

# Proposed Development of 40 Houses at Former Rosebank Primary School

## KEY INFORMATION

**Ward** Coldsid

**Address**

Land At Former Rosebank Primary School  
Rosebank Road, Dundee

**Applicant**

Discovery Homes (Dundee) Ltd  
26 Bruce Gardens  
Dunfermline

**Agent**

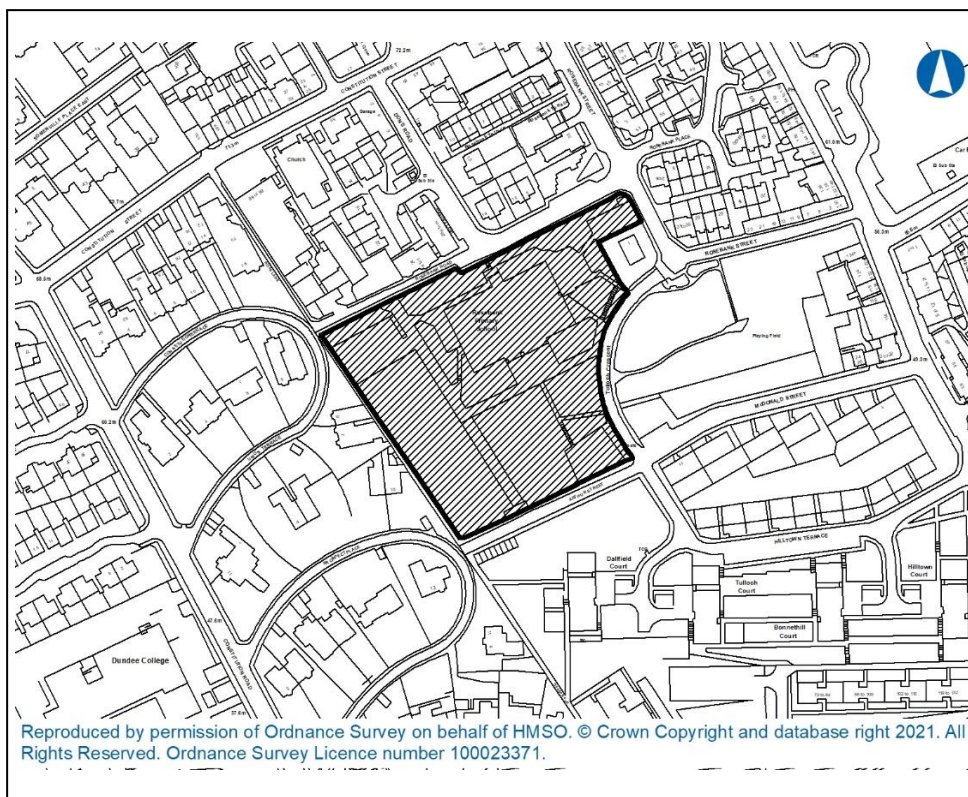
Voigt Architects Limited

**Registered**

18 January 2021

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

**Contact:** Claire Myles



## SUMMARY OF REPORT

- Planning permission is sought for the proposed development of 40 houses on the site of the former Rosebank Primary School, Rosebank Road.
- The application is in accordance with the Development Plan.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. In total 15 representations have been received including 11 letters of objection, 1 comment and 3 letters of support. The applicant has engaged with the Coldsid Community Forum.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee due to the number of objections received and the recommendation to approve subject to conditions.
- The developer has proposed enhancements to the public open space adjacent to the site including new seating, upgrading the football pitch, replacement tree planting and enhancing routes through the open space.
- More details can be found at: <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?keyVal=QMKJ47GCMKU00&activeTab=summary>.

## 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.

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## 1 DESCRIPTION OF PROPOSAL

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- 1.1 The application is for the development of 40 houses comprising of a mix of 2 bedroom semi-detached and detached single storey houses (14), 3 bedroom detached and semi-detached 2 storey houses (23) and 4 bedroom detached 2 storey houses (3).
- 1.2 All houses have in-curtilage parking for two vehicles and front and rear gardens. The proposed finishing materials are white smooth render, grey roof tiles, timber cladding (Argyll Brown & Slate Grey) and grey UPVC windows.
- 1.3 A new road is to be developed on the western side of the site with access taken from Arthur Street (south) to twenty houses fronting the new road on its east and west side. Four houses will front Arthur Street in the south-east corner of the site and Tulloch Crescent (east) is to be re-opened to provide access to eight houses fronting the street and open public space to the east. A further eight houses are proposed to be located on Rosebank Road (north).
- 1.4 The application site, located to the west of Hilltown, slopes steeply from the north to south with a level difference of approximately 15m from the northern boundary of the site to the southern boundary. A number of retaining structures are proposed through the site and the semi-detached houses fronting the new road to the west of the site are stepped in response to the topography.
- 1.5 There are four areas of the site which will have a vegetated retaining wall. Careful consideration has been given to the design of the retaining structures and the developer proposes an innovative Flex MSE System using geotextile bags filled with sand and organic material to allow Hydroseed spray to be applied. The retaining wall proposed in the north-east corner of the site will be the highest at 6.5m and this is designed to be stepped with a strip of wildflower planting to reduce visual impact.
- 1.4 This is a joint development from a private developer (Discovery Homes) proposing 10 houses and a local Housing Association (Caledonia) proposing 30 houses.
- 1.5 The applicant has submitted the following in support of the application:
  - Planning Design Statement;
  - Transport Statement;
  - Drainage Scheme;
  - Tree Survey Report;
  - Greenspace Mitigation Report;
  - Contaminated Land Assessment;
  - Noise Impact Assessment for the Air Source Heat Pumps; and
  - Sustainability Statement.





Figure 1 – Proposed Site Plan



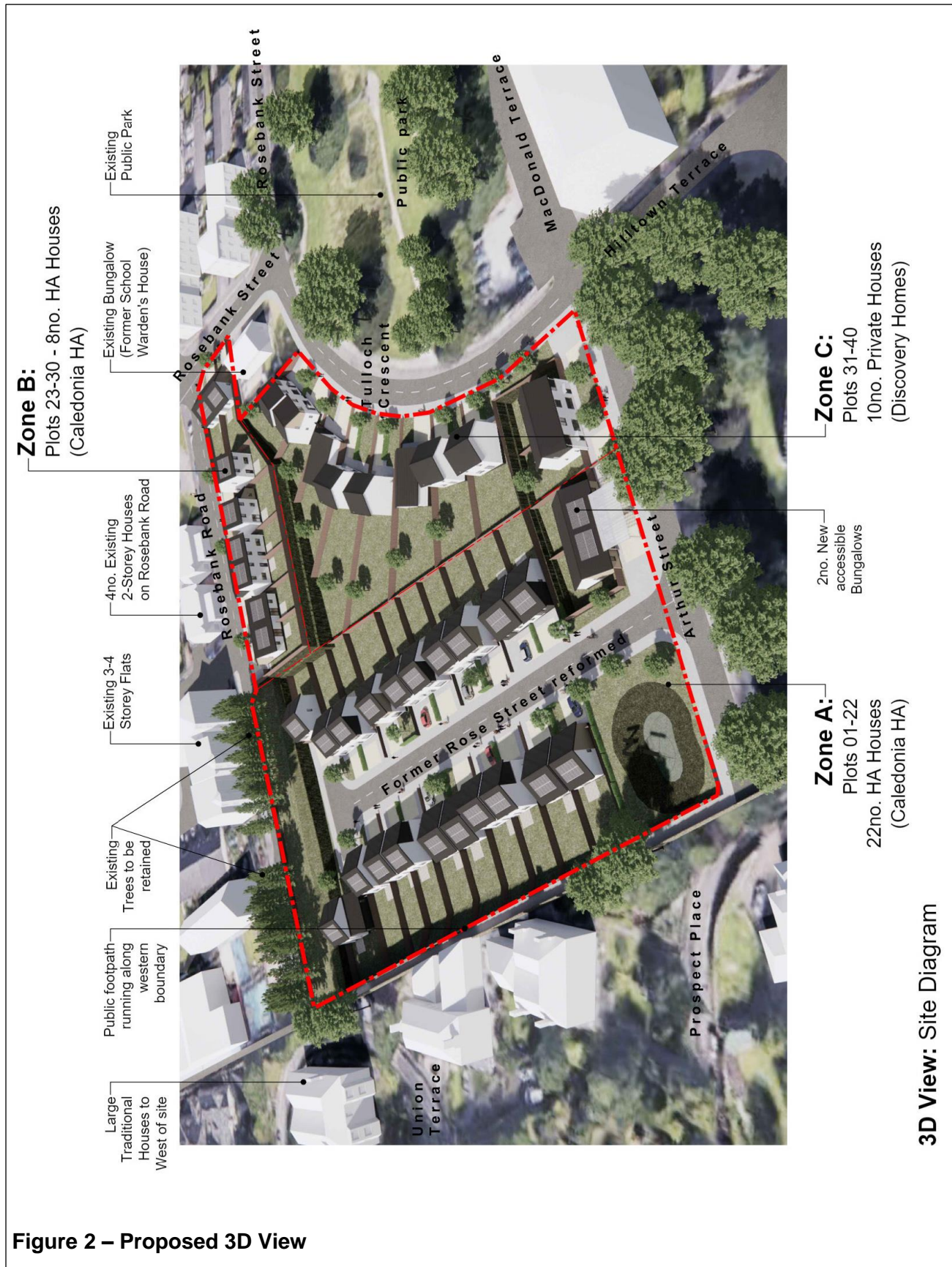


Figure 2 – Proposed 3D View

3D View: Site Diagram

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## 2 SITE DESCRIPTION

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- 2.1 The site is the former Rosebank Primary School located in a residential area to the west of Hilltown. The school buildings were demolished in 2019 and the site cleared. A metal fence runs around the perimeter of the site and trees are present within the site and a tree belt is located on the northern boundary.
- 2.2 The site is bounded by Rosebank Road (north), Arthur Street (south) and Tulloch Crescent (east). To the west is a public footpath between the application site and residential properties located behind a high stone wall in Union Terrace, part of the Crescents Conservation Area.
- 2.3 The topography of the site slopes steeply by approximately 15m from north to south.
- 2.4 As well as the steep gradient, there are constraints on the site relating to historic uses including demolition material, capped wells, a former road and Scottish Water infrastructure and wayleave.





**Figure 3 – Photograph of north west corner of application site**



**Figure 4 – Photograph looking west towards centre of application site**

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## 3 POLICY BACKGROUND

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

**TAYPlan 2016-2036**

Policy 1: Location Priorities

Policy 2: Shaping Better Quality Places

**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 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 54: Safe and Sustainable Transport

Policy 56: Parking

Supplementary Guidance – Developer Contributions

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

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

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## 4 SITE HISTORY

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4.1 There is no relevant site history.

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## 5 PUBLIC PARTICIPATION

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

5.2 11 objections have been received including an objection from Friends of the Earth Tayside and the Dundee Cycling Forum raising the following concerns:

- significant number of trees to be removed;
- inadequate sustainability – new houses not compliant with passive/net-zero energy standards;
- no EIA given the number of trees to be removed;
- increased traffic and impact on pedestrian safety;
- lack of provision for biodiversity;
- over provision for cars;

- lack of suitable secure cycle storage;
  - provision of a walking/cycling link from Rosebank Road;
  - it is in contravention of the council's statutory responsibility for biodiversity;
  - contrary to council's commitment to encourage a shift to more sustainable forms of transport and its statutory responsibility to improve air quality in Dundee;
  - adverse effect on conservation area;
  - adverse impact on surrounding residential amenity;
  - too many houses for the site;
  - inadequate open greenspace and landscaping;
  - detrimental to environment; and
  - community benefit from use of site as open space due to lack of parks in the area.
- 5.3 It is noted that some objections also praised the ambition of the project to build energy efficient homes.
- 5.4 Concerns were also raised in relation to noise from the construction site which would impact current homeworking and loss of view due to the development which are not valid material planning considerations.
- 5.5 3 letters of support have been received including one from Dundee Civic Trust and one from the Coldside Community Forum raising the following material planning considerations:
- welcome development of brownfield site;
  - encourage public art and more tree planting; and
  - welcome community consultation so far on proposed mitigation which includes enhancement of greenspace east of Tulloch Crescent.
- 5.6 It should also be noted that the developer's agent has engaged with the Communities Officer and Coldside Community Forum during the planning application process. The purpose of this was to discuss the Forum's concerns regarding the proposed development. As a result of this discussion and continuing communication between the developer's agent, the Communities Officer and Head of Environment, the Coldside Community Forum has withdrawn their letter of objection. The Forum note their support for the proposed development and the proposal to enhance the area of public open space adjacent to the site.
- 5.7 The valid grounds of representation are taken into account in the material considerations section of this report.

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## 6 CONSULTATIONS

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- 6.1 **Scottish Water** – has no objection to the application.
- 6.2 **Head of Sustainable Transport and Roads** – a Transport Statement has been reviewed and its conclusions agreed. There has been detailed discussion during the planning application process with consultant engineers about the new road layout and in particular the gradient of the new road accessed from Arthur Street. Should planning permission be granted, conditions are recommended in order to ensure the proposed new roads meet Council standards and specifications; any existing accesses no longer required must be made good to footway; surface water from the proposed development does not drain to the adjacent adopted roads and to promote sustainable forms of transport.



6.3 **Head of Community Safety and Protection** – commented on the following matters:

Noise – a Noise Impact Assessment was requested during the consultation process to demonstrate that there would be no impact on the amenity of new residents and existing residents from the proposal for individual air source heat pumps for each house (40). The findings of the NIA are incomplete and conditions are recommended to ensure that full details including external noise levels and its cumulative impact are submitted for review and written approval prior to the commencement of development.

Contamination – agree with the conclusion of the Stage 1 Geo-Environmental Risk Assessment and recommend planning conditions are attached to any planning permission granted to ensure that further site investigation is undertaken as outlined in the Stage 1 assessment and reports submitted for the written approval of the Council.

6.4 **Head of Environment** – reviewed the Tree Survey Report and agree that many of the trees to be removed are of poor quality, a number have been damaged during the school demolition and that they have low wildlife potential. There has been discussion with the developer's agent about replacement tree planting and landscaping, enhancing biodiversity and the protection measures for trees to be retained during the construction phase.

Also, proposals to enhance the public open space to the east of the development site through developer contributions for green infrastructure have been discussed in liaison with the Communities Officer and Coldside Community Forum. A Greenspace Mitigation Report outlines the discussion which has taken place between these parties and the developer's agent during the planning application process. Should planning permission be granted, conditions are recommended to ensure suitable tree protection measures are in place during the construction phase; works are undertaken in line with the tree survey report; a detailed landscape plan is submitted for approval in writing and suitable mitigation for the loss of trees on the site is agreed to enhance green infrastructure for the benefit of the wider community.

## 7 DETERMINING ISSUES

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

### THE DEVELOPMENT PLAN

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

### TAYPLAN 2016 – 2036

7.2 **Policy 1: Location Priorities** - states that the principal settlements within the region have the potential to accommodate the majority of development in the region, and that the re-use of previously developed land and buildings should be priorities; Dundee's core area is identified as a Tier 1 principal settlement.

7.3 The application is for the development of a brownfield site in the inner-city area in line with this policy.

7.4 **The application satisfies Policy 1.**

- 7.5 **Policy 2: Shaping Better Quality Places** – this policy seeks to deliver better quality and distinctive places through the arrangement, layout, design, density and mix of developments in the local design contexts with consideration for development to achieve lifetime communities, which are accessible, resilient and resource efficient.
- 7.6 The proposal is for the redevelopment of a vacant brownfield site in a residential neighbourhood in the inner-city area of the City and will provide a mix of houses types and tenures which are well-designed, accessible, resilient and resource efficient.
- 7.7 **The application satisfies Policy 2.**

### **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 A Planning Design Statement has been submitted for the development of the brownfield site for 40 new houses. The constraints of the site have been carefully considered and the design and layout of the mix of 2-4 bedroom houses responds positively to the surrounding built and natural environment.
- 7.10 The design promotes active frontages creating a pleasant and safe streetscape and is well connected to the surrounding area. As part of the development, Tulloch Crescent will be re-opened improving visual quality, social activity, connectivity and access. New street lighting is to be provided on the existing public footpath which runs to the west of the site enhancing pedestrian safety.
- 7.11 The proposed new houses have a zero-carbon design and construction and rainwater recycling and low carbon technology is proposed. Green infrastructure is proposed through tree planting, Suds, landscaping and vegetated green walls within the site. Through the application process the developer has engaged with the local community to discuss improvements to the public open space to the immediate east of the site which will be implemented as part of the development.
- 7.12 The Planning and Design Statement shows compliance with the six qualities of successful place in accordance with Appendix 1.
- 7.13 A sympathetic and creative approach to the development of a brownfield site is proposed as part of a joint development of private and Housing Association houses to create a positive place where people want to live and belong. The proposed development will contribute positively to the quality of the surrounding built and natural environment.
- 7.14 **The proposal is in accordance with Policy 1.**
- 7.15 **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.



7.16 The developer has agreed to a planning condition to ensure this is procured as outlined in the Planning Design Statement.

**7.17 The proposal is in accordance with Policy 2, subject to condition.**

7.18 **Policy 9: Housing Land Release** - priority will be given to the development of the allocated brownfield and greenfield sites. To ensure that an effective 5 year supply of housing land is maintained over the plan period the sites allocated in Appendix 3 shall not be developed for other uses. 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.

7.19 The brownfield site is not allocated in the Development Plan. The site is included in the Strategic Housing Investment Plan for affordable housing and the development of the site will contribute to implementing the Local Housing Strategy.

7.20 The proposal will make a positive contribution to the regeneration objectives of the area.

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

7.22 **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.

7.23 The proposal meets the 6 qualities of successful place as set out in Policy 1.

7.24 In respect of Appendix 4, the proposal is required to meet the following inner-city standards:

House Type – all houses to have a minimum of 2 bedrooms. In addition, 65% to have 3 or more bedrooms or a minimum gross internal floor area of living accommodation of 100 sqm.

Car Parking - all car parking should be located within the curtilage of each house. All tenures should have at least 1 space. In addition, 40% of private houses should have 2 spaces. Where on street parking is a problem, 30% visitor parking space should be provided.

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.

Amenity/Garden Ground - a minimum private useable garden ground of 50 sqm should be provided for all houses. In addition, 30% should have garden ground of more than 75 sqm.

Privacy - a minimum of 18 metres between the facing windows of habitable rooms will be provided. Living room windows and balconies should not unacceptably overlook private gardens of houses.

General requirements – provision for waste and recycling should be provided in accordance with the Council's waste management strategy. Parking areas should include provision for electric car charging points.

7.25 In response to the Appendix 4 requirements:

House Type – fourteen 2 bedroom houses are proposed (35%) and twenty three 3 bedroom houses and three 4 bedroom houses (65%). This standard is met.

Car Parking – in curtilage parking is proposed for all plots with 2 spaces provided allowing each house to have 1 space and 1 visitor space. This standard is met.

Cycle Provision – secure storage for bikes is shown on the plans and referred to in the Planning Design Statement. It is recommended that specific detail on the design of the storage and its capacity is requested by planning condition.

Amenity/Garden Ground – garden sizes across the site range from 60 sqm to a generous 360 sqm. All plots are above the minimum requirement of 50 sqm with 85% above 75 sqm. This standard is met.

Privacy – the minimum privacy distance has been maintained across the site. This standard is met.

General Requirements – provision for waste storage and recycling is shown on the proposed plans. External plugs are proposed for each house for electric car charging as outlined in the Planning Design Statement. This standard is met.

7.26 The proposed development responds positively and creatively to the constraints of the site. The development of this brownfield site will create a high quality residential environment which will enhance the character and identity of this part of the City. A mix of tenure and house types is proposed including two accessible 2-bedroom houses to meet the City's demographic needs. The Housing Association houses are designed to exceptional environmental standards and aspire to be passive/zero energy homes. The mix of house types will create visual interest and enhance the streetscape. A palette of modern materials is proposed and to ensure the houses are finished to a high quality, a condition is recommended to request that a sample of all finishing materials is submitted for written approval prior to the commencement of development.

**7.27 The proposal is in accordance with Policy 10 and Appendix 4, subject to conditions.**

7.28 **Policy 20: Funding of On and Off Site Infrastructure Provision** – the City Council, where necessary and appropriate, will seek to secure developer contributions towards the cost of infrastructure provision both on and off site. The principles that guide the requirement for contributions and the preparation of the Developer Contributions Supplementary Guidance are:

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



- 7.29 As outlined in the Development Plan, all development should contribute to the Dundee Green Network through the integration of green infrastructure and the creation and/or improvement of green infrastructure within the development site or in the local area. The developer has had initial discussions with the Communities Officer and Coldside Community Forum about improvements to the public open space to the east of the site. A condition is recommended to ensure that appropriate improvements are secured for the benefit of the wider community and delivered by the developer in line with Policy 20.
- 7.30 **The proposal is in accordance with Policy 20, subject to condition.**
- 7.31 **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.
- 7.32 The Tree Survey Report submitted by the applicant and reviewed by the Head of Environment notes that there are approximately 250 trees within the application site. The report notes that the trees comprise a belt of conifer trees along the northern boundary (approximately 144 trees) and three other small groups (approximately 107 trees). The report notes that the trees on the site are of mixed quality with many described as spindly, poor, dead, damaged, unsafe or dying.
- 7.33 It is proposed to remove a number of these trees on the grounds of either the tree condition or due to the damage or potential damage to infrastructure. The development layout will also require the removal of the eastern section of the tree belt and the small groups. To help mitigate this tree loss, green infrastructure is proposed and this includes replacement tree planting using native species and biodiversity enhancements within the site and on the adjacent area of public open space. This planting will provide amenity benefit as well as ensure the establishment of trees with a higher biodiversity value than that offered by, for example, the existing conifer shelterbelt. The biodiversity enhancements include vegetated retaining walls, wildflower planting, hedges, bat boxes and swift boxes. The sensitive integration of green infrastructure into the proposed development and the public open space will create wildlife habitats, improve environmental quality and enhance existing features.
- 7.34 Early discussion between the developer, the Communities Officer and Coldside Community Forum has identified enhancements to the public open space adjacent to the site including new seating, upgrading the football pitch, supplementary tree planting and enhancing routes through the open space. This discussion is summarised in the Greenspace Mitigation Report. As outlined previously in the report, it is recommended that a condition is attached to any planning permission granted to ensure that improvements for the wider community benefit are agreed in writing and delivered by the developer.
- 7.35 The proposed development will protect and enhance the Dundee Green Network.
- 7.36 **The proposal is in accordance with Policy 28, subject to condition.**
- 7.37 **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.

7.38 The proposed development is being brought forward in partnership by a private developer and a Housing Association. A planning condition is recommended to ensure that suitable provision is made for the long-term maintenance of green infrastructure which includes the vegetated retaining walls.

**7.39 The proposal is in accordance with Policy 30, subject to condition.**

7.40 **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.

7.41 A Phase II Tree Survey Report has been submitted following an initial tree condition survey in March 2020 and this shows approximately 177 trees are to be removed from the site. The report notes the poor condition of trees on site; the grounds for removal of dead and dying trees; the trees to be removed to enable the development; and recommends the removal of a belt of conifer trees on the north-east boundary that will be exposed to wind and will become a risk to public property and public safety. A tree belt on the north-west boundary of the site is to be retained and ground remedial work is recommended in the report along with the removal of a number of trees in this belt on the grounds of poor health. It highlights that the site lacks the capacity to establish like for like replacement however compensatory planting would be native trees offering higher amenity and biodiversity value such as Silver Birch and Rowan. The report recommends tree protection measures to be put in place during the construction phase.

7.42 The Head of Environment has reviewed the Tree Survey Report and agrees with its findings and recommends conditions to ensure appropriate tree protection measures are in place for the trees to be retained; that an arboriculturalist is on site to oversee works in the north-west area of the site and a condition to request full details of the species of trees to be planted as part of the proposed development. It is recognised that the site is small and replacing the full number of trees on site at appropriate spacing would be difficult. It is the close spacing of the existing trees that has led to their poor health. Thirty-five new trees are proposed for planting within the site and the Head of Environmental Management has requested additional measures to provide habitat on the site such as hedging, wildflower planting, bat bricks and swift boxes. Should planning permission be granted, it is recommended that a full landscape plan with these measures clearly identified should be submitted for written approval.

7.43 As noted previously in the report, meetings have been held between the developer, the Communities Officer and Coldside Community Forum. Compensatory replacement tree



planting is proposed off-site in the public open space to the east of the development site in addition to the proposed planting and additional biodiversity measures within the site. A condition is recommended to ensure this is delivered by the developer for the wider community benefit.

**7.44 The proposal is in accordance with Policy 35, subject to conditions.**

**7.45 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.

7.46 Details of the proposed drainage system have been submitted and this shows that water run-off from roofs will be harvested within each plot and re-used for flushing toilets and a detention basin in the south-west corner of the site will collect surplus surface water runoff from roads and footpaths. Conditions are recommended to ensure full details of the scheme are submitted for written approval prior to the commencement of development should planning permission be approved.

**7.47 The proposal is in accordance with Policy 37, subject to conditions.**

**7.48 Policy 39: Environmental Protection** - all new development or an extension to an existing development that would generate noise, vibration, odour, emissions to air, dust or light pollution will be required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area. 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.

7.49 A Noise Impact Assessment was requested by the Head of Community Safety and Protection to demonstrate that there would be no impact on the amenity of new residents and existing residents from the proposal for individual air source heat pumps for each house (40 in total). The findings of the NIA is incomplete and further information is required on external noise levels and its cumulative impact. As such, conditions are recommended to ensure that further detail is submitted for written approval prior to the commencement of development.

**7.50 The proposal is in accordance with Policy 39, subject to conditions.**

**7.51 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.

7.52 The Head of Community Safety and Protection agrees with the conclusion of the Stage 1 Geo-Environmental Risk Assessment and recommends that a condition is attached to any planning permission granted to ensure that further site investigation is undertaken, as outlined in the Stage 1 assessment, and a report of its findings is submitted for the written approval of the Council.

**7.53 The proposal is in accordance with Policy 41, subject to conditions.**

7.54 **Policy 44: Waste Management Requirements for Development** - development proposals should demonstrate that they adequately address the Scottish Government's Zero Waste Policy and that sufficient provisions are made to maximise opportunities for waste reduction and waste separation at source and enable the separate collection of recyclable material as outlined in the Waste (Scotland) Regulations 2012.

7.55 The proposed plans and Planning Design Statement highlight that appropriate provision will be made for waste reduction and waste separation at source in line with the policy.

**7.56 The proposal is in accordance with Policy 44.**

7.57 **Policy 46: Delivery of Heat Networks** - proposals for new development should meet their heat demand through heat networks, by considering the feasibility to create or link into an existing energy centre and heat network or demonstrate the capability to progress towards this technology in the future. A statement will be required to be submitted with an application for planning permission to demonstrate that consideration has been given to the viability of creating or linking into a heat network. This requirement applies to the following development:

- a proposals that are subject to a Major planning application, or would cumulatively exceed the Major planning application thresholds; or
- b proposals for housing or commercial development in locations where Scotland's Heat Map or the City's heat network strategies indicate that they are close to a significant heat supply source or a planned heat network.

In both cases the development layout should be designed to be capable of connecting to the heat network or heat source and areas for pipe runs within the development should be safeguarded to enable future connectivity.

7.58 The Planning Design Statement outlines that this has been considered as part of the joint venture proposal to bring forward a development of Zero-Carbon affordable homes. It states that the use of air source heat pumps and solar PV panels is more suited to the development rather than a new heat network. This is a suitable solution given the constraints of developing the brownfield site and the proposed use of low carbon technology in the development.

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

7.60 **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. The relevant Building Standards and percentage contribution required is set out in supplementary guidance. The supplementary guidance will be kept under review to ensure the proportion of the carbon emissions reduction standard to be met by these technologies will increase over time. A statement will be required to be submitted with an application for planning permission to demonstrate compliance with this requirement.

7.61 A Sustainability Statement has been submitted to show that the proposed development meets the requirements of 2019 Building Regulations for energy efficiency. Rainwater recycling, the use of low carbon technology by virtue of air source heat pumps and solar PV panels are proposed as part of the development.

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

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

Development proposals will be required to:

- 1 minimise the need to travel by private car;
- 2 provide facilities on-site (and/or off-site through developer contributions or by direct delivery) for walking, cycling and public transport networks, including road/junction improvements and cycle parking. Developments without high quality, safe and convenient links to adjacent walking and cycling networks will not be supported;
- 3 incorporate measures to permit access to public transport networks within a walking distance of no more than 400 metres from all parts of the development;
- 4 have no detrimental effect on the capacity or safe functioning of the existing road or rail networks;
- 5 ensure that safe and adequate provision is made for road freight and waste access, loading and unloading;
- 6 comply with the National Roads Development Guide and any local variations within Dundee City Council's roads design standards; and
- 7 be supported by a travel plan to mitigate transport impacts and improve the accessibility of developments where the council considers that the development will generate significant travel.

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

7.64 In respect of the above criteria:

- 1 The development site is in the inner city and close to shops and services in the City Centre and Hilltown. Cycle Storage is proposed for all houses and provision will be made for electric vehicle charging on all housing plots to promote sustainable forms of transport. The Head of Sustainable Transport and Roads recommends a condition is attached to any planning permission granted to ensure that a Residential Travel Pack is delivered to all occupiers of the new houses to promote sustainable forms of transport. This requirement is met.
- 2 The brownfield site is in a residential neighbourhood in the inner city which offers safe and convenient links to adjacent walking and cycling networks. The proposed development includes road/junction improvements and new footpaths to enhance connectivity. This requirement is met.



- 3 Bus stops are located within 400m from all parts of the development site on Hilltown and Constitution Street and bus services have been identified in the Transport Statement. This requirement is met.
- 4 A Transport Statement has been submitted and reviewed by the Head of Sustainable Transport and Roads and its findings accepted. The proposed development will have no detrimental effect on the capacity or safe functioning of the existing road network in line with this requirement.
- 5 A Transport Statement, site layout and engineering drawings have been reviewed by the Head of Sustainable Transport and Roads. Safe and adequate provision is made for road freight and waste access, loading and unloading as part of the proposed development. This requirement is met.
- 6 The proposed new road on the west of the development site is a departure from the Council's roads design standards given the topography and gradient of the site. The Head of Sustainable Roads and Transport has reviewed the detailed information submitted as part of the planning application process and conditions are recommended to ensure full details of the new roads are submitted prior to the commencement of development. The design and construction of the new roads and footpaths will be approved separately through the Road Construction Consent process to ensure that they meet Council design standards and specification. This requirement is met, subject to conditions.
- 7 The Head of Sustainable Transport and Roads recommends a condition is attached to any planning permission granted to ensure that a Residential Travel Pack is delivered to all occupiers of the new houses to promote sustainable forms of transport.

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

**7.66 Policy 56: Parking - Developments Outwith 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.

- 7.67 The design and layout of the proposed development of 40 houses includes in-curtilage parking for 2 vehicles on all housing plots; an external socket is proposed on all houses for electric vehicle charging and cycle storage is proposed for all houses in line with Appendix 4.

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

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

## MATERIAL CONSIDERATIONS

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

### A – APPLICANT’S SUPPORTING INFORMATION

- 7.71 A supporting statement has been submitted by Caledonia Housing Association for the development of affordable housing in the Hilltown area. It outlines the need for new housing in the area which has been identified by Housing and Communities. 30 houses are proposed to meet an identified need including two 2 bedroom bungalow type wheelchair accessible houses. It notes that the Council has included the project in the Strategic Housing Investment Plan and allocated funding this financial year. This has been confirmed by Housing and Communities.
- 7.72 A Greenspace Mitigation Report outlines the discussion which has taken place between the developer’s agent, the Communities Officer and Coldside Community Forum during the planning application process. The initial meeting was an opportunity for the Coldside Forum to discuss their concerns about the proposed development direct with the agent. The report also highlights proposals to mitigate the loss of trees on the development site. As a result of this discussion and continuing communication between the developer’s agent, the Communities Officer and Head of Environment, the Coldside Community Forum has withdrawn their letter of objection. The Forum note their support for the proposed development and the proposal to enhance the area of public open space adjacent to the site.
- 7.73 The Planning and Design Statement outlines the significant constraints of developing the brownfield site including the steep gradient; poor condition of land from previous uses and demolition material; historic wells and Scottish Water main and wayleave. It notes the pre-application discussions held with Planning and Environment and outlines the housing layout options which were discounted for viability reasons. The option proposed includes a new road accessed from Arthur Street which does not meet modern road design requirements however the gradient reflects the roads all around the Hilltown area. The development proposes a mix of house types and styles creating a varied and interesting streetscape. Tulloch Crescent will be reopened with the eight houses fronting the road and open space thus promoting active frontages, enhancing connectivity and improving safety through natural surveillance. The Housing Association houses will be designed to exceptional environmental standards and aspire to be passive/zero energy homes. The report highlights that the proposal has had a preliminary assessment from Secure by Design and notes the potential for the development to achieve Gold Accreditation.
- 7.74 The applicant has responded positively to address the concerns raised in the objections and has engaged with the local community to explore opportunities to mitigate the impact of the development. As a result, Coldside Community Forum has withdrawn their objection and offer their support for the development.
- 7.75 The proposed development has been sympathetically designed and responds positively to site constraints and the surrounding built and natural environment. The development of the brownfield site will create an attractive place which is safe and pleasant and well connected to the surrounding area.

### D – REPRESENTATIONS

- 7.76 11 objections have been received including an objection from Friends of the Earth Tayside and the Dundee Cycling Forum, which raise the following concerns:
- significant number of trees to be removed;

- inadequate sustainability – new houses not compliant with passive/net-zero energy standards;
- no EIA given the number of trees to be removed;
- increased traffic and impact on pedestrian safety;
- lack of provision for biodiversity;
- over provision for cars;
- lack of suitable secure cycle storage;
- provision of a walking/cycling link from Rosebank Road;
- it is in contravention of the Council's statutory responsibility for biodiversity;
- contrary to Council's commitment to encourage a shift to more sustainable forms of transport and its statutory responsibility to improve air quality in Dundee;
- adverse effect on Conservation Area;
- adverse impact on surrounding residential amenity;
- too many houses for the site;
- inadequate open greenspace and landscaping;
- detrimental to environment; and
- community benefit from better use of site as open space due to lack of parks in the area

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

**7.78 Significant number of trees to be removed; lack of provision for biodiversity; environmental impact; inadequate greenspace and landscaping; in contravention of statutory responsibility for biodiversity and no EIA.**

**Response** – as a result of the objections raising an issue with the number of trees to be removed, a screening request was submitted by the developer and the screening opinion was that an EIA was not required (21/00003/EIASC). The Tree Survey Report notes that the trees on the site are of mixed quality, dead, damaged, unsafe or dying and that compensatory planting will provide amenity benefit as well as ensure the establishment of trees with a higher biodiversity value than that offered by, for example, the existing conifer shelterbelt. During the application process, the developer's agent has engaged with the Council and community representatives and a number of measures to mitigate the loss of trees on the site are proposed and presented in the supporting documents. This includes new planting on and off site, vegetated retaining walls, wildflower planting, hedges, bat boxes and swift boxes. Green infrastructure has been sensitively integrated into the proposed development to create wildlife habitats, improve environmental quality and enhance existing features. The proposed development will contribute positively to the built and natural environment.

7.79 **Community benefit from better use of the site as open space due to lack of parks**

**Response** – there is a need identified for new housing in the area as outlined in the report and this a joint development by a private developer and a Housing Association to bring forward affordable, sustainable modern homes. Green infrastructure is sensitively integrated into the design and layout of the new houses and green infrastructure enhancements are proposed for the public open space to the east of the development site. The proposed development of the brownfield site will contribute positively to the quality of the surrounding built and natural environment. Both Hilltown Park and Dudhope Park are within walking distance of the site.

**7.80 Inadequate sustainability – new houses not compliant with passive/net-zero energy standards.**

**Response** – the development of this brownfield site for new houses is being brought forward in partnership with a private developer and a Housing Association. The Planning and Design Statement highlights that a key element driving the development is working towards providing zero-carbon Housing Association houses that are efficient, affordable and quick to construct using off-site technology and methods developed by the private developer. Solar PV panels are proposed on the south-west facing roof of 30 houses, high performance UPVC windows and air source heat pumps are proposed for all houses. The Sustainability Statement shows that the fabric of the buildings will be more energy efficient than the minimum requirements set out in Building Regulations (2019).

**7.81 Over provision for cars; provision of walking/cycling link from Rosebank Road; increased traffic and impact on pedestrian safety; contrary to Council's commitment to encourage a shift to more sustainable forms of transport and its statutory responsibility to improve air quality in Dundee.**

**Response** – the proposed development has been sensitively designed to integrate active travel infrastructure, promote active frontages onto streets and create natural surveillance of well-lit streets, paths and open spaces. As noted in the report, the Head of Sustainable Transport and Roads supports the findings of the Transport Statement and the proposed development will not have a detrimental impact on the capacity or safe functioning of the existing road network. In curtilage parking is proposed for all plots with 2 spaces provided allowing each house to have 1 space and 1 visitor space.

In line with Appendix 4, provision is to be made for each house to have cycle storage and electric vehicle charging to promote more sustainable forms of transport. The proposed development includes new roads, road/junction improvements and new footpaths and conditions are recommended to ensure that these will meet Council design standards and specifications. There is an existing footpath on the western boundary of the site linking to Rosebank Road and as part of the development new street lights will be installed to enhance the safety and amenity of this route. The brownfield site is well-connected to the surrounding area and within walking distance of public transport links. The Head of Sustainable Transport and Roads recommends a condition is attached to any planning permission granted to ensure that a Residential Travel Pack is delivered to all occupiers of the new houses to promote sustainable forms of transport.

**7.82 Adverse effect on Conservation Area.**

**Response** – the development site is not located in a conservation area. The eastern boundary of the Crescents Conservation Area runs along the public footpath located on the west side of the development site. The development site is separated from houses in the conservation area by a high stone boundary wall running along the public footpath which will not be impacted by the proposed development. The proposed development will not have a detrimental impact on the character and appearance of the conservation area.



**7.83 Adverse impact on surrounding residential amenity; too many houses for the site.**

**Response** – the development of the brownfield site has been sensitively designed and responds positively and creatively to the constraints of the site. The proposed development of 40 houses includes 30 houses to meet an identified need for the area confirmed by Housing and Communities and includes two 2 bedroom bungalow type wheelchair accessible houses. The proposed development of modern, energy efficient homes offers a high quality residential environment which will enhance the character and identity of this part of the City.

7.84 Three representations in support of the application have been received including one from Dundee Civic Trust who welcome the development of the brownfield site and encourage public art and more tree planting as part of the development proposal. The Coldside Community Forum support the proposed development, after their initial objection was withdrawn, and welcome the community consultation so far on proposed mitigation which includes enhancement of greenspace east of Tulloch Crescent.

7.85 The issues raised in the representations have been considered and addressed in the report and the grounds raised are not of sufficient weight to justify refusal of planning permission.

**7.86 It is concluded that there are no material considerations of sufficient weight in this case to justify refusal of planning permission.**

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## **8 CONCLUSION**

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8.1 The application for 40 houses is in accordance with the Development Plan. There are no material considerations of sufficient weight that would justify refusal of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

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## **9 RECOMMENDATION**

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

- 1 **Condition** - prior to the commencement of work on site, details of the proposed finishing materials and boundary treatment around the site and between the houses of the development hereby approved shall be submitted to the Council for written approval. Thereafter, the proposed development shall be finished in strict accordance with the details approved by this condition.

**Reason** – in the interests of visual amenity and protecting the amenity of surrounding residential properties.

- 2 **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.

- 3 **Condition** - prior to the commencement of development, a scheme of landscaping shall be submitted to and approved by the Council, and it shall include indications of all existing trees and hedgerows on this land, and details of any to be retained, together with

measures for their protection in the course of development in accordance with BS5837:2012. Full details of new planting and landscaping and an associated maintenance schedule shall also be submitted to and approved by the planning authority prior to the commencement of development. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.

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

- 4 **Condition** - full details of a long term maintenance plan for the existing and proposed trees and landscaping including the vegetated wall and all communal areas shall be submitted to the Council for approval before any development commences on site and if approved the development shall be carried out only in full accordance with such details.

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

- 5 **Condition** – arrangements shall be made to ensure that a suitably qualified arboriculturalist shall be available during the construction phase to ensure that the trees to be retained in the north-west corner of the development site are protected from the development works. Details of the arboriculturalist shall be submitted for approval in writing by the Council prior to any works on the site.

**Reason** – to protect the existing trees to be retained in the interests of amenity.

- 6 **Condition** - prior to the commencement of any works on site, a detailed surface water drainage/SUDS design including drawings, calculations, full modelling, simulation results, design risk assessment, signed Dundee City Council Design Compliance and Independent Check Certification, evidence of compliance with the Simple Index Approach as described in section 26.7.1 of the CIRIA SUDS Manual (C753), and where appropriate SEPA comments shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to the first occupation of the development hereby approved.

**Reason** - In the interests of flood protection.

- 7 **Condition** - prior to the commencement of any works on site, details of measures proposed to manage surface water run-off from the site during construction shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to construction works commencing on any part of the development hereby approved.

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

- 8 **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.

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

**Reason** - in the interest of flood protection

- 10 **Condition** - prior to commencement of any works on site, a review of the Noise Impact Assessment produced by Charlie Fleming Associates entitled Report on Sound from Air Source Heat Pumps for Discovery Homes (Dundee) at Arthur Street, Dundee, Document 3658λ02λR dated 16 April 2021, shall be submitted for approval. Thereafter, and prior to occupation of any of the residential dwelling units hereby approved, any noise mitigation measures recommended in the Noise Impact Assessment shall be implemented in full.

**Reason** – in order to protect residential amenity.

- 11 **Condition** - prior to first occupation of the houses hereby approved, the details of the acoustic enclosures to be provided for the air source heat pumps shall be submitted for approval by the Planning Authority.

**Reason** – in order to protect residential amenity.

- 12 **Condition** - development shall not begin until the investigation and risk assessment proposed in the submitted Stage I Desk Study are completed and a remediation strategy to deal with contamination risks at the site has been submitted to and approved in writing by the planning authority. The strategy shall contain proposals to deal with contamination to include:

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

**Reason** – to ensure the site is suitable for residential development.

- 13 **Condition** - before any unit is occupied the remediation strategy shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority.

**Reason** - to ensure the site is suitable for residential development.

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

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

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

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

- 15 **Condition** - the applicant shall make provision for the delivery of green infrastructure improvements in the public park to the east of Tulloch Crescent as agreed with and in line with Council requirements prior to the commencement of development.

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

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

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

- 17 **Condition** - details of the proposed roads must be agreed in writing by the Council prior to any works on site. Thereafter all works will be carried out in strict accordance with the details approved by this condition.

**Reason** - in the interests of vehicle and pedestrian safety.

- 18 **Condition** - any existing accesses that are no longer required as part of the proposed development must be made good as footway to Dundee City Council specifications. Details of these alterations must be agreed prior to any works on site.

**Reason** - in the interests of vehicle and pedestrian safety.

- 19 **Condition** - a Residential Travel Pack must be in place and agreed with the Local Authority prior to occupation of the first property.

**Reason** - in the interests of promoting sustainable forms of transport.

- 20 **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.

- 21 **Condition** - the applicant must provide a disposal route for road surface water to the satisfaction of Dundee City Council which discharges to a system publicly maintained/maintainable by the relevant authority.

**Reason** - to ensure an appropriate and publicly maintainable system is provided.



**Informative**

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