

Alterations to Existing Vehicle Access, Extension of Existing Footpath and Formation of New Footpath

KEY INFORMATION

Ward Strathmartine

Address

Site of Former Kingspark School, Gillburn Road
Dundee

Applicant

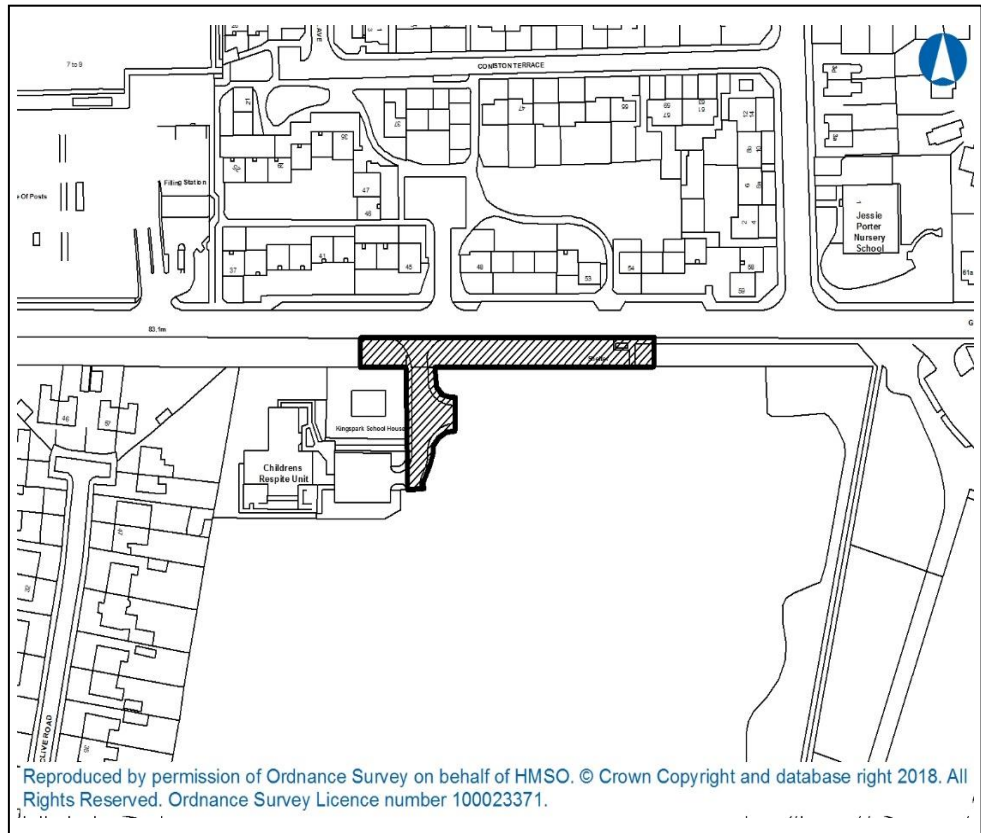
Persimmon Homes North
Scotland, Broxden House
Lamberkin Drive
Perth PH1 1RA

Agent

Crawford Architectural
Spiersbridge House
Unit 1, 1 Spiersbridge Way
Spiersbridge Business Park
Thornliebank G46 8NG

Registered 29 Sep 2017

Report by: Executive
Director of City Development



SUMMARY OF REPORT

- Planning permission is sought for the alteration of an existing vehicle access, extension of an existing footpath and formation of a new footpath. The proposal would see an existing access onto Gillburn Road upgraded to include a length of footpath which connects a proposed residential development to an existing footpath on Gillburn Road.
- The proposed residential development complies with the relevant policies of the Adopted Dundee Local Development Plan 2014.
- The statutory neighbour notification procedure was undertaken. No public comment was received.
- As the application forms part of proposals for development at the former Kingspark School (Planning Application 17/00765/FULM) which was refused by Planning Committee at its meeting on the 19 March 2018, the Executive Director of City Development in accordance with Dundee City Council's scheme of delegation, proposes the application be determined by Planning Committee rather than by the appointed person.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/simpleSearchResults.do?action=firstPage>.

RECOMMENDATION

The alterations to the existing vehicle access onto Gillburn Road and extension of an existing footpath are recommended for **APPROVAL** subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 The application proposes the alteration of a vehicular access and extension of a footpath along the south side of Gillburn Road.
- 1.2 The existing vehicular access serves the site of former Kingspark School and Kingspark School House. A 36 metre long section of the access road would be altered to include a footpath on the east side of the road where there is presently a grass verge. The footpath would provide pedestrian access to a proposed residential development within the former school site.
- 1.3 To the east of the junction, along the south side of Gilburn Road is presently grass verge. The applicant proposes a 75 metre long section of footpath to connect the access and footpath to an existing public footpath and bus stop on Gillburn Road. The proposed section of footpath would create a continuous pavement between the access and Glamis Road. An additional 6.7 metre long section of footpath is proposed to the south of the existing bus stop to provide a direct path between the bus stop on Gillburn Road and a proposed residential development within the former school site.
- 1.4 The applicant has also submitted two further planning applications, 17/00765/FULM which related to the erection of 62 dwellings and 17/00767/FULL which proposed the re-grading of land within the site of the former Kingspark School to the south of the application site.
- 1.5 Planning application 17/00765/FULM for 62 residential units was refused by the Planning Committee on 19 March 2018.
- 1.6 Planning application 17/00767/FULL for the re-grading of land within the former school site is subject of a separate Report on the Agenda and is to be determined by Planning Committee.

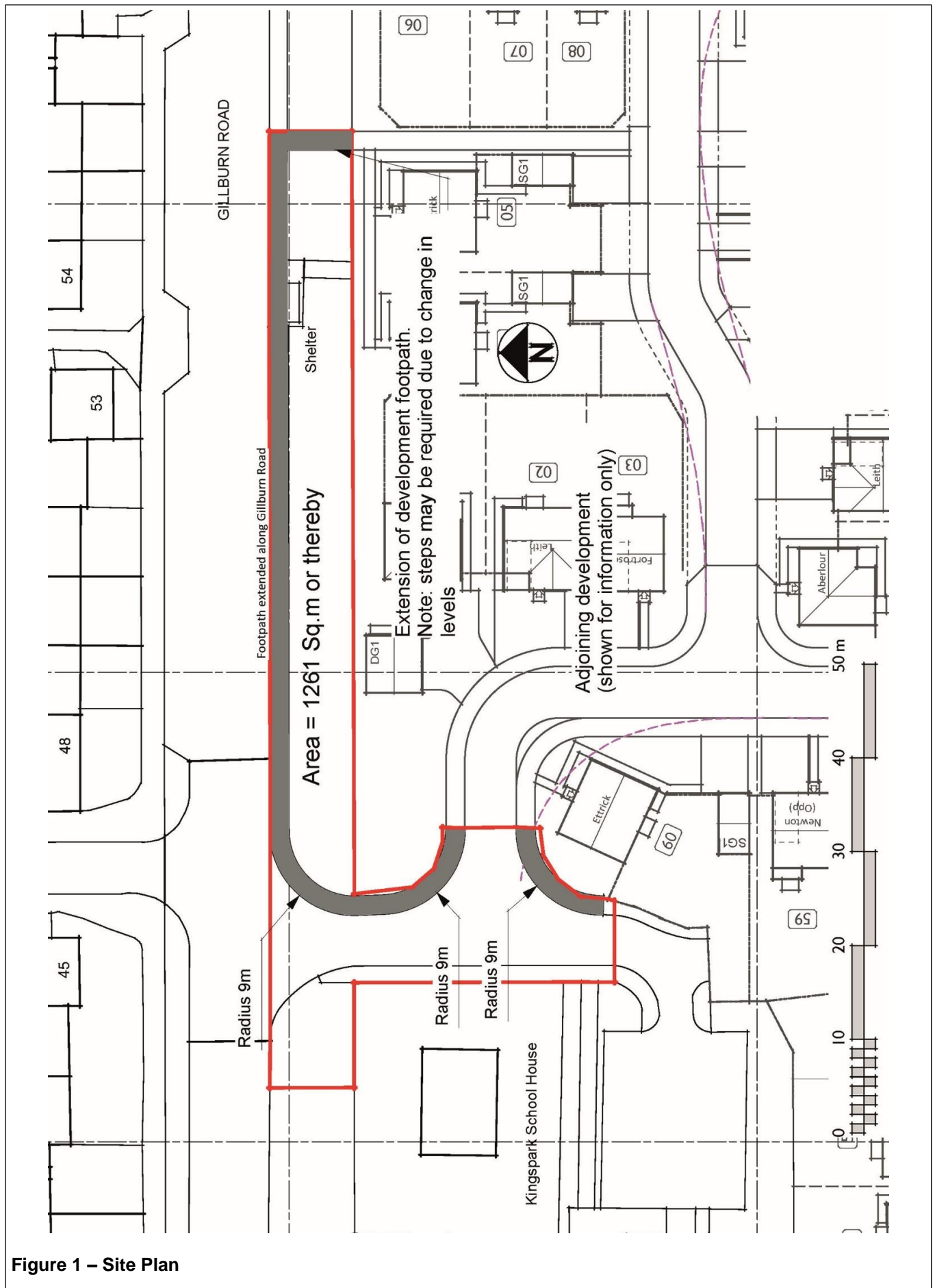


Figure 1 – Site Plan



Figure 2 – Site Photo Gillburn Road



Figure 3 – Site Photo – Junction on Gillburn Road

2 SITE DESCRIPTION

- 2.1 The application site comprises a grass verge with trees and an access road between Gillburn Road and the former Kingspark School site. The site which is level in nature and open to the north is clearly visible from Gillburn Road. The site contains a bus stop which is served by frequent local bus services.
- 2.2 The application site is bounded to the north by Gillburn Road with residential properties beyond. To west are further residential properties along Gilburn Road and an Asda supermarket. To the east lies St Pauls RC Academy and playing fields. To the south lies the site of the former Kingspark School with residential properties beyond.

3 POLICY BACKGROUND

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

ADOPTED DUNDEE LOCAL DEVELOPMENT PLAN 2014

Policy 7: High Quality Design
Policy 41: Flood Risk Management
Policy 45: Land Contamination
Policy 55: Accessibility of New Developments

PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN

Policy 1: High Quality Design and Placemaking
Policy 36: Flood Risk Management
Policy 41: Land Contamination
Policy 54: Safe and Sustainable Transport

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

4 SITE HISTORY

- 4.1 The following applications are of relevance:
- 17/00765/FULM - for the erection of 62 houses within the former Kingspark School site. Was refused by Planning Committee on 19 March 2018; and
 - 17/00767/FULL - for the re-grading of land - to be determined by Planning Committee.

5 PUBLIC PARTICIPATION

- 5.1 The statutory neighbour notification process has been undertaken. No public comment was received.

6 CONSULTATIONS

- 6.1 **The Head of Community Safety and Protection** – has recommended that conditions are appended to any planning permission granted to ensure ground conditions are suitably investigated.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Act 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

- 7.2 **Policy 7: High Quality Design** – of the Dundee Local Development Plan requires that all development contributes positively to the quality of the surrounding built and natural environment. Design should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colour.
- 7.3 The alteration of the vehicular access to provide an asphalt footpath on the west side of the junction onto Gillburn Road would maintain the visual amenity of the application site and existing streetscape. The proposed extension of the footpath along the south side of Gillburn Road would enhance the surrounding environment by connecting existing sections of footpath on Gillburn Road. Existing trees would be retained to the south of the proposed footpath and all works would be undertaken by the applicant to Dundee City Council specifications.
- 7.4 The alterations to the access road and extended footpath would improve connectivity between Gillburn Road and the former Kingspark School Site as well as improving pedestrian links within the surrounding area. The proposal would create a continuous length of footpath between the access to the former school site and Old Glamis Road, serving St Pauls R.C. School, a bus stop and the wider area including the Dick McTaggart Centre and Dundee College.
- 7.5 **The proposal would satisfy the requirements of Policy 7.**
- 7.6 **Policy 41: Flood Risk Management** - seeks to control development in low to medium risk areas and requires a flood risk assessment to be carried out where necessary.
- 7.7 The former school site and access road are at potential risk of flooding from surface water from the Gelly Burn which is culverted along Gillburn Road to the north, and from a small open watercourse just beyond the site's western boundary.
- 7.8 The applicant submitted a flood risk assessment with the application. Gillburn Road is predicted to flood during extreme events, up to about 0.3-0.35m in extreme cases. The flood risk assessment demonstrates the proposed alterations to the access road and provision of a footpath along Gillburn Road would not increase the risk of flooding within the surrounding area. SEPA has no objection to associated application 17/00765/FULM for the development of 62 residential units to the north of the application site.

- 7.9 Dundee City Council engineers support the proposed scheme, and recommended that conditions covering technical design details are applied to any planning permission granted.
- 7.10 **The proposal would satisfy Policy 41 with the addition of appropriate planning conditions.**
- 7.11 **Policy: 45 Land Contamination** - requires that development of potentially contaminated land will be considered where a site investigation has been submitted and establishes the nature and extent of the contamination, and where remediation is proposed that it would adequately address contamination risks and be suitable for the planned use.
- 7.12 The Head of Community Safety and Protection has reviewed the contaminated land report and notes further assessment is required to fully assess any potential ground contamination at this former school site. It is recommended further survey work is undertaken to allow for the submission of a remediation strategy.
- 7.13 The Head of Community Safety and Protection has recommended conditions are attached to any consent granted to ensure further assessment of the site is undertaken and that any required remedial measures are taken forward.
- 7.14 **With the addition of appropriate contaminated land conditions, the proposals would comply with Policy 45.**
- 7.15 **Policy 55: Accessibility of New Developments** - seeks that all development proposals which generate travel should be designed and well served by all modes of transport and development proposals are required to incorporate facilities for walking, cycling and public transport networks. Proposals should also comply with Dundee City Council's road standards.
- 7.16 The proposed alterations to the access road and additional length of footpath would support the use of active travel and public transport. The additional length of footpath would provide a pedestrian link between the residential development proposed to the south of the site (17/00765/FULM) and schools and services to the west which are within walking distance. The footpaths would also provide a direct link to a bus stop on Gillburn Road and Core Path 10 which runs the length of Gillburn Road and onto the Kingsway.
- 7.17 The alterations to the access would ensure a safe vehicle access road is provided between the former school site and Gillburn Road with the proposed access meeting current guidelines in relation to width, form and visibility. The proposals would have no detrimental effect on the existing road network. Should members be minded to grant planning permission, planning conditions are recommended to ensure that road construction standards are met.
- 7.18 **The proposal would satisfy Policy 55 with the addition of appropriate planning conditions.**
- 7.19 **It is concluded from the foregoing that the proposal complies with the provisions of the development plan.**

OTHER MATERIAL CONSIDERATIONS

A - PLANNING APPLICATION 17/00765/FULM

- 7.20 Planning application 17/00765/FULM for the development of 62 houses at the former Kingspark School site was considered by the Planning Committee on 19 March 2018. The application was recommended for approval subject to conditions.

- 7.21 Following consideration of the application, the Planning Committee refused 17/00765/FULM as the application was considered contrary to Policy 8 (Housing Land Release), Policy 36 (Open Space), Policy 38 (Trees and Urban Woodland), Policy 44 (Air Quality) and Policy 55 (Accessibility of New Development) of the Dundee Local Plan 2014.
- 7.22 As the present planning application 17/00766/FULL is related to 17/00765/FULM and would form the vehicular and pedestrian accesses to the proposed residential development from Gillburn Road, the Executive Director of City Development proposes the application be determined by Planning Committee rather than by the appointed person.
- 7.23 Despite the refusal of the related planning application 17/00765/FULM for a residential development, it is considered that this is not of sufficient weight to warrant refusal of the current planning application for the vehicular and pedestrian accesses to the site

B - PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN

- 7.24 The Proposed Dundee Local Development Plan 2 was approved by the Council on 21 August 2017. It sets out the spatial strategy that will guide future development up to 2029.
- 7.25 The proposed Dundee Local Development Plan 2 will in time replace the Dundee Local Development Plan 2014. Approval of the Proposed Dundee Local Development Plan 2 represents the Planning Authority's settled view as to what the final adopted content of the Plan should be. Whilst the Dundee Local Development Plan 2014 (along with TAYplan) constitutes the statutory Development Plan, the Proposed Dundee Local Development Plan 2 has the status of a material planning consideration to be taken into account in the assessment of planning applications.
- 7.26 The provisions of the Proposed Dundee Local Development Plan 2 relevant to the determination of this application are specified in the Policy background section above.
- 7.27 There are no material changes to these policies which would affect the outcome of the present planning application.
- 7.28 **It is concluded from the foregoing that there are no material considerations which support the refusal of planning permission.**
- 7.29 **There are no other material planning considerations that would justify refusal of the application.**

8 CONCLUSION

- 8.1 The proposal would result in provision of footpaths and an improved access road to the enhancement of pedestrian access and road safety. The application satisfies the requirements of the Development Plan. There are no material considerations that would justify refusal of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

- 9.1 It is recommended that consent be GRANTED subject to the following conditions:
- 1 **Condition** - development shall not begin until further risk assessment has been completed and a remediation strategy to deal with any contamination at the site has been

submitted to and approved in writing by the planning authority. The strategy shall contain proposals to deal with contamination to include:

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

Reason - in order to minimise the risk of land contamination.

- 2 **Condition** - thereafter, 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 - in order to minimise the risk of land contamination.

- 3 **Condition** - details of the existing road construction specification shall be submitted prior to any works on site and this road shall be made up to a DCC specification prior to any works on site.

Reason - in the interests of vehicle and pedestrian safety.

- 4 **Condition** - a footway must be provided to Dundee City Council specifications ex adverso the site on Gillburn Road. Details of the footway must be agreed prior to any works on site.

Reason - in the interests of vehicle and pedestrian safety.

- 5 **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.

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

Reason - in the interests of vehicle and pedestrian safety.

- 7 **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.

- 8 **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 and Independent Check Certification, 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 any housing unit hereby approved.

Reason - in the interests of flood prevention.