

Erection of 16 Houses with Associated Infrastructure

KEY INFORMATION

Ward: The Ferry

Address

Former Walled Garden
Linlathen Grove
Broughty Ferry
Dundee

Applicant

Kirkwood Homes Limited
Sauchen, Inverurie

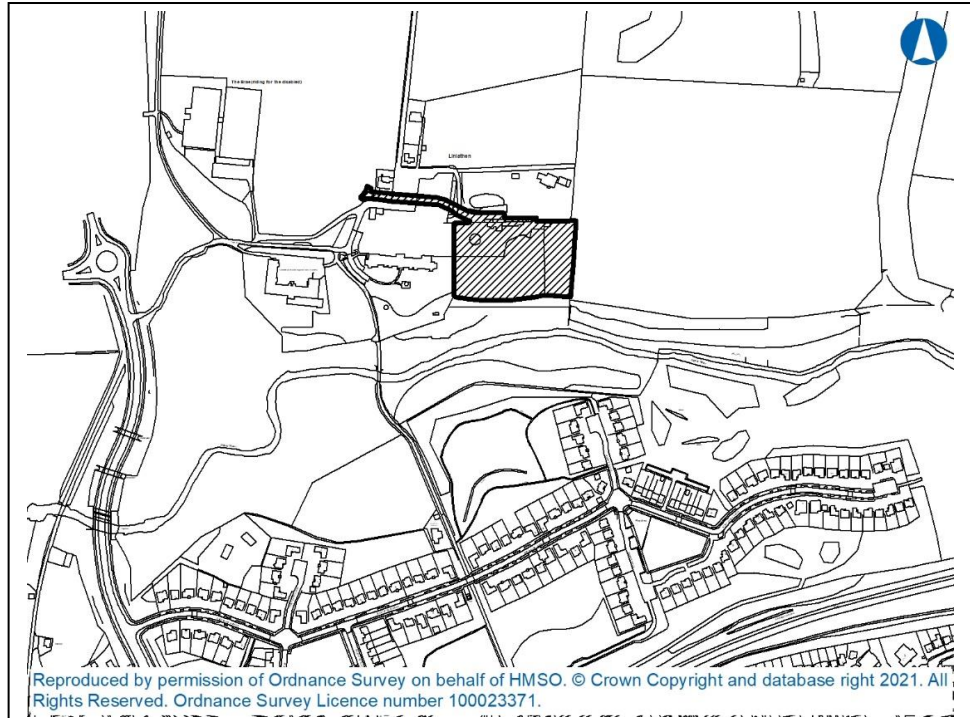
Agent

Emac Planning

Registered: 11 January 2021

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

Contact: Craig Swankie



SUMMARY OF REPORT

- Planning permission is sought for a residential development of 16 houses. The proposal relates to a residential development at Linlathen Village which is currently under construction.
- The application site is within an area of Open Countryside to the east of allocated housing site H46. The site contains former garden ground and derelict outbuildings which were associated with Linlathen House.
- The application does not fully accord with Policy 31 and Policy 54 of the Development Plan. However, there are material considerations which support the approval of planning permission.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. Sixteen letters of objection were received and one neutral representation was received.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as 6 or more valid written objections have been received and the recommendation is for approval.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=summary&keyVal=QLJGJ9GCM4O00>

RECOMMENDATION

The proposal does not fully comply with the Development Plan. However, 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 Permission is sought for a residential development of 16 houses. Landscaping, green space and footpath links would be formed within the development to connect the site to the surrounding area including Linlathen Road, the Core Path Network and a residential development to the west which is currently under construction.
- 1.2 All dwelling houses are proposed to be one and a half or two storeys high with pitched roofs. There would be a range of three, four and five bed dwelling houses in the form of detached properties. There are 6 different house types proposed which would be finished with grey concrete roof tiles, white dry dash render and white UPVC windows. All in curtilage parking areas are to be finished in a charcoal colour mono block.
- 1.3 The proposal includes the formation of a main access road taken from Linlathen Road which provides access to the proposed dwellings, and a proposed development of 15 houses to the west which is subject of a separate planning application. It is also proposed to form pedestrian footpaths along the access road which provide connections to the west of the site, linking the proposals with existing footpaths including the core path network and Linlathen Road.
- 1.4 Towards the centre of the site is an area of planting is proposed, and a group of existing trees to the north west of the site are to be retained. The proposed drainage layout would not provide SUDS within the site, with surface water being conveyed to a SUDS system which was previously approved to the south east of the site under planning permission 18/00115/FULM. The previously approved SUDS provision has capacity to accommodate the proposed dwellings.
- 1.5 The applicant has submitted the following in support of the application:
 - Planning and Design Statement;
 - Contaminated Land Site Investigation;
 - Transport Statement;
 - Ecological Assessment;
 - Archaeological Assessment;
 - Energy Statement; and
 - Drainage Strategy.



Figure 1 – Proposed Site Plan

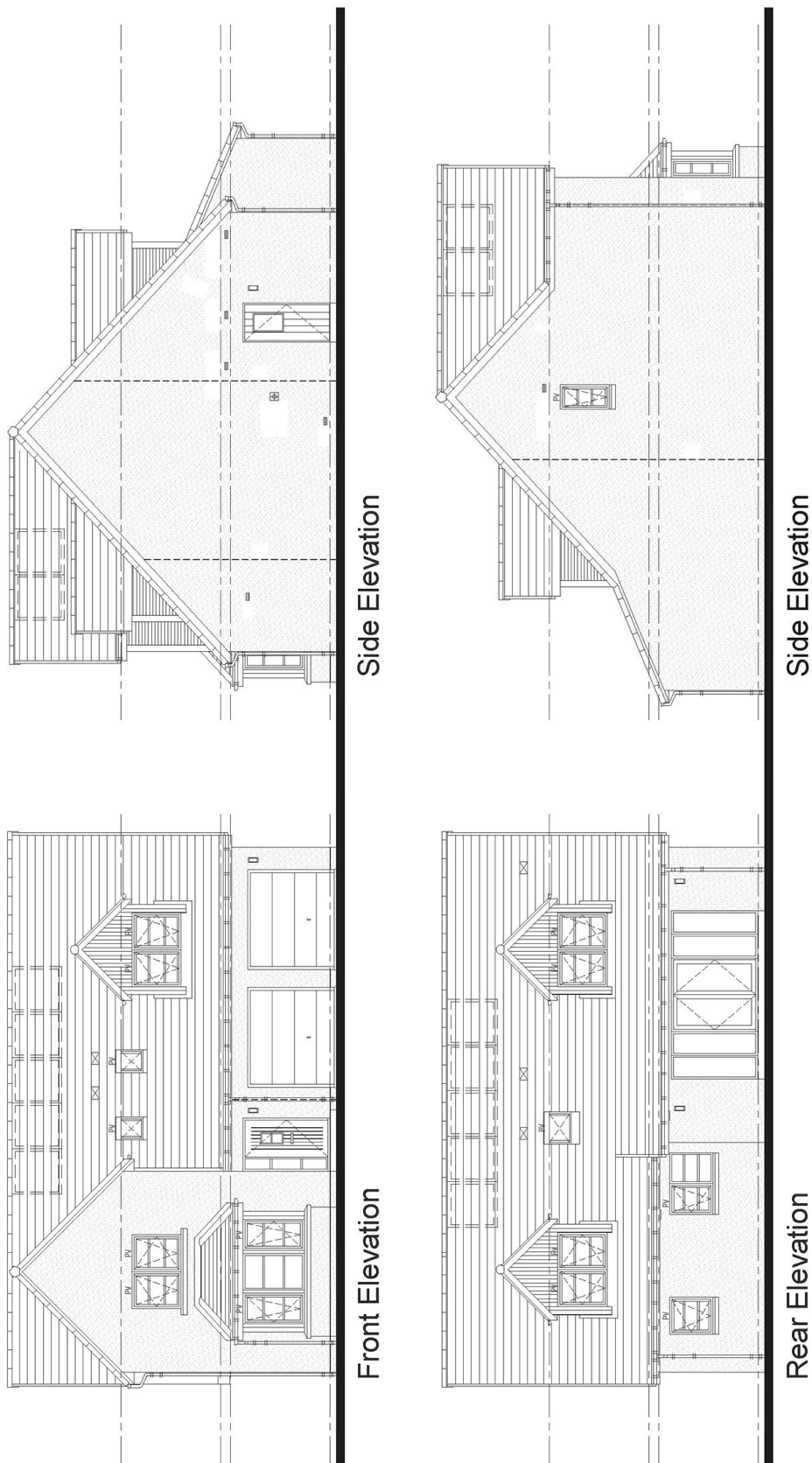


Figure 2 – Proposed Elevations

2 SITE DESCRIPTION

- 2.1 The 1.04 hectare site is located to the north of the Dighty Burn at Linlathen, within the east of the city. The site is located approximately 750m to the north of the A92, just north of the Dighty Water, and the established residential areas of Clearwater Park and Strathyre Avenue.
- 2.2 The site comprises a large, rectangular area of gently sloping land measuring 1.04 hectares. The site relates to a former walled garden associated with the historically demolished Linlathen House. The site currently contains unutilised land which is largely enclosed by a stone wall. In recent years the site has been excavated to facilitate drainage infrastructure associated with the residential development to the west of the site. The surrounding area contains a mixture of residential developments to the south and west, and agricultural land to the north and east.



Figure 3 – View From Within Site, Towards North and East Boundary Wall



Figure 4 – View of Sites North Boundary

3 POLICY BACKGROUND

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

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 31: Development within the Open Countryside

Policy 34: Protected Species

Policy 35: Trees and Urban Woodland

Policy 37: Sustainable Drainage Systems

Policy 39: Environmental Protection

Policy 41: Land Contamination

Policy 44: Waste Management Requirements for Development

Policy 46: Delivery of Heat Networks

Policy 48: Low and Zero Carbon Technology in New Development

Policy 52: Scheduled Monuments and Archaeological Sites

Policy 54: Safe and Sustainable Transport

Policy 56: Parking

3.2 The following Non-Statutory Statements of Council Policy are relevant to this application:

3.3 Dundee Local Development Plan 2019 – Developer Contributions

3.4 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 18/00115/FULM for the erection of 150 houses with associated infrastructure, open space and landscaping was refused by Planning Committee in June 2018. This decision was appealed by the applicant to the DPEA. The DPEA upheld the appeal and granted planning permission subject to conditions and a planning obligation in June 2019.

4.2 Planning application 19/00799/FULM for the erection of 100 houses with associated infrastructure, open space and landscaping was refused by Planning Committee in January 2020. This decision was appealed by the applicant to the DPEA. The DPEA upheld the appeal and granted planning permission subject to conditions in October 2020.

4.3 Planning application 20/00824/FULL for the erection of 15 houses with associated infrastructure was submitted in December 2020 and is currently under consideration. This application will be determined by Planning Committee.

5 PUBLIC PARTICIPATION

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

- 5.2 16 objections have been received raising the following material considerations:
- proposed dwellings development would generate additional road traffic, which in addition to traffic generated by the wider residential development will have a detrimental impact on road safety, increase congestion and impact upon the amenity of residents;
 - the proposed residential development would have a detrimental impact on local wildlife, including protected species such as bats and badgers. The location of the site would also impact on Dighty Burn, a Wildlife Corridor and Locally Important Nature Conservation Site;
 - the proposed development does not include or support the provision of affordable housing; and
 - the proposed development is contrary to Local Development Plan Policy 31 as the dwellings would be sited within the open countryside area.
- 5.3 One letter of neutral representation was received. The representation did not raise concern with the proposed development, but highlighted the need for suitable road access to be provided to existing properties within the area as part of the residential development at Linlathen.
- 5.4 The valid grounds of representation are taken into account in the material considerations section of this report.

6 CONSULTATIONS

- 6.1 **Archaeological Consultant** – has no objection but comments that there is a chance of the proposed development impacting on buried archaeological deposits. Accordingly, it is recommended that should permission be granted a condition is attached requiring archaeological works be undertaken and associated reporting submitted.
- 6.2 **The Head of Community Safety and Protection** – has no objection and has commented on the following matters:
- Contaminated Land – recommends planning conditions are attached should permission be granted in relation to the undertaking of further site investigations and the provision of a remediation strategy if required.
 - Noise – has no objection
 - Environment – recommends a planning condition is attached should permission be granted in relation to the provision and implementation of an Invasive Non Native Species Management Plan.
- 6.3 **The Head of Neighbourhood Services** – has no objection and has commented on the following matters:
- Greenspace – it is recommended that planning conditions are attached should permission be granted in relation to the provision of bird/bat boxes within the site and the implementation of tree protection measures and mitigation measures as outlined within the submitted Tree Survey and Ecology reports.

- 6.4 **The Head of Sustainable Transport and Roads** - has no objection and has commented on the following matters:
- A Transport Statement has been submitted and the findings accepted. It is recommended planning conditions are attached to any consent granted in relation to the implementation of a residential travel plan and to ensure details of the roads and markings are agreed with Dundee City Council.
- 6.5 **Scottish Water** – has no objection to the application.
- 6.6 **NatureScot** – has no comments.

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.

DUNDEE LOCAL DEVELOPMENT PLAN 2019

- 7.2 **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.
- 7.3 The proposal is for 16 detached houses with 3, 4 and 5 bedrooms. There are proposed to be 6 different house types finished in materials including white render and concrete roof tiles. The proposed finishes and house types contribute positively towards the quality and identity of the development. The proposed driveways are to be surfaced in block paving with a dark grey charcoal finish. As well as timber boundary fencing within the site, it is proposed to retain sections of the existing stone garden wall which surrounds the site. The retention of sections of the boundary wall and provision of high quality soft and hard landscaping will ensure the development provides a high-quality streetscape which is in keeping with the rural character of the surrounding area.

7.4 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:

7.5 Distinctive

A Planning and Design Statement together with elevation drawings and details of proposed finishing materials have been provided with the application. The statement and drawings demonstrate that the proposed one and a half and two storey houses will provide variation and contribute positively to developing a rural character within the proposed development. The dwellings front onto the road within the site which is itself to be finished in block paving. Sections of stone wall are proposed within the north west of the site at plot 16 to provide a welcoming entrance to the development. A new footway will be created along the proposed access road to enable pedestrian access to the surrounding area.

7.6 Safe and Pleasant

Vehicular access to the site is to be taken from Linlathen Road to the west. A new footpath will be created along the access road to link the development to the adjoining residential development to the west. There are to be useable areas of greenspace within the residential development to the west and the central area of landscaping within the site will be overlooked by the proposed dwellings. The use of a range of 6 house types and high-quality boundary materials together with the layout of the site to provide frontages onto main roads and central open space ensures the development will be attractive and contribute to the local streetscape.

7.7 Easy to Move Around and Beyond

A footway is to be provided along the access road into the site, which provides access to footpaths within the residential development to the west of the site and Core Path Network. Connections to existing roads and footpaths provide links to bus stops and active travel routes on Arbroath Road and Balgillo Road to the south of the site.

7.8 Welcoming

It is proposed to provide a range of boundary treatments including retention of existing stone walls, timber fences and hedging within the site. Within the development houses are to front onto roads and landscaping is proposed to provide a welcoming entrance and high quality streetscape creating a sense of identity to the development. The proposal positively promotes wayfinding and a sense of orientation.

7.9 Adaptable

The proposed houses will be a positive addition to the mix of houses in the area. The proposals include footpath connections to open spaces within the surrounding area and incorporates connections to existing path networks.

7.10 Resource Efficient

An Energy Statement has been submitted. This outlines that carbon reductions and emissions are achieved by improving the thermal performance of the building fabric. Solar PV panels are specified for all of the proposed houses and energy efficient materials are to be used in construction. Waste and recycling will accord with the Council's Waste Management Strategy. Green infrastructure is to be provided as part of the proposals and connections to existing public roads and core path network will be retained and enhanced.

- 7.11 **The proposal meets the requirements of Appendix 1 and is in accordance with Policy 1.**
- 7.12 The proposed residential development of a range of types and sizes will make a positive contribution to the site. The design and layout has been sensitively considered to respect the character and amenity of the surrounding area and the proposal will have green infrastructure.
- 7.13 **The proposal is in accordance with Policy 1.**
- 7.14 **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.
- 7.15 The proposal is a development of 16 units. The applicant considers an art project can be provided, however no proposals are made within the application. The provision of full details of public art provision within the development and its implementation will be required. It is recommended that the provision of public art within the development is secured by condition.
- 7.16 **The proposal is in accordance with Policy 2, subject to a condition.**
- 7.17 **Policy 9: Housing Land Release** – priority will be given to the development of the allocated brownfield and greenfield sites. Housing land release on brownfield sites, in addition to the allocations set out in Appendix 3, may be acceptable where it can be demonstrated that it will improve the tenure mix in an area where existing choice is limited and would make a positive contribution to the regeneration objectives of the area.
- 7.18 The site lies to south east of allocated housing site H46 within the Dundee Local Development Plan 2019. At H46, planning permission has been granted for 250 units, the site's indicative capacity.
- 7.19 The application site, whilst out with H46 is considered to be brownfield land having previously been maintained garden ground with extensive greenhouses and storage sheds contained within a walled garden area at Linlathen House. The house has since been demolished and replaced by brownfield redevelopment. The application site has also recently been developed to facilitate drainage infrastructure associated with the Balgillo Heights residential development to the north west, the works resulting in internal areas of the site now containing drainage routes and pipework.
- 7.20 The application site is within close proximity to the ongoing development within site H46, and would connect with the roads and drainage infrastructure associated with this development. The proposed development of 16 houses would therefore integrate with the previously approved development, and add to the range and choice dwellings within in the city's private housing market. This would support the range of housing within the city, in a manner which makes a positive contribution to the area through the regeneration of a site which is in a derelict condition. The site layout with low density, large family homes is considered suitable for this semi-rural location, and the retention of the garden walls supports the integration of the development into the local landscape.
- 7.21 The current application demonstrates that 16 units could be developed on the site in a manner that would not have any detrimental impact on the quality of the overall development. The proposed development would contribute to the range of dwellings within the east of the city through the provision of 3, 4 and 5 bedroom houses for the private market. The proposed houses will support the availability of new build private housing in the local area and the provision of a range of family homes. The proposed site layout, and links to surrounding footpaths and proximity of amenities including a supermarket ensure the proposed development will be accessible and, provide a high-quality residential amenity. The proposed

development would have no impact on the delivery of new housing within allocated housing sites around the city.

7.22 Overall, the proposed development would contribute positively to the local housing mix within the local area.

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

7.24 **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.

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

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

Response – the 16 houses proposed include 2no 3 bedroom, 9no 4 bedroom and 5no 5 bedroom houses. As such 100% of houses would have 3 or more bedrooms and therefore the proposal meets the standards.

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.

Response – each house would provide in curtilage parking, with the three-bedroom houses having 2 spaces and four and five bedroom houses having 3 spaces. The proposed dwellings feature integrated garages and in curtilage parking spaces to the front of the houses. The level of in curtilage parking provision at each plot meets the requirements of Appendix 4.

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.

Response – all of the proposed dwellings feature garages, with space for cycles indicated on the submitted plans. The proposal meets this requirement.

Amenity/Garden Ground – brownfield sites will provide an average private useable garden ground of 140m² per house with a minimum garden size of 120m². The provision for mid terrace houses may be relaxed

Response – the application site is brownfield land. The average private useable garden ground of the development is 291m² and all of the proposed gardens meet the minimum 120m² requirement.

Privacy - a minimum of 18 metres between the facing windows of habitable rooms.

Response – there would be at least 18 metres between the windows of habitable rooms of the proposed housing and the existing housing.

General Requirement - provision for waste and recycling should be provided in accordance with the Council's waste management strategy.

Response – the site plan shows that every property will have a designated bin storage area within the rear curtilage. Access from the rear curtilage to the street will be available. Provision can be achieved in accordance with the Council's Waste Management Strategy.

General Requirement – parking areas should provide provision for electric car charging points.

Response – the applicant has confirmed that all proposed houses will have provision for electric car chargers within the integrated garages.

7.26 **The proposal is in accordance with Policy 10 and the Appendix 4 standards.**

7.27 **Policy 20: Funding of On and Off Site Infrastructure Provision** - states that the City Council, where necessary and appropriate, will seek to secure developer contributions towards the cost of infrastructure provision both on and off the 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.

7.28 The Developer Contributions Supplementary Guidance (SG) states that housing development in this location will be required to make a financial contribution towards enhancing primary school provision. Accordingly, it is recommended that Members secure the required financial contributions via a Planning Obligation in accordance with the SG for the 16 dwellings if minded to approve the application.

7.29 The residential development at Linlathen within allocated housing site H46 necessitates junction improvements at Claypotts. These improvements have previously been secured through the Planning Obligation associated with application 18/00115/FULM for 150 houses at Linlathen. The secured works to Claypotts are sufficient to accommodate 250 new dwellings as approved within site H46, and the residential dwellings presently proposed. No further contributions are therefore required for infrastructure improvements as part of the present application.

7.30 The SG also requires connections for cycling and walking routes to the wider Dundee core path network and green infrastructure. The applicant has illustrated this on the proposed site layout.

7.31 **The proposal is in accordance with Policy 20, subject to a planning obligation.**

- 7.32 **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.
- 7.33 The proposed layout provides connections to open space within residential development to the west, and to the existing path network within the surrounding area. The connections onto the core path network and surrounding roads ensures the development integrates with the surrounding area, to the enhancement of connectivity and local green infrastructure.
- 7.34 **The proposal is in accordance with Policy 28.**
- 7.35 **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.
- 7.36 Within the wider residential development at Linlathen, there will be areas adopted by the Council including sections of road and footpaths. Other areas of landscaping are proposed to be privately maintained by a factor. In order to secure this, it is recommended that a condition is attached to any planning permission granted.
- 7.37 **The proposal is in accordance with Policy 30 subject to a condition to secure the long term maintenance of the green infrastructure.**
- 7.38 **Policy 31: Development within the Open Countryside** – states there will be a presumption against all new development unless:
- 1 the proposed development consists of no more than one additional building in a group of up to seven buildings or by two additional buildings in a larger group; or
 - 2 the proposed development involves the restoration of an existing stone building of architectural merit and that has four walls surviving to wall head height; or
 - 3 the proposed development is supported by an agricultural justification; or
 - 4 the proposed development is consistent with a masterplan, strategy or programme approved by the Council.

- 7.39 The application site is contained within the Open Countryside at Linlathen, as designated by the Dundee Local Development Plan 2019.
- 7.40 The proposal relates to a development of 16 houses. Whilst there are existing residential dwellings in the immediate area, the proposal would result in more than two additional dwellings within the existing building group. The proposal therefore fails to meet the criteria 1 of this policy.
- 7.41 The proposed development does not include the restoration of a stone building of architectural merit, is not supported by an agricultural justification and is not consistent with any masterplan, strategy or programme approved by the Council. The proposal therefore fails to meet criteria 2,3 or 4 of Policy 31.
- 7.42 **The proposal is therefore contrary to the requirements of Policy 31.**
- 7.43 **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.
- 7.44 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.
- 7.45 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.
- 7.46 An Ecological Assessment was submitted with the application. The application site contains a mixture of surfaces including grassland, bare ground and a large conservatory which is in a derelict condition. The Ecological Assessment recommends that further surveys are completed in relation to invasive non-native species and bat roosting locations prior to the commencement of any works within the site as bats and Giant Hogweed are known to be present in the local area. It is recommended the provision of the additional surveys and implementation of any identified mitigation measures be controlled by condition to ensure the proposals has no detrimental impact on wildlife.
- 7.47 The Ecological Assessment outlines areas where the development can contribute to the enhancement of local ecology, including the provision of nesting and resting locations for bats, birds, hedgehogs and reptiles. The applicant has stated they would be agreeable to such provision, however full details require to be agreed with the Council. It is recommended that provision of appropriate bird/bat boxes and resting places within the site are agreed by condition.
- 7.48 **The proposal is in accordance with Policy 34, subject to conditions.**
- 7.49 **Policy 35: Trees and Urban Woodland** - supports the establishment and enhancement of woodland, tree belts and corridors and states that new development must ensure the survival of healthy mature trees through sensitive site layout. Where appropriate, proposals must be

accompanied by a tree planting and landscaping scheme which includes supporting justification and sufficient map based material to document existing planting within the site as well as new planting and maintenance arrangements.

- 7.50 There are a number of Tree Preservation Orders within and around the site. The site is contained within TPO 06/13 with tree group G5 to the immediate north west of the proposed dwellings and tree group W3 to the site's south boundary.
- 7.51 A Tree Survey was submitted with the application and the report confirms that 2 trees are to be felled to accommodate the proposed houses, one to the site's north boundary and one to the south boundary. The existing group of trees to the north west of the site is to be retained and tree protection measures implemented during construction. Whilst one tree will be felled to the site's south boundary, 29 trees will be retained. No other trees/tree groups within the surrounding area are impacted by the proposals, and compensatory planting is proposed within the site. To ensure there is no impact on the trees within the established group it is recommended that Members condition the provision of tree protection measures should they be minded to approve the application.
- 7.52 **The proposal is in accordance with Policy 35 subject to conditions.**
- 7.53 **Policy 37: Sustainable Drainage Systems** - surface water discharging to the water environment from new development must be treated by a Sustainable Drainage System (SuDS) except for single houses or where discharge is to coastal waters. SuDS should be designed so that the water level during a 1:200 year rainstorm event plus allowances for climate change and future urban expansion is at least 600mm below finished floor levels. This incorporates an allowance for the effect of climate change. 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.
- 7.54 The proposed drainage provision comprises pipes within the application site and access roads which are to convey water to a SUDS area to the south east of the site. The SUDS area to be utilised by the development was previously approved as part of application 18/00115/FULM and relates to drainage provision which is designed to accommodate surface water from the previously approved development of 250 houses, and the proposed development of 16 houses.
- 7.55 The proposed drainage layout and the use of the previously approved SUDS provision is acceptable in principle. As with application 18/00115/FULM, it is recommended that conditions are attached should planning permission be granted to ensure detailed drainage information including construction SUDS, SUDS maintenance and evidence of Scottish Water approval are submitted.
- 7.56 **The proposal is in accordance with Policy 37, subject to conditions.**
- 7.57 **Policy 39: Environmental Protection** – states all new development or an extension to an existing development that would generate noise, vibration, odour, emissions to air, dust or light pollution will be required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area. New development or an extension to an existing development in close proximity to existing sources of noise, vibration, odour, emissions to air, dust or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on viability of existing businesses or uses.

- 7.58 Due to the site's rural location, sited away from main roads and surrounded primarily by agricultural and residential land uses the proposals do not raise any matters in relation to air quality, odour or noise.
- 7.59 The Head of Community Safety and Protection has requested that a management plan for Intrusive Non Native Species such as Giant Hogweed is submitted for approval and thereafter the eradication programme implemented. It is recommended this is controlled by condition.
- 7.60 **The proposal is in accordance with Policy 39, subject to a condition.**
- 7.61 **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.
- 7.62 A Contaminated Land Report has been submitted. The Contaminated Land Report identifies no significant risk of contamination with the site primarily surfaced in top soil with sand/gravel below. However, further exploratory works and sampling will be required prior to the commencement of works on site. It is reasonable to apply planning conditions to ensure that further site investigations are carried out and if required remediation proposals approved before any development can commence.
- 7.63 **The proposal is in accordance with Policy 41, subject to conditions.**
- 7.64 **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.
- 7.65 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 the standard wheeled bin provision can be accommodated and there is sufficient space for waste separation and the separate collection of recyclables available.
- 7.66 **The proposal is in accordance with Policy 44.**
- 7.67 **Policy 46: Delivery of Heat Networks** - requires new development to consider the feasibility of meeting their heat demand through heat networks. A statement is required to be submitted with applications that are Major planning applications or are within locations identified within the Scotland's heat map or the City's heat strategy as close to significant heat supply or a planned heat network. Development layouts should be designed to be capable of connecting to a heat network or heat source and areas for pipe runs within the development should be safeguarded to enable future connectivity.
- 7.68 An Energy Statement and supporting information has been submitted with the application. The statement and submitted layout plan demonstrate that whilst there are no heat supplies or suitable connections within the surrounding area, the site has been designed to accommodate a heat network in future should a connection become viable. The site will have

connections to surrounding streets and the applicant has provided details of potential pipeline routes within footpaths and verges should any future connections to a heat network be proposed.

7.69 **The proposal is in accordance with Policy 46.**

7.70 **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.

7.71 An Energy Statement has been submitted. This outlines that carbon reductions and emissions are achieved by improving the thermal performance of the building fabric and that all plots would be fitted with solar PV panels. Energy solutions including gas boilers, air source heat pumps and solar panels are considered.

7.72 The statement demonstrates the residential dwellings proposed can comply with the requirements of Building Standards as the wider residential development at Linlathen and that renewable technologies are to be provided.

7.73 **The proposal is in accordance with Policy 48.**

7.74 **Policy 52: Scheduled Monuments and Archaeological Sites b) Archaeological Sites** - states where any proposal could affect a site of known archaeological importance or potential, the applicant will be required to provide an assessment of the archaeological value of the site and the likely impact of the proposal on the archaeological resource. Such an assessment will require a field evaluation to be carried out to the reasonable satisfaction of the Council, to determine:

- 1 the character and extent of the archaeological remains;
- 2 the likely impact of the proposal on the features of archaeological interest; and
- 3 the ways in which the development proposal can be amended or designed in order to mitigate its impact on the archaeological remains.

Where the development is considered to be acceptable and it is not possible to preserve the archaeological resource in situ, the developer will be required to make arrangements for an archaeological investigation. Planning conditions will be used and agreements sought to secure these arrangements.

7.75 The application site formerly part of garden ground at Linlathen House in the 19th century. Previous programmes of archaeological research and fieldwork in advance of development across allocated housing site H46 has indicated the potential for unrecorded archaeological sites, monuments and deposits to exist on site.

7.76 There is therefore good reason to believe that archaeological deposits will exist on site. The applicant has as part of earlier phases of development to the west of the present application site submitted a written scheme of investigations.

7.77 To identify and recorded any archaeological deposits within the present application site, a written scheme of investigation requires to be prepared and implemented prior to any works on site. An archaeological condition is recommended to ensure that the applicant undertakes a suitable programme of archaeological investigation prior to any development.

7.78 **The proposal is in accordance with Policy 52 subject to a condition.**

7.79 **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.

7.80 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).

In respect of the above criteria:

7.81 The proposal shows convenient footpath connections throughout the site and on to existing footways including the core path network and Linlathen Road. Whilst no public transport is currently available within the site, the site is within 200 metres of roads within the ongoing residential development at Linlathen which are designed to accommodate buses. Should future demand indicate that a bus route would be viable the proposed houses would be within walking distance of a bus route. Good foot and cycle connections are available to the existing bus stops on Arbroath Road and Balgillo Road East, located 800 metres to the south of the site.

7.82 The proposed development is provided with high quality, safe and convenient links to walking and cycling networks. Bicycle storage is to be provided within the curtilage of each dwelling and the proposed footpaths provide links to traffic free paths within the surrounding area. The site benefits from footpath and road connections to nearby amenities, including shops and services at Panmurefield Village and a supermarket at Claypotts.

7.83 As above, the site is connected by footpaths to bus stops on Arbroath Road and Balgillo Road. However, these stops are over 400 metres from the application site. The proposal does not

therefore permit access to public transport networks within a walking distance of no more than 400 metres from all parts of the development.

7.84 A Transport Statement has been submitted and its findings accepted. The proposed development of 16 houses will not have a detrimental effect on the capacity or safe functioning of the existing road network including Arbroath Road, Balgillo Roundabout or Balgillo Road East. The provision of upgrade works at Claypotts to enhance capacity for west bound traffic has been secured through a legal agreement associated with application 18/00115/FULM, these upgrade works have been designed to accommodate the previously approved residential developments totalling 250 new build units at Linlathen and the present proposals for 16 new build units. The site layout has been formed to ensure suitable turning space and levels of visibility will be provided for cars and freight/waste management vehicles. It is recommended that planning conditions are attached to ensure the Council's roads design standards are complied with.

7.85 The Transport Statement includes a Residential Travel Plan which details various proposals and opportunities for the site to be accessible by sustainable and active transport. The Travel Plan identifies pedestrian and cycle routes, bus services and amenities within the surrounding area which are accessible from the proposed development. It is recommended that a condition is used to ensure the developer implements the submit Residential Travel Plan and promotes the use of sustainable forms of transport to occupiers of the development.

7.86 **The proposal does not fully accord with Policy 54.**

7.87 **Policy 56: Parking – Developments Outwith the City Centre**

Vehicle Parking - all new developments shall be required to comply with Dundee City Council's adopted guidance on road standards; with the national maximum parking standards; and the national minimum disabled parking standards. Residential developments should include infrastructure to provide electric car charging points, either through electrical connections adjacent to private driveways, or through infrastructure for the installation of charging points within communal car parking areas.

Cycle Parking - all new developments should include cycle parking facilities in accordance with Dundee City Council's adopted guidance on roads standards and the Appendix 4 design standards.

7.88 As outlined previously the proposal meets the Appendix 4 parking standards for residential development in suburban areas, including the provision of electric charging points within garages at each dwelling.

7.89 As outlined previously the proposal meets the Appendix 4 standards for cycle storage. The applicant has demonstrated that secure cycle storage is to be provided within garages.

7.90 **The proposal is in accordance with Policy 56.**

7.91 **It is concluded that the proposal does not comply with Policy 31 and Policy 54 of the Local Development Plan.**

MATERIAL CONSIDERATIONS

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

A- LOCATION OF THE PROPOSED DEVELOPMENT AND ACCESS TO PUBLIC TRANSPORT

- 7.92 As considered within the main body of this report, the application is contrary to Policy 31 Development within the Open Countryside.
- 7.93 The proposed development would be located out with an allocated housing site. However, the proposed dwellings would integrate with the ongoing development of 250 houses at Linlathen sharing road connections, drainage infrastructure and greenspaces. The integration of the proposed houses with the ongoing development ensures the proposals do not create a stand-alone development, but form part of a wider residential area which includes houses, flats and associated open spaces within a semi-rural setting.
- 7.94 The application site which contains drainage infrastructure and is in a derelict state is suitable for redevelopment. The retention of the garden walls and low-density layout of the housing ensures the development would have no significant impact on the character of the surrounding area.
- 7.95 The application site is within an area where a number of residential developments have been considered in the past 20 years. These include planning permission for the 60 units within Clearwater View apartments in 2010 and planning permission for 39 houses at Linlathen House Lodge in 2005, now known as Clearwater Park. In these instances, whilst the sites were designated as open countryside material considerations supported approval of planning permission. The material considerations included the scale of the development, minimal impacts the developments would have on the surrounding area, that the development of these sites would not create a precedent for further major greenfield housing land release, and that the sites were not in prominent locations. These considerations are also applicable to the presently proposed development of 16 houses. The proposed houses would be associated with an established residential development at Balgillo Heights, and the application sites are within areas which would not support or facilitate further development in the immediate area. The proposed houses would not be positioned in a prominent location and would form part of the wider group of residential development at Linlathen. The site has been formed to provide spacious family homes with connections to surrounding roads and infrastructure.
- 7.96 As considered within the main body of this report, the application is contrary to Policy 54: Safe and Sustainable Transport.
- 7.97 The proposals include support for sustainable transport options through the provisions for cycle storage and the charging of electric vehicles at each house. The site is also connected to the surrounding area by footpaths and will provide connections to the core path network. As considered within the main body of this report, the application is contrary to Policy 54: Safe and Sustainable Transport.
- 7.98 With regards to Criterion 3 and access to public transport networks, the site is more than 400 metres from existing bus stops on Arbroath Road. As noted earlier in this report the site is within 200 metres of roads within the ongoing residential development at Linlathen which are designed to accommodate buses. Should future demand indicate that a bus route would be viable the proposed houses would be within walking distance of a bus route. Good foot and cycle connections are available to the existing bus stops on Arbroath Road and Balgillo Road East, located 800 metres to the south of the site.

7.99 Overall, the proposed development would integrate with an established residential development at Linlathen and would not result in the loss of any high quality or useable agricultural land. There are material considerations which support the development of this derelict site to provide family housing, and contributes towards the provision of private housing within the city.

7.100 **It is concluded that there are material considerations of sufficient weight in this case to justify approval of planning permission.**

B– REPRESENTATIONS

7.101 Sixteen letters of objection were received, including objections from Dundee Civic Trust and Broughty Ferry Community Council raising the following valid material grounds:

- the proposed development would be car dependent and result in additional road traffic on Arbroath Road, Balgillo Road and at Claypotts. This, in addition to traffic generated by the wider residential development, will have a detrimental impact on road safety, increase congestion and impact upon the amenity of residents;
- the proposed residential development would have a detrimental impact on local wildlife, including protected species such as bats and badgers. The location of the site would also impact on Dighty Burn, a Wildlife Corridor and Locally Important Nature Conservation Site;
- the proposed development does not include or support the provision of affordable housing and would have a detrimental impact on local schools and services; and
- the proposed development is contrary to Local Development Plan Policy 31 as the dwellings would be sited within the open countryside area.

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

- **The proposed development would be car dependent and result in additional road traffic on Arbroath Road, Balgillo Road and at Claypotts. This, in addition to traffic generated by the wider residential development, will have a detrimental impact on road safety, increase congestion and impact upon the amenity of residents.**

Response – the proposed development would integrate with an ongoing residential development to the west of the application site. A transport statement has been submitted with this application which demonstrates vehicles associated with the proposed development of 16 houses would have no adverse impact on road safety or increase congestion on surrounding roads. As part of the wider residential development at Balgillo Heights, a requirement to increase capacity at Claypotts was identified. The works required at Claypotts have been secured through planning application 18/00115/FULM and a legal obligation is in place which requires the applicant to fund the required works. The works are to be progressed by the Council.

The approved development of 250 homes at Linlathen contains roads which have been designed to accommodate buses when a service becomes viable. Each proposed dwelling will include charging provision for electric vehicles within the garage, and the site will be connected to the wider road and footpath network. The applicant has submitted a travel plan which will provide residents with details active travel and public transport options in the local area, encouraging the use of sustainable transport options where possible.

- **The proposed residential development would have a detrimental impact on local wildlife, including protected species such as bats and badgers. The location of the site would also impact on Dighty Burn, a Wildlife Corridor and Locally Important Nature Conservation Site.**

Response – concerns were raised that the proposed residential development would have a detrimental impact on wildlife habitats within the site and surrounding area, including Dighty Burn Locally Important Nature Conservation Site to the south of the proposed development.

The applicant has provided a detailed tree survey and an ecology report in support of the application. Whilst trees are to be felled, mature trees to the north and south of the site are to be retained and protected during construction to ensure the arboreal amenity of the area is not impacted by the proposals. The Head of Environmental Management has no objection to the proposed landscaping scheme and felling of trees within the site, subject to the protection of trees which surround the site and provision of planting within the proposed development.

The submitted Ecological Constraints report notes there would be limited habitat loss through the felling of trees and additional light within the site post development. However, no protected species were identified within the application site and mitigation measures to support biodiversity in the local area, such as providing bat boxes, are identified within the report. The implementation of the recommended mitigation measures, both during construction and to support wildlife, can be controlled by condition. Through the retention of the existing stone walls, and group of trees to the sites south boundary the proposals would not detract from the environmental quality or range of wildlife species which are present within the Dighty Burn LINC. As considered under Policy 34 the completion of further surveys and implementation of a non-native species management plan can be controlled by condition. The development of the enclosed, derelict walled garden area which has recently been subject of construction works to facilitate drainage infrastructure would have no significant impact on local wildlife or biodiversity.

- **The proposed development does not include or support the provision of affordable housing and would have a detrimental impact on local schools and services.**

Response - Dundee City Council, as outlined in the Dundee Local Development Plan 2019, does not require contributions from developers towards the provision of affordable housing on site or off site.

In relation to schools, the Council's Supplementary Guidance on Developer Contributions notes that the site is in an area where the Primary School is close to capacity. It states that financial contributions towards enhancing primary school provision are required for any new housing development within this area. Accordingly, it is proposed to secure a contribution through a Planning Obligation.

With regard to local services, there are amenities including shops and services within the wider area. Whilst the site is not within 400 metres of an existing centre connections are provided to amenities including a supermarket to the west of the site.

- **The proposed development is contrary to Local Development Plan Policy 31 as the dwellings would be sited within the open countryside area.**

As considered within the main body of this report, the proposed development is contrary to the requirements of Policy 31 as the site is designated as Open Countryside. However, the proposed houses would integrate with an approved residential development at Linlathen and the development of a brownfield site does not result in the loss of useable agricultural land.

Overall, the development of this derelict site to provide housing which contributes towards the provision of private housing within the city is considered to be acceptable.

- 7.103 **The matters raised in objections have been considered and are not of sufficient weight to justify refusal of the application.**
- 7.104 One Neutral representation was received. The representation did not raise concerns with the proposed houses, but highlighted the requirement for suitable access to be provided to existing residents within the area both during construction and post completion of any development.
- 7.105 **Response** – the development will provide road and footpath connections to the surrounding area from the proposed houses, and at existing dwellings in the area including a flatted development at Linlathen Grove. The existing accesses will adjoin a recently constructed main access road which will serve the approved houses at Balgillo Heights, and proposed dwellings to the east. Whilst there may be some temporary disruption and diversions during the construction phases, the proposed road layout and access will ensure safe pedestrian and vehicle access is provided to existing dwellings and proposed dwellings in the area.
- 7.106 **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 a development of housing within the Open Countryside Area does not fully accord with the Development Plan. However, there are material considerations of sufficient weight that would justify approval of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions and a Planning Obligation.

9 RECOMMENDATION

Recommendation 1

- 9.1 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.

Recommendation 2

- 9.2 It is recommended that planning permission be GRANTED subject to the following conditions:
- 1 **Condition** - development shall not begin until further risk assessment is completed and, if necessary; a remediation scheme to deal with any contamination at the site has been submitted to and approved in writing by the planning authority. The scheme shall contain proposals to deal with contamination to include:
 - i the nature, extent and type(s) of contamination on the site;
 - ii measures to treat/remove contamination to ensure the site is fit for the use proposed and does not contain any significant pollution linkages;
 - iii measures to deal with contamination during construction works;

iv verification of the condition of the site on completion of decontamination measures.

Before any unit is occupied the remediation scheme shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the Council.

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

- 2 **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, and 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 any housing unit within the development hereby approved.

Reason - in the interests of flood protection.

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

Reason – in the interests of flood prevention and visual amenity.

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

Reason – in the interest of flood prevention.

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

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

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

Reason - in the interests of vehicle and pedestrian safety.

- 8 **Condition** - Prior to any works on site details of the proposed tie-in at the existing lane shall be agreed.

Reason - in the interests of vehicle and pedestrian safety.

- 9 **Condition** - A Street Lighting system must be provided by the applicant to Dundee City Council standards and specifications.

Reason - to ensure the roads are designed to limit vehicle speeds to 20mph.

- 10 **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 transport.

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

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

- 12 **Condition** – prior to the commencement of development, full details of all boundary treatments shall be submitted to the Council for written approval. The details shall include the form and height of all stone walls and fencing within the site, including walls which are formed from salvaged stone. Thereafter, the boundaries shall be constructed in accordance with the agreed details.

Reason - in the interests of visual amenity.

- 13 **Condition** - prior to any works on site, the further survey work as laid out in Section 4.2 of 'Walled Garden Ecological Constraints' report dated December 2020 by EnviroCentre Limited shall be carried out in full, and submitted to the Council for written approval. The recommendations of the further surveys undertaken in accordance with this condition shall be implemented in full prior to the commencement of any development on the site.

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

- 14 **Condition** – the recommended mitigation measures laid out in section 4.3 of 'Walled Garden Ecological Constraints' report dated December 2020 by EnviroCentre Limited shall 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.

- 15 **Condition** – prior to the commencement of development, full details of nesting boxes and resting provision for wildlife shall be submitted to the Council for written approval. Thereafter, the nesting boxes and resting places shall be installed on site as the agreed details prior to first occupation of the development hereby approved.

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

- 16 **Condition** – the landscaping as illustrated on submitted drawing 'Landscaping Plans no. 437.30.04a' December 2020 shall be implemented in full prior to first occupation of the

residential development hereby approved. An Arboricultural Consultant shall inspect all nursery stock and provide a report to the Council that it complies with the landscape plans hereby approved prior to it being planted. All tree planting to be carried out as per BS:8545:2014. 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.

- 17 **Condition** – prior to the commencement of any development, any site scraping or entry of construction traffic, tree protection fencing in accordance with BS5837:2012 shall be erected on site in the positions agreed within the submitted Tree Survey Report under the supervision of the applicant's arboricultural consultant and to the satisfaction of the City Council. Such fencing shall be retained in place throughout the construction period and relocation of any fencing shall be agreed with the Forestry and Enforcement officers prior to any movement of the fencing.

Reason – to ensure protect trees are retained and that the character of the application site and the surrounding area is maintained.

- 18 **Condition** – a treatment plan for the management of Non Native Invasive Species on this site shall be devised. The treatment plan must detail the measures required for the control/eradication of any Non Native Invasive Species including the frequency of such treatment. Given the nature of Non Native Invasive Species the treatment plan must apply for a period of at least 5 years. Thereafter, the site must adopt a maintenance plan should the Non Native Invasive Species continue to grow. The treatment plan must be implemented prior to the occupation of the houses by the residents."

Reason – in order to minimise the impact on Ecology and to ensure that Invasive Non Native Species are removed from the site.

- 19 **Condition** – prior to commencement of any development, the developer shall implement a programme of archaeological works in accordance with a detailed written scheme of investigation which has been submitted by the developer and approved in writing by this Planning Authority.

Reason – in order to safeguard the archaeological heritage of the site and to ensure that the developer resources the investigation, recording and rescue of archaeological remains on site prior to their destruction by development.

Informatives

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