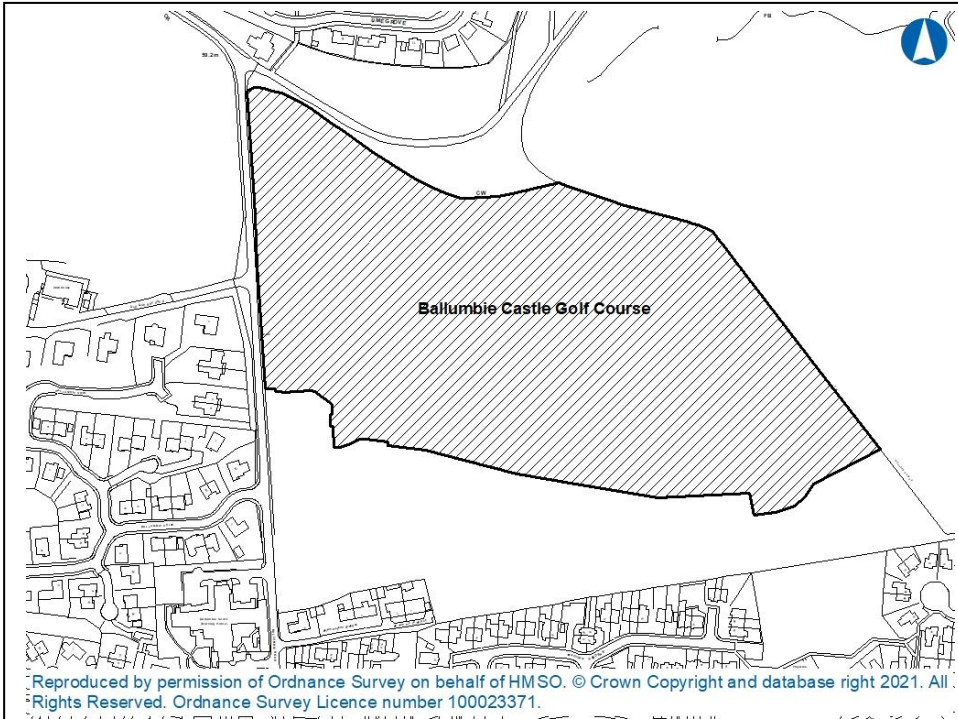


Proposed Erection of 150 Houses With Suds, Roads and Landscaping On Allocated Housing Site H45, Land To East of Ballumbie Road

KEY INFORMATION	
Ward	North East
Address	Land to East of Ballumbie Road, Dundee
Applicant	Stewart Milne Homes North Osprey House, Mosscroft Avenue, Westhill Industrial Estate, Aberdeen
Agent	None
Registered	21 July 2020
Report by Head of Planning & Economic Development	
Contact:	Claire Myles



SUMMARY OF REPORT

- Planning permission is sought for 150 houses with associated SuDS, roads and landscaping on the undeveloped part of allocated housing site H45.
- The application is not fully in accordance with Policy 54 of the Development Plan however there are material considerations of sufficient weight which justify approval of planning permission.
- The applicant has undertaken pre-application consultation with members of the public in accordance with the requirements for a Major planning application.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. A total of 50 representations were received including 48 letters of objection.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as it is classed as a Major development as identified in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.
- More details can be found at: <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?keyVal=QDEAA3GCKH800&activeTab=summary>

RECOMMENDATION

The proposal is in not fully in accordance with Policy 54 of the Development Plan. There are material considerations of sufficient weight to justify approval of planning permission. It is therefore recommended that planning permission be APPROVED subject to conditions and a Section 75 Obligation to secure developer contributions towards education infrastructure.

1 DESCRIPTION OF PROPOSAL

- 1.1 The application is for 150 houses offering a mix of 11 house types of semi-detached and detached two storey 3, 4 and 5 bedroom homes with associated Suds and hard and soft landscaping.
- 1.2 The proposal is for phase 2 of a 2 phase development of an allocated greenfield housing site H45. Planning permission for 76 houses (Phase 1) was approved in 2019 (19/00128/FULM).
- 1.3 In-curtilage parking and front and rear gardens are proposed on all plots with single or double garages also proposed for specific house types across the site.
- 1.4 A varied palette of finishing materials is proposed across the site with feature corner plots to add visual interest. The mix of house types has been amended during the application process.
- 1.5 Landscaping is integrated into the design and layout with feature SuDS, new tree lined pedestrian routes, mature trees along the boundary edge retained and seating and informal play equipment proposed along pedestrian routes and green spaces.
- 1.6 The applicant has submitted the following in support of the application:
 - Design & Access Statement;
 - Transport Assessment;
 - Flood Risk Assessment;
 - Drainage Scheme;
 - Tree Survey;
 - Landscape Strategy;
 - Protected Species Survey;
 - Contaminated Land Assessment; and
 - Pre-Application Consultation Report.



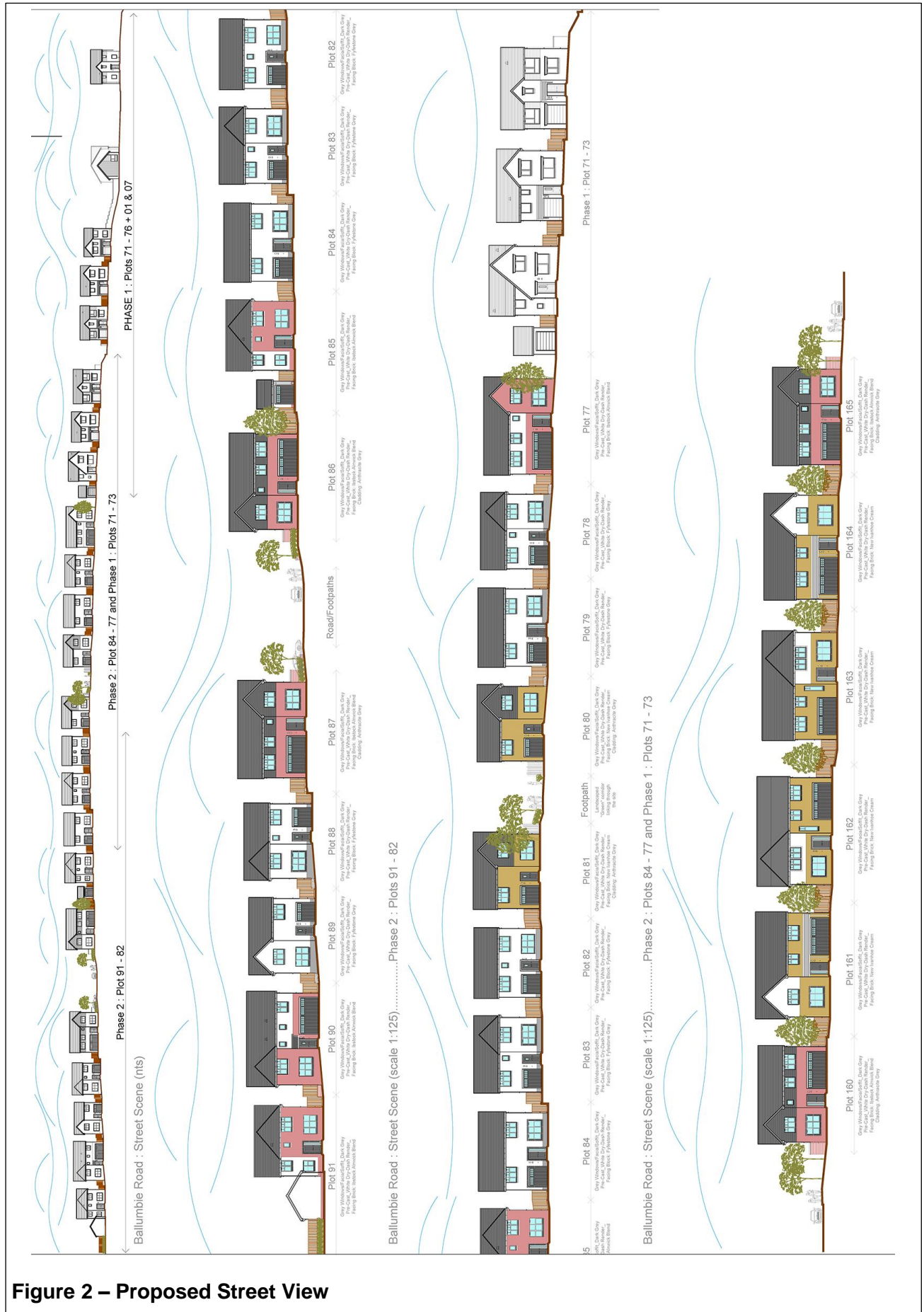


Figure 2 – Proposed Street View

2 SITE DESCRIPTION

- 2.1 The development site is located on the north east outskirts of Dundee and covers an area of 11.5 ha.
- 2.2 Phase 1, comprising of 76 houses, of the wider development site (H45) is under construction to the south. The site consists predominantly of a golf course featuring managed grassland and planted scattered trees. A dry-stone wall runs the length of the western boundary along Ballumbie Road.
- 2.3 Immediately south and west of the site are residential developments. Directly to the north of the site is a deciduous woodland which connects to woodland surrounding Ballumbie House and Ballumbie Castle. The golf course extends to the east.



Figure 3 – Houses Fronting Ballumbie Road (Phase 1)



Figure 4 – Proposal Site with Rooftops of Phase 1 in Background

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

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 20: Funding of On and Off Site Infrastructure Provision

Policy 28: Protecting and Enhancing the Dundee Green Network

Policy 30: Green Infrastructure Maintenance

Policy 34: Protected Species

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 46: Delivery of Heat Networks

Policy 48: Low and Zero Carbon Technology in New Development

Policy 54: Safe and Sustainable Transport

Policy 56: Parking

Supplementary Guidance – Developer Contributions

Supplementary Guidance – Low and Zero Carbon Generating Technology (Draft)

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 Notice (reference: 18/00633/PAN) was submitted in August 2018 for residential development, associated infrastructure, open space and landscaping.

4.2 Advertisement consent (reference: 19/00334/ADV) for a V shaped stack sign associated with the proposed housing development was approved in 2019.

4.3 Planning permission (reference: 19/00451/FULL) for the erection of a temporary sales cabin and associated car parking was approved in 2019.

4.4 Planning permission (reference: 19/00128/FULM) for 76 houses (Phase 1) was approved in 2019.

5 PUBLIC PARTICIPATION

- 5.1 A Pre-application Consultation Report has been submitted with this Major planning application. This sets out what has been done during the pre-application phase to comply with the statutory requirements for pre-application consultation with the public. It outlines the public event that was held and the public comments received prior to submitting the application.
- 5.2 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- 5.3 A total of 50 representations have been received which includes 48 objections raising the following material considerations:
- inadequate primary school capacity;
 - inadequate capacity in doctor's surgery;
 - road too narrow/inadequate for traffic proposed/traffic speeds too high;
 - impact on wildlife;
 - disruption during construction – noise/parking/pollution from construction traffic;
 - insufficient open space for the development;
 - improvements will be required to Berwick Drive/Drumgeith Road junction;
 - footpath on Ballumbie Road not sufficient for development (not wide enough and gap to south);
 - there will be too many junctions on Ballumbie Road;
 - loss of golf holes/course/green space;
 - concern over on-going risk of flooding on the Fithie Burn;
 - amount of houses encroaching on green belt land is having an adverse impact on the residential areas already there;
 - lack of amenities in the area;
 - significant impact on the residents in Burnside of Duntrune (Murroes and Wellbank Community Council, Angus);
 - inadequate public transport provision;
 - houses are a burden to the area;
 - loss of privacy;
 - street lights beyond phase 1 boundary so a “done deal”;
 - increased pedestrian traffic to Ballumbie Castle Estate;
 - development will have a detrimental impact on a conservation area; and
 - impact on resident's safety due to proximity of houses to golf course.
- 5.4 A representation was received from Dundee Civic Trust who noted that the development was in accordance with the development plan housing site allocations. The Trust raised the following material considerations:

- lack of communal open space;
 - junction improvements required;
 - no indication of public art contribution;
 - footpath on the east side of Ballumbie Road is not linked southwards to the existing footpath;
 - stone wall on Ballumbie Road is not extended for the full length of the development; and
 - concerned that a link road is being built in phase1 that potentially opens up the opportunity for further development into land in the Angus Council area. This should be resisted. The area is not appropriate for housing development over and above the existing allocation.
- 5.5 Concern was also raised in the representations to loss of view. However, this is not a valid material planning consideration.
- 5.6 The valid grounds of representation are taken into account in the material considerations section of this report.

6 CONSULTATIONS

- 6.1 **Scottish Water** – has no objection to the application.
- 6.2 **SEPA** – has no objection to the application on flood risk grounds. A condition is recommended to ensure that a site waste management plan (SWMP) is submitted, showing which waste materials are going to be generated and how they are going to be treated and disposed. Further, SEPA recommend that substantial developments ensure their heat demand is met from district heating, subject to the outcome of a feasibility statement. SEPA state that the development must enable connection to a heat network or heat producer, unless it can be demonstrated to the planning authority that this would not be feasible. An Energy Statement informed by a Feasibility Study should be provided for assessment by the planning authority demonstrating how the proposal will meet the requirements for providing district heating onsite.
- 6.3 **Sportscotland** - has no objection to the application subject to a condition. Given the proximity of the new residential development to an active golf course, consideration should be given in the design to features that would mitigate stray golf balls and ensure no conflict between these different uses. As such Sportscotland request a condition that a mitigation scheme to minimise the risk of golf balls is submitted by the developer and agreed by the Planning Authority, in consultation with Sportscotland and thereafter implemented on commencement of construction. The reason for this is to avoid conflict between residential and sporting uses and for reasons of health and safety.
- 6.4 **Angus Council** – has no objection to the application.
- 6.5 **Archaeology Consultant** - has no comment on the application.
- 6.6 **Head of Sustainable Transport and Roads** – the conclusions of the Transport Assessment are agreed. The roads leading to the site have capacity to cater for the proposed development, the proposed access location meets current guidelines and the main junction meets current visibility requirements. It is recommended that conditions are attached to any planning permission granted to ensure the development meets the Council's road standards and specifications; vehicle and pedestrian safety; promotes sustainable modes of transport and to ensure that surface water from within the curtilage of the site does not drain to the adjacent adoptable/adopted road.

- 6.7 **Head of Community Safety and Protection** – has commented on contamination matters and has advised that chemical testing is required for the areas of proposed garden ground which is the same as for phase 1. It is recommended that conditions are attached to any planning permission granted to request that this further investigation work is completed and if necessary a remediation strategy is submitted for written approval by the Council prior to the commencement of development.
- 6.8 **Head of Environment** – a Tree Constraints and Protection report and an indicative landscape strategy has been submitted for review outlining the landscaping proposals, tree retention and new tree planting. Conditions are recommended requiring approval of final landscaping details and to secure tree protection measures are implemented as outlined in the Tree Constraints and Protection report.
- 6.9 A Phase 1 Habitat and Protected Species Survey was updated in October 2020 for the phase 2 application. The Head of Environment agrees with the findings of the survey report. It is considered the proposal will not have a significant effect on a European protected species.

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 **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.
- 7.4 The proposed residential development is located on the northeast side of Whitfield which has an established residential character in Dundee. Whilst the site is greenfield land it is bound to the south and west by residential properties. To the south of the development site, planning permission was granted by the Planning Committee in August 2019 for 76 houses (19/00128/FULM) as Phase 1 of the development of an allocated greenfield site (H45). The proposal would see the remaining area of an allocated greenfield site identified in the Local Development Plan developed for 150 units as part of Phase 2 of the development.
- 7.5 **The proposal would therefore satisfy Policy 1.**
- 7.6 **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.
- 7.7 The proposal is for a mix of 3, 4 and 5 bedroom semi-detached and detached dwellings. New footpaths will be created to provide access through the site and link the development to the

surrounding area. Green infrastructure is to be retained and enhanced as part of the proposal. The proposal responds positively and sensitively to local features which respect the semi-rural area. The proposed design and layout will create a positive place with a strong sense of identity.

7.8 **The proposal would therefore satisfy Policy 2.**

7.9 **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.

7.10 The application site is allocated within the Dundee Local Development Plan 2019 for housing as site H45 Land to East of Ballumbie Road with an indicative capacity of 150 units. Development of this part of the allocated site will contribute to the mix of housing types, size and tenures in the local area.

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

DUNDEE LOCAL DEVELOPMENT PLAN 2019

7.12 **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.

7.13 In respect of Appendix 1, the developer has responded as follows:

7.14 Distinctive

The proposals respond to the wider site context and Phase 1 of the development. The design is bespoke to the site and its wider context enhancing the identity of this part of Dundee. The development provides quality pedestrian links to proposed open spaces and the paths being provided to existing areas of open space. Careful consideration has been given to landscape within the boundaries of the application site to ensure that the landscaping is used to enhance the quality of design. Changes in housing materials are provided at key locations and landscaping changes mimic these changes in housing materials adding to the distinctiveness of the development

7.15 Safe And Pleasant

Buildings have been designed to address open space and streets providing natural safety and inclusive places. Pedestrian safety within the development is inherent in the layout. Natural surveillance is afforded through active frontages. The development will provide appropriate street lighting reflecting Dundee City Council's standards.

7.16 Easy To Get To/Move Around

The site is well connected in terms of public transport and is adjacent to a bus route through the new footpath to Peebles Drive. The application site links seamlessly to the neighbouring development and ties to the path network linking to the wider area.

7.17 Welcoming

The development is well detailed and the use of colour and texture in materials are used to emphasise key nodes and vistas. On occasion, feature buildings have been used to add emphasis to a vista. The development provides an active street frontage internally but also addresses Ballumbie Road. It provides safe and secure pedestrian connections through the development and to the wider area. Public Art in the form of “Poetry Seating” will help enhance and define the place.

7.18 Adaptable

The houses are designed to meet the future requirements of its occupants with specific reference to adaptation for ground floor living. The homes also afford opportunities for flexibility to accommodate home working. A range and mix of house types is provided.

7.19 Resource Efficient

The design of the site maximises the use of this greenfield site. Spaces are planned for the storage and collection of recycling and food waste in line with Dundee City’s requirements. The homes will be built to meet energy efficiency standards with particular focus on passive measures and minimising the need to generate energy. Low and zero carbon technologies will be used where appropriate.

7.20 The proposed residential development offers a range of house types and sizes and will make a positive contribution to the residential neighbourhood in the northeast of the city. The design and layout of the phase 2 development has been sensitively considered to respect the character and amenity of the surrounding area. An indicative Landscape Strategy has been submitted which shows a neighbourhood with a network of footpaths connecting the streets to areas of open space, woodland parks and to the wider community. The developer notes in the Design and Access Statement that the aim is to create an environment which supports a happy healthy lifestyle and also encourages social interaction with varying sized pockets of communal, landscaped open space providing a variety of environments in which to sit and enjoy. Disabled access has been considered as part of the overall accessibility. A condition is recommended to ensure a final landscape strategy is submitted for written approval prior to the commencement of development.

7.21 The proposed development will create a vibrant and attractive place which is accessible and well connected with high quality green infrastructure promoting visual quality and encouraging social interaction and activity.

7.22 **The proposal is in accordance with Policy 1, subject to conditions.**

7.23 **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.

7.24 The applicant has submitted a proposal for public art as part of the Phase 1 development and it is proposed that this is carried through into Phase 2. Bespoke seating is proposed in the new green spaces to be created within the development. In principle this is acceptable and

therefore it is recommended that the final details and implementation of the art project is secured by condition.

7.25 **The proposal is in accordance with Policy 2, subject to conditions.**

7.26 **Policy 9: Housing Land Release** – Priority will be given to the development of the allocated brownfield and greenfield sites.

7.27 This is an allocated greenfield site in the Local Development Plan (H45) with an indicative capacity of 150 units. This application relates to the north part of the wider site with phase 1 for 76 houses to the south approved by the Planning Committee in August 2019 (19/00128/FULM). The Local Development Plan indicates an indicative capacity only and the applicant has demonstrated that the wider site can accommodate 226 units in a high quality layout.

7.28 **The proposal is in accordance with Policy 9.**

7.29 **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.

7.30 The proposal is required to meet the suburban standards for houses set out in Appendix 4 which requires the following:

7.31 **House Type** - in general, 75% of houses should have 3 or more bedrooms or a minimum gross internal floor area of 100m².

7.32 **Response** – the proposal is for a development of 3, 4 and 5 bedroom houses. This standard is met.

7.33 **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.

7.34 **Response** – in curtilage parking is proposed for all housing plots. All 3 bedroom properties have 2 spaces or more and all 4 and 5 bedroom properties have 3 spaces or more. Full details showing compliance with this standard has been provided (Drawing Number 5274 BALLUMBIE RISE-PH2-MASTER SITE MATRIX V23 REV B). Some plots have more provision than required as the result of a single or double garage and driveway. This standard is met.

7.35 **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.

7.36 **Response** – the proposed site plan shows secure provision will be provided for the plots without a garage. Cycle storage by way of a timber garden shed has been provided for the plots completed in Phase 1. A condition is recommended to ensure that details of the type and location of the secure cycle storage are submitted to the Planning Authority for approval

and that the storage is provided prior to the occupation of the house. This standard is satisfied, with the inclusion of a condition.

- 7.37 **Amenity/Garden Ground** - greenfield sites will provide an average private useable garden ground of 160m² per house with a minimum garden size of 120m². The provision for mid terrace houses may be relaxed. Mid terrace garden should be serviceable by a private path to the street.
- 7.38 **Response** – the size of the rear gardens ranges from 120m² – 322m² (Drawing Number 5274 BALLUMBIE RISE-PH2-MASTER SITE MATRIX V23 REV B). This provides an average of 168m². It is noted that due to the sloping topography of the site retaining walls are proposed between plots and plots 143-146 will have a tiered garden with steps between the level change. A section of this area was requested during the application process however it has not been provided to date. As such, a condition is recommended to request that this is provided prior to the commencement of development to ensure that the rear gardens of plots 143-146 have a suitable finish and standard of useable amenity space. This standard is met with the inclusion of a condition.
- 7.39 **Privacy** - a minimum of 18 metres between the facing windows of habitable rooms.
- 7.40 **Response** – this is a new development of a greenfield site and there will be no overlooking or privacy issues between new and existing houses.
- 7.41 **General Requirement** - provision for waste and recycling should be provided in accordance with the Council's waste management strategy.
- 7.42 **Response** – a slabbed bin stance is shown for each plot on the proposed site plan. Provision can be achieved in accordance with the Council's Waste Management Strategy.
- 7.43 **General Requirement** – parking areas should provide provision for electric car charging points.
- 7.44 **Response** – provision for electric car charging has been made in Phase 1 of the development. A condition is recommended to ensure that provision for electric car charging points is made as part of the phase 2 development proposed.
- 7.45 **The proposal is in accordance with the Appendix 4 standards, with the inclusion of conditions.**
- 7.46 The design and layout is of a high quality and offers a mix of house types across the development site. The new housing development meets the six qualities of successful place, as set out in Policy 1. The proposal conforms to the guidance on the Design of New Housing set out in Appendix 4. The design and layout respects the surrounding area and will not have a detrimental impact on residential amenity and parking.
- 7.47 **The proposal is in accordance with Policy 10 and Appendix 4, with the inclusion of conditions.**
- 7.48 **Policy 20: Funding of On and Off Site Infrastructure Provision** – where necessary and appropriate, will seek to secure developer contributions towards the cost of infrastructure provision both on and off site. The principles that guide the requirement for contributions and the preparation of the Developer Contributions Supplementary Guidance are:
- 1 fair and proportionate developer contributions for all developments on sites allocated in either the Dundee Local Development Plan or in terms of windfall development;

- 2 developer contributions will be sought where a need for new or improved services, facilities or infrastructure has been demonstrated that relates directly to the requirements or impacts of a proposed development;
- 3 flexibility in approach to ensure that development can be brought forward in varied economic circumstances while ensuring that the development has no net detriment; and
- 4 facilitate informed decision making by those involved in the development process, allowing potential financial implications to be factored into development appraisals prior to commercial decisions and actions being undertaken.

7.49 The proposal is located within Area 2 – Whitfield in terms of developer contributions, Figure 5 (page 44) in the Local Development Plan 2019. As detailed in Local Development Plan 2019 and the Developer Contribution Supplementary Guidance, developments built for private sector sale within the Whitfield area are required to contribute towards primary education as well as provide connections for cycling and walking routes to the wider Dundee Core Path Network and green infrastructure.

7.50 In terms of education contribution, the contribution per dwelling required by the legal agreement for the Phase 1 development was £4,974.41 in September 2019. This figure is index linked.

7.51 This contribution is towards the cost of front funding the construction of the additional capacity within Ballumbie Primary School. Ballumbie Primary School was built with capacity taking in to account future housing developments in Whitfield. This housing site was not an allocated site at this time and as such will have an additional impact on capacity at the primary school. The applicant has previously questioned the need to contribute towards this front funded infrastructure as part of the phase 1 application process but agreed to meet the request for the contribution. This will be subject to the completion of a Section 75 legal agreement for the education contribution.

7.52 In regards to connections for cycling and walking routes to the wider Dundee Core Path Network and green infrastructure, a footpath link to Peebles Drive was provided by the developer as part of the phase 1 development to properly connect the new housing development with the open space, play park and existing housing to the south and to also ensure all parts of the development are within 400m of public transport (bus stop on Peebles Drive).

7.53 The existing public open space and play park to the south of the development site on Peebles Drive will be widely accessible to the 150 family homes to be created by the developer as part of the 2-phase development. Therefore, it is not unreasonable to expect the development to make a contribution towards enhancements to the public open space. The Head of Environment has identified improvements including tree planting, seating and play equipment and there is also an opportunity to improve footpath connectivity. It is recommended that should members be minded to approve the application a planning condition is attached to secure the provision of enhancements to the existing open space on Peebles Drive.

7.54 **The proposal can satisfy Policy 20 subject to the completion of a Section 75 legal agreement for the education contributions, and a planning condition to ensure the provision of enhancements to the public open space on Peebles Drive.**

7.55 **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.

- 7.56 An indicative landscape strategy shows SuDS, green space, new tree lined pedestrian routes, mature trees retained along the boundary edge, seating and informal play equipment proposed along pedestrian routes within the development site and new path networks to connect the new housing to the surrounding area.
- 7.57 As highlighted previously in the report, the existing public open space and play park to the south of the development site on Peebles Drive will be widely accessible to the 226 family homes to be created by the developer as part of the 2-phase development. The Head of Environmental Management has identified enhancements to the public park including tree planting, seating and play equipment. It is recommended that should members be minded to approve the application a planning condition is attached to secure the provision of enhancements by the developer to the existing open space on Peebles Drive.
- 7.58 **The proposal is in accordance with Policy 28, subject to a condition to secure enhancements to the public open space on Peebles Drive.**
- 7.59 **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.

- 7.60 Within the site there will be areas adopted by the Council including the proposed SuDS landscaped areas. Other areas are proposed to be privately maintained by a factor and in order to secure this it is recommended that a condition is attached to any planning permission granted.
- 7.61 **The proposal is in accordance with Policy 30 subject to a condition to secure the long-term maintenance of the green infrastructure.**
- 7.62 **Policy 34: Protected Species** - states that development proposals which are likely to have a significant effect on a European protected species will not be supported unless:
- 1 there is no satisfactory alternative; and
 - 2 the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature or which have beneficial consequences of primary importance for the environment.

Development proposals which would be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range will not be supported.

Development proposals that would be likely to have an adverse effect on a species protected under the Wildlife and Countryside Act 1981 (as amended) will not be supported unless the development is required for preserving public health or public safety. For development affecting a species of bird protected under the 1981 Act there must also be no other satisfactory solution.

- 7.63 A Phase 1 Habitat and Protected Species Survey was submitted for the phase 1 development. This was updated in October 2020 for the phase 2 application and it found no evidence of protected species during the survey. Suitable habitat was found for bats, red squirrel, pine marten, badger, bird species, hedgehogs and brown hare. Four trees with Potential Roost Features with moderate suitability for bats were identified within the survey area, however, no bats or evidence of roosts were found. The survey report states no further survey or protected species licencing is required at this time. It recommends a number of good practice recommendations to be employed to reduce potential negative impacts as a result of the development.
- 7.64 The Head of Environment agrees with the findings of the survey report. It is considered the proposal will not have a significant effect on a European protected species.
- 7.65 **The proposal is in accordance with Policy 34.**
- 7.66 **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.
- 7.67 A Tree Constraints and Protection report has been submitted and reviewed by the Head of Environmental Management. An indicative landscape strategy has been submitted for review outlining the landscaping proposals, tree retention and new tree planting.
- 7.68 **The proposal is in accordance with Policy 35 subject to conditions requiring approval of final landscaping details and to secure tree protection measures are implemented as outlined in the Tree Constraints and Protection report.**
- 7.69 **Policy 36: Flood Risk Management** – states that a flood risk assessment may be required where the nature of the development or local circumstances indicates heightened risk.
- 7.70 The SEPA flood maps show that the application site itself is not a known flood risk area. However, as part of the site's SuDS proposals, it is proposed to discharge the development's surface water runoff to a location directly upstream of a known flood risk location along the Fithie Burn. The updated Flood Risk Assessment states that the discharge will be attenuated to greenfield runoff rates and therefore should not result in an increase in flood risk elsewhere. Further information and calculations are required to fully demonstrate that there will be no increase to flood risk elsewhere.
- 7.71 **The proposal is in accordance with Policy 36 subject to conditions requiring approval of more detailed flood risk information.**

- 7.72 **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.
- 7.73 Details of a proposed surface water drainage scheme have been submitted with a landscaped Suds detention basin proposed in the south-east of the development site. In principle the proposed SuDS layout is acceptable and it is recommended that conditions are attached should planning permission be granted to ensure detailed drainage information including SuDS, Construction SuDS, SuDS Maintenance and evidence of Scottish Water approval is submitted.
- 7.74 Further, Council Engineers have advised of the potential for a field drain/culvert within the development site and further information has been requested from the developer. The details of this should be confirmed to ensure that no new properties forming part of the phase 2 development are built over it and it will not present a flood risk to properties within phase 1 and 2 of the Ballumbie development. A condition is recommended to secure this information prior to the commencement of any works on the site.
- 7.75 **The proposal is in accordance with Policy 37 subject to conditions.**
- 7.76 **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.
- 7.77 Contaminated Land Reports have been submitted. The Head of Community Safety and Protection has commented that chemical testing is required for the areas of proposed garden ground which is the same as for phase 1. It is recommended that conditions are attached to any planning permission granted to request that this further investigation work is completed and if necessary a remediation strategy is submitted for written approval by the Council prior to the commencement of development.
- 7.78 **The proposal is in accordance with Policy 41, subject to conditions requiring further investigation work.**
- 7.79 **Policy 44: Waste Management Requirements for Development** - development proposals should demonstrate that they adequately address the Scottish Government's Zero Waste Policy and that sufficient provisions are made to maximise opportunities for waste reduction and waste separation at source and enable the separate collection of recyclable material as outlined in the Waste (Scotland) Regulations 2012. The policy also requires site waste management plans to be prepared and used during the construction of major developments.

- 7.80 The proposed site 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.
- 7.81 As per SEPA's consultation advice, a planning condition is recommended to ensure that a site waste management plan is prepared and implemented during construction.
- 7.82 **The proposal is in accordance with Policy 44 subject to conditions requiring a site waste management plan.**
- 7.83 **Policy 46: Delivery of Heat Networks** - requires new development to consider the feasibility of meeting their heat demand through heat networks.
- 7.84 A Sustainability Statement was submitted for the first phase of the development which found that due to the timeframe for the proposed development and occupation of the proposed dwelling houses it did not appear possible/viable for the development to be linked to the heat network. The completion of works at Baldovie do not tie in with the developments timeline, the site-specific design of a system would delay the planned start date and the route for the required series to the development would be challenging in terms of timescale and funding.
- 7.85 Consideration has been given to the viability of creating a heat network and a solution has been proposed for the development to connect in to any future offsite heat network. This addresses the consultation comments from SEPA on this matter.
- 7.86 **The proposal is in accordance with Policy 46.**
- 7.87 **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.
- 7.88 The developer has advised in writing that PV panels will be installed on all houses. A Sustainability Statement has not been submitted and it is recommended that a condition be attached to ensure that a statement is submitted to demonstrate compliance.
- 7.89 **The proposal is in accordance with Policy 48 subject to condition.**
- 7.90 **Policy 54: Safe and Sustainable Transport** - all development proposals* that generate travel should be designed to be well served by all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be afforded priority and provide for easy access to local amenities, education facilities and other services.

Development proposals will be required to:

- 1 minimise the need to travel by private car;
- 2 provide facilities on-site (and/or off-site through developer contributions or by direct delivery) for walking, cycling and public transport networks, including road/junction improvements and cycle parking. Developments without high quality, safe and convenient links to adjacent walking and cycling networks will not be supported;
- 3 incorporate measures to permit access to public transport networks within a walking distance of no more than 400 metres from all parts of the development;

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

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

*this includes the re-use of existing buildings.

- 7.91 In respect of the criteria above, the proposal includes the creation of new paths and safe and convenient links to adjacent walking and cycling networks. The proposal incorporates measures to promote sustainable modes of transport and access to public transport networks. There are bus stops located within walking distance of the site on Ballumbie Road and Peebles Drive. However, with regards to criterion 3, there is no bus stop within 400 metres of all parts of the development site. A Transport Assessment has been submitted and its conclusions agreed by the Head of Sustainable Transportation and Roads. The proposed development will not have a detrimental effect on the capacity or safe functioning of the existing road network. Swept path diagrams have been submitted to show provision for road freight and waste access, loading and unloading in line with criterion 5. The Head of Sustainable Transportation and Roads has reviewed the supporting information and recommends that planning conditions are attached to ensure the Council's roads design standards are complied with. Whilst there are proposals and opportunities for the site to be readily accessible by sustainable and active transport, a condition is recommended to require the developer to prepare a travel plan or Residential Travel Pack to promote the use of sustainable forms of transport to the first occupiers of the development.
- 7.92 **The proposal is not in accordance with criterion 3 and therefore does not fully comply with Policy 54.**
- 7.93 **Policy 56: Parking – Developments Outwith the City Centre** seeks to ensure adequate provision of parking for motor vehicles and cycles by requiring compliance with Dundee City Council's adopted guidance on road standards and the Appendix 4 design standards.
- 7.94 As outlined previously, the proposal meets the Appendix 4 parking standards for residential development in suburban areas. As part of the first phase of the development electric vehicle charging provision has been installed. It is recommended that a condition is attached to ensure that details of the provision for electric car charging infrastructure is submitted, agreed and installed for the proposed development of phase 2.
- 7.95 Also, as per Appendix 4 standards, a condition is recommended to ensure that a site plan and details of the secure cycle storage in plots without a garage are submitted and agreed.
- 7.96 **The proposal is in accordance with Policy 56, subject to conditions relating to electric car charging infrastructure and cycle parking.**
- 7.97 **It is concluded that the proposal is not fully in accordance with the Development Plan.**

MATERIAL CONSIDERATIONS

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

A - REPRESENTATIONS

7.99 50 representations including 48 objections have been received raising the following valid material grounds.

- inadequate primary school capacity;
- inadequate capacity in Doctor's surgery;
- road too narrow/inadequate for traffic proposed/traffic speeds too high;
- impact on wildlife;
- disruption during construction – noise/parking/pollution from construction traffic;
- insufficient open space for the development;
- improvements will be required to Berwick Drive/Drumgeith Road junction;
- no indication of percentage of art contribution;
- footpath on Ballumbie Road not sufficient for development (not wide enough and gap to south);
- there will be too many junctions on Ballumbie Road;
- the stonewall on Ballumbie Road is not extended the full length of the site;
- link Road that is being built in Phase 1 that opens opportunity for development in Angus should be resisted;
- loss of golf holes/course/green space;
- concern over on-going risk of flooding on the Fithie Burn;
- amount of houses encroaching on green belt land is having an adverse impact on the residential areas already there;
- lack of amenities in the area;
- development will force the closure of another golf course/not enough golf courses in the city/if new holes were to be built they should have been built by now and given time to mature;
- significant impact on the residents in Burnside of Duntrune due to increase in traffic;
- inadequate public transport provision;
- houses are a burden to the area;
- loss of privacy;
- street lights beyond Phase 1 boundary so a "done deal";
- increased pedestrian traffic to Ballumbie Castle Estate;
- impact on resident's safety due to proximity of houses to golf course; and
- development will have a detrimental impact on a Conservation Area.

7.100 The grounds of objection are considered and assessed as follows:

- 7.101 **Inadequate primary school capacity** - there is sufficient capacity in Ballumbie Primary School.
- 7.102 **Inadequate capacity in Doctor's surgery** - this is a matter for the NHS to consider using the funding available to them as required.
- 7.103 **Road too narrow/inadequate for traffic proposed/traffic speeds too high** - a Transport Assessment has been submitted and its conclusions accepted. It is recommended that conditions are attached should planning permission be granted to ensure the proposal complies with the National Roads Development Guide and any local variations within Dundee City Council's roads design standards. Conditions are recommended to ensure that the existing speed limit signs are relocated to an agreed location to ensure the full development site is within a 30mph zone. All roads within the site shall be promoted as a 20mph zone. Separate roads construction consent is also required out with the planning process and this has been submitted by the developer for review by the Head of Sustainable Transportation and Roads.
- 7.104 **Impact on wildlife** - an updated Phase 1 habitat survey has been submitted. No protected species have been identified. A number of good practice recommendations outlined in the survey report will be followed during the construction process.
- 7.105 **Disruption during construction** – whilst this is not a material planning consideration, it should be recognised that some disruption during construction is inevitable. The developer has advised that they will endeavour to keep this to a minimum working to a construction management plan. It is recommended that a condition is attached to ensure a construction management plan is submitted for the written approval of the Council prior to the commencement of development. It is noted that there have been cars from contractors parked in neighbouring streets during the phase 1 works. Due to Covid-19 social distancing measures contractors have had to travel in separate vehicles which has resulted in extra vehicles in the vicinity of the site. The developer is working to provide an area to park vehicles in an off-street location.
- 7.106 **Insufficient open space for the development** – an indicative Landscape Strategy has been submitted and it is generally acceptable and in line with the Local Development Plan. The developer highlights that open space has been a fundamental part of the design of the development. Provision has been made to link the development to the open space at Peebles Drive and a condition is recommended to secure improvements and enhancements to this area of public open space.
- 7.107 **Improvements will be required to Berwick Drive/Drumgeith Road junction** - these junctions have been assessed as part of the Transport Assessment and there is no net detriment to these junctions as a result of the proposals.
- 7.108 **No indication of percentage of art contribution** - the percentage for art contribution will follow the theme from Phase 1 providing specially designed street furniture for the development. A planning condition is recommended to secure this provision.
- 7.109 **Footpath on Ballumbie Road not sufficient for development** - this has been deemed to be suitable following a road safety audit.
- 7.110 **There will be too many junctions on Ballumbie Road** – a Transport Assessment has been submitted and its findings are accepted. It is recommended that conditions are attached should planning permission be granted to ensure the proposals complies with the National Roads Development Guide and any local variations within Dundee City Council's roads design standards.

- 7.111 **The stonewall on Ballumbie Road is not extended the full length of the site** - the wall will feature at key locations with feature hedges along the remainder of the frontage which will help create a buffer between the urban and rural setting.
- 7.112 **Link Road that is being built in Phase 1 that opens opportunity for development in Angus should be resisted** – the developer has advised that no link road to the development is being formed in Angus. A foul sewerage connection was made to the end of Chestnut Green and these works have now been completed.
- 7.113 **Loss of golf holes/course/green space** - the site is an allocated greenfield housing site in the Local Development Plan (H45) and the principle of the removal of this part of the golf course is established. The 3 holes which are being removed are being replaced elsewhere on the course and an 18 hole golf course is therefore being maintained.
- 7.114 **Concern over on-going risk of flooding on the Fithie Burn** - a Flood Risk Assessment has been submitted which confirms the development will not increase the risk of flooding on the Fithie Burn. SEPA has not objected to the application.
- 7.115 **Amount of houses encroaching on green belt land is having an adverse impact on the residential areas already there** - the site is not designated green belt and is an allocated greenfield housing site in the Local Development Plan (H45). Careful consideration has been given to the design of the development to ensure it makes a positive contribution to the area.
- 7.116 **Lack of amenities in the area** - there are a number of amenities in the area and connections to the wider area are proposed as part of the development.
- 7.117 **Significant impact on the residents in Burnside of Duntrune** - the site is over ½ mile from Burnside of Duntrune which is within the Angus Council boundary. Angus Council was consulted and has no objection to the application. A Transport Assessment has been submitted and its findings are accepted.
- 7.118 **Inadequate public transport provision** - the site has access to public transport networks on Ballumbie Road and Peebles Drive. This has been enhanced by footpath connections through Phase 1 to Peebles Drive where there are frequent bus services. The design and layout of the site incorporates measures to permit access to public transport.
- 7.119 **Houses are a burden to the area** – the site is an allocated housing site in the Local Development Plan.
- 7.120 **Loss of privacy** - this phase of the development does not immediately abut existing residential properties other than the ones that will be built as part of Phase 1 and new houses that are currently being constructed on the west side of Ballumbie Road. There will be no loss of privacy to these properties as they have all been designed with the appropriate window to window separation.
- 7.121 **Street lights beyond Phase 1 boundary so a “done deal”** - streetlights are being installed in line with the Roads Construction Consent requirements for Phase 1.
- 7.122 **Increased pedestrian traffic to Ballumbie Castle Estate** - no direct routes are provided to Ballumbie Castle Estate.
- 7.123 **Impact on residents safety due to proximity of golf course** – as noted previously in the report, sportscotland has no objection to the application subject to a condition that a mitigation scheme to minimise the risk of golf balls is submitted by the developer and agreed by the Planning Authority, in consultation with sportscotland and thereafter implemented on

commencement of construction. The reason for this is to avoid conflict between residential and sporting uses and for reasons of health and safety.

- 7.124 **Development will have a detrimental impact on a conservation area** - the site is not located in a conservation area. Notwithstanding this the proposed development has been sensitively designed to respect the character and amenity of the surrounding area.
- 7.125 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 – DEPARTURE FROM POLICY 54: SAFE AND SUSTAINABLE TRANSPORT

- 7.126 Policy 54 requires, amongst other things, that all development proposals 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.
- 7.127 The majority of houses in this Phase 2 development are within 400m walking distance of the bus stops on Ballumbie Road and Peebles Drive. However, the houses located on the northern boundary of the site will be within 500m walking distance of these bus stops. Pedestrian accessibility is to be enhanced as part of the Phase 1 development through the provision of a footpath connection from the development site to Peebles Drive where there are frequent bus services. New footways will be provided on the site frontage along Ballumbie Road and through the development site, improving pedestrian safety and access. The developer has incorporated measures to permit ease of access to public transport networks and a departure in this instance is acceptable for the second phase of development of an allocated housing site.
- 7.128 **It is concluded that there are material considerations of sufficient weight in this case to justify approval of planning permission.**

8 CONCLUSION

- 8.1 The application for 150 houses is not in accordance with the Development Plan. However, there are material considerations of sufficient weight to justify approval of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions and a Section 75 Planning Obligation.

9 RECOMMENDATION

9.1 Recommendation 1

This planning permission shall not be issued until an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997, between the Council and parties with appropriate interests in the land has been recorded. This obligation will relate to developer contributions towards the cost of education infrastructure provision. It is recommended that the applicant be allowed a period of 4 months to conclude and register the legal agreement.

9.2 Recommendation 2

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

- 1 **Condition** - prior to the commencement of work on site details of 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.

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

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

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

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

- 4 **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.

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

Reason - in the interests of vehicle and pedestrian safety.

- 6 **Condition** - a 20mph zone order shall be promoted for all roads within the site with appropriate signing, lining and traffic calming to support this provided to Dundee City Council specifications.

Reason - in the interests of vehicle and pedestrian safety.

- 7 **Condition** - prior to any works on site details of the footway ex adverso the site on Ballumbie Road must be agreed.

Reason - in the interests of vehicle and pedestrian safety.

- 8 **Condition** - the existing speed limit signs on Ballumbie Road shall be relocated to an agreed location prior to any works on site.

Reason - In the interests of vehicle and pedestrian safety.

- 9 **Condition** – A Residential Travel Pack shall be submitted to and agreed in writing by the Council and shall be issued to each residential dwelling prior to first occupation.

Reason - in the interests of promoting sustainable modes of travel.

- 10 **Condition** - the hard surface of individual car parking, driveways or hardstanding area should be made of porous materials where appropriate and/or provision made to direct run off water from the hard surfaces to a system or 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 adoptable/adopted road.

- 11 **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

- 12 **Condition** - electric car charging points shall be provided at a location and number to be approved prior to opening of the development.

Reason - in the interests of sustainable travel measures

- 13 **Condition** - prior to the commencement of any works on site, details of any existing drainage/culverts within the site shall be submitted to the Council and details of any proposed drainage diversion works to ensure that new properties are not built over any existing drainage/culverts shall be submitted to the Council for written approval. Thereafter, any works approved by virtue of this condition shall be carried out prior to the commencement of construction of the first property hereby approved.

Reason - in the interests of flood protection.

- 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 flood 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 interest of flood protection.

- 18 **Condition** - prior to the commencement of any works on site, a Flood Risk Assessment and Dundee City Council Compliance and Independent Check Certification shall be prepared and submitted to the Council and SEPA for written approval. Any recommendations contained within the Flood Risk Assessment must be implemented thereafter prior to occupation of the development.

Reason - in the interest of flood protection.

- 19 **Condition** - development shall not begin until further investigation and risk assessment are completed and, if necessary; a remediation strategy to deal with any contamination at the site has been submitted to and approved in writing by the planning authority. The strategy shall contain proposals to deal with contamination to include:

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

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 Council.

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

- 20 **Condition** – prior to the commencement of development details of the secure cycle storage provision for each dwelling shall be submitted to and approved in writing by the Council. These details shall include:

- i details of the location of secure cycle storage for each plot; and
- ii details of the secure cycle storage facility.

The secure cycle storage facilities shall be constructed in accordance with the approved details prior to the occupation of each house.

Reason - in the interests of promoting sustainable modes of travel.

- 21 **Condition** – prior to the commencement of any work on site, maintenance responsibilities along with a maintenance schedule for all communal areas 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 visual amenity.

- 22 **Condition** – prior to the commencement of development a site waste management plan shall be submitted to and approved in writing by the Council. This shall contain details of how site waste will be controlled during the construction and operation of the development.

Reason – in the interests of resource efficiency and waste minimisation during construction.

- 23 **Condition** - the applicant shall make provision for the delivery of green infrastructure improvements in the public park to the north of Peebles Drive as agreed with and in line with Council requirements prior to the commencement of development. For the avoidance of doubt this will include improving footpath connectivity, tree planting, seating and play equipment.

Reason - in the interests of place making and improving green infrastructure in the wider area.

- 24 **Condition** – prior to the commencement of development, full details including a section and drawing showing the levels and finish of the rear gardens for plots 143-146 shall be submitted for the written approval of the Planning Authority. Thereafter, all works approved by this condition shall be carried out.

Reason – in order that the rear gardens have a suitable finish and standard of useable amenity space for residents.

- 25 **Condition** - a mitigation scheme to minimise the risk of golf balls outwith the reconfigured golf course will be submitted by the developer and agreed by the Planning Authority, in consultation with sportscotland and thereafter implemented on commencement of construction.

Reason - to avoid conflict between residential and sporting uses and for reasons of health and safety.

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

Reason – in the interests of vehicle and pedestrian safety and residential amenity.

Informative

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