy and dangerous and this development will exacerbate this situation;
- where will the access for construction traffic be?

- bin collection and refuse bins on footway of Kirkton Road; and
- school and local GP at capacity, where will new residents go?

5.3 In the letter of representation, the Partnership recommended mitigation measures and planning conditions to address their concerns raised.

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

6 CONSULTATIONS

6.1 **Scottish Water** – has no objection to the application.

6.2 **Head of Community Safety and Protection** – has no objection to the application but recommends that conditions are attached to any planning permission granted to request risk assessment including probable site investigation in relation to land contamination is undertaken and reports submitted for review and approval in writing by the Council prior to commencement of work on site.

6.3 **Head of Environmental Management** – has no objection to the application but raised concern that two category A trees are to be removed on the boundary of the site. However, suitable species have been suggested in the tree and landscape plan and agree with the proposed locations. The supporting document is required to be updated and it is recommended that conditions are attached to any planning permission granted to secure quality replacement planting as part of the redevelopment of the site.

7 DETERMINING ISSUES

7.1 **Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission (other than for a national development) shall be determined in accordance with the Development Plan unless material considerations indicate otherwise.**

THE DEVELOPMENT PLAN

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

TAYPLAN 2016 – 2036

7.2 **Policy 1: Location Priorities** - states that the principal settlements within the region have the potential to accommodate the majority of development in the region, and that the re-use of previously developed land and buildings should be priorities; Dundee's core area is identified as a Tier 1 principal settlement.

7.3 The proposed residential development is located within the north of the city which has an established residential character. This brownfield site, which is allocated for houses, is within close proximity to residential properties, local amenities and links to public transport.

7.4 **The proposal would therefore satisfy Policy 1.**

- 7.5 **Policy 2: Shaping Better Quality Places** - seeks to deliver better quality and distinctive places through the arrangement, layout, design, density and mix of developments in the local design contexts with consideration for development to achieve lifetime communities which are accessible, resilient and resource efficient.
- 7.6 A mix of 21 detached and semi-detached 3-bedroom homes are proposed for this former school site. The proposed cul-de-sac layout incorporates new tree planting in the front garden ground along Kirkton Road and within the site. The site is well connected to the wider environment to promote usage and linkages between different means of travel. The design and siting of the proposed development of 21 modern homes respects the character and amenity of the place.
- 7.7 **The proposal would therefore satisfy Policy 2.**

DUNDEE LOCAL DEVELOPMENT PLAN 2019

- 7.8 **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.
- 7.9 A mix of 21 detached and semi-detached 3-bedroom homes are proposed for this former school site. The proposed cul-de-sac layout incorporates new tree planting in the front garden ground along Kirkton Road and within the site. The old school railings have been incorporated into the design and layout with timber fencing proposed around private gardens. A feature masonry entrance to the housing development is proposed. It is recommended that, prior to the commencement of development, full details of the masonry entrance, boundary treatments, tree and landscaping and the finishing materials for the houses are submitted to the Council for approval in writing, should Committee be minded to approve the application.
- 7.10 In accordance with Appendix 1, the proposal responds positively to local features and active frontages are proposed on Kirkton Road. The existing mature trees on the site (8) are to be removed to enable the development and new tree planting is proposed to ensure an attractive and welcoming environment. The site is well connected to the wider environment to promote usage and linkages between different means of travel. The Design Statement demonstrates that the proposal meets the qualities of successful place outlined in Appendix 1.
- 7.11 The design and siting of the proposed development of 21 modern homes respects the character and amenity of the place. Proposed tree and landscaping would be appropriate to the local context and the scale and nature of the development.
- 7.12 **The proposal is in accordance with Policy 1, subject to conditions.**
- 7.13 **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.

- 7.14 The Planning, Design and Access Statement highlights the opportunity to incorporate a public art project as part of the redevelopment of the site. It is recommended that, should Committee be minded to approve the application, a public art project is secured by condition.
- 7.15 **The proposal is in accordance with Policy 2, subject to condition.**
- 7.16 **Policy 9: Housing Land Release** - priority will be given to the development of the allocated brownfield and greenfield sites. To ensure that an effective 5 year supply of housing land is maintained over the plan period the sites allocated in Appendix 3 shall not be developed for other uses.
- 7.17 The application site is allocated for housing in the Local Development Plan (H12) with an indicative capacity of 22 units. The proposal is for 21 units.
- 7.18 **The proposal is in accordance with Policy 9.**
- 7.19 **Policy 10: Design of New Housing** - the 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.

The proposal is required to meet the Appendix 4 suburban standards for new housing as outlined below:

- 7.20 **House Type** - in general, 75% of houses should have 3 or more bedrooms or a minimum gross internal floor area of 100m².
- 7.21 **Car Parking** - all car parking should be located within the curtilage of each house. All tenures should have at least 1 space. Private houses with 3 bedrooms should have at least 2 spaces. Private houses with 4 or more bedrooms should have at least 3 spaces.
- 7.22 **Cycle Provision** - one secure, covered space per house must be provided unless a suitable garage or other secure area is provided within the curtilage of the house.
- 7.23 **Amenity/Garden Ground** - brownfield sites will provide an average private useable garden ground of 140m² per house with a minimum garden size of 120m².
- 7.24 **Privacy** - a minimum of 18 metres between the facing windows of habitable rooms.
- 7.25 **General Requirements** - provision for waste and recycling should be provided in accordance with the Council's waste management strategy. Parking areas should include provision for electric car charging points.

In response to the above standards:

- 7.26 **House Type** – all houses have 3 bedrooms. This standard has been met.
- 7.27 **Car Parking** – the proposed site plan shows in curtilage parking for 2 cars for all houses. This standard has been met.

- 7.28 **Cycle Provision** – The Planning, Design & Access Statement notes that provision would be made for cycle storage in the rear garden of each plot. It is recommended that, should Committee be minded to approve the application, a condition is attached to secure this provision.
- 7.29 **Amenity/Garden Ground** – the proposed site plan shows that the size of private rear gardens range from 120m² – 186m². The average private useable garden ground is 150m². This standard has been met.
- 7.30 **Privacy** – there are no privacy issues as the proposed plots are set back more than 18 metres from facing windows of habitable rooms. The site is bounded by public roads and footways, Kirkton Road (south) and Kirkton Place (east), which offers separation between the new houses and the existing houses. This standard has been met.
- 7.31 **General Requirements** – the Planning, Design & Access Statement highlights that the provision of waste and recycling would be in accordance with the Council's Waste Management Strategy. Also, infrastructure would be provided to facilitate the electric car charging for one vehicle in each house plot. It is recommended that, should Committee be minded to approve the application, a condition is attached to secure this provision. This standard has been met, subject to conditions.
- 7.32 The design and layout of the proposed development of 21 modern family homes respects the character of the surrounding area and would not have a detrimental impact on residential amenity and parking. The proposal meets the Appendix 4 standards and the six qualities of successful place, as set out in Policy 1.
- 7.33 **The proposal is in accordance with Policy 10 and Appendix 4, subject to conditions.**
- 7.34 **Policy 30: Green Infrastructure Maintenance** - the Council will apply planning conditions or Section 75 obligations to planning permissions to make suitable provision for the long-term maintenance of green infrastructure (including open space and landscaping associated with Sustainable Drainage Systems) in new housing developments.
- 7.35 No detail has been provided in the supporting documents of a maintenance arrangement for the proposed landscaping out with private garden ground. It is recommended that a condition is attached to secure suitable provision for the long-term maintenance of green infrastructure out with private garden ground, should Committee be minded to approve the application.
- 7.36 **The proposal is in accordance with Policy 30, subject to a condition.**
- 7.37 **Policy 35: Trees and Urban Woodland** - 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.
- 7.38 The mature trees on the boundary of the former school site are to be removed to enable the redevelopment of the site for housing. The Tree and Landscape Plan states that the new tree planting proposed would create a net gain across the site. The Head of Environmental Management has reviewed the Tree and Landscape Plan and agrees with the proposals including the species of trees and proposed locations for planting. Suitable compensatory tree planting is proposed as part of the development of the allocated housing site. Should

Committee be minded to approve the application, it is recommended that a condition is attached to secure quality replacement planting as part of the proposed development.

- 7.39 **The proposal is in accordance with Policy 35, subject to a condition.**
- 7.40 **Policy 37: Sustainable Drainage Systems** - 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.
- 7.41 The application and drainage constraints in the wider network have been the subject of lengthy discussion between Council Engineers and Scottish Water. An agreement has been reached between the developer, Council Engineers and Scottish Water to remove an element of roads drainage from the network adjacent to the former Downfield Primary School housing site (as part of the development proposed under planning application reference 20/00076/FULL) and to add it to the Scottish Water network at the application site.
- 7.42 Full details of the drainage design for the site including calculations and maintenance responsibilities are required for review and written approval by Council Engineers prior to the commencement of development. It is recommended that this is secured by condition, should Committee be minded to approve the application.
- 7.43 **The proposal is in accordance with Policy 37, with the inclusion of conditions.**
- 7.44 **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 in close proximity to existing sources of noise, vibration, odour, emissions to air, dust or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on viability of existing businesses or uses.
- 7.45 The site is located adjacent to Downfield Primary School and its associated playing field. On the northern boundary of the site, the rear gardens of the proposed houses back onto the school playing field. The developer proposes an acoustic style timber fence along the northern boundary of the site to mitigate any potential noise impact on the amenity of residents. It is recommended that this is secured by condition, should Committee be minded to approve the application.
- 7.46 **The proposal is in accordance with Policy 39, with the inclusion of a condition.**
- 7.47 **Policy 41: Land Contamination** – a) 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; 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.

- 7.48 The Head of Community Safety and Protection advises that further site investigation is required and reporting documents submitted for review and approval in writing prior to the commencement of development. It is recommended that, should Committee be minded to approve the application, that the necessary site investigation and reporting is secured by conditions.
- 7.49 **The proposal is in accordance with Policy 41, with the inclusion of conditions.**
- 7.50 **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.
- 7.51 As outlined previously, the Planning, Design & Access Statement highlights that the provision of waste and recycling would be in accordance with the Council's Waste Management Strategy. It is recommended, that should Committee be minded to approve the application, that this requirement is secured by condition.
- 7.52 **The proposal is in accordance with Policy 44, with the inclusion of a condition.**
- 7.53 **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. The relevant Building Standards and percentage contribution required is set out in supplementary guidance. The supplementary guidance will be kept under review to ensure the proportion of the carbon emissions reduction standard to be met by these technologies will increase over time. A statement will be required to be submitted with an application for planning permission to demonstrate compliance with this requirement.
- 7.54 A Sustainability Statement has been submitted and this notes that further information will be submitted to demonstrate full and up to date compliance with this policy requirement. The proposed elevation drawing for each proposed house type shows solar panels on the roof. It is recommended that, should Committee be minded to approve the application, a condition is attached to ensure, prior to the commencement of development, an up to date statement is submitted to demonstrate compliance with this policy requirement.
- 7.55 **The proposal is in accordance with Policy 48, with the inclusion of a condition.**
- 7.56 **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.

Development proposals will be required to:

- 1 minimise the need to travel by private car;
- 2 provide facilities on-site (and/or off-site through developer contributions or by direct delivery) for walking, cycling and public transport networks, including road/junction improvements and cycle parking. Developments without high quality, safe and convenient links to adjacent walking and cycling networks will not be supported;

- 3 incorporate measures to permit access to public transport networks within a walking distance of no more than 400 metres from all parts of the development;
- 4 have no detrimental effect on the capacity or safe functioning of the existing road or rail networks;
- 5 ensure that safe and adequate provision is made for road freight and waste access, loading and unloading;
- 6 comply with the National Roads Development Guide and any local variations within Dundee City Council's roads design standards; and
- 7 be supported by a travel plan to mitigate transport impacts and improve the accessibility of developments where the council considers that the development will generate significant travel.

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

7.57 In respect of the above criteria, the application site is within an established residential area with good connections to community services, public transport routes and footpath/cycle routes minimising the need to travel by private car. A Transport Statement has been submitted and this demonstrates that the proposed development would not have a detrimental effect on the capacity or safe functioning of the existing road network and that safe and adequate provision is made for road and freight and waste access, loading and unloading.

7.58 Roads Engineers recommend conditions, should Committee be minded to approve the application, to ensure that prior to the commencement of development, full details of the proposed road including road markings are provided for written approval; a street lighting system is provided to Council standards and that any accesses no longer required are made good to footway to Council standards.

7.59 **The proposal is in accordance with Policy 54, with the inclusion of conditions.**

7.60 **It is concluded that the proposal is in accordance with the Development Plan.**

MATERIAL CONSIDERATIONS

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

A - REPRESENTATION

7.62 A letter of representation has been received from the Kirkton Community and Safety Partnership raising the following valid material grounds:

- overlooking and privacy concerns for new and existing houses on Kirkton Place/Kirkton Road;
- parking issues on Kirkton Road and 2no in-curtilage spaces proposed for each plot is insufficient;
- removal of mature trees along Kirkton Road;
- insufficient public open space and green space in the surrounding area with yet another site proposed for housing;

- junction of Kirkton Road with Strathmartine Road is already busy and dangerous and this development will exacerbate this situation;
- where will the access for construction traffic be?
- bin collection and refuse bins on footway of Kirkton Road; and
- school and local GP at capacity, where will new residents go?

The Partnership recommends the following mitigation measures and conditions:

- no gable end windows on the properties adjacent to Kirkton Place;
- turn the properties on Kirkton Road around so that their gardens are adjacent to Kirkton Road and the driveways are into the centre of the site. This moves the properties adjacent to Kirkton Road further away from the existing properties;
- reduce the density of the development (i.e. fewer houses);
- ensure that refuse collection can be done from within the site (i.e. the bin lorries are able to at least reverse into the access road and collect the bins from within the site) rather than the bins being put out onto Kirkton Road;
- routes and Times for Construction traffic to access and egress the site during development are agreed with local residents, the school and the Kirkton Community and Safety Partnership;
- make the end of Kirkton Road at the junction with Strathmartine Road one-way, make the footway on the south side of Kirkton Road wider, and add a footway on the north side of Kirkton Road. Use a side raised exit treatment at the junction to slow traffic movements exiting the junction (example included);

Response to the issues raised:

- 7.63 **Overlooking and Privacy** – the proposed housing has been assessed against the Appendix 4 standards and it satisfies the 18m privacy standard. The site is bounded by a public road and public footways and this public space offers a barrier between the proposed housing and the existing housing on Kirkton Road and Kirkton Place.
- 7.64 **Parking and Impact on Roads** – the proposed parking satisfies the Appendix 4 standard for in-curtilage parking. A Transport Assessment has been submitted and this demonstrates that the proposed development would not have a detrimental impact on the existing parking provision and the function of the surrounding road network.
- 7.65 **Trees** – the developer has proposed new planting which will create a net gain of trees across the site to compensate for the loss of trees on the site boundary. It is recommended that, should Committee be minded to approve the application, conditions are attached to any planning permission granted to secure quality replacement planting as part of the proposed development.
- 7.66 **Construction Traffic** – the developer has confirmed that the proposal would be for construction traffic to access the development site in the south east corner. Also, in an effort to minimise the impact on neighbouring properties, the developer has advised that vehicles would be instructed to access the site from the east, Asda side, from Gilburn Road via Derwent Avenue and along Kirkton Crescent to Kirkton Road East with the gated secured access being in close proximity to the proposed plots 12 & 13 on the site plan.

- 7.67 **Bin Collection and Refuse Bins On Footway** – the site layout incorporates provision for waste storage and recycling within the curtilage of each house plot. As outlined previously, should Committee be minded to approve the application, it is recommended that a condition is attached to secure full detail of the waste and recycling storage to ensure the proposed provision would be in accordance with the Council's Waste Management Strategy.
- 7.68 **Local Services At Capacity** – there is capacity at primary school and secondary school level. The Health and Social Care Partnership advise that whilst there may be some localised capacity issues in GP practices in some parts of the city, there is sufficient capacity across the city.

Response to the Partnership's proposed mitigation and conditions:

- 7.69 **Design and Layout** – in respect of the site density, the application site is allocated for housing in the Local Development Plan (H12) with an indicative capacity of 22 units. Therefore, the proposed development of 21 houses is within the indicative capacity. The proposed houses have been designed to front Kirkton Road to offer an active street frontage and natural surveillance of the public footways. Adjacent to Kirkton Place, on plots 11 and 12, the houses have been designed with window openings on the gable - a ground floor window for the main living area and a bathroom window on the upper level. The location of the window openings responds positively and sensitively to the surrounding area. In respect of visual amenity and good design practice, the proposed openings would avoid a blank gable next to a public footway. The bathroom window would have obscure glazing and it is recommended that this is secured by condition, should Committee be minded to approve the application. The proposed housing has been assessed against the Appendix 4 standards and it satisfies the 18m privacy standard. The site is bounded by a public road and public footways and this public space offers a barrier between the proposed housing and the existing housing on Kirkton Place. There would be no privacy and overlooking issues from the proposed housing development. The design and layout of the proposed 21 modern family homes has been sensitively designed and the development would not have a detrimental impact on existing residential amenity.
- 7.70 **Roads** – planning has no control over the organisation of the collection of waste and recycling. The site layout has been designed to ensure safe and adequate provision is made for road freight and waste access, loading and unloading. A Transport Statement has been submitted and this demonstrates that the proposed development would not have a detrimental impact on the function of the surrounding road network.
- 7.71 **Construction Phase** – a condition for a construction management plan was attached to planning permission 17/00420/FULL for the site of the former Macalpine Primary School. Given its success and in response to the Partnership's recommendation, should Committee be minded to approve the application, it is recommended that, prior to the commencement of development, the developer submits a construction management plan for written approval by the Council. The construction management plan would amongst other matters confirm the site access; construction vehicle routes; site operational times and establish safe routes for pedestrians during the construction phase.
- 7.72 The issues raised in the representation have been considered and addressed in the report and the grounds raised are not of sufficient weight to justify refusal of planning permission.
- 7.73 **It is concluded that there are no material considerations of sufficient weight in this case to justify refusal of planning permission.**

8 CONCLUSION

- 8.1 The application for 21 houses is in accordance with the Development Plan. There are no material considerations of sufficient weight that would justify refusal of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

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

- 1 **Condition** - prior to the commencement of work on site, details of the proposed finishing materials and boundary treatment of the development hereby approved shall be submitted to the planning authority for written approval. Thereafter, the proposed development shall be finished in strict accordance with the details approved by this condition. For the avoidance of doubt the details submitted shall include the finishing materials and design of the masonry entrance; boundary treatments around garden ground; tree and landscaping; the acoustic style timber fence on the north boundary; and the finishing materials for the houses.

Reason – in the interests of visual amenity of the area and to protect residential amenity.

- 2 **Condition** - the first floor east facing window serving the proposed bathroom on plots 11 and 12 on the proposed site plan hereby approved shall be obscurely glazed and maintained as such in perpetuity.

Reason – in the interests of residential amenity and privacy.

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

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

- 4 **Condition** – prior to the commencement of development, full details of the cycle storage to be located in the rear garden of each plot shall be submitted to the planning authority for written approval. Thereafter, the cycle storage shall be installed prior to the completion of the development and in strict accordance with the details approved by this condition.

Reason – in order to ensure provision is made for active and sustainable transport in the development hereby approved.

- 5 **Condition** – prior to the commencement of development, full details of the electric vehicle charging provision for each plot in the development hereby approved shall be submitted to the planning authority for written approval. Thereafter, the electric vehicle charging shall be installed prior to the completion of the development and in strict accordance with the details approved by this condition.

- 6 **Reason** – in order to ensure provision is made for sustainable transport in the development hereby approved.

- 7 **Condition** - prior to the commencement of development, a scheme of landscaping shall be submitted to and approved by the planning authority, and it shall include indications of all existing trees and hedgerows on this land, and details of any to be retained, together with measures for their protection in the course of development in accordance with BS5837:2012. Full details of new planting and landscaping and an associated maintenance schedule shall also be submitted to and approved by the planning authority prior to the commencement of development. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.

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

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

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

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

Reason – in the interests of flood protection.

- 10 **Condition** - prior to the commencement of any works on site, a detailed surface water drainage/SUDS design including drawings, calculations, full modelling, simulation results, design risk assessment, signed Dundee City Council Design Compliance and Independent Check Certification, evidence of compliance with the Simple Index Approach as described in section 26.7.1 of the CIRIA SUDS Manual (C753), and where appropriate SEPA comments shall be submitted to the planning authority for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to the first occupation of the development hereby approved.

Reason – in the interests of flood protection.

- 11 **Condition** - prior to the commencement of any works on site, maintenance responsibilities along with a maintenance schedule for the surface water drainage system/SUDSs features shall be submitted to the planning authority for written approval. Thereafter, all works approved by virtue of this condition shall be carried out in perpetuity.

Reason - in the interests of flood prevention and visual amenity.

- 12 **Condition** - prior to the commencement of any works on site, evidence of Scottish Water approval for the proposed drainage system for the development hereby approved shall be submitted to the planning authority for written approval.

Reason – in the interests of flood protection.

- 13 **Condition** - development shall not begin until further risk assessment is completed and, if necessary, a remediation strategy to deal with any contamination at the site has been

submitted to and approved in writing by the planning authority. The strategy shall contain proposals to deal with contamination to include:

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

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

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

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

- 15 **Condition** - full details of the provision for waste and recycling storage within the development hereby approved shall be submitted to the planning authority for approval in writing. Thereafter, the waste and recycling storage shall be installed prior to the completion of the development and in strict accordance with the details approved by this condition.

Reason – to ensure provision for waste and recycling is provided in accordance with the Council's waste Management Strategy.

- 16 **Condition** - a Sustainability Statement demonstrating the extent to which the housing development will meet the requirements of Policy 48 of the Dundee Local Development Plan shall be submitted for the approval of the planning authority and the works shall be completed in accordance with the approved Statement.

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

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

Reason - in the interests of vehicle and pedestrian safety.

- 18 **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.

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

Reason - in the interests of vehicle and pedestrian safety.

- 20 **Condition** - the applicant must provide a disposal route for road surface water to the satisfaction of Dundee City Council which discharges to a system publicly maintained/maintainable by the relevant authority.

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

- 21 **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.

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.