

Erection of 23 Houses on Allocated Housing Site H11 – Former Downfield PS Annexe

KEY INFORMATION

Ward Strathmartine

Address

Former Downfield PS Annexe,
East School Road,
Dundee

Applicant

H&H Properties UK Ltd
71 Blackness Road
Dundee

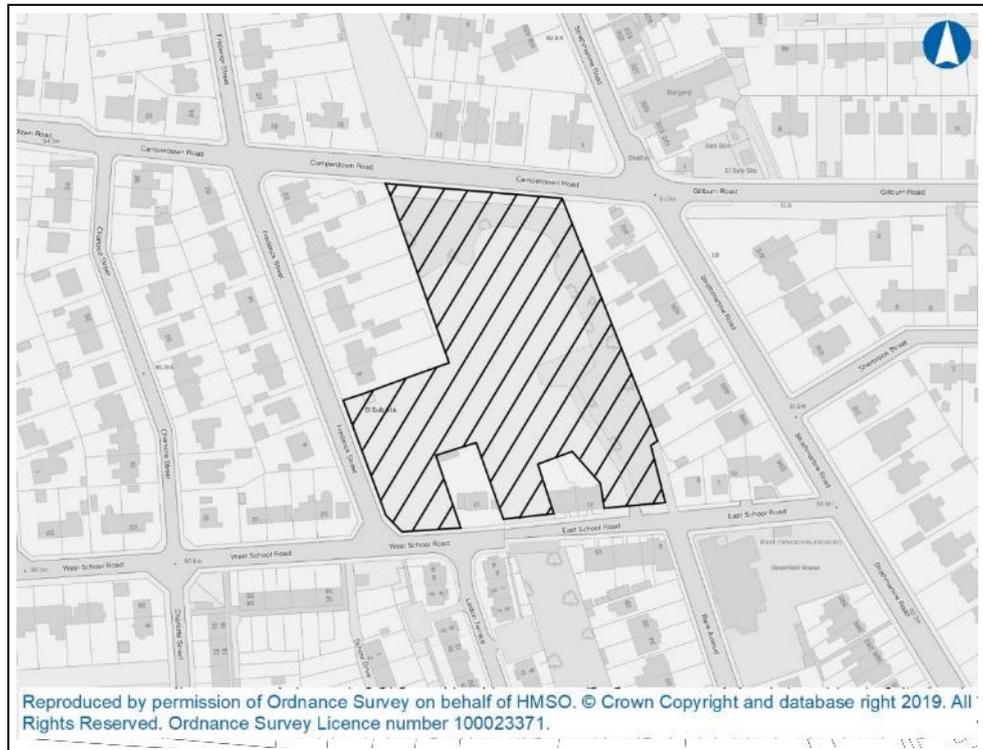
Agent

Mr Stephen Forbes

Registered 10 Feb 2020

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

Contact: Craig Swankie



SUMMARY OF REPORT

- Planning permission is sought for the erection of 23 dwelling houses with associated infrastructure, access, landscaping, drainage, SUDS and open space on land to the north of East School Road.
- The application site comprises allocated housing site H11 of the Dundee Local Development Plan 2019.
- The application is in accordance with the Development Plan.
- In total 7 letters were received objecting to the proposal and 1 letter was received neither objecting to nor supporting the proposal from Dundee Civic Trust.
- The letters of objection raised concerns in relation to flood risk, additional traffic and overlooking of neighbouring property. Dundee Civic Trust support the re-use of a brownfield site for residential development within an area which is well served by amenities. It is recommended additional landscaping and a public art contribution is provided.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as 6 or more valid written objections have been received and the recommendation is for approval.
- More details can be found at <http://idoxwam.dundeeccity.gov.uk/idoxpa-web/applicationDetails.do?keyVal=Q5AE2LGCHET00&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 Permission is sought for 23 dwelling houses on a site which measures 1.27ha. The site is currently surfaced with grass and trees following the demolition of buildings on site. A total of 23 houses are proposed within the centre of the site, within an area of public open space to be provided within the south west. A mix of 19 detached and 4 semi-detached houses are proposed. All semi-detached houses would be of the same house type whilst there would be 4 different types of detached properties. Thirteen of the proposed houses within the site are to front onto the proposed access road. Houses within the east of the site are to face north/south onto a SUDS area and an access road. All plots would have private rear garden ground and in-curtilage parking, and landscaping is to be provided within the development.
- 1.2 The houses are proposed to have concrete roof tiles, dry dash render to external walls and UPVC windows, doors and rainwater goods. Solar Panels are to be added to the roof plane of each proposed house. In curtilage driveways are to be provided at each dwelling, with 4 houses to feature integrated garages and 10 houses to feature detached garages. To the rear of houses 1.8m high timber fences are proposed to enclose rear garden ground. The site's south boundary with East School Road is to be formed by a 0.9 metre high block wall. The site's north boundary will be open in nature with SUDS and drainage provision enclosed by the existing chain link fencing. Planting is proposed to the front of properties along the access roads, and existing trees within the open space to the south west of the houses will be retained.
- 1.3 Access to the residential development is proposed to be taken from Camperdown Road via a new access. The street to be formed within the residential development would run north to south with a fork at the south and a turning head. A SUDS basin is proposed in the northeast section of the site. As well as the road and associated footpaths, pedestrian access is also proposed from East School Road and Frederick Street.
- 1.4 The applicant has submitted the following in support of the application:
- Geo-environmental and Geo-technical preliminary investigation;
 - Flood Risk Assessment and Drainage Report;
 - Landscaping Plan and Maintenance Report;
 - Boundary Treatment Plan; and
 - Transport Statement.

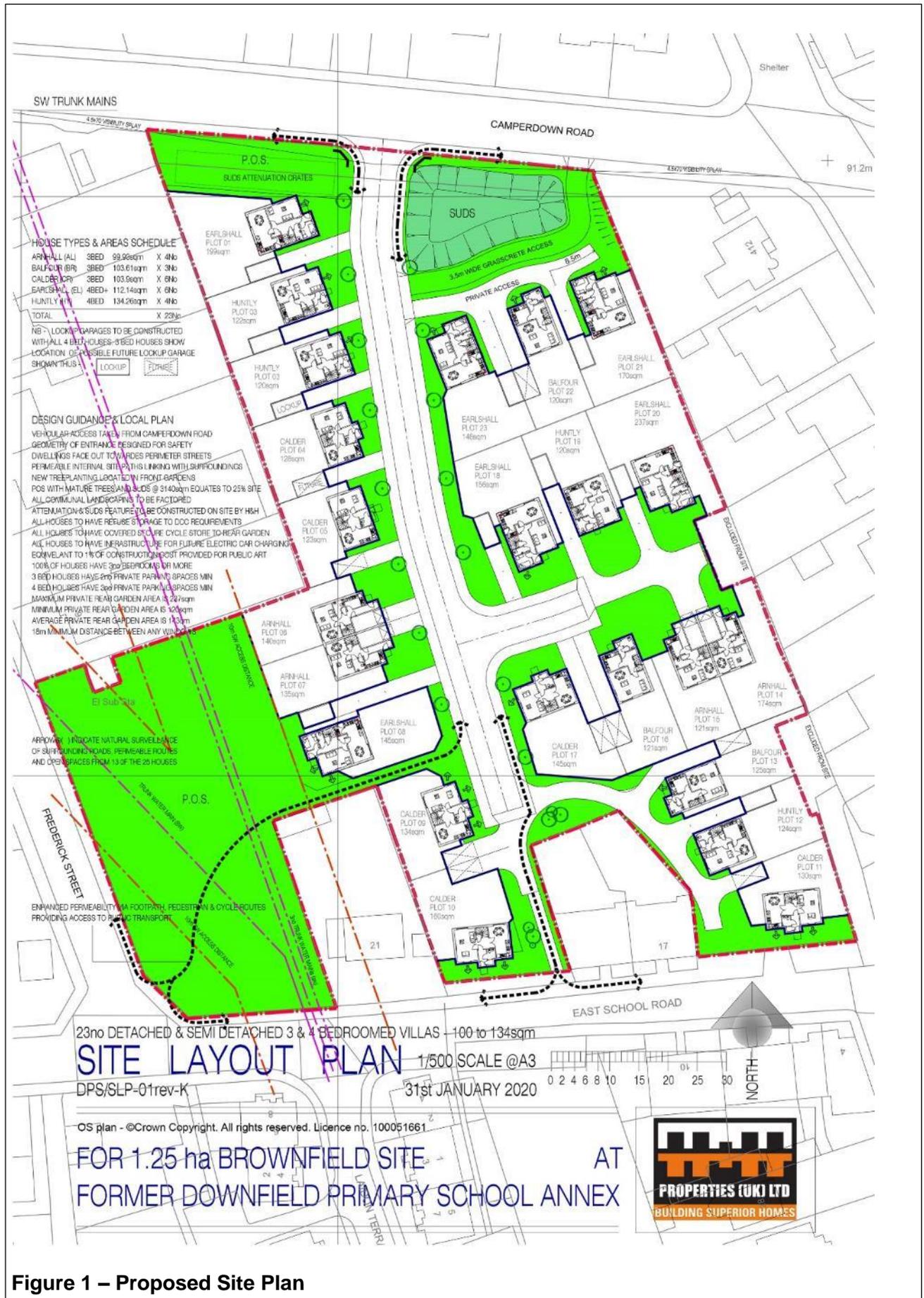


Figure 1 – Proposed Site Plan

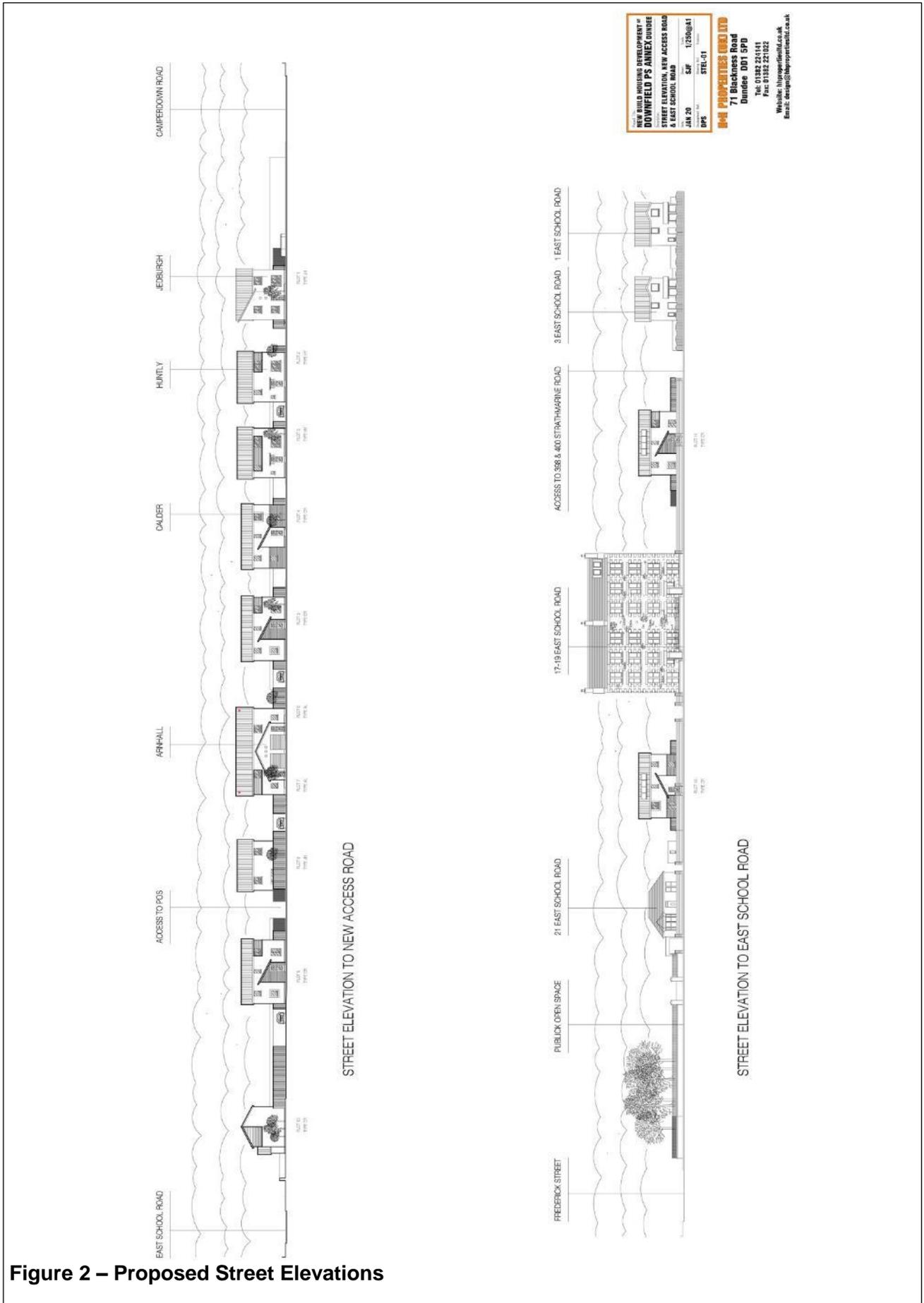


Figure 2 – Proposed Street Elevations

2 SITE DESCRIPTION

- 2.1 The site is located to the north of the Kingsway and lies between Strathmartine Road, Camperdown Road, Frederick Street, West School Road and East School Road. It is an area of brownfield land which formerly contained Downfield Primary School annex. Within the site are areas of open grass and hardstanding with trees dispersed throughout. The site is generally flat in nature, with an area of raised land within the north west which contains a group of pine trees. Within the east and west of the site are young trees and further areas of open grass.
- 2.2 The site is bound to the south, east and west by houses on Frederick Street, Strathmartine Road and East School Road with further residential areas beyond. To the north, the site is bound by Camperdown Road with houses beyond. The surrounding area is residential in character with shops and services to the north on Strathmartine Road, east on Gillburn Road and South at Kingsway Retail Park. Downfield Primary School is located 220 metres to the northeast of the site. The application site is an allocated housing site (H11) within the Dundee Local Development Plan 2019 with an indicative capacity of 25 units.



Figure 3 – View of site from Camperdown Road



Figure 4 – View of site from East School Road

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 36: Flood Risk Management

Policy 37: Sustainable Drainage Systems

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 is no relevant planning history.

5 PUBLIC PARTICIPATION

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

5.2 In total 7 letters were received objecting to the proposal.

5.3 The letters of objection raised the following:

- increased traffic on surrounding roads will have a detrimental impact on road and pedestrian safety;
- concerns with the proposed access onto Camperdown Road;
- flooding/drainage concerns;
- residential design, density and layout;
- trees/landscape affected; and
- overlooking concerns.

- 5.4 One neutral letter of representation was received from Dundee Civic Trust which raised the following:
- The Civic Trust support the use of a brownfield site within close proximity to existing amenities;
 - proposals will require to provide a high quality design and planting; and
 - public art provision will be required.
- 5.5 The valid grounds of representation are taken into account in the material considerations section of this report.

6 CONSULTATIONS

6.1 **The Head of Neighbourhood Services has commented on the following matters:**

The Head of Environmental Management – has no objection to the proposed development, however it is noted that a number of trees would be lost within the site. It is recommended full details of planting and landscaping are provided, and measures to support wildlife including the provision of bird boxes are provided as part of the development.

6.2 **The Head of Community Safety and Protection has commented on the following matter:**

Contaminated Land – has no objection to the proposal. A geo-environmental and geotechnical preliminary investigation has been submitted and reviewed. Conditions are recommended should planning permission be granted. These relate to the completion of the investigation and risk assessment details in the desk study and the submission and implementation of a remediation strategy.

6.3 **Scottish Water** - has no objection to the proposal.

6.4 **SEPA** – has no objection to the proposal based on the further information received by them on 3 August 2020 including an updated Flood Risk Assessment.

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** - Policy 2 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, are accessible, resilient and resource efficient
- 7.6 The proposal is for a mix of 3 and 4 bedroom houses including semi-detached and detached dwellings providing choice and interest within the development. The proposed layout and vehicular routes are constrained due to the linear nature of the site and requirement to locate SUDS and drainage provision within the north of the development. However, the proposed layout will support the provision of an area of open space within the south west of the site where existing trees are to be retained. Within the development whilst existing trees are to be felled, landscaping comprising trees and shrubs will be provided throughout the development. The provision of footpath and road connections to surrounding streets ensures the development is accessible and resilient.
- 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 The proposal is for 23 detached and semi-detached houses with 3 and 4 bedrooms. There are proposed to be 5 different house types finished in materials including dry dash render and concrete roof tiles with UPVC windows and doors. The proposed finishes and the house types would contribute positively towards the quality and identity of the development. As well as retaining trees within the south west of the site, it is proposed to provide replacement trees within the site as part of the landscaping plan which will contribute positively to the character of the new development.
- 7.10 A SUDS basin is proposed on the north of the site. It has been demonstrated that in principle there is an acceptable drainage solution for the site however conditions are recommended to secure further technical details of the drainage proposal.
- 7.11 With regard to Appendix 1, this states that the scale, nature and location of the development will determine the extent to which the six qualities are appropriate to the assessment process. Appendix 1 is assessed as follows:

Distinctive – details of the proposed site layout, house types and boundary treatments have been submitted with the application which illustrate the design, access and development concepts of the proposal. A mix of 23 detached and semi-detached 2 storey houses are

proposed, comprising 5 different house types in total. The variety will contribute positively to and add interest to the development. It is proposed to retain existing trees within the south west of the site where an area of public open space is to be created, as well as incorporate new landscaping within the development. The access road from Camperdown Road provides vehicle access to all houses within the proposed development. Additionally the proposed houses will be accessible on foot from paths which are to be created onto Fredrick Street and East School Road. The proposal responds positively and sensitively to the form of the site and character of surrounding streets as the density of development does not overdevelop the site and provides an area of open space which respects the site's residential surroundings.

Safe and Pleasant – the site is bound by Camperdown Road to the north where vehicle access will be taken. Within the site the driveways will be provided to the front and side of the houses. New footpaths will be created to provide access through the site and link the development to the surrounding area. There are to be areas of greenspace within the site and there are pedestrian links to the surrounding open space and Core Path network. These spaces will benefit from natural surveillance due to the location of windows on the proposed houses. The proposal will create a vibrant and attractive place.

Easy to Move Around and Beyond – new footpaths have been sensitively integrated into the proposed site layout to connect to the surrounding area. This provides access to open space within the south west of the site, the Core Path network on Camperdown Road and public transport links with bus stops located on Strathmartine Road. Vehicle access is to be taken from Camperdown Road. The proposal considers place and responds positively and sensitively to the needs of people.

Welcoming – the vehicle entrance onto Camperdown Road within the north of the site would be open in nature and features a SUDS pond which contributes to the character of the proposed development. The majority of new footpaths through the site will be overlooked by the new houses offering natural surveillance and a safe and welcoming environment. The proposal positively promotes wayfinding and a sense of orientation.

Adaptable – this site is presently vacant brownfield land which is allocated as a housing site within the Dundee Local Development Plan 2019. The proposed houses will be a positive addition to the mix of houses in the residential area. Green space is to be incorporated within the development with links to the wider areas of open space.

Resource Efficient – The proposal has been designed to include modern energy efficient materials to reduce heat loss and associated energy consumption. The applicant proposes the inclusion of renewables such as solar panels with the roof planes of the proposed houses and green infrastructure including charging provision for electric vehicles is to be provided.

7.12 The proposal meets the requirements of Appendix 1.

7.13 Policy 1 - the proposed residential development is for a range of types and sizes which will make a positive contribution to the residential neighbourhood in the north of the city. To connect to infrastructure on Camperdown Road the drainage provision is to be located within the north of the site, this will result in the loss of a group of pine trees. To ensure the proposed development provides an attractive frontage onto Camperdown Road, and mitigates for the loss of trees, new landscaping is proposed within the site and position. The design of the drainage basin and soft landscaping within the north of the site ensure the development contributes positively to the character of Camperdown Road. The houses have been designed to provide variety and a good quality finish which will contribute positively to the character and appearance of the development. The proposal will be well connected and have green infrastructure.

- 7.14 **The proposal is in accordance with Policy 1.**
- 7.15 **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.
- 7.16 The applicant confirms a public art contribution is to be provided. However, a detailed scheme of public art has not been submitted as part of the application. Therefore it is recommended that the details and public art project is secured by condition.
- 7.17 **The proposal is in accordance with Policy 2, subject to a condition.**
- 7.18 **Policy 9: Housing Land Release** – priority will be given to the development of the allocated brownfield and greenfield sites. Housing land release on brownfield sites, in addition to the allocations set out in Appendix 3, may be acceptable where it can be demonstrated that it will improve the tenure mix in an area where existing choice is limited and would make a positive contribution to the regeneration objectives of the area.
- 7.19 The policy requires that priority is given to allocated sites. The application site is an allocated housing site (H11) within the Dundee Local Development Plan 2019. The site has an indicative capacity of 25 houses and is located within an established residential area. The proposed development is of an appropriate design and density for this location, and would contribute to the mix of property types within this part of the city.
- 7.20 **The proposal is in accordance with Policy 9.**
- 7.21 **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.
- 7.22 A Design and Access Statement has been submitted with the application which provides details of the proposed design and layout, site access principles and amenities within the surrounding area. The proposal is required to meet the suburban standards for houses set out in Appendix 4 which requires the following:
- 7.23 **House Type** – in general, 75% of houses should have 3 or more bedrooms or a minimum gross internal floor area of 100m².
- 7.24 **Response** – the 23 houses proposed would comprise 13, 3 bed houses and 10, 4 bed houses. There would be no properties with less than 3 bedrooms. As such more than 75% of houses would have 3 or more bedrooms and therefore the proposal meets the standards.
- 7.25 **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.
- 7.26 **Response** – the proposed in curtilage parking would be to the front or side of the proposed houses. All properties with 3 beds would have 2 parking spaces whilst all properties with

4 beds would have 3 parking spaces. In line with this requirement all car parking is within the curtilage of each house and the number of spaces meets the standards.

- 7.27 **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.
- 7.28 **Response** – the majority of properties have a garage where secure covered cycle storage can be provided. Where a garage is not proposed the applicant states external cycle storage is to be provided within the rear garden ground. A condition is recommended to ensure full details of the cycle storage provision is submitted for approval, and that the secure cycle storage is thereafter provided prior to the occupation of the house.
- 7.29 **Amenity/Garden Ground** - Brownfield sites will provide an average private useable garden ground of 140m² per house with a minimum garden size of 120 m².
- 7.30 **Response** – the application site is brownfield land. All of the proposed gardens meet the minimum 120m² requirement. The average private useable garden ground of the development is 140.7m². In regards to the garden grounds being private, a 1.8m feu fence is proposed between the rear garden grounds which would provide screening between gardens. The proposal meets the standards.
- 7.31 **Privacy** - a minimum of 18 metres between the facing windows of habitable rooms.
- 7.32 **Response** – there would be at least 18 metres separation between the windows of habitable rooms of both the proposed housing and existing houses within the surrounding area. The proposal meets the privacy standards.
- 7.33 **General Requirement** - provision for waste and recycling should be provided in accordance with the Council's waste management strategy.
- 7.34 **Response** – the site plan indicates that every property will have a bin storage space within the rear curtilage which can accommodate bin provision in line with Councils Waste Management Strategy. Access from the rear curtilage to the street will be available, and access roads are of a suitable size and form for waste collection vehicles. The proposed development will therefore provide suitable provision for waste and recycling in accordance with the Council's Waste Management Strategy.
- 7.35 **General Requirement** – parking areas should include provision for electric car charging points.
- 7.36 **Response** – The applicant has confirmed all properties will be provided with 1 electric car charging point. However, full details of the type and location of the electric charging point have not been provided. Plots with a garage would be able to have an electric vehicle charging point within the garage itself, plots without a garage would be able to provide an external charging point. It is recommended that a planning condition is used to agree details of the charging infrastructure and to ensure that these are installed.
- 7.37 **The proposal meets Policy 10 and Appendix 4 standards, subject to conditions.**
- 7.38 **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, based on the following options:

- 1 green infrastructure will be adopted by the Council, subject to appropriate agreements with the developer over the landscaping scheme and annual maintenance, including payment of a commuted sum to cover annual maintenance costs; or
- 2 a developer may lay out the green infrastructure, transfer the land to a suitable third party, and either:
 - i pay a commuted sum to cover maintenance costs; or
 - ii hand over the maintenance costs to residents of the new development.

This latter option should be clearly set out in the sale agreement so residents agree to effectively share the cost of maintaining green infrastructure on an annual basis.

- 7.39 Within the site there will be areas adopted by the Council including verges and the proposed SUDS landscaped areas. Other areas of landscaping are proposed to be privately maintained by a factor. In order to secure this, it is recommended that a condition is attached to any planning permission granted.
- 7.40 **The proposal is in accordance with Policy 30, subject to a condition.**
- 7.41 **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.
- 7.42 As noted earlier in this report a number of trees are presently contained within the site, and will be felled to accommodate the proposed development. A group of seven trees are to be retained within the south west of the site, as part of an area which will form public open space. Within these trees, and the wider residential development there is scope to provide bird boxes to support wildlife in the surrounding area.
- 7.43 Within the development site an existing group of pine trees located within the north west of the site will be felled to create space for the SUDS basin and a further 40 trees in the south and east of the site will be felled to accommodate the houses. The siting of the SUDS within the north of the site is proposed to facilitate a connection to existing infrastructure on Camperdown Road. Whilst trees are not to be retained within this area, there is scope to provide some replacement planting towards the site's north boundary. To reduce the impact of tree loss on wildlife the applicant also proposes to provide bird boxes within trees which are to be retained within the south west of the site.
- 7.44 With regard to trees loss within the south east of the site. These trees, whilst not of significant value being mainly young, self-seeded trees of varying sizes, do contribute to the character of the site. The applicant has provided a proposed planting plan showing 30 replacement trees and an associated maintenance schedule. The proposal includes a mix of trees including Hawthorn and Maples located along access roads and within the gardens of the proposed houses.

- 7.45 The submitted landscaping plans are acceptable in principle, however there is scope to provide further trees and hedging within the site. To ensure the development provides an acceptable level and type of planting, and that the planting is implemented as part of the proposed development, the provision of a detailed landscaping plan will be controlled by condition.
- 7.46 **The proposal is in accordance with Policy 35, subject to conditions.**
- 7.47 **Policy 36: Flood Risk Management** – states that for Medium to High Risk Area there is a general presumption against:
- a development on previously undeveloped land; and
 - b development of essential civil infrastructure, in high risk areas based on a 0.5% or greater annual probability of flooding (equivalent to a 1 in 200 year flood or greater) plus an additional allowance of 600mm. Other development may be acceptable where:
 - 1 sufficient flood defences already exist, or a Flood Protection Scheme or flood defence, designed and constructed to a standard of 0.5% annual probability plus climate change allowance, will be in place prior to occupation of the proposed development;
 - 2 those flood defences will be maintained for the lifetime of the development and will not increase the probability of flooding elsewhere;
 - 3 the extent of development potentially affected by flooding is protected through the use of appropriate water resistant materials and construction; and
 - 4 the finalised scheme does not result in a land use which is more vulnerable to flooding.

A flood risk assessment will be required for any development within the medium to high risk category.

- 7.48 The SEPA flood maps show that there is a medium to high risk of surface water flooding to the site's north boundary and along Camperdown Road. A Flood Risk Assessment and Drainage Layout have been submitted. This considers the impacts of the proposed development, drainage provision and associated additional flows of water within the surrounding area. The FRA finds the proposed residential development would result in no significant increase in flood levels during a 1 in 200 year storm event, with climate change considered. The proposal would also have no significant impact on the risk of flooding downstream of the site.
- 7.49 Any flood risk to the development is to be mitigated by having the finished floor levels above surrounding ground level.
- 7.50 The Flood Risk Assessment has been reviewed by SEPA and Dundee City Council Engineers. Following the provision of additional information, SEPA have no objection to the submitted flood risk assessment or proposed residential development. Dundee City Council engineers recommend planning conditions are attached to any consent in relation to the implementation of recommended flood mitigation measures. Subject to conditions, the proposed development would not increase the flood risk on Camperdown Road or downstream of the site.
- 7.51 **The proposal is in accordance with Policy 36, subject to conditions.**
- 7.52 **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.

- 7.53 The applicant proposes a SUDS drainage basin and covered SUDS attenuation crates within the north of the site. The siting and layout of the drainage infrastructure allows connections to be made to existing infrastructure on Camperdown Road. The applicant has reviewed the drainage proposals with Scottish Water and Dundee City Council Engineers. The proposed location and form of the drainage provision is acceptable in principle, and details have been provided which demonstrate the drainage basin can meet Scottish Water requirements in relation to form and access. The applicant has therefore demonstrated that an acceptable drainage solution can be achieved within the site. Conditions are recommended to ensure that full details of the drainage provision are agreed with Dundee City Council and Scottish Water in the interest of providing appropriate on site drainage and in the interest of flood protection.
- 7.54 **The proposal is in accordance with Policy 37, subject to conditions.**
- 7.55 **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.
- 7.56 A Geo-Environmental and Geo-Technical Preliminary Investigation has been submitted as part of the application, which identifies a risk of lead and asbestos within the soil on site. The Head of Community Safety and Protection has recommended conditions be attached to any permission granted which relate to the completion of the investigation and further risk assessment as detailed in the report, and the submission and implementation of a remediation strategy. Subject to the undertaking of satisfactory remediation work within the site, the proposed houses would not be at risk from ground contamination.
- 7.57 **The proposal is in accordance with Policy 41, subject to conditions.**
- 7.58 **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.
- 7.59 The proposed plan shows that provision for bin storage areas within the rear curtilage of the plots and an access path is available to the street. The bin storage areas would provide sufficient space for the standard wheeled bin provision at all houses. The proposed site layout and road widths have been designed to provide safe access to refuse vehicles. It has therefore been demonstrated that there is sufficient space within the site for waste separation and the collection.

- 7.60 **The proposal is in accordance with Policy 44.**
- 7.61 **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.
- 7.62 The applicant states that solar panels are to be provided at each plot, and the proposed houses are to be constructed from energy efficient materials. However, a detailed Energy Statement has not been submitted with the application. The provision of an Energy Statement which demonstrates that the proposals will comply with Scottish Building Standards will be controlled by condition.
- 7.63 **The proposal is in accordance with Policy 48, subject to a condition.**
- 7.64 **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.
- 7.65 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.

*this includes the re-use of existing buildings.

- 7.66 A Transport Statement has been submitted. The findings of the Transport Statement have been accepted.
- 7.67 In respect of the above Criteria 1-7:
- 1 The proposal would incorporate and be connected to existing footpath and core path networks. Bus stops are located within 130m of the site on Strathmartine Road and

secure cycle storage is proposed for each dwelling. As such the proposal minimises the need to travel by private car.

- 2 Paths are proposed within the development to provide safe and convenient connections to the wider path network. It is noted that the proposal would connect to the DCC Core Path network to the north on Camperdown Road, and footpath connections onto East School Road are to be provided. Bus routes can be accessed on Strathmartine Road. Secure cycle parking is proposed for each plot in line with the Appendix 4 standards. Conditions are recommended to ensure that the roads, access, sustainable transport, pedestrian safety and access requirements are met prior to the first occupation of the development.
- 3 As above, footpaths will connect the site to East School Road and Camperdown Road which provide access to bus stops on Strathmartine Road. The bus stops are within 130m walking distance of all proposed houses and provide access to frequent services between Craigowl, the city centre and Ninewells.
- 4 A Transport Statement has been submitted as part of the application and the findings have been accepted. The roads leading to the site have capacity to cater for the proposed development. The proposed junction meets current visibility standards and the access meets current specification. Detailed design and roads information are recommended to be conditioned to ensure that the proposal meets Roads standards.
- 5 With the aforementioned conditions to ensure that details are submitted to and agreed by the Council as Planning and Roads Authority, the proposal ensures that safe and adequate provision is made for road freight and waste access, loading and unloading.
- 6 The proposal meets DCC standards and conditions are recommended to ensure that details are submitted to and agreed by the Council as Planning and Roads Authority.
- 7 A condition is recommended to ensure that a Travel Plan is in place and agreed by the Council prior to the occupation of the first property.

7.68 It is considered that sustainable travel methods are included within the development. Bus stops are located within a 130m walking distance of the site and local amenities and education facilities, including Downfield Primary School, are within 500m of the site.

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

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

MATERIAL CONSIDERATIONS

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

A – REPRESENTATIONS

7.72 In total 7 letters were received objecting to the proposal and 1 letter received neither objecting to nor supporting the proposal. The objections raised the following valid material grounds:

7.73 **Objection** – increased traffic on surrounding roads will have a detrimental impact on road and pedestrian safety. In particular, there are concerns with the proposed access onto Camperdown Road.

- 7.74 **Response** – matters relating to road and pedestrian traffic, and the provision of sustainable transport options are considered under Policy 54. It is recognised that there will be an increase in traffic associated with the proposal for 23 houses. A Transport Statement has been submitted which states the proposed development would add up to 33 vehicle movements at peak times. The findings of the Transport Statement are accepted. There is capacity within surrounding roads, including Camperdown Road for the additional traffic associated with the development.
- 7.75 The provision of an access onto Camperdown Road, which is to be formed to Dundee City Council specifications, would have no detrimental impact on road safety. Separate approval is required in the form of a Roads Construction Consent by the Council as Roads Authority. The proposal meets the parking standard requirements in terms of Appendix 4 standards.
- 7.76 **Objection** – the proposal raises flooding risk and drainage concerns, with a history of flooding in the local area.
- 7.77 **Response** – as outlined previously and as assessed against Policy 36 and 37, SEPA has no objection to the proposal and is satisfied that the proposed development would not increase the risk of surface water flooding within the surrounding area. The Council's Engineers consider that an acceptable surface water drainage solution and Flood Risk Assessment have been submitted. Conditions are recommended to ensure that the proposal adequately addresses the approved and required drainage and flood management requirements. The hard surface within the curtilage of the proposed plots would be conditioned to ensure it is 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.
- 7.78 **Objection** – the design, density and layout of the proposed development is not in keeping with the surrounding area.
- 7.79 **Response** – the design, density and layout has been assessed against Policies 1 and 10 of the Local Development Plan and is considered to comply. The layout has been influenced by the shape and form of the site, the provision of open space and the siting of the drainage basin. There is variety between house types which positively contributes to the design of the development. The sizes and number of plots do not overdevelop the area being below the site's indicative capacity of 25 houses.
- 7.80 **Objection** – existing trees/landscape will be adversely impacted by the proposal.
- 7.81 **Response** – the impact on the trees and landscape of the site is as assessed against Policy 35 of the LDP. The proposal would result in the loss of trees within the north and centre of the site, including a group of pine trees. However, the trees which are contained within the allocated housing site are not protected, and many are young self-seeded trees. The applicant has demonstrated compensatory planting can be provided, and planning conditions are recommended to ensure suitable planting is provided and maintained within the residential development. The applicant is also to provide bird boxes within retained trees located within the south west of the site. It is considered that on balance the removal of the existing trees and the planting of new trees and bushes would be acceptable.
- 7.82 **Objection** – detrimental impact on privacy by virtue of overlooking of private garden ground
- 7.83 **Response** – there are existing residential properties adjoining the site's south, east and west boundaries. Garden ground of the neighbouring properties would be visible from upper floors of houses within the proposed development. However, the proposed houses have been sited and orientated to ensure there is no significant overlooking of neighbouring garden ground afforded. There is a minimum of 10 metres separation between windows of proposed

dwelling and boundaries with neighbouring garden ground. Given the separation distances and provision of suitable boundary treatments, it is not considered that there would be detrimental visual or privacy impact on neighbours.

- 7.84 One letter of representation neither supporting or objecting to the proposal was received from Dundee Civic Trust raising the following valid material planning considerations:
- welcome the development of a brownfield site within close proximity to services and amenities
 - additional tree planting within the site and design features within the development would be welcome; and
 - A public art contribution will be required.
- 7.85 The proposal would develop an allocated housing site within an established residential area, within close proximity to shops, services and public transport provision.
- 7.86 The applicant has provided amended landscaping plans detailing further planting within the proposed development. There is, however, considered to be scope for further planting, including shrubs and bushes within the site. It is recommended the provision of a detailed landscaping plan is controlled by condition to ensure an appropriate level of replanting is provided within the site, and to ensure it is maintained. The design of the proposed houses is considered acceptable, and the applicant has confirmed the proposed finish materials which will ensure the development is of a high-quality finish which contributes to the character of the local area. It is recommended the provision of public art within the development is controlled by condition.
- 7.87 The issues raised in the representations have been considered and addressed in the report and the grounds raised are not of sufficient weight to justify refusal of planning permission.
- 7.88 **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 the development of 23 dwelling 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** - development shall not begin until the supplementary investigation and risk assessment proposed in the submitted Geo-environmental and geotechnical Preliminary Investigation, dated April 2020 are completed and a remediation scheme to deal with any contamination at the site has been submitted to and approved in writing by the planning authority. The scheme shall contain proposals to deal with contamination to include:
 - 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 order to ensure that any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

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

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

- 3 **Condition** – a Sustainability Statement demonstrating the extent to which the new build elements of the 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.

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

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

- 5 **Condition** - details of the proposed roads 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.

- 6 **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.

- 7 **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.

- 8 **Condition** - prior to occupation of the first property, a Resident's Travel Plan must be in place and agreed with the Planning Authority and this shall be distributed to residents on occupation of each property.

Reason – in the interests of promoting sustainable transport.

- 9 **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.

- 10 **Condition** – prior to the occupation of the first house, the secure cycle storage facilities as shown on drawings “Typical Bike Store” and “Parking Provision and Cycle Storage” be installed in accordance with the approved details.

Reason – in the interest of ensure storage provision is made for sustainable transport.

- 11 **Condition** – prior to commencement of development, details of the proposed electric vehicle charging provision for each house shall be submitted to and approved in writing by the Council. The agreed provision shall be installed prior to the occupation of each dwelling.

Reason – in the interest of promoting the use of sustainable travel measures.

- 12 **Condition** - prior to the commencement of any work on site, a detailed landscape plan and maintenance schedule shall be submitted to the Council for written approval. Thereafter, prior to occupation of the residential flats the landscaping shall be implemented as the approved drawings and maintained in accordance with the details approved by virtue of this condition in perpetuity. 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 landscape in the interests of the visual amenity of the area.

- 13 **Condition** – prior to the commencement of any work on site, maintenance responsibilities along with a maintenance schedule for all communal/shared areas, including the public open space within the south west of the site, 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 - to ensure that the proposed development has a satisfactory external appearance in the interests of the environmental quality and visual amenities of the area.

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

Reason - in the interests of flood protection.

- 15 **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 flood protection.

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

Reason - in the interests of prevention and visual amenity.

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

Reason - in the interests of flood protection.

- 18 **Condition** – the recommendations contained within the submitted Flood Risk Assessment by RPS Group 'Former Downfield Primary School Flood Risk Assessment – Ref. CLE40189' dated July 2020 must be implemented within the development hereby approved.

Reason - in the interests of flood protection.

Informative

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