

Erection of 8 houses on former tennis courts at 57 Dalkeith Road

KEY INFORMATION

Ward Maryfield

Address
57 Dalkeith Road

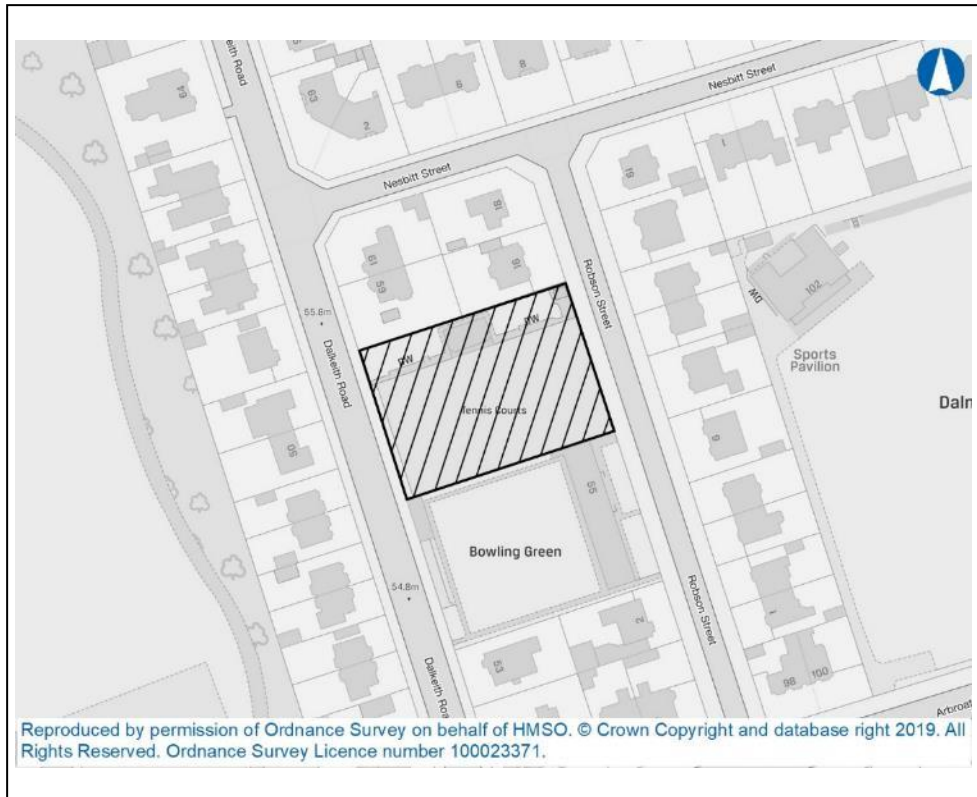
Applicant
H&H Properties Ltd
c/o APT Planning &
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Registered 27 March 2020

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

Contact: Ross Pattenden



SUMMARY OF REPORT

- Planning permission is sought for the erection of 8 dwelling houses with associated access, landscaping and drainage infrastructure on the former tennis courts at 57 Dalkeith Road.
- The application is in accordance with the Development Plan.
- In total 11 letters were received objecting to the proposal.
- 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. An elected member also requested that the application be determined by Planning Committee.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=Q7UQPVGCL5G00>

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 Planning permission is sought for 8 dwelling houses on a site which measures 0.26ha on the site of the former Craigmuir Tennis Club on Dalkeith Road.
- 1.2 The proposed application comprises of a mix of 4 detached houses and 4 semi-detached houses. All of the proposed houses would be two storey in height and all houses would have 4 bedrooms. The proposed development would have two semi-detached houses and two detached houses fronting onto Dalkeith Road and at the east of the site there would be two semi-detached houses and two detached houses fronting onto Robson Street. All plots would have private rear garden ground and in-curtilage parking. The proposed semi-detached units would have integral garages and the proposed detached units would have detached garages and all proposed houses would have incurtilage driveways.
- 1.3 The external finishes of the proposed residential properties would comprise of a mix of white render and feature cladding, interlocking grey roof tiles and grey doors, window frames and fascia and soffits. The proposal includes the installation of photovoltaic panels to the roof of the proposed dwellings.
- 1.4 The proposal includes individual drainage soakaways within the rear garden ground of each proposed plot.
- 1.5 The applicant has provided details that the membership of the former tennis club declined to an unsustainable level of 5 members in 2016. This led to the closure of the tennis club over 3 years ago and the subsequent transfer of the land to Craigie Community Sports Hub. The sale of the land by the former owners Craigie Community Sports Hub contributed to the cost of providing floodlights for the Baxter Park tennis courts which allows for extended hours of use throughout the year.
- 1.6 The applicant has submitted the following in support of the application:
 - Planning Statement;
 - Geo–Environmental Desk Study;
 - Drainage Assessment, Layout and Compliance and Maintenance;
 - Overshadowing Assessment; and
 - Tree Removal and Replanting Plan.

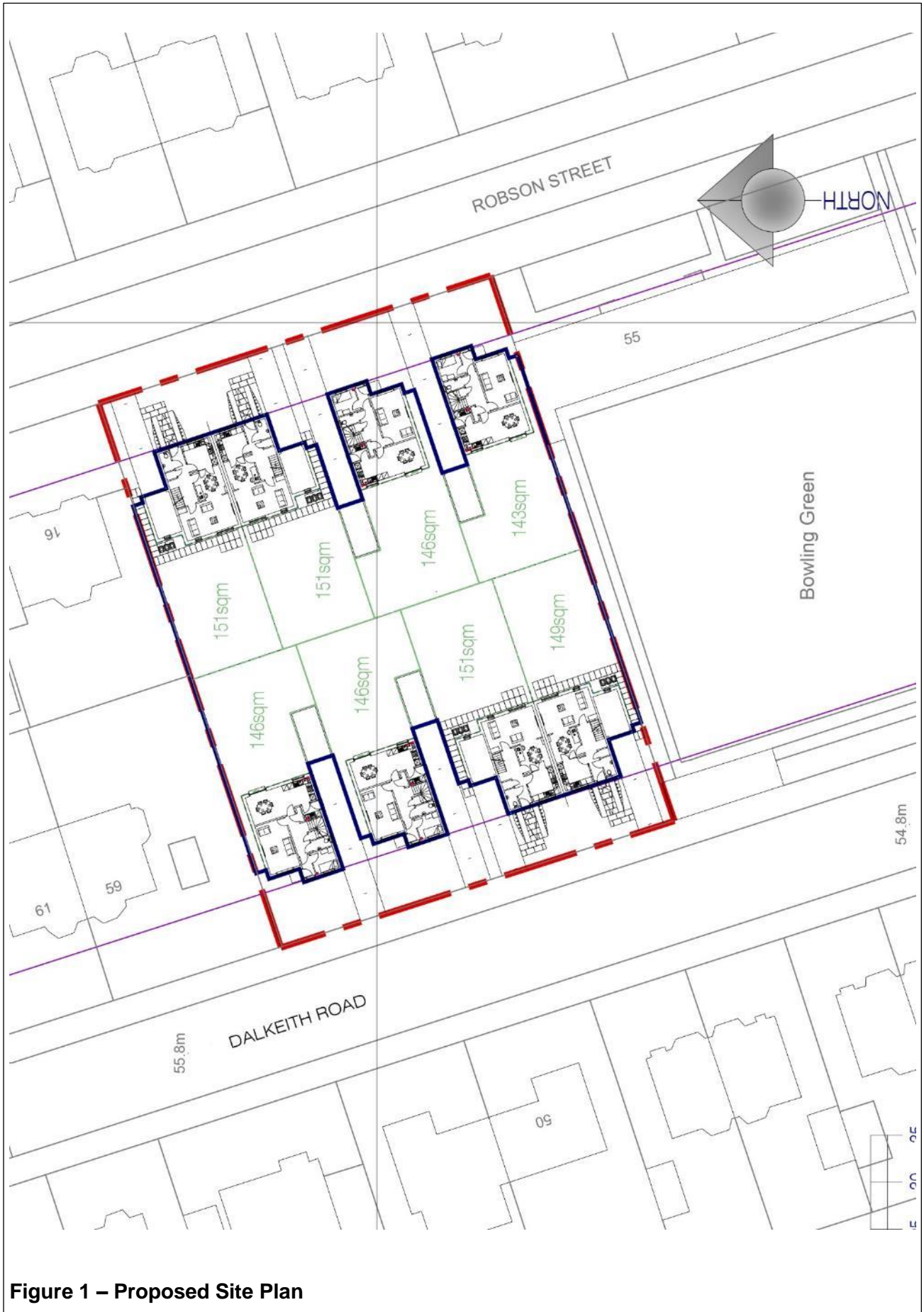


Figure 1 – Proposed Site Plan

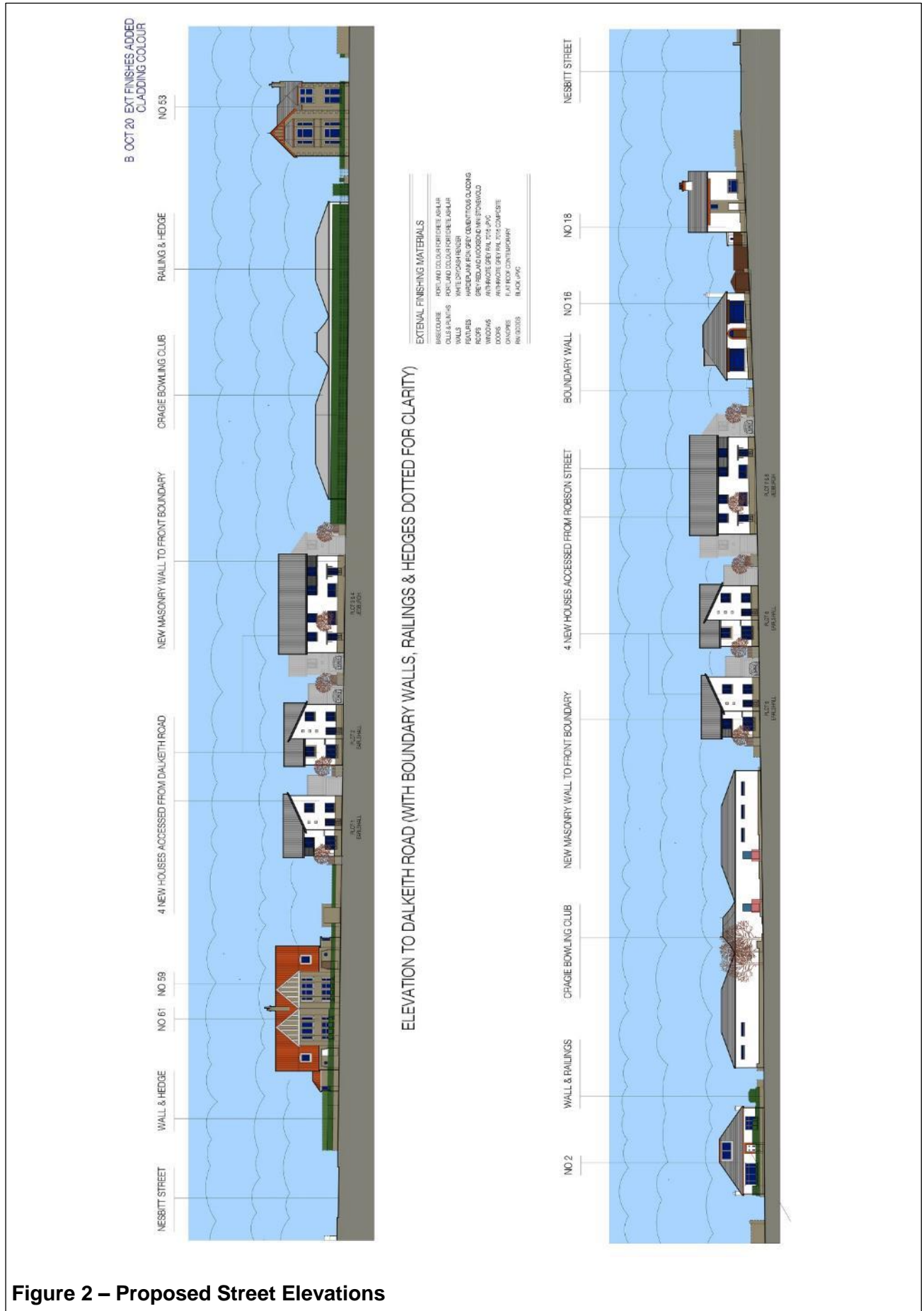


Figure 2 – Proposed Street Elevations

2 SITE DESCRIPTION

- 2.1 The application site at 57 Dalkeith Road is a brownfield site measuring 0.26ha. The site is the former Craigmuir Tennis Club and is located to the east of Dalkeith Road and to the west of Robson Street. The existing site has 4 blaes tennis courts and a single storey club house. The site is bound by existing residential properties to the north and to the south of the site is The Craigie Bowling Club at 55 Dalkeith Road. The site is located in a predominately residential area within the Maryfield Ward of the city. To the west of the site is the Baxter Park Conservation Area.



Figure 3 – View from Dalkeith Road



Figure 4 – View from Robson Street

3 POLICY BACKGROUND

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

TAYPlan 2016-2036

Policy 1: Location Priorities

Policy 4: Homes

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 1: High Quality Design and Placemaking

Policy 2: Public Art Contribution

Policy 9: Housing Land Release

Policy 10: Design of New Housing

Policy 28: Protecting and Enhancing the Dundee Green Network

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 Planning application (reference: 19/00468/FULL) for the erection of 8 dwelling houses was formally withdrawn in August 2019.

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 11 valid letters of objection were received raising the following valid material planning considerations:

- the modern design of the proposed houses including the oblique sloping roof and the addition of solar panels would be out of character and not be in keeping with the character or appearance of the existing properties in surrounding area;
- the height of the 2 storey houses would not be in keeping with the scale/height of the surrounding houses and would have an overbearing impact and physical impact on the neighbouring properties;
- development would be contrary to Policy 1, Policy 10 and Appendix 4 of the Dundee Local Development Plan as development does not follow existing building line; proposed semi-detached dwellings are too high and proposed density not in keeping with surrounding area and considered overdevelopment of the site;

- the proposed houses would result in detrimental direct overlooking impact of neighbouring properties. Proposed balcony at the rear of “Jedburgh” house type would result in detrimental overlooking of neighbours;
 - proposed siting of the houses would have detrimental impact as result of detrimental loss of sunlight/daylight and detrimental overshadowing impact on neighbouring properties;
 - inappropriate siting of the proposed houses located 2-3m forward of the building line of the properties to the north of the proposal site resulting in detrimental visual impact on streetscape;
 - detrimental impact on character and appearance of adjacent Baxter Park Conservation Area located to the west of the proposal site;
 - proposal does not specify if development would impact on existing street trees or if there would be any tree replanting or tree protection methods required;
 - proposal would have insufficient level of parking and would result in detrimental impact on parking provision in surrounding area. Unclear if pavement along Robson Street will be adopted as part of the development;
 - details of boundary treatment or replanting not provided as part of the proposed development; and
 - potential for noise impact on new residents arising from neighbouring bowling club use.
 - inaccuracy on proposed street elevation drawings as neighbouring properties shown with grey roofs instead of red roofs.
- 5.3 Concerns were also raised in relation to the development impacting on existing views, the timing of the planning application during Covid-19 pandemic and notification of neighbours beyond the statutory requirements. However, these are not valid material planning considerations.
- 5.4 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:

Greenspace Team – has no objection to the proposal but has requested conditions are attached subject to the granting of permission that require agreement of the details of tree protection during construction phase as well as the tree replanting plan to be implemented prior to occupation of the houses.

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

Contaminated Land – has no objection to the proposal. A desk study has been submitted and reviewed. Conditions are recommended subject to the granting of planning permission. 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.

Environmental Health – raise concerns regarding potential noise disturbance to the future residents of the application from the adjacent bowling green by the use of the facilities and club house. Recommend that a condition requiring the submission of a noise impact assessment be attached subject to the granting of permission.

- 6.3 **Scottish Water** - has stated that they have no objection to the proposal.
- 6.4 **Sportscotland** – has no objection to the planning application. Stated that the previous owners of the site, Craigie Community Sports Hub (CCSH), undertook to use money from the sale of the site to provide floodlighting at Baxter Park. The Baxter Park courts were recently upgraded by the City Council, but there was no budget for floodlighting. Provision of floodlighting would extend the potential hours of play at these courts thereby uplifting playing capacity in the local area. The floodlight installation has been completed in advance of the proposed development and CCSH have made payment of the relevant monies to the Council. Tennis Scotland have raised no concern with this approach and given the above Sportscotland have no objection to the planning application.

7 DETERMINING ISSUES

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

THE DEVELOPMENT PLAN

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

TAYPLAN 2016 – 2036

- 7.2 **Policy 1: Location Priorities** - states that the principal settlements within the region have the potential to accommodate the majority of development in the region, and that the re-use of previously developed land and buildings should be priorities; Dundee's core area is identified as a Tier 1 principal settlement.
- 7.3 The proposed residential development is located in the Maryfield Ward in an area that has an established residential character in Dundee. The proposal site is located on former tennis courts in close proximity to housing to the west on Dalkeith Road and to the east on Robson Street.
- 7.4 **The proposal is in accordance with Policy 1.**
- 7.5 **Policy 4: Homes** - requires Local Development Plans to identify appropriate land to be allocated for housing to ensure a generous supply of effective housing sites. This includes provision of a mixture of sites to ensure an effective supply of housing which meet the needs of the region.
- 7.6 As well as allocated sites, TAYplan assumes that small and windfall sites would contribute towards the housing land requirement. As the site is not allocated in the LDP it is considered to be a windfall site however it would contribute to the mix of housing types, size and tenures in the local area and will contribute to the supply of housing available within the city and region.

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

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 8 houses comprising of 4 detached houses and 4 semi-detached houses all with 4 bedrooms. The proposed houses would be finished in a white dry dash render with feature grey cladding, grey concrete roof tiles with grey UPVC windows and doors. The proposed house types and finish would contribute positively towards the quality and identity of the development. In the interests of visual amenity and in order to ensure a high quality finish a planning condition is recommended to be attached to the granting of permission to require the full details of the proposed external finishing materials and boundary treatment to be submitted for approval prior to commencement of development.
- 7.10 The proposal relates to the redevelopment of a brownfield site for residential use in a manner that maintains and respects the design and form of the surrounding properties with the development proposing four houses facing Dalkeith Road and four houses facing Robson Street to the east. This would replicate the pattern of residential development in the area.
- 7.11 The proposal site is located in an area with a mix of single storey, 1.5 storey and 2 storey properties and these are predominately semi-detached and detached houses. The proposed semi-detached and detached houses are 2 storey in height and all have 4 bedrooms with incurtilage parking and private rear garden ground. The proposal would be of a residential density that would provide 8 houses all of which would meet the required amenity standards and the development would be in keeping with residential density in the surrounding area.
- 7.12 The proposed design and appearance of the properties would provide a modern residential development of family housing and would be of an appropriate character with a simple and coherent palette of finishing materials throughout the development proposal. The proposed elevation and streetscape drawings demonstrate that the proposed house types whilst of a modern appearance would not have a detrimental impact on the existing residential character and identity of the area. The proposed building height, materials, scale, massing and finishes would be an appropriate addition to the local area.
- 7.13 The proposed houses would have individual driveways and would be set back from the street and separated by a front garden and low boundary wall. The proposal includes the removal of one street tree and an existing tree within the site and the planting of street trees as well as tree planting within the front gardens of the proposed houses.
- 7.14 Within the proposed development appropriate spaces are provided for vehicle parking and waste storage. The overall design and layout of the proposed development would contribute positively to the character of the wider area and would provide a high quality, safe and attractive housing development which is well connected to the surrounding area.

- 7.15 The proposed site layout and design of the dwellings would create a development of a high quality whilst providing modern, accessible family housing.
- 7.16 The new houses would offer natural surveillance onto the existing footpaths with these footpaths overlooked by the new houses offering natural surveillance and a safe and welcoming environment. The proposed residential development will provide new family homes to an existing residential neighbourhood. The houses have been designed to provide variety and a good quality finish which will contribute to the character and appearance of the development.
- 7.17 In this case, site topography, landmarks, views and skylines are respected in the proposed design. The proposed scale, massing and finish would not be out of character with residential development in the surrounding area. Planning conditions are recommended to be attached to the granting of permission to request full details of the proposed external finishing materials and boundary treatment for the proposed development in the interests of visual amenity and in order to ensure a high quality finish. The proposal demonstrates compliance with the 6 qualities of successful place in accordance with Appendix 1.
- 7.18 **The proposal is in accordance with Policy 1, with the inclusion of conditions.**
- 7.19 **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.
- 7.20 The proposal is for the development of 8 houses and associated infrastructure. A 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.
- 7.21 **The proposal is in accordance with Policy 2, subject to a condition.**
- 7.22 **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.
- 7.23 The policy requires that priority is given to allocated sites. The supporting Planning Statement highlights the existing housing in the immediate area is established private housing with a mix of single storey, 1.5 storey and 2 storey dwellings predominately semi-detached and detached. The Planning Statement highlights that there are larger scale developments within surrounding area for affordable housing but there is limited modern residential developments planned for private family housing in the surrounding area. Whilst the site is not allocated and is a brownfield site, it is recognised that due to the location of the site within a predominately residential area the redevelopment of the site as a windfall housing site will contribute positively to the housing supply and offer further choice within this part of the city and the wider area.
- 7.24 **The proposal is in accordance with Policy 9.**
- 7.25 **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.

- 7.26 As assessed against Policy 1, the design and form of the proposal would form an attractive residential development that would provide a positive frontage onto Dalkeith Road and Robson Street respectively. The proposal would add to the visual amenity and character of the area. A Planning Statement has been submitted with the application which addresses the design, and developments concepts of the proposal. The proposal is required to meet the suburban standards for houses set out in Appendix 4 which requires the following:
- 7.27 **House Type** – in general, 75% of houses should have 3 or more bedrooms or a minimum gross internal floor area of 100m².
- 7.28 **Response** – the 8 houses proposed would comprise of a mix of 4 detached 4 bed houses and 4 semi-detached 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. The proposal complies with this requirement.
- 7.29 **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.
- 7.30 **Response** – the proposed in curtilage parking would be to the side of the proposed houses and all properties would have a garage. All properties with 4 beds would have 3 parking spaces. All car parking is within the curtilage of each house and the number of spaces meets the standards. The proposal complies with this requirement.
- 7.31 **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.
- 7.32 **Response** – all of the proposed properties have a garage where secure covered cycle storage can be provided. The proposal complies with this requirement.
- 7.33 **Amenity/Garden Ground** – Brownfield sites will provide an average private useable garden ground of 140m² per house with a minimum garden size of 120m².
- 7.34 **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 148m². A condition is recommended to be attached requiring details of the proposed boundary treatment to provide screening between the gardens. With the inclusion of a condition the proposal complies with this requirement.
- 7.35 **Privacy** - a minimum of 18 metres between the facing windows of habitable rooms.
- 7.36 **Response** – there are no existing houses within 18 metres of the site and there would be 27 metres between the windows of habitable rooms of the proposed housing to windows of neighbouring housing. The proposal complies with this requirement.
- 7.37 **General Requirement** - provision for waste and recycling should be provided in accordance with the Council's waste management strategy.
- 7.38 **Response** – the proposals include the provision of dedicated bin storage areas for each of the houses. Provision can be achieved in accordance with the Council's Waste Management Strategy. The proposal complies with this requirement.

- 7.39 **General Requirement** – parking areas should include provision for electric car charging points.
- 7.40 **Response** – all properties will have a garage with the potential to accommodate electric vehicle charging point within the garage. It is recommended that a planning condition is attached to agree details of the charging infrastructure and to ensure that these are installed. With the inclusion of condition, the proposal complies with this requirement.
- 7.41 **The proposal meets Policy 10 and Appendix 4 standards, subject to conditions.**
- 7.42 **Policy 28: Protecting and Enhancing the Dundee Green Network** – development proposals shall protect and enhance the Dundee Green Network by ensuring that development will not lead to the fragmentation of the existing network of green infrastructure. New development should contribute to the Dundee Green Network where appropriate and as determined by the Council, through the integration of green infrastructure in masterplans or development frameworks and the creation and/or improvement of green infrastructure within development sites or in the local area.
- 7.43 Development proposals that would result in a change of the use of a site identified on the Proposals Map as green infrastructure, including open space, allotments or Locally Important Nature Conservation Sites to anything other than a green infrastructure use should establish that the site no longer has a potential value as green infrastructure unless the Council are satisfied that:
- 1 the proposals are consistent with a masterplan, strategy or programme approved by the Council; or
 - 2 compensatory green infrastructure of equal benefit and accessibility will be provided in or adjacent to the community most directly affected; or
 - 3 proposals affect only a lesser part of the site and are ancillary to it or result in improved recreational or amenity value on the remainder of the site.
- Proposals affecting outdoor sports facilities will be safeguarded from development except where:
- 1 the proposals affect only a minor part of the site or are ancillary to the principal use of the site as an outdoor sports facility and either improve or do not affect its use and potential for sport, training and amenity use; or
 - 2 the facility which would be lost is to be replaced by a new or upgraded compensatory facility of equal benefit and accessibility in; or
 - 3 adjacent to the community most directly affected; or
 - 4 the proposals are consistent with the Dundee Physical Activity Strategy or Dundee Pitch Strategy and supported through consultation with SportScotland.
- 7.44 The proposal site is a former tennis courts and as an outdoor sports facility the proposal requires to be assessed against the second part of Policy 28.
- 7.45 The supporting statement indicates that the low members of the tennis club resulted in the tennis club becoming unsustainable resulting in the transfer of ownership to the non-profit organisation Craigie Community Sports Hub (CCSH). CCSH explored options for funding to retain the tennis courts or redevelop for other sporting facilities. Funding to refurbish the site

was not available and retention of the site as tennis courts was not financially viable and the trustees of CCSH decided to sell the site in order to raise funds to reinvest in sporting facilities in the surrounding area. In discussions with Dundee City Council it was identified that the Council had agreed an improvements programme to upgrade the Baxter Park Tennis Courts which are located 130 metres to the west of the proposal site. The sale of the proposal site allowed for CCSH to contribute funds to the installation of floodlights at the Baxter Park Tennis Courts. The proposed redevelopment of the tennis club site with housing would not lead to the loss of tennis provision in the area given its proximity to the now upgraded facilities within Baxter Park. The supporting statement provides adequate justification, demonstrating consideration of the loss of this facility, proximity to other tennis facilities within the area and a financial contribution approved for the upgrading of existing facilities through the sale of the site.

- 7.46 SportsScotland and Tennis Scotland have not raised any concerns regarding the proposed development and note that the sale of the site has facilitated for the upgrade to the existing Baxter Park Tennis Courts which would allow for uplifting of playing capacity in the local area.
- 7.47 Taking these points into consideration it is concluded that the proposal would result in upgraded compensatory facility of equal benefit and accessibility and meets the requirements of the policy.
- 7.48 **The proposal is in accordance with Policy 28.**
- 7.49 **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.
- 7.50 An existing tree and planting plan has been submitted with the application detailing the proposed tree removal and replanting proposal. The proposal would result in the removal of one sycamore street tree from Dalkeith Road and one other tree.
- 7.51 It is considered that there is appropriate justification for the removal of these trees as the proposal will involve the replanting of two replacement street trees on Dalkeith Road as well as 5 new trees in the front gardens of the proposed houses on Robson Street which would enhance the appearance of the street. To ensure the 3 existing street trees that are to be retained as part of the proposal are not detrimentally impacted and that the proposed trees are planted it is recommended that conditions are attached that would require the details of tree protection measures to be submitted and agreed prior to works on site and the new trees to be planted prior to occupation of the houses.
- 7.52 **The proposal is in accordance with Policy 35, subject to conditions.**
- 7.53 **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.
- 7.54 The applicant has been in discussion with Scottish Water and the Council regarding a drainage solution for the site and a drainage layout, drainage assessment, compliance checks and

maintenance schedules have been submitted. The proposed drainage scheme is for individual infiltration soakaways located within the rear garden of each plot. The information submitted has demonstrated that an acceptable drainage solution can be achieved on the site and would not arise in an increased risk of flooding of the site or of surrounding neighbouring properties.

- 7.55 The proposed drainage layout is acceptable and it is recommended that conditions are attached should planning permission be granted to ensure the drainage system is implemented in accordance with the approved details, unless otherwise agreed by the Planning Authority.
- 7.56 **The proposal is in accordance with Policy 37, subject to conditions.**
- 7.57 **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.
- 7.58 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.
- 7.59 The Head of Community Safety and Protection has commented that there is potential noise disturbance to the future residents of the proposed housing from the adjacent bowling green. Noise sources include use of the club house and members use of the bowling green, with some activities likely to occur at unsocial hours. The comments include a request for a noise impact assessment to adequately characterise the existing noise environment and where necessary specify any mitigation measures that will protect the residential amenity of the future residents.
- 7.60 The potential sources of noise are located within an existing residential area with existing neighbouring residential properties close to the existing bowling green and it is not considered to be a substantial noise generating use and as such the submission of a noise impact assessment is not considered to be required. Given the location of the site within an existing residential area and that there are no gable windows proposed overlooking the bowling green to the south it is considered that the proposed housing will not impact on the viability of the existing bowling green use. Additionally, any properties would be purchased with the knowledge that an operational bowling green is located directly to the south of the housing development.
- 7.61 It is considered that the proposed development would not result in significant detrimental noise, vibration, odour, emissions to air, dust or light pollution.
- 7.62 **The proposal is in accordance with Policy 39.**
- 7.63 **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.

- 7.64 A Geo-Environmental Desk Study Report has been submitted as part of the application. The Head of Community Safety and Protection has commented that 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.
- 7.65 **The proposal is in accordance with Policy 41, subject to conditions.**
- 7.66 **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.
- 7.67 The proposed plan shows that provision for bin storage is made in the rear curtilage of the plots and an access path is available to the street. It has been demonstrated that this can be accommodated and there is sufficient space for waste separation and the separate collection of recyclables available.
- 7.68 **The proposal is in accordance with Policy 44.**
- 7.69 **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.
- 7.70 The applicant has submitted proposed plans and street elevations which illustrate renewable technologies such as photovoltaic panels being incorporated into the proposed development. The full details of the renewable technologies have not been provided and a condition is recommended to be attached to the granting of planning permission requiring a statement to demonstrate the requirements of Policy 48 are met.
- 7.71 **The proposal is in accordance with Policy 48, subject to a condition**
- 7.72 **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.
- 7.73 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.

7.74 In respect of the above Criteria 1-6 are considered to be of relevance:

- 1 The proposal would be connected to existing footpath networks. Bus stops are located within 140m of the site on Arbroath Road to the south of the site and provision within the garages would allow for secure cycle storage within each proposed plot. As such the proposal minimises the need to travel by private car.
- 2 The proposal site would adjoin the existing footpath network on Dalkeith Road providing convenient connections to the wider path network. There are core path networks in close proximity to the site to the north along Bingham Terrace and to the south along Arbroath Road. Bus routes can be accessed on Arbroath 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 Footpaths will connect the site to Arbroath Road where bus services are available within 400m walking distance of all parts of the development.
- 4 Detailed design and roads information are recommended to be conditioned for the proposed accesses to ensure that the proposal meets Roads standards. A Roads Construction Consent is also required separately from DCC as Roads Authority.
- 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.

7.75 It is considered that the proposal site is located adjoining the footpath network and the proposal would support sustainable travel methods with bus stops located within a 400m walking distance of the site.

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

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

MATERIAL CONSIDERATIONS

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

A – REPRESENTATIONS

7.79 In total 11 letters were received objecting to the proposal. The grounds of objection are considered and assessed as follows:

7.80 **Objection** – the modern design of the proposed houses including the oblique sloping roof and the addition of solar panels would be out of character and not be in keeping with the character or appearance of the existing properties in surrounding area.

7.81 **Response** – it is recognised that the proposed houses are of a more modern design than the surrounding traditional properties, however it is not considered that the design of the houses would have a detrimental impact on the amenity or visual appearance of the surrounding area. There are a mix of house types in the wider surrounding area and the design of the proposed detached house type with a sloping roof over the study is not considered to be a design that would be incongruous or have a detrimental impact on the appearance of the residential character and appearance of the surrounding area. The proposed use of solar panels on the proposed house types would allow for low and zero carbon technology to be incorporated into the development and is not considered to be of an appearance that would be out of keeping with the residential area.

7.82 **Objection** – the height of the 2 storey houses would not be in keeping with the scale/height of the surrounding houses and would have an overbearing impact and physical impact on the neighbouring properties.

7.83 **Response** – the proposed site is located in an area where there are a mix of house types. It is recognised that there are traditional single storey houses on the east side of Robson Street but the wider surrounding area does have a mix of single storey, 1.5 storey and 2 storey houses. The proposed 2 storey houses would not be of a proposed scale or height that would be out of character with the height of surrounding houses in the wider surrounding area. The proposed houses are located 27 metres to the façade of the closest houses on the west side of Dalkeith Road and 30 metres to the façade of the closest houses on the east side of Robson Street and given this distance as well as the intervening roads between the proposed and existing properties there would not be a physical or overbearing impact on these existing properties. Directly to the north of the site is a 2 storey house on Dalkeith Road and a 1.5 storey house on Robson Street. The proposed houses would be located 11 metres and 5 metres respectively from these neighbouring houses to the north. The proposed house to the north east of the site is closest to the existing property on Robson Street and the north elevation has been designed with a sloping roof above the integral garage on the north elevation and given the house type design there would not be a significant physical impact on the neighbouring house.

7.84 **Objection** – development would be contrary to Policy 1, Policy 10 and Appendix 4 of the Dundee Local Development Plan as development does not follow existing building line; proposed semi-detached dwellings are too high and proposed density not in keeping with surrounding area and considered overdevelopment of the site.

7.85 **Response** – the assessment of the proposal against the relevant policies of the Dundee Local Development Plan is outlined above and the proposal is considered to comply with the Development Plan.

- 7.86 **Objection** – the proposed houses would result in detrimental direct overlooking impact of neighbouring properties. Proposed balcony at the rear of “Jedburgh” house type would result in detrimental overlooking of neighbours.
- 7.87 **Response** – as stated in the report the proposal would comply with window to window distances of habitable rooms. The proposal would exceed the minimum standard of 18 metres with the closest window a distance of 27 metres to the windows of the properties to the west and as a result there would not be a detrimental impact of overlooking. The proposed Jedburgh house type would have a Juliette style balcony on the rear elevation and this would not protrude out from the house and as such would not result in detrimental overlooking issues.
- 7.88 **Objection** – proposed siting of the houses would have detrimental impact as result of detrimental loss of sunlight/daylight and detrimental overshadowing impact on neighbouring properties.
- 7.89 **Response** – the applicant has submitted a supporting overshadowing assessment and demonstrates that whilst there would be a small degree of overshadowing of the neighbouring property to the north east this would not be to a degree that would have a significant detrimental impact on the amenity of the property.
- 7.90 **Objection** – inappropriate siting of the proposed houses located 2-3m forward of the building line of the properties to the north of the proposal site resulting in detrimental visual impact on streetscape.
- 7.91 **Response** – whilst, the applicant has submitted a proposed site plan with an annotated building line drawn from the houses to the south of the bowling green, it is not considered that there is an obvious or consistent building line on either the east side of Dalkeith Road or the west side of Robson Street. It is recognised that the buildings are proposed slightly forward of the neighbouring houses to the north but this would not result in a detrimental visual impact on the existing street or appear out of keeping with the character of the area as there is not a strongly defined or consistent building line.
- 7.92 **Objection** – detrimental impact on character and appearance of adjacent Baxter Park Conservation Area located to the west of the proposal site.
- 7.93 **Response** – the proposal site is located outwith the Baxter Park Conservation Area but it is located to the west of the site. As assessed against Policy 1 in the report above the character and appearance of the proposed houses would be of a modern design with a simple palette of materials and finishes that would be appropriate to the residential character of the surrounding area. The proposed houses would not impact on the character or appearance of the Baxter Park Conservation Area.
- 7.94 **Objection** – proposal does not specify if development would impact on existing street trees or if there would be any tree replanting or tree protection methods required.
- 7.95 **Response** – the proposal has been assessed above against Policy 35 of the LDP. It is considered that on balance the removal of the identified street tree and the re-planting schedule are acceptable and appropriate conditions have been recommended to be attached to require the replanting and details of the tree protection measures to be submitted for agreement prior to construction works.
- 7.96 **Objection** – proposal would have insufficient level of parking and would result in detrimental impact on parking provision in surrounding area. Unclear if pavement along Robson Street will be adopted as part of the development.

- 7.97 **Response** – the proposal has been assessed against Policy 54. The proposed houses all have required level of parking provision and subject to planning conditions the proposal will not have a detrimental impact on road and pedestrian safety and the accesses will meet roads standards. 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 and would not have a detrimental impact on existing levels of provision or the functioning of the road.
- 7.98 **Objection** – details of boundary treatment not provided as part of the proposed development.
- 7.99 **Response** – a condition is recommended to be attached subject to the granting of planning permission that would require the submission of full details of the proposed boundary treatment to ensure they are of an acceptable appearance and provide privacy.
- 7.100 **Objection** – potential for noise impact on new residents arising from neighbouring bowling club use.
- 7.101 **Response** – the proposal has been fully assessed against the policy requirements of Policy 39 and it is considered that the proposal site is located in an existing residential location and the bowling club use has existing residential neighbours and would not result in a significant noise impact on future resident of the proposal site. A condition has been recommended to be attached in the interests of privacy and visual amenity that requires the full details of boundary treatment to be submitted for agreement prior to commencement of development.
- 7.102 **Objection** – inaccuracy on the 3D proposed street elevation drawings as neighbouring properties shown with grey roofs instead of red roofs.
- 7.103 **Response** – the inaccuracy of the roof colour for the two neighbouring properties shown on the “3D streetscape drawings” is noted. The applicant has submitted accurate scaled proposed street elevation drawings “05A Proposed street elevation” which do accurately show the colour of the neighbouring roofs as red. The existing houses in the surrounding area do have a mixture of roof types, finishes and colours. The proposed grey roofs for the proposed housing would not be out of keeping with the appearance of the existing houses in the surrounding area.
- 7.104 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.
- 7.105 **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 8 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** - prior to the commencement of development, full details and samples of the external finishing materials shall be submitted for approval in writing by the Council. Thereafter the development shall be carried out in accordance with the approved details.

Reason - in the interests of visual amenity and to ensure the use of high quality materials.

- 2 Condition** - full details of the proposed boundary enclosures shall be submitted prior to the commencement of development. For the avoidance of doubt the boundary enclosure shall be constructed in accordance with the approved details prior to the occupation of proposed house hereby approved.

Reason - in order to ensure that the boundary enclosures are of an acceptable appearance and provide privacy.

- 3 Condition** - details of the proposed vehicle accesses 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.

- 4 Condition** - proposed gates must open into the driveway and not over the adjacent public footway.

Reason – in the interests of vehicle and pedestrian safety.

- 5 Condition** – a footway must be provided to Dundee City Council specifications ex adverso the site on Robson Street. Details of the footway must be agreed prior to any works on site.

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** - prior to any works on site details of proposed street tree type and location shall be agreed.

Reason - in the interests of vehicle and pedestrian safety.

- 8 Condition** – prior to any works on site details of alterations to existing street lighting shall be agreed.

Reason - in the interests of vehicle and pedestrian safety.

- 9 Condition** - the hard surface within each curtilage should be made of porous materials or provision should be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

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

- 10 Condition** – 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.

- 11 Condition** - development shall not begin until the investigation and risk assessment proposed in the submitted Stage I Desk Study are completed and, if necessary; 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.

- 12 Condition** - before any unit is occupied the remediation scheme shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation scheme 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

- 13 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.

- 14 Condition** - all planting proposals shall be carried out in accordance with the approved drawing “48 – Proposed Tree Plan”, unless otherwise agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

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.

- 15 Condition** - Prior to the commencement of development, a maintenance schedule for the new planting as well as the protection of the existing and proposed trees shall be submitted to and approved by the Council. 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 - In order to ensure adequate protection for the trees on the site during the construction of development, and in the interests of the visual amenity of the area.

- 16 Condition** – the 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), shall be completed in accordance with the docketed file “138919/2000 Drainage Layout” and “138919/2001 Drainage Details”, unless otherwise agreed by the Planning Authority. All surface water drainage approved shall be carried out prior to the first occupation of the development hereby approved.

Reason - in the interests of flood protection.

- 17 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.

- 18 Condition** – the maintenance responsibilities and maintenance schedule for the surface water drainage system/SUDS features hereby approved shall be carried out in accordance with the approved future maintenance proposals as detailed in “138919 Operation and Maintenance Schedule dated 10 July 2020”. All works approved by virtue of this condition shall be carried out in perpetuity.

Reason - in the interests of prevention and visual amenity.

- 19 Condition** - prior to the commencement of development, a Sustainability Statement demonstrating the extent to which the development will meet the requirements of Policy 48 of the Dundee Local Development Plan 2019 shall be submitted for the approval of the Council and the works shall be completed in accordance with the approved Statement.

Reason - in order to demonstrate that the new development will meet the required carbon emissions reduction standards in the interests of the environment.

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.