

Re-grading of Land

KEY INFORMATION

Ward Strathmartine

Address

Site of Former Kingspark
School, Gillburn Road
Dundee

Applicant

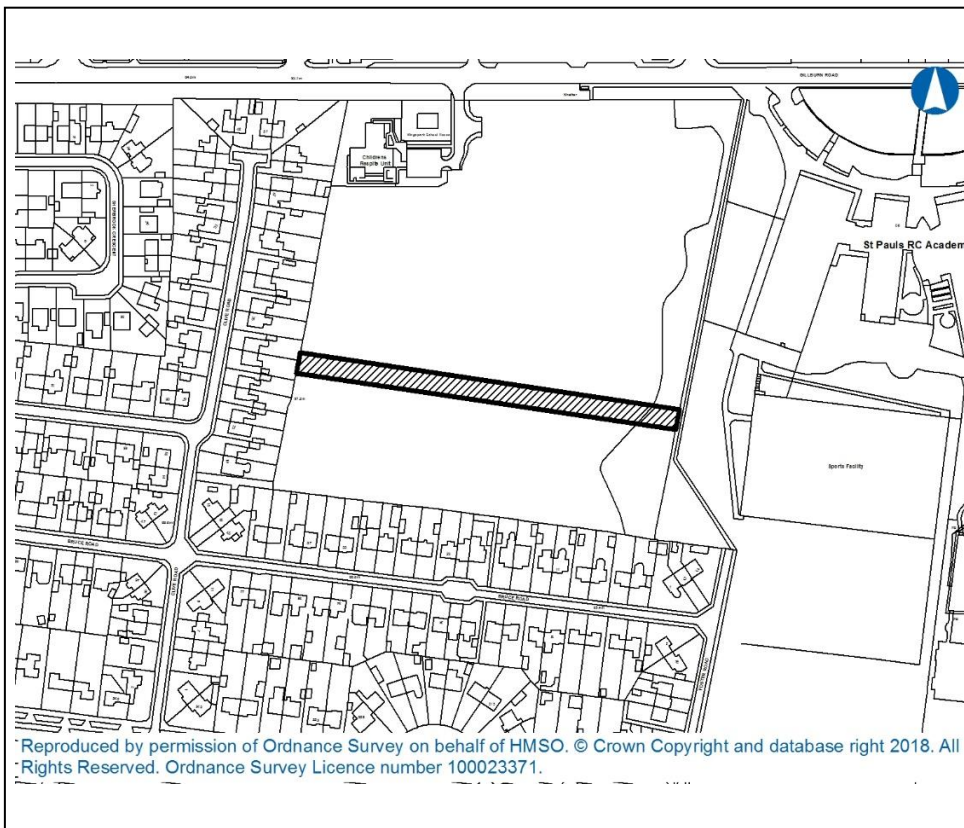
Persimmon Homes North
Scotland Broxden House
Lamberkin Drive
Perth PH1 1RA

Agent

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

Registered 9 Oct 2017

Report by: Executive
Director of City Development



SUMMARY OF REPORT

- Planning permission is sought for the re-grading of land within the site of the former Kingspark School. The proposal would see an existing uneven sloping section of land realigned to run directly from east to west across the site. Planning permission is sought for the re-grading of the slope to facilitate a proposed residential development at the former Kingspark School site immediately to the north of the slope under application 17/00765/FULM.
- 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 proposed re-grading of the land is recommended for **APPROVAL** subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 The application site formed part of playing fields for the former Kingspark School. The slope crosses the application site from east to west, with gentle curves and lowered sections to facilitate access between the former school and playing fields.
- 1.2 The proposals would see the land re-graded to run directly across the site from east to west, removing curves and effectively straightening out the embankment. No land raising is proposed beyond the alteration of the slope. Within the west of the site the amended slope would result in a levels difference of 2.5 metres, reducing to 0.5 metres towards the centre of the site before returning to 1.4 metres within the east of the site. The slope is to be finished in grass as existing. The gently sloping section within the centre of the site would provide access between a proposed residential development to the north with open space to the south.
- 1.3 The applicant has also submitted two further planning applications, 17/00766/FULL and 17/00765/FULM, which relate to the upgrade of the access onto Gillburn Road and erection of 62 dwellings to the north of the application sites.
- 1.4 Planning application 17/00765/FULM for 62 residential units was refused by the Planning Committee on 19 March 2018.
- 1.5 Planning application 17/00766/FULL would see the main vehicular entrance to the site upgraded to an adoptable standard and a footpath provided between the site entrance and an existing footpath on Gillburn Road. 17/00766/FULL is subject to a separate Report on the Agenda and is to be determined by Planning Committee.

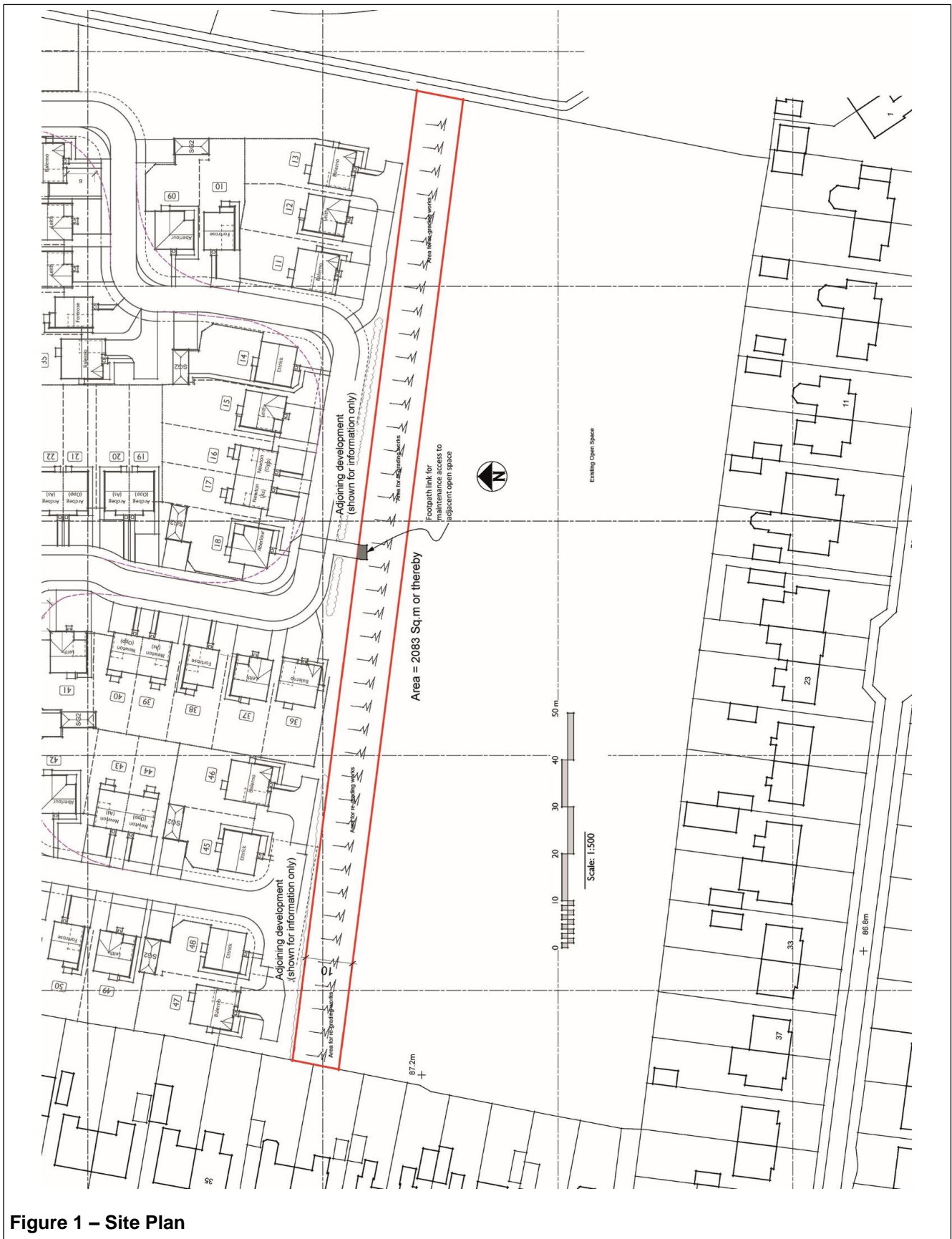


Figure 1 – Site Plan



Figure 2 – Site Photo



Figure 3 – Site Photo

2 SITE DESCRIPTION

- 2.1 The site formerly formed part of playing fields at Kingspark School. The school was demolished and site cleared in 2013. In recent years, part of the site has been used as informal open space.
- 2.2 There is a general change in level within the site of between 0.5 metres and 2.5 metres. To the north is unkempt grassland which previously contained Kingspark School, and to the south is grassland which previously comprised playing fields associated with the school. Within the west of the site towards the site boundary there is an area of established trees.
- 2.3 The application site is bounded to the north by open space with Gillburn Road beyond and to the west by residential properties. To the east lies St Pauls RC Academy and playing fields. To the south lies further open space 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 35: Protected Species
Policy 38: Trees and Urban Woodland
Policy 41: Flood Risk Management
Policy 45: Land Contamination

PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN

Policy 34: Protected Species
Policy 35: Trees and Urban Woodland
Policy 36: Flood Risk Management
Policy 41: Land Contamination

- 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:
- a 17/00765/FULM - for the erection of 62 houses within the former Kingspark School site - was refused by Planning Committee on 19 March 2018.
 - b 17/00766/FULL - for alterations to an existing vehicle access, extension of an existing footpath and formation of new footpath at Gillburn Road - is 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 35: Protected Species** - states development proposals which would be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range will not be supported. Development proposals that would be likely to have an adverse effect on a species protected under the Wildlife and Countryside Act 1981 (as amended) will not be supported unless the development is required for preserving public health or public safety. For development affecting a species of bird protected under the 1981 Act there must also be no other satisfactory solution.
- 7.3 The applicant has submitted a Habitat Survey and Bat Survey.
- 7.4 The Habitat survey includes assessment of the application site, including wooded areas and areas of open grassland. The survey identified no habitats within the study area which were notable for their rarity, quality, or extent. In conclusion, the Habitat Survey recommended further studies are undertaken to identify any presence of bats and trees which may be worthy of retention within wooded area towards the sites east boundary.
- 7.5 Following completion of the Habitat Survey, the recommended Bat Survey was undertaken. The Bat Survey concluded there was no evidence of bats within the site. However, there are two trees within the east of the site which would support roosting. These trees are to be retained and would provide a habitat for foraging bats should any visit the site.
- 7.6 Overall, the report demonstrates that there will be no detrimental impact on any protected species arising from the proposed re-grading of land and that trees within the east of the site with potential roosting features are to be retained.
- 7.7 **The proposal satisfies Policy 35.**
- 7.8 **Policy 38: Trees and Urban Woodland** - requires that new development must ensure the survival of existing healthy mature trees through sensitive site layout both during and after construction. Where appropriate, development proposals must be accompanied by a tree planting and landscape scheme.
- 7.9 A Tree Survey was submitted with the application and this identified that trees within a wooded area to the site's east boundary are located within the application site. The wooded area is to

be retained and protective fencing erected during regrading of the slope. The proposed regrading would maintain the existing number of trees within the application site.

- 7.10 **With the addition of appropriate planning conditions in relation to tree protection, the proposal would satisfy Policy 38.**
- 7.11 **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.
- 7.12 The former school site is 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.
- 7.13 The applicant submitted a flood risk assessment with the application. The proposed regraded land would remain surfaced in grass allowing for surface water to drain. At the foot of the slope, drains would be provided as part of infrastructure associated with a proposed residential development at the former school site. The submitted flood risk assessment demonstrates the re-grading of the slope would not place existing or proposed development in the surrounding area at risk of flooding. SEPA has no objection to associated application 17/00765/FULM for the development of 62 residential units to the north of the application site.
- 7.14 Dundee City Council engineers support the proposed scheme, and recommended that conditions covering technical design details are applied to any planning permission granted.
- 7.15 **The proposal would satisfy Policy 41 with the addition of appropriate planning conditions.**
- 7.16 **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.
- 7.17 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. As levels are being altered within the site it would be appropriate to undertake further survey work once levels are finalised. The findings of the further survey work will allow for the submission of a remediation strategy.
- 7.18 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.
- 7.19 **Subject to a condition, the proposal would satisfy the terms of Policy 45.**
- 7.20 **It is concluded from the foregoing that the proposal complies with the provisions of the Development Plan.**

OTHER MATERIAL CONSIDERATIONS

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

A - PLANNING APPLICATION 17/00765/FULM

- 7.21 Planning application 17/00765/FULM for the development of 62 houses at the former Kingspark School site was considered by the Planning Committee on 19th March 2018. The application was recommended for approval subject to conditions.
- 7.22 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.
- 7.23 As the present planning application 17/00767/FULL is related to 17/00765/FULM and would re-grade part of the site to facilitate the proposed residential development, the Executive Director of City Development proposes the application be determined by Planning Committee rather than by the appointed person.
- 7.24 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 re-grading of part of the site.

B - PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN

- 7.25 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.
- 7.26 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.
- 7.27 **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.**
- 7.28 **There are no material changes to these policies which would affect the outcome of the present planning application.**

8 CONCLUSION

- 8.1 The proposal 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** - 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 and Check Certification 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.

4 **Condition** - prior to the commencement of any works on site, the tree protection measures specified in the Tree Survey and Arboricultural Constraints Report dated 08 September 2017 by Alan Motion Tree Consulting Ltd shall be implemented in full in accordance with BS5837:2012. Once implemented, the protection measures shall remain in situ and be maintained in full working order until the completion of the development unless otherwise approved in writing by the planning authority.

Reason - in order to prevent any construction impact on the trees on and around the site.