

New cycleways, Footpaths and Infrastructure Improvements, The Esplanade, Broughty Ferry

KEY INFORMATION

Ward The Ferry

Address

The Esplanade
Broughty Ferry
Dundee

Applicant

Dundee City Council

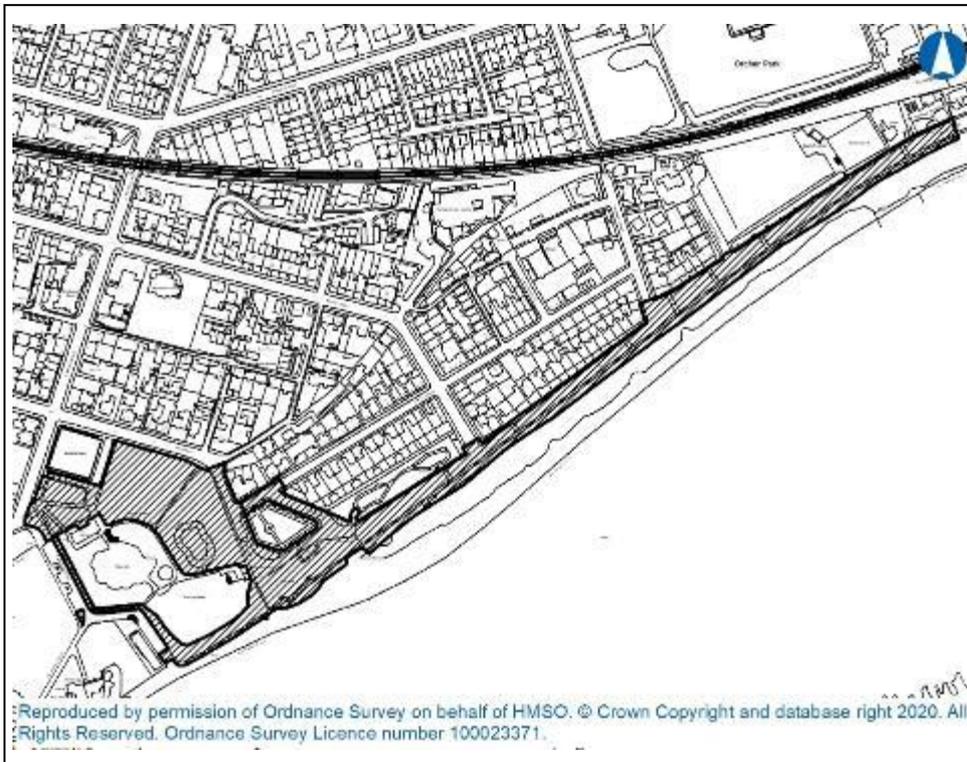
Agent

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Macleod Consulting
11 Castle Street
Dundee

Registered 28 Aug 2020

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

Contact: Craig Swankie



SUMMARY OF REPORT

- Planning permission is sought for a cycleway, footpath and associated infrastructure at Castle Green Park and The Esplanade, Broughty Ferry. The scheme includes the construction of a shared path through Castle Green Park and at Castle Approach, and the formation of a segregated cycleway and footpath along The Esplanade. Alterations are proposed to public roads, footpaths and open spaces.
- The scheme forms part of a wider Council and Scottish Government project to improve the active travel links on the route of the National Cycle Network from the Tay Road Bridge to Monifeith.
- In total, 17 letters were received objecting to the proposals. These raise concerns with loss of parking provision, alterations to existing roads including the pedestrianisation of Mill Street and works to public parks. A total of 4 letters of support were received, including a letter from Broughty Ferry Community Council, and 3 neutral representations were received.
- In response to concerns raised by local residents, the applicant has during the course of the application amended the proposals to remove alterations to road layouts and parking provision on Castle Street and The Esplanade.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by Planning Committee as more than 6 valid objections have been received and the recommendation is for approval.
- More details can be found at <http://idoxwam.dundeecity.gov.uk/idoxpa-web/applicationDetails.do?activeTab=summary&keyVal=QFPM2AGCHKU00>

RECOMMENDATION

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

1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission is sought for the development of a cycleway and footpath at The Esplanade, Broughty Ferry. The proposed cycleway and footpath would comprise a shared path through Castle Green Park, at Mill Street and at Castle Approach. This provides a traffic free shared path leading east to a new segregated cycleway and footpath on the south side of The Esplanade to The Glass Pavilion.
- 1.2 The scheme forms part of a wider project to improve the active travel links on the route of the National Cycle Network Route 1 from the Tay Road Bridge to Monifeith. Led by Dundee City Council with Scottish Government funding, and support from Sustrans Scotland, the wider project is intended to deliver transformational improvements for active travel, creating a high quality and fully inclusive walking and cycling route, with associated public realm, biodiversity and landscape enhancements.
- 1.3 Planning permission is required for the elements that form this planning application, namely the formation of the various paths, creation of a beach access ramp and the installation of street furniture. The other works across the wider project do not require planning permission as they are outwith the Conservation Area boundary; are works undertaken by the Council as the Roads Authority; or form part of the Broughty Ferry Flood Protection Scheme.
- 1.4 The project team has advised that it undertook a public consultation exercise over the autumn and winter of 2019–2020, and around 600 people provided feedback on the draft concept designs. The feedback showed that there is strong support for the scheme, with 97% of people in favour of upgrading the route, and over 75% of people supporting the concept designs presented. A masterplan was prepared based on the feedback received. Further information can be found via the project website: <https://broughtyferryactivetravel.com/>
- 1.5 At Castle Green Park and Mill Street, various alterations are proposed. The shared path would cross through the north of Castle Green Park, from St Vincent Street to Mill Street. The shared path would be surfaced in bituminous material and provides access for pedestrians and cyclists into, and through the park. Within the south of Castle Green Park alterations are proposed to the existing park walls as part of wider flood defence works and seating areas are to be formed facing towards Broughty Ferry beach. The works will include feature benching, decorative bollards and the formation of a new stone retaining wall to the south of Castle Green Park with inset seating. The works to the south of the park will ensure Castle Approach is also suitable for shared use by cyclists and pedestrians.
- 1.6 At Castle Street and Mill Street alterations are proposed to the existing road layout, with Mill Street to be pedestrianised between Castle Street and The Esplanade. The pedestrianised section of road will feature the shared traffic free path towards its centre, with soft landscaping at either side. Feature seating is to be provided at the centre of Mill Street. To maintain access to the existing car park at Broughty Ferry Beach, the access is to be relocated to the east providing a connection onto Castle Lane. The new access is to include a raised table and amended layout to ensure safe access. To the south of the car park, a replacement access ramp is proposed to provide a step free link between Castle Approach and the beach, and a flood protection wall is also to be formed. On-street car parking on Castle Lane will be retained.
- 1.7 The effect of closing Mill Street will be that westbound traffic on The Esplanade will have to use Brook Street and Castle Street to access central Broughty Ferry.
- 1.8 At Castle Terrace Gardens a new opening is proposed within the south west corner of the site, to support ease of access to the open space and connections to the beach. To accommodate

the access two trees are to be removed. To mitigate for this, three replacement trees are to be planted within the gardens. Along The Esplanade a segregated cycleway and footpath are proposed. The cycleway and footpath, which would extend 650 metres along the south side of The Esplanade, would be finished in bituminous material. At junctions between The Esplanade and Brook Street/Panmure Street, alterations are proposed including the addition of raised tables and widening of the existing footpaths. The proposals will require alterations to the existing road width and parking provision along sections of The Esplanade with the width of the existing road being reduced at Castle Terrace Gardens and existing on street parking being reduced at Mill Street and along sections of The Esplanade. Overall, the level of public parking spaces on Castle Approach, Mill Street and The Esplanade will be reduced by 20 spaces, with a total of 262 spaces remaining.

1.9 The applicant has submitted the following information in support of the application:

- Conservation and Design Statement;
- Ecological Impact Assessment;
- Graphic and 3D Images Package; and
- Proposed Parking Layouts and Site Surveys.



Figure 3 – Proposed Images - Castle Terrace Gardens and Broughty Ferry Beach

2 SITE DESCRIPTION

- 2.1 The application site extends from Castle Green Park, along Mill Street and The Esplanade to the Glass Pavilion restaurant. The site contains a number of uses including public parks with landscaping and open spaces and public roads and footpaths. The site adjoins a range of uses including houses along The Esplanade and Castle Street, Broughty Ferry Castle and Broughty Ferry Beach.
- 2.2 Castle Green Park contains a play area and pavilion, along with a crazy golf course and areas of open lawn. To the south east of Castle Green Park is a footpath between Castle Approach and The Esplanade which provides access to Broughty Ferry Beach. Mill Street and Broughty Ferry Beach Car Park are located immediately to the east, with access to the Car Park provided from Mill Street. Castle Terrace Gardens provide an area of landscaped public open space on the north side of The Esplanade. Beyond Castle Terrace Gardens to the east The Esplanade extends along the north side of the River Tay Estuary. The Esplanade includes houses on the north side and sand dunes and beach on the south side.
- 2.3 The site is within a historic part of Broughty Ferry, and extending along the north of the River Tay there are a number of listed buildings and designated areas within and adjoining the application site. The west of the site is contained within Broughty Ferry Conservation Area and includes listed buildings such as the Category A listed Broughty Ferry Castle and Category C listed dwelling houses on Castle Street. Immediately beyond the site's south boundary is Broughty Ferry Beach and the River Tay which is within the Firth of Tay and Eden Estuary Special Area of Conservation – a nature conservation designation.



Figure 4 – View of Mill Street



Figure 5 – View of Castle Terrace Gardens and The Esplanade



Figure 6 – View of The Esplanade at Junction With Panmure Street

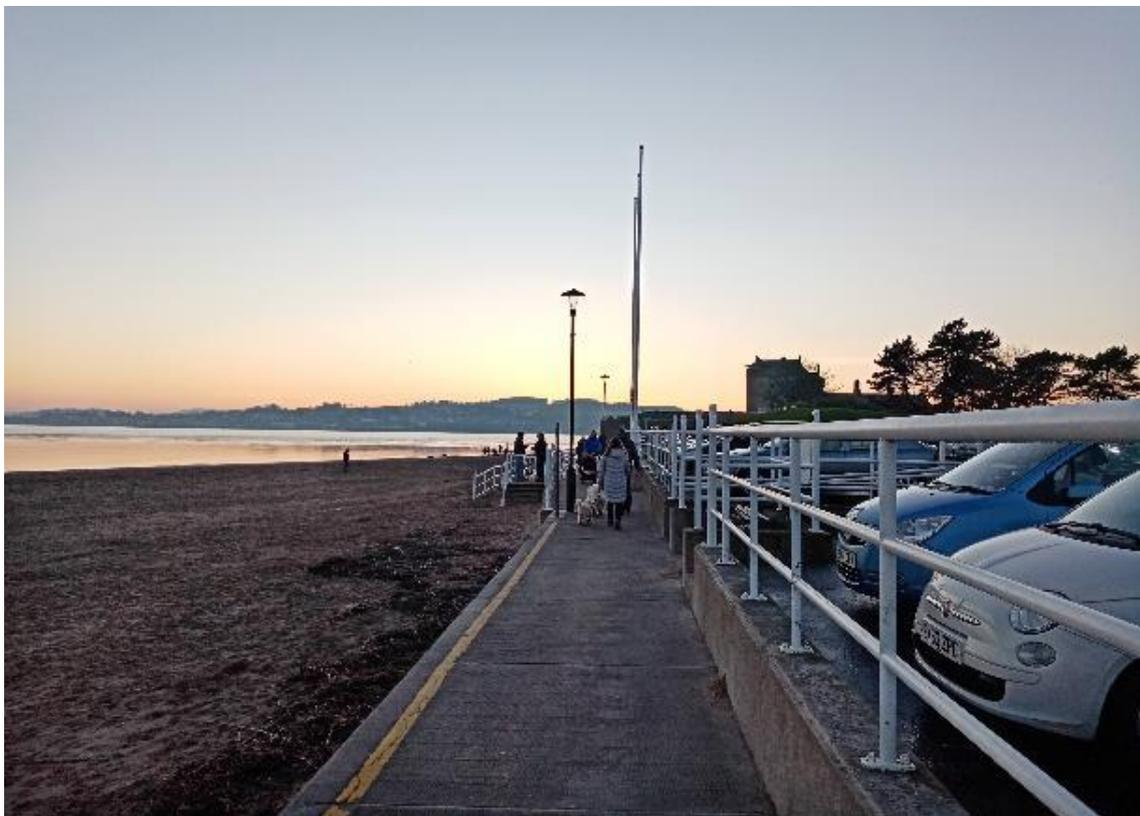


Figure 7 – View of Broughty Ferry Beach

3 POLICY BACKGROUND

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

TAYPlan 2016-2036

Policy 2: Shaping Better Quality Places

Policy 8: Green Networks

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 1: High Quality Design and Placemaking

Policy 2: Public Art Contribution

Policy 28: Protecting and Enhancing the Dundee Green Network

Policy 29: Outdoor Access and the Dundee Green Network

Policy 32: National and International Nature Conservation Designations

Policy 33: Local Nature Conservation Designations

Policy 34: Protected Species

Policy 35: Trees and Urban Woodland

Policy 36: Flood Risk Management

Policy 37: Sustainable Drainage Systems

Policy 39: Environmental Protection

Policy 49: Listed Buildings

Policy 51: Development in Conservation Areas

Policy 52: Scheduled Monuments and Archaeological Sites

Policy 54: Safe and Sustainable Transport

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

4 SITE HISTORY

4.1 There is no relevant planning history.

5 PUBLIC PARTICIPATION

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

5.2 In total 24 letters of representation were received.

5.3 Four letters of support were received, including a letter from Broughty Ferry Community Council, who state they support the proposed development following amendment made during the course of the application to retain on street parking provision and provision of further details of the alterations at Mill Street.

5.4 Three neutral letters of representation were received, including a letter from Dundee Civic Trust whom removed an initial objection to the proposals following the provision of further information on matters such as parking and finish materials.

- 5.5 A total of 17 objections were received, raising the following material considerations:
- the proposals will increase the number of cyclists passing through Castle Green Park and Castle Approach, raising concerns they may conflict with pedestrians;
 - the proposed alterations to Castle Terrace Gardens, including formation of a new access and planting of trees will have a detrimental impact on the appearance of the gardens and have a detrimental impact on residential amenity through increased visitors to the park;
 - the loss of parking spaces will have a detrimental impact on local roads, and alterations to The Esplanade including the addition of raised tables and narrowing of the roadway raise road safety concerns;
 - the pedestrianisation of Mill Street results in the unnecessary loss of parking provision and does not contribute to the overall development;
 - the proposals would have a detrimental impact on wildlife and result in the loss of habitat;
 - concerns were raised in relation to the notification of neighbours beyond the statutory requirements and public consultation on the proposed active travel scheme; and
 - concerns were also raised in relation to the loss of views, however this is not a material planning consideration.
- 5.6 These matters are considered in the material considerations section of this report.

6 CONSULTATIONS

- 6.1 **The Head of Neighbourhood Services** - has no objection following a review of the submitted Ecological Impact Assessment and has provided advice on proposed tree planting. The findings of the Ecological Impact Assessment are supported and recommended tree species are considered to be appropriate.
- 6.2 **Historic Environment Scotland** – has considered the impacts of the proposals on the setting of listed buildings including Broughty Ferry Castle and has no objection to the proposal. HES has also considered the impact on Broughty Ferry Castle as a Scheduled Ancient Monument and has no objection to the proposal.
- 6.3 **NatureScot** – has no objection following consideration of the proposal's impact on Firth of Tay and Eden Estuary Special Area of Conservation and reviewing the submitted Ecology Impact Assessment.
- 6.4 **SEPA** – has 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

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

TAYPLAN 2016 – 2036

- 7.2 **Policy 2: Shaping Better Quality Places** - Policy 2 seeks to deliver better quality development and places that respond to climate change by requiring development proposals to deliver distinctive places and development that is active and healthy by design.
- 7.3 The proposal is for enhancements to the existing active travel route which will encourage a shift away from using private cars to active travel. The enhancements extend beyond just the travel infrastructure but will also improve the area through enhancements to the public realm which are intended to create a more distinctive place.
- 7.4 **The proposal would therefore satisfy Policy 2.**
- 7.5 **Policy 8: Green Networks** – Policy 8 seeks to protect and enhance green and blue networks by preventing their fragmentation and requiring development to incorporate new multifunctional networks.
- 7.6 In this case the project has limited impact on the existing green and blue network and has sought where possible to enhance these networks. The project will create better recreational access opportunities and active travel routes and will result in overall enhancements to the quality of the place.
- 7.7 **The proposal would therefore satisfy Policy 8.**

DUNDEE LOCAL DEVELOPMENT PLAN 2019

- 7.8 **Policy 1: High Quality Design and Placemaking** – all development proposals should follow a design-led approach to sustainable, high quality placemaking. Development should contribute positively to the quality of the surrounding built and natural environment and should be planned and designed with reference to climate change mitigation and adaptation. The design and siting of development should respect the character and amenity of the place, create a sense of community and identity, enhance connectivity and incorporate creative approaches to urban design, landscaping and green infrastructure, appropriate to the local context and the scale and nature of the development. New development will be required to meet the six qualities of successful place in accordance with the guidance provided in Appendix 1.
- 7.9 The form and location of the cycleway, shared path and various works to public roads, including pedestrianisation of Mill Street and creation of a seating area and replacement access ramp at Broughty Ferry Beach, have been designed to ensure a high-quality finish and an attractive streetscape is provided. Public art in the form of feature seating, balustrades, high quality surface finishes and soft landscaping is to be provided as part of the development

which contributes positively to the character and appearance of Castle Green Park and The Esplanade.

- 7.10 The design includes improvements to public spaces and the pedestrianisation of Mill Street with a shared footpath and soft landscaping to be formed. The works proposed at Castle Approach, which include the formation of seating area, high quality paving, a replacement access ramp to the beach and decorative balustrades. The use of high-quality materials and provision of a wider, shared path will enhance the appearance and accessibility of this busy and prominent area.
- 7.11 The proposed shared path and associated works to Castle Green Park, Castle Approach and Castle Terrace have been carefully considered to ensure they are of a scale and form which reflects the established character of the area. The proposals will contribute positively to the character of the existing parks, and enhance visual and physical connectivity between green spaces. As the proposed shared path and associated development are separated from existing residential dwellings at Castle Street/The Esplanade to the north of the site, there would be no overshadowing or overlooking impacts on surrounding properties.
- 7.12 With reference to climate change the proposals incorporate flood protection measures at Broughty Ferry Beach including sea walls and flood gates. These elements are to be integrated into the design of the shared path and will ensure the existing flood risk in this location is reduced.
- 7.13 With regard to Appendix 1, this states that the scale, nature and location of the development will determine the extent to which the six qualities are appropriate to the assessment process. Appendix 1 is assessed as follows:

Distinctive - a Design and Conservation Statement has been submitted which addresses the design, access and development concepts of the proposed shared path, segregated cycleway and associated works to paths and public spaces. The shared path and segregated cycleway would be finished in bituminous material to provide a suitable surface for cycling, with surrounding sections to include landscaping and design features such as benches and decorative bollards and railings which ensure the proposals contribute to the character and appearance of The Esplanade and reflects the character of the existing streetscape. The variety and form of finish materials, furniture and walls will contribute positively to and add interest to the development. It is proposed to incorporate landscaping within the development, and the character and accessibility of Broughty Ferry Beach will be enhanced through the provision of suitable surfaces and access arrangements between the beach and surrounding streets.

Safe and Pleasant – the proposed shared path and segregated cycleway is located within a prominent and highly visible part of Broughty Ferry. The site is bound by the Tay Estuary to the south and The Esplanade and Castle Terrace to the north. The proposals would enhance connections on the existing path and road network between St Vincent Street, Castle Approach, The Esplanade and the surrounding area. There are to be areas of public amenity space, greenspace and landscaping within the site and there are pedestrian links to the surrounding public parks. These spaces will benefit from natural surveillance due to the location of the proposed path and open public nature of the site. The proposal will create a vibrant and attractive place.

Easy to Move Around and Beyond – the proposed development would significantly improve active travel connections through Broughty Ferry from Castle Green Park towards Monifieth. Presently, cyclists require to travel on public roads at The Esplanade. The proposed shared path and segregated cycleway would ensure a high-quality active travel link is provided for both pedestrians and cyclists in a manner which sensitively integrates into surrounding area.

The proposal provides access to various open spaces within Broughty Ferry, and Broughty Ferry Beach. The proposals would provide improved active travel provisions within a location which is accessible via public transport and active travel options being within 400 metres of shops, services and bus stops on Monifieth Road and Broughty Ferry Train Station. The proposals include alterations to existing junctions along The Esplanade with raised tables proposed. This would improve road and pedestrian safety through the reduction in vehicle speed and provision of crossing points. The proposal considers place and responds positively and sensitively to the needs of people.

Welcoming – the proposal would enhance the accessibility and appearance of Castle Green Park, Castle Green Terrace Gardens and Broughty Ferry Beach through the formation of a shared path, widening of existing paths and pedestrianisation of Mill Street. Feature balustrades and benching is proposed at Broughty Ferry Beach and surfacing is to be designed to create distinctive routes for active travel. The proposed shared path and segregated cycleway, along with associated works at Mill Street/Windmill Car Park ensures enhanced connections to the surrounding area are provided, and are welcoming in nature. The proposal positively promotes wayfinding and a sense of orientation.

Adaptable – the proposed shared path and segregated cycleway would be a positive addition to The Esplanade and National Cycle Network. Green space and landscaping are to be incorporated within the development with links to the wider areas of useable open space.

Resource Efficient – the proposal shared path and segregated cycleway would provide a modern, high quality active travel link along The Esplanade which integrates with existing footpaths, public parks and the National Cycle Network Route 1. The proposal provides a piece of green infrastructure which both supports active travel and reduces the need to travel by private car. The proposed works would improve the safety of all road users through the formation of dedicated carriageway space for motor vehicles, cyclists and pedestrians, the provision of raised tables and pedestrianisation of Mill Street.

7.14 **The proposal meets the requirements of Appendix 1.**

7.15 **Policy 1** - the proposed shared path and segregated cycleway would contribute positively to the provision of high-quality active travel infrastructure in Broughty Ferry, creating a facility which contributes to the character and appearance of Castle Green Park and The Esplanade. The design and layout of the proposals and associated alterations to existing footpaths and roads ensure safe and convenient active travel links both within Broughty Ferry and as part of the National Cycle network. The site layout and route of the shared path and cycleway has been sensitively considered to ensure that the impact on the setting of historic buildings, and any impacts on wildlife and the designated Special Area of Conservation is minimised. Where required, mitigation measures including replanting are to be implemented, and soft landscaping is to be provided. Works to walls and footpaths at Broughty Ferry beach, and the proposed access ramp have been designed to provide a visually attractive development with a good quality finish which will contribute positively to the character and appearance of the surrounding area. The proposal will be well connected and provides green infrastructure.

7.16 **The proposal is in accordance with Policy 1.**

7.17 **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.

7.18 The proposal has a construction cost of over £1 million. The project includes several public realm enhancements and there are several opportunities to include public art within the overall

scheme. Should members be minded to grant planning permission, it is recommended that the final details of the public art project are secured by condition.

- 7.19 **The proposal is in accordance with Policy 2, subject to conditions.**
- 7.20 **Policy 28: Protecting and Enhancing the Dundee Green Network** states 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.
- 7.21 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.
- 7.22 The proposed shared path at Castle Approach and Castle Green Park, and segregated cycleway and footpath along The Esplanade would form part of Dundee Green Circular and the Core Path Network. The site also forms part of Castle Approach Local Area of Conservation and is bound to the south by the Firth of Tay and Eden Estuary Special Area of Conservation.
- 7.23 The proposed shared path and segregated cycleway would enhance green infrastructure provision in this location, and provides improved access to public open spaces and Broughty Ferry Beach. The proposal integrates with the Dundee Green Network Framework and enhances connectivity in the surrounding area.
- 7.24 **The proposal is in accordance with Policy 28.**
- 7.25 **Policy 29: Outdoor Access and the Dundee Green Network** requires the Council to safeguard, improve and extend the network of outdoor access routes with a particular emphasis on the Core Path network and routes identified in the Dundee Cycling Strategy which support the development of the Dundee Green Network. The policy also requires the safeguarding of routes and for proposals to seek to secure any additional outdoor access opportunities.
- 7.26 The proposed shared path and segregated cycleway would enhance green infrastructure provision in this location, and provides improved access to public open spaces and Broughty Ferry Beach. The proposal would improve this Core Path route and this element of the Dundee Green Network further enhancing connectivity in the surrounding area.
- 7.27 **The proposal is in accordance with Policy 29.**
- 7.28 **Policy 32: National and International Nature Conservation Designations** states for National Sites, development which would affect a designated site of national nature conservation importance will only be permitted where it has been demonstrated that:
- 1 The objectives of the designation and the overall integrity of the area will not be compromised; or
 - 2 Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance arising from the development.
- 7.29 To the south of the proposed shared path and segregated cycleway is the Firth of Tay and Eden Estuary Special Area of Conservation. The Special Area of Conservation contains intertidal mudflats and sandflats which support a range of species including Common Seals.

- 7.30 The alterations proposed at Broughty Ferry Beach include the creation of a shared footpath at Castle Approach and formation on an access ramp to the south of Windmill Car Park. Part of this development will be located within the Special Area of Conservation.
- 7.31 The proposals would result in the loss of a small area of habitat (0.05ha) within the Special Area of Conservation. Following review of the proposals and Ecological Impact Assessment, the loss of a small area of habitat which is not of a high quality would have no detrimental impact on the wider Special Area of Conservation or protected species.
- 7.32 NatureScot has reviewed the proposals and note the area of habitat to be lost is a very small area on the edge of the Special Area of Conservation. The area to be lost is already heavily modified with little prospect of restoration. In this case, it is considered the proposal would have no adverse impact on the integrity of the protected site.
- 7.33 The submitted Ecological Impact Assessment recommends mitigation measures are implemented during construction works, including provision of temporary lighting where possible, storage of materials in appropriate locations and restrictions on construction access to the beach to minimise disturbance. NatureScot request the identified mitigation measures are implemented as part of the works on site. Should members be minded to approve planning permission, it is recommended the implementation of the mitigation measures within the Ecological Impact Assessment are controlled by condition.
- 7.34 **The proposal is in accordance with Policy 32, subject to a condition.**
- 7.35 **Policy 33: Local Nature Conservation Designations** states development which could have a significant effect on the conservation interests associated with Local Nature Reserves, Locally Important Nature Conservation Sites or Wildlife Corridors will only be permitted where:
- 1 an ecological or similar assessment has been carried out which details the likely impacts of the proposal on the conservation interests of the designation;
 - 2 any negative impacts identified are contained within the site and can be mitigated without affecting the integrity of the designated area; and
 - 3 it has been demonstrated that there are no other suitable sites that could accommodate the development.
- 7.36 The proposed segregated cycleway and footpath at The Esplanade would run along the northern edge of the Broughty Ferry Sand Dunes local nature conservation designation. The applicant has provided an Ecological Impact Assessment which considers the impacts of the proposals on the designated site and protected species.
- 7.37 The formation of a cycleway and footpath, finished in bituminous material, along the edge of the Local Nature Conservation site would have no significant effect on the conservation interests of Broughty Ferry Sand Dunes.
- 7.38 Through the project design process, it was demonstrated that enhancing this existing route was the most appropriate solution. Alternative routes would require more significant infrastructure interventions and would create a less direct and attractive route.
- 7.39 The Ecological Impact Assessment identifies mitigation measures which can be implemented as part of the development to mitigate the impacts of the development on local habitats and wildlife, particularly during the construction phase. Should members be minded to approve planning permission, it is recommended the implementation of the mitigation measures within the Ecological Impact Assessment are controlled by condition.

- 7.40 **The proposal is in accordance with Policy 33, subject to a condition.**
- 7.41 **Policy 34: Protected Species** – states 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.
- 7.42 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.
- 7.43 The applicant has submitted an Ecological Impact Assessment. This identified that the application site, whilst of important in terms of habitat and landscape value, does not support a significant level of wildlife due to the site's semi-urban setting. The proposals would not directly impact upon any protected species. New tree planting within Castle Terrace Gardens has been designed to enhance biodiversity and is suited to the site's coastal location.
- 7.44 In relation to protected species the assessment found no evidence of badgers, otters, bats or breeding birds within the application site. No further inspections/surveys are therefore required, but it is recommended a precautionary approach is adopted during construction, to safeguard small mammals that might access the site. It is also noted that the works are entirely land based and would not impact on any cetacean species.
- 7.45 To ensure the proposed development will have no detrimental impact on any protected species or habitats, a condition should be attached to require the implementation of the recommendations of the Ecological Impact Assessment if Members are minded to grant planning permission for the development.
- 7.46 **The proposal is in accordance with Policy 34, subject to conditions.**
- 7.47 **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.
- 7.48 The proposals include the formation of a new access into Castle Terrace Gardens, through the creation of an opening in the wall in the south west corner of the gardens. To create this opening, one Cedar and one Yew tree will require to be felled.
- 7.49 To mitigate for the loss of these two trees, it is proposed to plant three Camperdown Elm trees within the gardens. The proposed replacement trees are of a species which is appropriate for this location, within an exposed area close to the Tay Estuary and would provide mitigation for the loss of trees in forming the access.

- 7.50 It is recommended that the undertaking of replanting works in accordance with the proposed plans be controlled by condition.
- 7.51 **The proposal is in accordance with Policy 35, subject to conditions.**
- 7.52 **Policy 36: Flood Risk Management** – states within Medium to High Risk Areas there is a general presumption against a) development on previously undeveloped land and b) development of essential civil infrastructure, in high risk areas based on a 0.5% or greater annual probability of flooding (equivalent to a 1 in 200-year flood or greater) plus an additional allowance of 600mm. Other development may be acceptable where:
- 1 sufficient flood defences already exist, or a Flood Protection Scheme or flood defence, designed and constructed to a standard of 0.5% annual probability plus climate change allowance, will be in place prior to occupation of the proposed development;
 - 2 those flood defences will be maintained for the lifetime of the development and will not increase the probability of flooding elsewhere;
 - 3 the extent of development potentially affected by flooding is protected through the use of appropriate water-resistant materials and construction; and
 - 4 the finalised scheme does not result in a land use which is more vulnerable to flooding.
- 7.53 The application site and flood risk have been considered as part of the wider flood defence works at Broughty Ferry. The applicant has provided supporting information, including site plans identifying flood protection measures and details of finish levels.
- 7.54 The supporting information demonstrates the shared path and segregated cycleway will be constructed level to the existing surface to ensure there is no new or additional flood risk created. Sections of the proposed works at Castle Approach and Windmill Car Park will feature flood protection measures which form part of the wider flood defence works in Broughty Ferry. This includes the provision of flood walls and gates which are to be integrated into the design of the shared path and associated works to public spaces at Broughty Ferry Beach.
- 7.55 Following review of the proposals SEPA has no objection to the proposal. It is noted that the proposed shared path and segregated cycleway will not increase the flood risk at The Esplanade, and that flood protection measures are to be included which reduce the flood risk at Castle Lane, The Esplanade and the surrounding area.
- 7.56 The project engineers have considered the various flood risk strategies, plans and assessments that form the Dundee Flood Risk Strategy and consider that the proposal does not conflict with their aims and objectives.
- 7.57 The proposed shared path and works proposed at Castle Approach including the widening of the path and formation of an access ramp would not make this more vulnerable to flooding in the local area, and would not increase the risk of flooding at The Esplanade.
- 7.58 **The proposal is in accordance with Policy 36.**
- 7.59 **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.

- 7.60 The proposals would require minor alterations to the existing surface water drainage systems at Castle Approach, Mill Street and along The Esplanade to accommodate the amended carriageway layout and new surfaces. A drainage scheme is to be completed by Dundee City Council Engineers which will ensure appropriate site drainage is provided, and existing flood risks are addressed as part of the development.
- 7.61 It is considered that an acceptable drainage solution can be achieved which integrates with flood defences along Broughty Ferry beach and The Esplanade. Conditions are recommended to ensure that the drainage details are agreed and implemented in the interest of flood protection.
- 7.62 **The proposal is in accordance with Policy 37, subject to conditions.**
- 7.63 **Policy 49: Listed Buildings** - states that alterations to a listed building will only be acceptable where the proposals have regard to the preservation or enhancement of the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.64 The proposal does not directly affect the fabric of any listed building but has the potential to affect the setting of several listed buildings including Category A listed Broughty Ferry Castle and Category C listed houses on Castle Street.
- 7.65 The proposed shared path and cycleway, and position of new street furniture including benches, walls and balustrades, has been carefully considered to provide a high-quality development which contributes positively to the character of the site. The scale and nature of the proposed development ensure the setting of listed buildings including Category A listed Broughty Ferry Castle and Category C listed houses on Castle Street is maintained.
- 7.66 Historic Environment Scotland has reviewed the proposals has no objection. Overall, the proposed shared path and associated works would have no detrimental impact on the character or setting of listed buildings.
- 7.67 **The proposal would comply with Policy 49.**
- 7.68 **Policy 51: Development in Conservation Areas** - states that all development proposals preserve or enhance the character of the surrounding area and retain all features that contribute to the character and appearance of the conservation area.
- 7.69 The proposed shared path, segregated cycleway and associated works within Castle Green Park, Mill Street and Castle Terrace Gardens would enhance the appearance of the conservation area through the provision of landscaping and enhancement of public open spaces. The proposed formation of a segregated cycleway along the south side of The Esplanade, where there is a road and footpath at present, would maintain the character of Broughty Ferry Conservation Area.
- 7.70 The proposed works at Windmill Car Park, including provision of shared path and formation of benches, balustrades and addition of public art will contribute to the appearance of Broughty Ferry Beach and enhance the quality and setting of the local streetscape. High quality materials will be used including stone within the proposed retaining wall and features such as decorative bollards and public art will create a sense of identity. The proposed shared path,

segregated cycleway and associated works would contribute positively to the character of the Broughty Ferry Conservation Area.

7.71 The proposal complies with Policy 51.

7.72 Policy 52: Scheduled Monuments and Archaeological Sites - states that for Scheduled Monuments, where a proposed development potentially has a direct impact on a scheduled monument, the written consent of Historic Environment Scotland is required, in addition to any other necessary consents. The Council will not permit developments which would destroy or adversely affect the setting of scheduled monuments.

7.73 Broughty Ferry Castle is a Scheduled Monument and Category A listed building immediately to the south west of the application site. The proposals, including works within Castle Green Park and at Castle Approach to widen the path and create and access ramp would have no direct impact on Broughty Ferry Castle or any associated archaeological interest.

7.74 With regard to the application site, a detailed historical assessment of the origins and evolution of Broughty Ferry was produced as part of the archaeological impact assessment of this proposal. The assessment supports the conclusion that there is no reason to expect any significant archaeological deposits within the footprint of the shared path or associated works, and no deposits will be located within the shallow sub-surface works that the development will disturb.

7.75 Following consultation with the Council's archaeological adviser, it is concluded that there are no significant archaeological sites, monuments or deposits recorded within the length of the actual development footprint. Historic Environment Scotland has also advised that it has no objection in respect of the potential impact on the Scheduled Ancient Monument. It is therefore concluded that the proposed development would have no direct impact on a scheduled monument or any archaeological sites.

7.76 The proposal complies with Policy 52.

7.77 Policy 54: Safe and Sustainable Transport - all development proposals that generate travel should be designed to be well served by all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be afforded priority and provide for easy access to local amenities, education facilities and other services.

7.78 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.

In respect of the above Criteria 1-7:

- 7.79 1) The proposal would incorporate and be connected to the existing path network and National Cycle Network to the east and west of the site. Bus stops are located within 400m of the site on Monifieth Road and cycle storage is proposed within Windmill Car Park in an accessible location. The proposed shared path and segregated cycleway will support the use of active travel and contribute to the provision of high-quality sustainable transport infrastructure within Broughty Ferry, and connects to surrounding streets and footpaths reducing the reliance on the private car.
- 7.80 2) The proposed shared path and segregated cycleway provides a high-quality facility for walking and cycling. The proposal also includes associated road improvements, and cycle parking is to be provided. The provision of a segregated cycleway along The Esplanade ensures safe routes for all users through the provision of dedicated road space for vehicles, bicycles and pedestrians, minimising user conflict. The proposed development supports high quality, safe and convenient links to adjacent paths and integrates with existing walking and cycling networks.
- 7.81 3) Existing roads and footpaths connect the site to surrounding streets including Monifieth Road, where bus services are available 400 metres to the north of the site.
- 7.82 4) The proposals for a shared path and segregated cycleway include alterations to the existing road network, including the pedestrianisation of Mill Street and alterations to existing junctions along The Esplanade. Detailed proposals have been submitted by the applicant, illustrating the proposed works within Mill Street, associated alterations to surrounding roads and alterations to existing parking provision along The Esplanade.

The original proposals sought to make Castle Lane two way, enabling traffic to and from The Esplanade to continue to connect directly to Castle Street. This would have required the removal of over 20 on-street parking spaces from Castle Lane. In response to several objections raising concerns that the loss of these and other on-street car parking spaces would increase pressure on the remaining parking spaces in the local area, the works were reduced in scale to retain Castle Lane as one way only with the on-street car parking retained. The effect of retaining Castle Lane as one way is that westbound vehicles on The Esplanade will have to use Brook Street and Castle Street to access central Broughty Ferry. DCC Roads Engineers have reviewed the proposals and are satisfied that this displaced traffic would not be of a level that would be detrimental to road safety or the safe and efficient operation of the local road network.

The alterations to the existing road network including raised tables and associated amendments to junctions will reduce the speed of vehicles and provide accessible crossing points for pedestrians. The alterations would ensure a safe and accessible segregated cycleway is provided along The Esplanade. Overall the proposed works would improve road safety for all users.

During consideration of the application, the alterations to public roads have been reviewed and amended to increase the number of parking spaces that are retained within the application site. Initially, the proposals included a reduction in on street parking provision by 90 spaces. Following review, amended plans have been provided which confirm a total of 20 parking spaces will be lost through the reduction in parking spaces at The Esplanade, Mill Street and Castle Approach. At Castle Approach, on street parking provision will be reduced by 2 spaces, with 48 on street parking spaces retained. Within Windmill Car Park, 2 spaces are to be lost with 53 spaces to be retained. At Mill Street and along The Esplanade, parking provision will be reduced by 16 spaces, with 161 spaces retained. This would result in a total of 262 spaces being retained.

The loss of 20 parking spaces to facilitate the provision of active travel infrastructure would have no significant impact on local parking pressures and would have no detrimental impact on road safety. The alterations proposed to public roads ensure safe vehicle, cyclist and pedestrian access is provided and that roads within the local area continue to have sufficient capacity to cater for all modes of transport.

- 7.83 5) The alterations to the existing road network including pedestrianisation of Mill Street and alterations to the access to Windmill Car Park have been considered, and road alterations have been designed to ensure sufficient space for the loading and unloading of vehicles, road freight and waste management vehicles is retained.
- 7.84 6) The proposed shared path and associated works ensure a safe and accessible shared path and segregated cycleway is provided. The development and all associated road alterations will be completed to the required roads authority standards.
- 7.85 7) As the proposed development would contribute to sustainable travel infrastructure within Broughty Ferry and supports the use of active travel options, a travel plan is not required.
- 7.86 It is considered that appropriate sustainable travel methods are included within and supported by the development.
- 7.87 **The proposal is in accordance with Policy 54, subject to conditions.**
- 7.88 **It is concluded that the proposal is in accordance with the Development Plan.**

STATUTORY DUTIES

- 7.89 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special regard is given to the desirability of preserving listed buildings or their setting or any features of special architectural interest which they possess when determining applications for planning permission. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 7.90 For the reasons set out above it is considered that the proposed works comply with national planning guidance with regard to development affecting the setting of a Listed Building or Conservation Area.
- 7.91 **The statutory duty set out in Sections 59 and 64 of the Act would therefore be discharged through the approval of planning permission.**

MATERIAL CONSIDERATIONS

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

A – REPRESENTATIONS

7.93 In total 17 letters were received objecting to the proposal. The objections raised the following valid material grounds:

- the proposals will increase the number of cyclists passing through Castle Green Park and Castle Approach, raising concerns they may conflict with pedestrians;
- the proposed alterations to Castle Terrace Gardens, including formation of a new access and planting of trees will have a detrimental impact on the appearance of the gardens and have a detrimental impact on residential amenity through increased visitors to the park;
- the loss of parking spaces will have a detrimental impact on local roads, and alterations to The Esplanade including the addition of raised tables and narrowing of the roadway raise road safety concerns;
- the pedestrianisation of Mill Street results in the unnecessary loss of parking provision and does not contribute to the overall development;
- the proposals would have a detrimental impact on wildlife and result in the loss of habitat;
- concerns were raised in relation to the notification of neighbours beyond the statutory requirements and public consultation on the proposed active travel scheme; and
- concerns were also raised in relation to the loss of views, however this is not a material planning consideration.

The grounds of objection are considered and assessed as follows:

7.94 **Objection** – the proposals will increase the number of cyclists passing through Castle Green Park and Castle Approach, raising concerns they may conflict with pedestrians.

7.95 **Response** – the proposed shared path and segregated cycleway will improve active travel infrastructure within Broughty Ferry, and contribute to the National Cycle Network. The proposals are aimed at encouraging and increasing the use of active travel within the City. The shared path and segregated cycleway has been designed to provide a safe and convenient route for pedestrians and cyclists from Castle Green Park and Castle Approach along The Esplanade. The provision of a segregated cycleway along The Esplanade ensures a safe route is provided that separates cyclists from pedestrians and road vehicles through the provision of dedicated space within the carriageway which minimises conflict between users on what will be the main through route for cycle traffic. The shorter sections of shared path that run through and around Castle Green Park and Mill Street have been designed to reduce cycle speeds. The curved nature of these shared paths, choice of surfacing material and street furniture will encourage slower speeds, to help reduce conflict between cyclists and pedestrians.

7.96 **Objection** – the proposed alterations to Castle Terrace Gardens, including formation of a new access and planting of trees will have a detrimental impact on the appearance of the gardens and have a detrimental impact on residential amenity through increased use of the park.

- 7.97 **Response** – the proposed new entrance to Castle Terrace Gardens will improve access to the Gardens from the west. The works to create the new entrance, including creation of an opening in the stone wall would have no significant impact on the character or appearance of the local area. The provision of replacement planting for the two trees which are to be felled will maintain the character of the site, and provision of a tree within an existing gap would ensure the new planting integrates with the existing row of trees towards the south boundary of the gardens. Overall, the proposed works to Castle Terrace Gardens are considered to enhance the appearance of the park. The proposed new entrance would improve access to the gardens, but would not result in any significant increase in noise or activity when compared to the gardens present use as public open space.
- 7.98 **Objection** – the loss of parking spaces will have a detrimental impact on local roads, and alterations to The Esplanade including the addition of raised tables and narrowing of the roadway raise road safety concern.
- 7.99 **Response** – initially, up to 90 parking spaces were to be removed to facilitate the proposed cycle path and footway on The Esplanade. However, to address local concerns with the reduction in on street parking, the proposals were amended to increase the level of on street parking which is to be retained. These amended proposals showing that only 20 spaces are to be lost with a total of 262 spaces to be retained.
- 7.100 As considered under Policy 54, the proposal would result in the loss of a small number of on street parking spaces. This is mainly as a result of the pedestrianisation of Mill Street. Whilst a total of 16 on street parking spaces will be lost at The Esplanade and Mill Street, a total of 161 on street parking spaces are to be retained at Castle Approach, King Street, Castle Lane and The Esplanade. The loss of 20 parking spaces to facilitate the proposals which would support and encourage active travel are considered acceptable. Whilst it is acknowledged there can be parking pressures around Castle Green Park at busy periods, sufficient parking will be retained within surrounding streets to ensure the loss of 20 spaces has no significant detrimental impact on local parking pressures.
- 7.101 The proposals include the narrowing of The Esplanade at Castle Terrace Gardens and the addition of five raised tables along The Esplanade to create raised junctions and crossing points. As The Esplanade is presently a wide road, there is therefore scope to reduce the width of the carriageway without any impact on the ability of the carriageway to safely accommodate two way traffic. The alterations would result in The Esplanade providing an 8-metre-wide roadway, a 3-metre-wide segregated cycleway and 2.5-metre-wide footpath between and Castle Terrace Gardens and The Glass Pavilion. The widths of these elements meet road standards and would provide a safe route for all transport modes. The addition of raised tables provides a safer and more accessible crossing point for pedestrians and users with reduced mobility, as well as encouraging reduced vehicle speeds.
- 7.102 The closure of Mill Street will require westbound traffic on the Esplanade to use Brook Street and Castle Street to access central Broughty Ferry. Whilst this will increase traffic levels on Brook Street and Castle Street, this increase is not considered to be detrimental to road safety or the safe operation of the road network.
- 7.103 **Objection** – the pedestrianisation of Mill Street results in the unnecessary loss of parking provision and does not contribute to the overall development.
- 7.104 **Response** – the pedestrianisation of Mill Street forms a key part of the proposed active travel development. The pedestrianisation would allow for a traffic free shared path to be provided from Castle Green Park to The Esplanade, with landscaping. The proposal also supports connectivity between existing public spaces such as Castle Green Park and Windmill Gardens which is presently surrounded by roadways. Feature seating is to be provided within the

pedestrianised section of Mill Street along with cycle storage spaces. As considered above, the proposal would result in the loss of a total of 20 parking spaces. However, this would not have any significant impact on local parking provision or parking pressures.

- 7.105 **Objection** – the proposals would have a detrimental impact on wildlife and result in the loss of habitat.
- 7.106 **Response** – the impact of the proposal on wildlife and trees is as assessed against Policy 32, Policy 33 and Policy 34 of the LDP. The applicant has demonstrated that the proposed development would have no adverse impact on any protected species, and that measures to mitigate for the loss of two trees and protect wildlife during construction are to be included as part of the development.
- 7.107 Concerns were raised in relation to the notification of neighbours beyond the statutory requirements and public consultation on the proposed active travel scheme.
- 7.108 The neighbour notification process was undertaken as required with all properties within 20 metres of the application site being notified by post. Any neighbouring properties which are over 20 metres from the site would not be notified by post. However, the application was advertised in the local press and representations were received from local residents and community groups. The applicant has provided details of public engagement events which were held in advance of the planning application being submitted, which included the publishing of proposals online and engagement with local schools.
- 7.109 With regard to concerns in regarding a loss of view, these are not a material planning consideration. However, given the scale and form of the proposed Camperdown Elm trees to be planted within Castle Terrace Gardens, which are expected to grow to around 5 metres, the proposal would not have any significant adverse impact on views of the site from the surrounding area.
- 7.110 In total 3 letters of representation, neither supporting nor objecting to the proposals were received, including a letter from Dundee Civic Trust. The letters state general support for the proposals for a shared path. However, there are concerns with elements of the proposals including parking provision and design of sea walls. Some concerns in relation to parking and design elements have been addressed during consideration of the proposals. Other concerns including the proposal alterations to Castle Green Park are considered within the assessment of objections as above.
- 7.111 In total 4 letters were received supporting to the proposal, including a letter from Broughty Ferry Community Council. The letters of support consider the proposed path would improve road safety and cyclist safety along The Esplanade, and would support the use of active travel.
- 7.112 **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 a cycleways, footpaths and infrastructure improvements is in accordance with the Development Plan. There are no material considerations of sufficient weight that would justify refusal of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

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

- 1 **Condition** - prior to the commencement of work on site, details of 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 any development, a scheme of landscaping and associated maintenance schedule shall be submitted to and approved by the Council. The landscaping proposals shall include indications of all existing trees and hedgerows on this land to be retained, together with full details of tree protection fencing to be provided during construction in accordance with BS5837:2012. Thereafter, the agreed landscaping shall be implemented prior to first occupation of the residential care home. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.

Reason - to ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

- 3 **Condition** – the recommended mitigation measures laid out in section 8 within the Preliminary Ecological Appraisal dated February 2020 by Acorna Ecology Limited be fully implemented as part of the development.

Reason - in order to ensure the site is developed with due regard to any species on site.

- 4 **Condition** – prior to the commencement of development, full details of measures to support wildlife on site shall be submitted to the Council for written approval. This shall include details of the location and number of bat boxes, red squirrel feeders and red squirrel nest boxes to be provided. Thereafter, the agreed provision shall be installed on site prior to occupation of the care home hereby approved.

Reason - in order to ensure the site is developed with due regard to any species on site.

- 5 **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 sustainable drainage provision and flood protection.

- 6 **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.