

Proposed SUDS drainage infrastructure Land at Balgarthno Street, Gourdie Terrace (Site 8) and Balgarthno Road (Site 9)

KEY INFORMATION

Ward Lochee

Address

Land at Balgarthno Street,
Gourdie Terrace and
Balgarthno Road

Applicant

Paul Bellamy
Blackwood Homes & Care
160 Dundee Street
Edinburgh EH11 1DQ

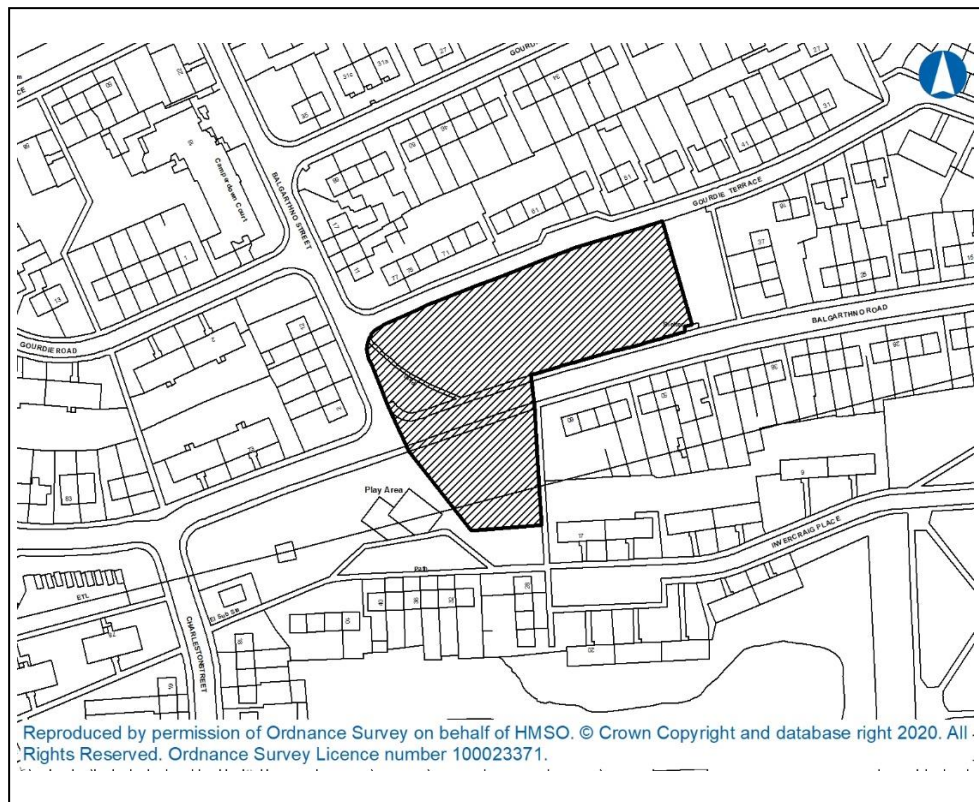
Agent

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Registered 30 April 2020

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

Contact: Ross Pattenden



SUMMARY OF REPORT

- Planning permission is sought for the construction of a SUDS drainage system with associated landscaping on two adjacent sites within the Charleston area.
- The SUDS drainage basins will remove a large volume of surface water from the existing combined sewer arrangement and instead treat and divert this to the nearby culverted Lochee Burn. This arrangement frees up capacity elsewhere within the local area to enable surface water from the related Blackwood Homes & Care housing proposals to connect into the combined sewer.
- The application is in accordance with the Development Plan.
- In total 6 letters were received objecting to the proposal and one letter of support.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as 6 or more written objections have been received and the recommendation is for approval.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=Q9A5CGGCFOS00>.

RECOMMENDATION

The proposal complies 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 the construction of a Sustainable Urban Drainage System on two adjacent sites within the Charleston area.
- 1.2 The applicant has submitted concurrent planning applications for residential development on brownfield sites within the Charleston area. This planning application is for the development of surface water drainage infrastructure that will free up capacity in the Scottish Water combined sewer network, enabling surface water from the proposed related housing developments to drain into the combined sewer network.
- 1.3 The proposal would allow for local road drainage gullies that currently discharge directly into the combined sewer to be redirected into these SUDS basins and to then discharge at a controlled rate into the nearby culverted Lochee Burn.
- 1.4 The proposal includes landscaping around the proposed SUDS basins with wildflower and meadow planting on Site 8 and Site 9 and proposed planting of new trees on Site 9. The proposal site plan also states that the mature trees within Site 8 will be retained. The basins will be dry until such times as there is heavy rainfall. Appropriate safety fencing or barrier planting will be provided as required.
- 1.5 The applicant has submitted the following in support of the application:
 - Planning and Design Statements and Masterplan;
 - Geo–Environmental Desk Study; and
 - Drainage Assessment and Layout.



Figure 1 – Site 8 and Site 9 Proposed Site Plan

2 SITE DESCRIPTION

- 2.1 Located within the Charleston area of the City, Site 8 and Site 9 measure 0.44ha and 0.16ha respectively. Site 8 is an existing area of green space with mature trees and an existing tarmac footpath and is located to the north of Balgarthno Road and to the south of Gourdie Terrace with existing residential properties located to the north, east, south and west. Site 9 is the eastern part of an allocated area of open space and is located to the south of Balgarthno Road and to the west of a footpath that connects Balgarthno Road to Invercraig Place. To the west of Site 9 is open space including an existing playground and to the east and south are existing residential properties. The site is located in a predominately residential area within the Lochee Ward.



Figure 3 – Site 8 Photo



Figure 4 – Site 9 Photo

3 POLICY BACKGROUND

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

TAYPlan 2016-2036

The application raises no issues of relevance.

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 28: Protecting and Enhancing the Dundee Green Network

Policy 30: Green Infrastructure Maintenance

Policy 35: Trees and Urban Woodland

Policy 37: Sustainable Drainage Systems

Policy 41: Land Contamination

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

- contrary to Local Development Plan policies;
- concern regarding potential for the loss of healthy mature trees on the site, impact on biodiversity and result in the loss of green space within the local area;
- concern that the SUDS system could be unsightly of poor design and not be adequately maintained;
- concern that the proposed SUDS basin would be unsafe as located adjacent to existing playpark;
- the proposal site would not be suitable for SUDS provision as result of the elevated location of the site; and
- detrimental impact on residential amenity as result of impact on road safety and loss of car parking provision within the area.

5.3 One letter of support was received raising the following material planning considerations:

- welcomes the significant investment in Charleston. Would like to see additional tree planting and landscaping proposed and that all of the concurrent proposals be treated as one to allow for a percent for public art contribution.

- 5.4 Comments were also raised in relation to the timing of the planning application during Covid-19 pandemic and notification of neighbours beyond the statutory requirements. However, these are not material planning considerations.
- 5.5 The 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 – provided comments that the clarification should be provided as to the retention of the existing mature trees on the site and opportunity for the proposed SUDS to increase biodiversity of the existing area of open space. Conditions were recommended to be attached subject to the granting of permission that require the submission of a full landscaping plan, including details of tree planting and maintenance schedule to be submitted for approval prior to commencement of development.

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

Contaminated Land – recommended that conditions be attached subject to the granting of planning permission that requires the submission of site investigation works and remediation strategy and any required remediation works should be implemented and demonstrated through the submission of a verification statement for written approval of the Council.

- 6.3 **Scottish Water** – responded that they have no objection to the proposal.

7 DETERMINING ISSUES

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

THE DEVELOPMENT PLAN

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

TAYPLAN 2016 – 2036

- 7.3 The application raises no issues of relevance.

DUNDEE LOCAL DEVELOPMENT PLAN 2019

- 7.4 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.

- 7.5 Site 9 is the easternmost part of an area of open space and has been allocated as part of the Dundee Green Network within the Local Development Plan 2019.
- 7.6 The proposal for the development of a SUDS basin would be a green infrastructure use. The proposed SUDS basin would provide capacity in the local drainage network by improving the existing provision for local surface water drainage as the local road gully network would be redirected to the proposed SUDs basin in order to discharge at a controlled rate and reduce the volume of surface water that directly discharges to the combined sewer. The proposal for the SUDS basin on Site 9 also involves proposed tree planting to the north and south of the proposed SUDS and wild flower planting and landscaping which would provide an attractive feature that would complement the wider appearance of the area of open space. The proposed SUDS basin would provide a habitat for wildlife and would add interest to the character and visual amenity of the streetscape and wider surrounding area. A path will be retained along the north west boundary to ensure connections between the footpath along Balgarthno Road and the existing playpark to the west of the proposal Site 9 are retained.
- 7.7 The proposal is for a green infrastructure use which complies with Policy 28. It will not lead to the fragmentation of the existing network of green infrastructure.
- 7.8 **The proposal is in accordance with Policy 28.**
- 7.9 **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.
- 7.10 The proposed development is to ensure drainage infrastructure for the concurrent proposed affordable housing developments. The applicant has confirmed that a factor would be appointed by the registered social landlord to maintain the green infrastructure. A condition is attached to secure that further detail of the long term maintenance of the green infrastructure is submitted to the Council for written approval.
- 7.11 **The proposal is in accordance with Policy 30, subject to a condition.**
- 7.12 **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.
- 7.13 The applicant has amended the proposed site plans during the course of the assessment of the application to remove the proposed swale drainage design and propose two SUDs basins.

The applicant has also amended the drawings to clarify that the existing mature trees within Site 8 are to be retained and would not be removed or detrimentally impacted as part of the proposal. In addition, the proposal site drawings indicate the location of proposed new tree planting and wild flower landscaping and this would positively contribute to the appearance of the proposed development. To ensure the protection of the existing trees and the long term visual amenity of the proposal sites 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 that the new trees and landscaping details are to be submitted for approval and thereafter carried out in accordance with the approved plans.

- 7.14 **The proposal is in accordance with Policy 35, subject to conditions.**
- 7.15 **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.
- 7.16 During the period of determining the application the applicant has been in discussion with the Council and Scottish Water regarding the design and function of the drainage proposal. Prior to the submission of the application a number of locations were considered and the present site was found to be the most suitable location in relation to the topography of the local area and to best accommodate the proposed concurrent planning applications of residential development that are proposed across sites within the Charleston area. The location, form and design of the two SUDS basins has been considered by all parties and the applicant has provided supporting information which has been reviewed by the City Engineers and the principle of the two SUDS basins is acceptable subject to the agreement of the full technical drainage drawings and calculations and submission of maintenance arrangements and Scottish Water approval. The proposed landscaped SUDs basins would adopt an ecological approach to surface water management and would create attractive green infrastructure.
- 7.17 It is recommended that conditions are attached to the granting of planning permission to ensure that prior to commencement of development the full technical details of the SUDS proposal as well as maintenance arrangements and evidence of Scottish Water approval is submitted to the Council for written approval.
- 7.18 In the interests of vehicle and pedestrian safety conditions are recommended to ensure full details of footway works and street lighting alterations are submitted to the Council for written approval.
- 7.19 The basins will remain dry until times of heavy rainfall. For safety reasons it may be necessary to provide some form of fencing or barrier planting to prevent access into the basins. The need for these will be considered as part of the assessment of the full technical details and if some form of barrier is required then details of this are required to be submitted to the Council for written approval as part of the wider landscaping scheme.
- 7.20 **The proposal is in accordance with Policy 37, subject to conditions.**

- 7.21 **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.
- 7.22 The Head of Community Safety and Protection has been consulted on the proposal and it is recommended that conditions are attached that require the submission of a site investigation and remediation strategy for written approval should remediation be required a condition is recommended that requires the remediation scheme to be fully implemented and that a verification statement be submitted to the Council for written approval prior to the first use of the development hereby approved.
- 7.23 **The proposal is in accordance with Policy 41, subject to conditions.**
- 7.24 **It is concluded that the proposal complies with the provisions of the Dundee Local Development Plan 2019.**

MATERIAL CONSIDERATIONS

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

A – REPRESENTATIONS

In total 6 letters were received objecting to the proposal. The grounds of objection are considered and assessed as follows:

- 7.26 **Objection** – contrary to Local Development Plan policies.
- 7.27 **Response** – as stated in the report above the proposal is in compliance with the requirements of the Dundee Local Development Plan 2019.
- 7.28 **Objection** – concern regarding potential for the loss of healthy mature trees on the site, impact on biodiversity and result in the loss of green space within the local area.
- 7.29 **Response** – as assessed in the report above, the proposal site plans have been updated during the course of determining the application to clarify that the existing trees on Site 8 would be retained and appropriate conditions have been recommended to ensure the protection of trees during construction. In addition, a condition has been recommended that requires the submission of the full details of the landscaping and planting details to be provided and agreed prior to commencement of development. The proposed development of the SUDS basins would be green infrastructure provision that would add to the existing character and visual amenity of these two sites. The proposal would retain the majority of Site 8 and Site 9 is a smaller area of a larger area of open space and so the proposals would not have a significant detrimental impact on the loss of green spaces.
- 7.30 **Objection** – concern that the SUDS system could be unsightly of poor design and not be adequately maintained.
- 7.31 **Response** – as assessed in the report above, the applicant has amended the proposed site plans during the course of the assessment of the application to remove the proposed swale

drainage design and propose two landscaped SUDs basins. The proposed site plans indicate the location of proposed new tree planting and wild flower landscaping and this would positively contribute to the appearance of the proposed development. Conditions have been recommended in order to ensure the full details of landscaping and proposed planting as well as maintenance schedule are provided and agreed prior to commencement of development.

- 7.32 **Objection** – concern that the proposed SUDS basin would be unsafe as located adjacent to existing playpark.
- 7.33 **Response** – as assessed in the report above, the SUDS basins will remain dry until times of heavy rainfall. For safety reasons it may be necessary to provide some form of fencing or barrier planting to prevent access into the basins. The need for these will be considered as part of the condition requiring submission of the full technical details of the SUDS basins and if some form of barrier is required then details of this are required to be submitted to the Council for written approval as part of the wider landscaping scheme.
- 7.34 **Objection** - the proposal site would not be suitable for SUDS system as a result of the elevated location of the site.
- 7.35 **Response** – as assessed in the report above, the applicant has held discussions with Scottish Water and Dundee City Council's Drainage Engineers regarding the proposed drainage proposals. The proposal site was identified as it would allow for local road drainage gullies that currently discharge directly into the combined sewer to be redirected into the proposed SUDS basins and to then discharge at a controlled rate into the nearby culverted Lochee Burn. Conditions have been attached that require the applicant to provide the full technical details of the SUDS to be agreed prior to commencement of development.
- 7.36 **Objection** – detrimental impact on residential amenity as result of impact on road safety and loss of car parking provision within the area.
- 7.37 **Response** – the proposal is for the development of an attractive green infrastructure use which would enhance the appearance of the two proposal sites and would be appropriate development within a predominately residential area and would not result in the loss of existing car parking provision or have a detrimental impact on road safety.

One letter of support was received raising the following material planning considerations:

- 7.38 **Support** - welcomes the significant investment in Charleston. Would like to see additional tree planting and landscaping proposed and that the proposals are treated as one to allow for a percent for public art contribution.
- 7.39 **Response** – during the course of determining the application the applicant has provided updated proposed site plans to further detail the proposed landscaping and tree replanting works. The proposal would provide attractive landscaped SUDS basins and in the interests of ensuring a high quality visual amenity of the site conditions have been recommended to be attached that requires the submission and approval of the full details of the landscaping and planting plan as well as maintenance schedule. The Dundee Local Development Plan 2019 Supplementary Guidance Developer Contributions states that following an assessment of housing need, demand and affordability, Dundee City Council does not require contributions from developers towards the provision of affordable housing. Residential developments comprising wholly social rented properties are exempt from most developer contributions in order to support their viability. The proposal wholly comprises social housing and as such to support the viability of the development a contribution towards public art has not been sought.

- 7.40 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.

B - APPLICANT SUPPORTING STATEMENT

- 7.41 The applicant has provided supporting information that has evidenced that the proposal site is for Sustainable Urban Drainage system that would accommodate the concurrent planning applications that have been submitted for the development of 7 sites within the Charleston Area for residential use. The proposed residential sites have been included within the Dundee Strategic Housing Investment Plan for affordable housing development would provide specific housing for tenants requiring wheelchair accessible housing with the requirement for this accommodation being specified by Dundee Health and Social Care Partnership. The submitted supporting information evidenced how the proposed mix of housing type within the proposal is to accommodate the local housing need and to reduce waiting times for accommodation within the area. The applicant has also amended the proposal site plans to clarify that the existing mature trees within the site will be retained and that the proposed SUDS basins will be landscaped with wildflower planting and conditions have been recommended to be attached to ensure tree protection measures are in place and to ensure full details of the landscaping and tree replanting are submitted for written approval of the Council.
- 7.42 The above is a material consideration in support of the proposal.
- 7.43 **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 SUDS complies with the Development Plan. There are no material considerations of sufficient weight to 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 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 implementation of the development hereby approved.

Reason - in the interests of flood protection.
 - 2 **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.

- 3 **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.

- 4 **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.

- 5 **Condition** - development shall not begin until a Site Investigation and Risk Assessment is completed and, if required, an Intrusive Investigation and a scheme to deal with contamination at the site has been submitted to and approved in writing by the Council. The scheme shall contain details of proposals to deal with contamination to include:

- i assessment of the risks associated with contaminant sources, pathways and receptors specific to the proposed use of the site, and if necessary;
- ii a remediation Implementation Plan detailing measures to treat/remove contamination and mitigate risks to ensure the site is fit for the proposed use;
- 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

- 6 **Condition** – prior to first implementation of the development hereby approved the remediation scheme shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority.

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

- 7 **Condition** - Prior to the commencement of development, the full details of the soft and hard landscaping scheme and works shall be submitted to and approved in writing by the planning authority. Thereafter, all works approved by virtue of this condition shall be carried out prior to the implementation of the development hereby approved.

Details of the scheme shall include:

- a existing trees, shrubs and hedges to be removed;
- b existing trees and landscape features to be retained;
- c the location of new trees, shrubs, hedges, grassed areas and water features;

- d a schedule of planting to comprise species, plant sizes and proposed numbers and density; and
- e safety fencing and/or barrier planting that is required to ensure the safe operation of the drainage basins.

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.

- 8 **Condition** - prior to the commencement of development, a maintenance schedule for the greenspace and new planting as well as the protection of 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 the interests of the maintenance and visual amenity of the area.

- 9 **Condition** - prior to any works on site, details of the proposed footway works must be agreed and must be formed and constructed to Dundee City Council standards and specifications.

Reason - in the interests of vehicle and pedestrian safety.

- 10 **Condition** – prior to any works on site, details of the proposed street lighting alterations must be agreed and must be to Dundee City Council standards and specifications.

Reason - in the interests of vehicle and pedestrian safety.

Informative

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