

# Erection of 45 Houses and Associated Roads, Drainage and Services

## KEY INFORMATION

**Ward** – Lochee

### Address

Land to South East of Pitalpin House  
Pitalpin Street  
Dundee

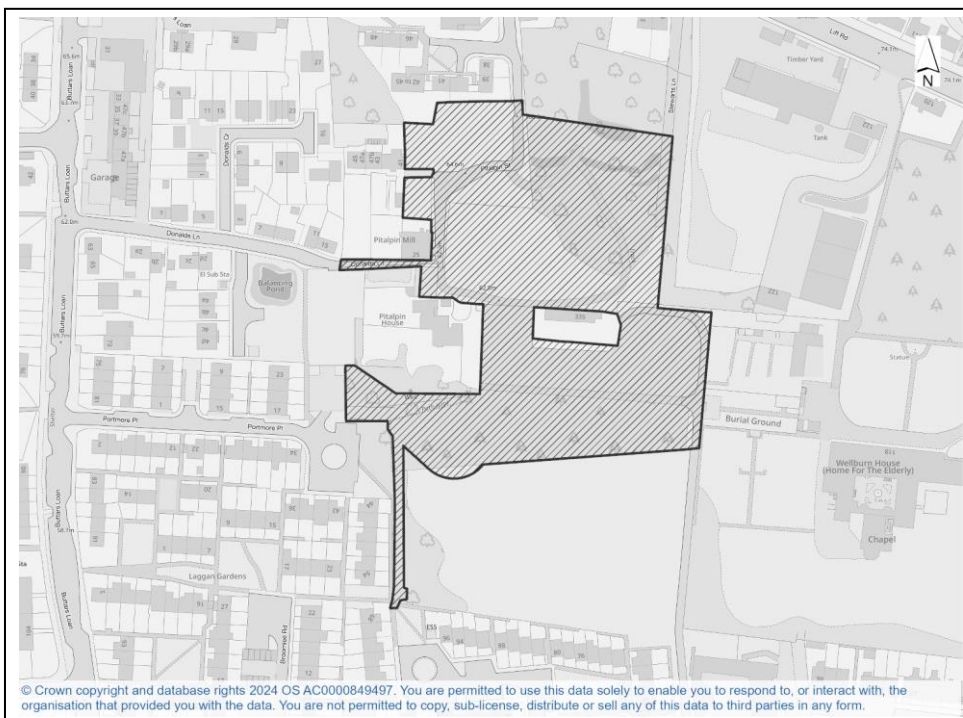
### Applicant

H&H Properties UK  
71 Blackness Road  
Dundee

**Validated:** 18 August 2023

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

**Contact:** Laura Stewart



## SUMMARY OF REPORT

- Planning permission is sought for the erection of 45 houses at the site of the former Pitalpin Works. The houses are a mix of 3 and 4 bedroom homes for private sale.
- The site is brownfield land that contains areas of rubble, rough grass and an area of established trees to the south which is subject to Tree Preservation Orders.
- The application is not fully in accordance with the Development Plan as it fails to fully comply with the requirements of Policy 16f of NPF4. However, there are material planning considerations of significant weight which justify approval of planning permission.
- The statutory neighbour notification process was undertaken, and the application advertised in the local press. A total of 19 letters of objection have been received. The letters of objection raise concerns with the layout, impacts on the surrounding area, impacts on the road and footpath network, loss of open space and loss of car parking.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as six or more valid written objections have been received and the recommendation is for approval.
- More details can be found at <https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?keyVal=RZHOK3GCM5X00&activeTab=summary>

## RECOMMENDATION

The proposal does not fully comply with the Development Plan. There are material considerations of sufficient weight to support approval of planning permission. It is therefore recommended that planning permission be **APPROVED** subject to conditions.

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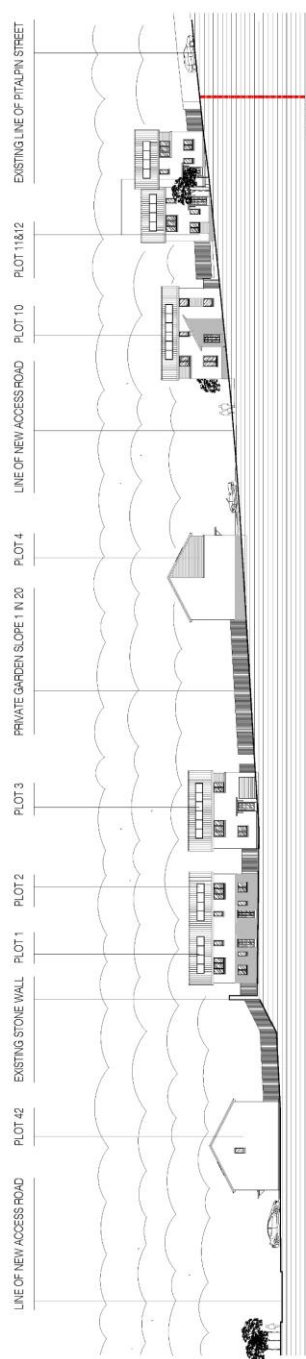
## 1 DESCRIPTION OF PROPOSAL

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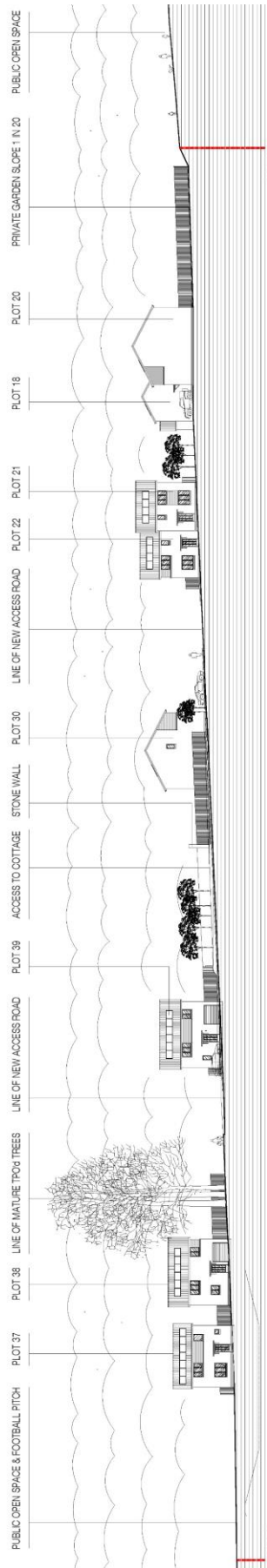
- 1.1 Planning permission is sought for the erection of 45 houses with associated access roads and SUDs drainage basin.
- 1.2 The applicant has submitted the following in support of the application:
- Planning Statement;
  - Ecology Report;
  - Transport Statement;
  - Flood Risk Assessment;
  - Drainage Scheme;
  - Arboricultural Impact Assessment;
  - Contaminated Land Assessment;
  - Noise Impact Assessment;
  - Flood Risk Assessment; and
  - Statement of Community Benefit.



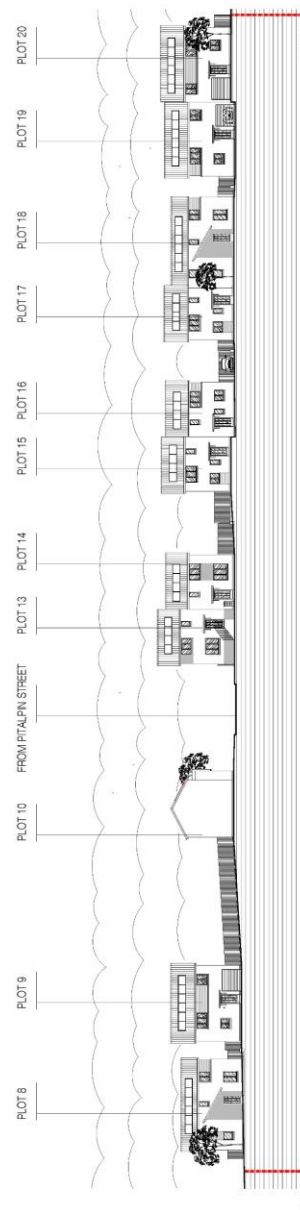




**SECTIONAL ELEVATION TO WEST (ON LINE A-A) - THROUGH PITALPIN STREET EXTENDING SOUTH TO PROXIMITY OF SUDS BASIN & P.O.S.**



**SECTIONAL ELEVATION TO EAST (ON LINE B-B) - THROUGH STEWARTS LANE P.O.S. EXTENDING SOUTH TO PROXIMITY OF TPO'd TREE BELT & P.O.S.**



**SECTIONAL ELEVATION TO NORTH (ON LINE C-C) - THROUGH NEW SHARED ACCESS DRIVE**

**Figure 2 – Street Elevations**

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## 2 SITE DESCRIPTION

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- 2.1 The site is located within the Pitalpin area which is to the east of Charleston and west of Lochee. The site is just under 2 hectares in size. The site formally housed a Category B listed former mill (Pitalpin Works) which was demolished as it was deemed a dangerous building. The site itself is still listed. However, very little of the building has been retained on site.
- 2.2 The main part of the site is to the south of properties on Liff Road and is bound on the west by Pitalpin Street. Pitalpin Street leads onto Donald's Lane and Pitalpin Mill which has been converted into flats and Pitalpin House which is a category B listed building. A traditional stone-built cottage sits relatively central to the site. The rear of this forms part of a stone wall which runs along the centre of the site. To the south of the cottage there is a large area of trees which includes groups and individual trees that are covered by a Tree Preservation Order.
- 2.3 To the east the site is partially bound by Stewarts Lane beyond which there is a timber yard and manufacturing facility.
- 2.4 To the south of the site is a flat open grassed area of land which includes a remote public footpath to the east which gives pedestrian access to South Road.
- 2.5 The immediate area is characterised by mixed density local authority-built housing, commercial and industrial uses and care facilities.



**Figure 3 – Looking Across The Site North/North-West**



**Figure 4 – Looking West Across The Site**





**Figure 5 – Looking South Down Pitalpin Street**



**Figure 4 – Southern Portion of Proposed Site Adjacent to Playing Field**

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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:

**NATIONAL PLANNING FRAMEWORK 4 (NPF4)**

Policy 1: Tackling the climate and nature crises  
Policy 2: Climate mitigation and adaptation  
Policy 3: Biodiversity  
Policy 4: Natural Places  
Policy 6: Forestry, woodland and trees  
Policy 7: Historic assets and places  
Policy 9: Brownfield, vacant and derelict land and empty buildings  
Policy 12: Zero Waste  
Policy 13: Sustainable Transport  
Policy 14: Design, quality and place  
Policy 15: Local Living and 20-minute neighbourhoods  
Policy 16: Quality Homes  
Policy 19: Heating and cooling  
Policy 20: Blue and green infrastructure  
Policy 22: Flood risk and water management  
Policy 23: Health and safety

**DUNDEE LOCAL DEVELOPMENT PLAN 2019 (LDP)**

Policy 1: High Quality Design and Placemaking  
Policy 2: Public Art Contribution  
Policy 10: Design of New Housing  
Policy 20: Funding of On and Offsite Infrastructure Provision  
Policy 30: Green Infrastructure Maintenance  
Policy 34: Protected Species  
Policy 35: Trees and Urban Woodland  
Policy 36: Flood Risk Management  
Policy 37: Sustainable Drainage Systems  
Policy 39: Environmental Protection  
Policy 40: Air Quality  
Policy 41: Land Contamination  
Policy 44: Waste Management Requirements for Development  
Policy 48: Low and Zero Carbon Technology in New Development  
Policy 49: Listed Buildings  
Policy 54: Safe and Sustainable Transport  
Policy 56: Parking

- 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 Planning application 22/00376/FULL for erection of 4 No houses – approved 2 August 2023.
- 4.2 Planning application 14/00863/FULL for erection of 16 houses, associated roads, drainage and landscaping – refused – 24 April 2015.
- 4.3 Planning application 14/00864/LBC for alteration and repairs to walled garden walls and formation of gate piers – approved 24 April 2015.



- 4.4 Planning application 08/00291/FUL – conversion of mill building to form 1 x 3 bedroom and 4 x 2-bedroom apartments – approved 31 March 2009.

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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 19 objections have been received raising the following valid material grounds:
- drainage to the field;
  - detrimental to the environment including trees and wildlife;
  - loss of a play area;
  - detrimental to residential amenity and privacy;
  - increased littering;
  - noise impacts;
  - increased traffic – road and pedestrian safety;
  - loss of parking and servicing (bin collection) for existing residents;
  - residential density/overdevelopment and impact to street scene; and
  - impact to setting of a listed building.
- 5.3 Concerns were also raised in relation to:
- payments for maintenance and upkeep of the playing field; and
  - impact to neighbouring walls.

However, these are not valid material planning considerations.

- 5.4 No letters of support were received.
- 5.5 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 **Head of Environment** commented on the following matters:

**Access Officer** – provided general comments on the accessibility of the proposal and the suitability of Pitalpin Street for safe cycling.

**Greenspace Officer** – requested a further Tree Report, Bat Survey before tree felling, landscape plan to clarify biodiversity enhancements, clarification around open space

provision, and a requirement for a suitably qualified ecologist to be on site to arrange removal of any species found within rubble on site.

On submission of further information, it was confirmed that the biodiversity report was acceptable, and a condition is recommended to control Non-Native Species on site.

- 6.2 **Head of Communities, Safety and Protection** – commented on the following matters:

**Contaminated Land** – the Phase 1 Environmental Desk Study recommends site investigation to consider risks associated with land contamination. A condition is recommended.

**Noise** – on submission of a noise impact assessment it was confirmed that there were no significant concerns around the impact of the existing adjacent commercial properties while operating as they are currently during daytime hours only. The proposed use of air source heat pumps to serve each property could give rise to noise issues and a further assessment of the noise impact of that is required to be secured by planning condition in order to identify if any mitigation or noise limits are required.

- 6.3 **Head of Sustainable Transport and Roads** – has no objections subject to recommended planning conditions.
- 6.4 **City Engineer** – recommends planning conditions to secure a finalised drainage design and flood risk assessment.
- 6.5 **Scottish Water** – has no objections. Confirms that there is currently capacity within the Clatto Water Treatment Works and Hatton Waste Water Treatment Works.

## 7 DETERMINING ISSUES

- 7.1 **Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission 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.

### Principle of Development

- 7.2 **NPF4 Policy 9 – Brownfield, vacant and derelict land and empty buildings** - provides a presumption in favour of developing such sites. Part a) states that development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
- 7.3 The reuse of the site for housing would be a sustainable use of the site. As assessed under Policies 3 and 6 which follow, the biodiversity value has been considered through a biodiversity enhancement plan submitted in support of the application. While areas of the site have naturalised, the proposed development would result in an overall net gain in biodiversity enhancement.
- 7.4 **The proposal complies with Policy 9a of NPF4.**

- 7.5 **NPF4 Policy 9c** - states that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- 7.6 **The proposal complies with NPF4 Policy 9c and LDP Policy 41 subject to condition.**
- 7.7 **NPF4 Policy 16e** – supports proposals for new homes where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:
- i a higher contribution is justified by evidence of need, or
  - ii a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.

The contribution is to be provided in accordance with local policy or guidance.

- 7.8 **LDP Policy 20: Funding of On and Off-Site Infrastructure Provision** - states that the City Council, where necessary and appropriate, will seek to secure developer contributions towards the cost of infrastructure provision both on and off site.
- 7.9 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.
- 7.10 The Dundee Local Development Plan 2019 Developer Contributions Supplementary Guidance was prepared and adopted in parallel to the LDP. It offers guidance to landowners and developers about the likely level and nature of developer contributions that may be required.
- 7.11 There is no requirement within the Dundee Local Development Plan 2019 or Developer Contributions Supplementary Guidance for housing developments in Dundee to make provision for affordable homes. The approach to the provision of affordable housing in Dundee is through the Council working in partnership with Registered Social Landlords and the Scottish Government to deliver affordable housing through the allocation of grant funding (the Affordable Housing Supply Programme). The approach has enabled the delivery of affordable housing in the city.
- 7.12 As there is no requirement in the Dundee Local Development Plan 2019 for housing developments to provide or contribute towards the provision of affordable homes it is not



necessary in this case to require this development to include any element of affordable homes or contribute towards provision.

**7.13 The proposal complies with NPF4 Policy 16e and LDP Policy 20.**

**7.14 NPF4 Policy 16f** - the site is not currently allocated for housing and if developed would constitute a windfall site. Part f of policy 16 states that development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:

- i the proposal is supported by an agreed timescale for build-out; and
- ii the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20-minute neighbourhoods;
- iii and either:
  - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
  - the proposal is consistent with policy on rural homes; or
  - the proposal is for smaller scale opportunities within an existing settlement boundary; or
  - the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

**7.15** The applicant was asked to demonstrate compliance with this policy. It was submitted that the developer is a small to medium sized enterprise and does not work with a land bank. Therefore, they would be seeking to start and complete the development as soon as practicably possible if planning permission is granted. This is accepted in compliance with criterion ii of policy 16f.

**7.16 NPF Policy 15a – Local Living and 20-minute neighbourhoods** – states that development proposals will contribute to local living including, where relevant, 20-minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area including local access to:

- sustainable modes of transport including local public transport and safe, high-quality walking, wheeling and cycling networks;
- employment;
- shopping;
- health and social care facilities;
- childcare, schools and lifelong learning opportunities;
- playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;

- publicly accessible toilets; or
- affordable and accessible housing options, ability to age in place and housing diversity.

7.17 The proposal is compliant with the principle of local living. It is located within a dense urban area and will fit in with the existing settlement pattern. There is interconnectivity with existing development to the north and south of the site. It is located close to bus stops on South Road, Liff Road and Buttars Loan. There are neighbourhood shops on Buttars Loan and further shops, services and employment opportunities within and around Lochee District Centre. Camperdown and St Clements Primary Schools and Charleston Community Centre and Library are also close to the site.

7.18 **The proposal complies with NPF4 Policy 15a.**

7.19 **The proposal fails to comply with part iii of NPF4 Policy 16f as it does not meet with any of the four points within that part of the policy.**

### **Design of New Housing**

7.20 **NPF4 Policy 14b: Design, Quality and Place** - states development proposals will be supported where they are consistent with the six qualities of successful places: Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable.

7.21 These are considered in turn:

- **Healthy:** it will result in a more environmentally positive place and reactivate an area of derelict brownfield land.
- **Pleasant:** the proposed development will be an improvement over the current state of the site which is poorly lit, overgrown and unsightly.
- **Connected:** it will connect into the existing network of paths in the area and give access to a range of facilities alongside encouraging more people to pass through the site from Liff Road through to South Road/Buttars Loan.
- **Distinctive:** the design will be largely in keeping with recently built housing development in the area and improved by landscaping and a SUDs basin which will become an amenity feature.
- **Sustainable:** the proposal will result in more people in the area and support an active local economy. It also proposes renewable energy from solar panels and incorporates green infrastructure through the landscaping and provision of a SUDs basin.
- **Adaptable:** the houses will fit a variety of needs and are of a scale and design which would allow them to facilitate home working and be altered to ensure they can be adapted to specific needs of residents.

7.22 **LDP Policy 1: High Quality Design and Placemaking** - states 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. There is an overlap between some of the qualities of successful place assessed above under NPF4 policy 16 and Policy 1 of the Dundee LDP. The proposals comply with the principles of both.

**7.23 The proposal complies with NPF4 Policy 14b and LDP Policy 1.**

**7.24 LDP Policy 10: Design of New Housing** - requires the design and layout of new housing developments in Dundee to be of a high quality and contribute to creating places that respect and enhance the distinct character and identity of the different parts of the city. All new housing developments should meet the six qualities of successful place, as set out in Policy 1 and should provide a balanced choice and type of housing. All new housing developments will be required to conform to the guidance on the Design of New Housing set out in Appendix 4. All new housing developments will need to ensure that the design and layout respects and enhances the character of adjoining properties and the surrounding area and does not have a detrimental impact on residential amenity and parking.

**7.25** The proposed layout responds to changes in level across the site, surrounding development (which includes listed buildings) and protected trees. The layout has been designed to tie in with the existing development adjacent to the site, and at a similar density to the wider area. Changes to the layout and orientation have helped to create a development which more positively addresses the existing roads and houses within and adjacent to the site and ensure a cohesive streetscape and layout while dealing with a challenging topography.

**7.26** Boundary treatments have not been clarified. It is recommended that finalised boundary treatments are secured by condition.

**7.27** There are five different house types proposed which will assist in bringing variety to the streetscape. These comprise 28, 3-bed homes and 17, 4-bed homes. All of the houses are 2 storeys with a standard pitched roof.

**7.28** Overall, the design of the proposed houses is acceptable. However, a condition is proposed to secure additional detail on materials and ensure different colours of cladding will be secured, enhancing architectural interest within the site.

**7.29** The proposal also has to comply with the Appendix 4 – Design of New Housing Standards within the Dundee LDP, as a site located out with the Inner-City boundary Suburban Design (sites of 5 or more units) standard applies. Addressing each point in turn:

- i In general, 75% of houses should have 3 or more bedrooms or a minimum gross internal floor area of 100m<sup>2</sup>.

All properties have either 3 or 4 bedrooms. This complies with criterion i.

- ii All parking should be located within the curtilage of each house. Private houses with 3 bedrooms should have at least 2 spaces and 4-bedroom houses should have at least 3 spaces.

Parking is largely located to either the front or side of the houses. Provision for plots 22 and 24 is located at the rear of the garden areas a short walk to the houses. However, this arrangement is acceptable due to the elevated and challenging nature of this area of the site. Each house has 2 or 3 spaces dependant on the number of bedrooms.

- iii One secure covered cycle parking space per house must be provided unless a suitable garage or other secure area is provided within the curtilage of the house.



A cycle store is denoted within each garden area in compliance with criterion iii.

- iv Brownfield sites will provide an average private useable garden ground of 140m<sup>2</sup> per house with a minimum garden size of 120 m<sup>2</sup>.

The site plan shows that all houses will have a minimum private garden ground of 120m<sup>2</sup> to the rear of the properties. The proposal complies with criterion iv.

- v A minimum of 18m between the facing windows of habitable rooms.

None of the houses have 18m intervisibility between windows of main habitable rooms. The proposal complies with criterion v.

- 7.30 General requirements include provision for waste and recycling provided in accordance with the Council's Waste Management Strategy and that parking areas should include provision for EV charging. An area for storage of four bins is denoted within the rear/to the side of all gardens, this allows ample space of storage of bins to accommodate recycling. EV charging provision has not been shown but there is scope for this to be provided at each property in line with the Building Regulations.

- 7.31 The proposal complies with the Appendix 4 – suburban standards for sites of 5 or more houses.

- 7.32 **The proposal complies with LDP Policy 10.**

#### **Public Art**

- 7.33 **LDP Policy 2: Public Art Contribution** - requires all developments in Dundee with construction costs of £1 million or over 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.

- 7.34 The proposed residential development will require to provide public art in an accessible/visible location within the site. An area is identified to the east of the site adjacent to the pedestrian link which connects into Donald's Lane. A condition is recommended to secure further detail on the siting, design and provision of public art.

- 7.35 **The proposal complies with LDP Policy 2 subject to condition.**

#### **Transport**

- 7.36 **NPF4 Policy 13b: Sustainable Transport** - supports development proposals where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

- i provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
- ii will be accessible by public transport, ideally supporting the use of existing services;
- iii integrate transport modes;
- iv provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
- v supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;

- vi are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
- vii have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
- viii adequately mitigate any impact on local public access routes.

- 7.37 There are several entrance and exit points which give access to the site. The development will connect to Pitalpin Street which gives access to Liff Road. Donalds Lane will become a landscaped pedestrian link to give safe access through to Buttars Loan beyond. This also connects into a remote path network to Portmore Place providing a short cut through the existing housing development to South Road and a link is proposed to connect the east of the site into the existing remote footpath which runs along the boundary of the former Wellburn care home and Weavers Burn day care centre. **The proposal complies with criterion i.**
- 7.38 As described above links through the site will terminate on South Road, Buttars Loan and Liff Road all of which are served by a number of bus services. The proposal supports parking, cycle parking, walking and accessibility to bus services. **The proposal is therefore in compliance with criterion ii and iii.**
- 7.39 The development is capable of providing EV charging points and this will be secured through building standards. **The proposal complies with criterion iv.**
- 7.40 Cycle storage is denoted within the gardens of all properties. Full details of this have not been provided and this will be secured through a planning condition. **The proposal complies with criterion v.**
- 7.41 The pedestrianisation of Donalds Lane which has a tight 90° bend will improve safety to new and existing residents and reduce vehicles using this as a short cut through the development. The nature and scale of the proposed road layouts does not lend itself to vehicles travelling at speed. **The proposal complies with criterion iv.**
- 7.42 As discussed above, the development will be accessible and promotes ease of movement through the site for existing and new residents. Finalised details regarding issues such as dropped kerbs being designed in will be part of a Road Construction Consent application. The main impact on a local access route is the pedestrianisation of Donald's Lane. This is considered to be an improvement. **The proposal complies with criterion viii.**
- 7.43 **LDP Policy 54: Safe and Sustainable Transport** - states 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.

- 7.44 A variety of options for transportation are available to the site given the proximity to bus services, walking and cycling. The proposal complies with criterion 1.
- 7.45 As considered under policy 13 above, the proposal incorporates opportunities for cycling and walking. The proposal complies with criterion 2.
- 7.46 There are three bus stops within 400m of the site which complies with criterion 3.
- 7.47 The proposal will have no impact on the safe functioning of the road network in compliance with criterion 4.
- 7.48 For this type of development, criterion 5 would mainly be concerned with waste access. Vehicles will be able to enter and exit the site and there are turning heads and the road ends. The proposal complies with criterion 5.
- 7.49 Finalised details will be subject to a road construction consent to ensure compliance with criterion 6.
- 7.50 It is recommended that a Residential Travel Plan is secured by condition in order to comply with criterion 7.
- 7.51 **The proposal complies with NPF4 Policy 13b of and LDP Policy 54 subject to conditions.**
- 7.52 **LDP Policy 56 – Parking** sets out parking standards. For residential developments out with the city centre all new developments require 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. 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.
- 7.53 As assessed under the Appendix 4 standards required by Policy 10 of the Dundee LDP there is sufficient parking within the curtilage of the properties to service the development. EV chargers are not denoted on plan. However, it is now a requirement of the Building Regulations to provide these therefore this will be secured through the Building Warrant process. Cycle parking is proposed within cycle stores within the curtilage of each property.



7.54 **The proposal complies with LDP Policy 56.**

**Flood Risk and Drainage**

7.55 **NPF4 Policy 20b: Blue and Green Infrastructure** - states development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported. Where appropriate, this will be an integral element of the design that responds to local circumstances. Design will take account of existing provision, new requirements and network connections (identified in relevant strategies such as the Open Space Strategies) to ensure the proposed blue and/or green infrastructure is of an appropriate type(s), quantity, quality and accessibility and is designed to be multi-functional and well-integrated into the overall proposals.

7.56 A SUDs basin is proposed to manage surface water and a biodiversity enhancement plan supports the application. Appropriate provision has been made for blue and green infrastructure.

7.57 **The proposal complies with NPF4 Policy 20b.**

7.58 **Part a of NPF Policy 22 - Flood Risk and Water Management** - presumes against development proposals at risk of flooding or in a flood risk area unless there are exceptional circumstances. The application is supported by a Flood Risk Assessment and is not identified on SEPA flood maps as being an area at risk of flooding therefore part a is not of relevance to the proposals.

7.59 **LDP Policy 36 – Flood Risk Management** – provides a presumption against development on undeveloped land which is at medium to high risk of flooding unless there are exceptional circumstances. Where a site is at low to medium risk a flood risk assessment may be required. As above the site is not identified as being at risk of flooding. Nevertheless a Flood Risk Assessment was carried out. The City Engineer has recommended that this is updated as a condition of any planning permission granted.

7.60 **The proposal complies with LDP Policy 36 subject to condition.**

7.61 **Part c of NPF4 Policy 22** relates to surface water. Development proposals will:

- i not increase the risk of surface water flooding to others, or itself be at risk;
- ii manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue green infrastructure. All proposals should presume no surface water connection to the combined sewer; and
- iii seek to minimise the area of impermeable surface.

7.62 A SUDS system is proposed to deal with surface water within the site. The development will also enable an upgrade of an Scottish Water culvert and pipe that runs through the site with the aim of improving drainage in the local area. The proposal will not increase the risk of surface water and would improve the existing situation elsewhere. The proposal complies with criterion i and ii.

7.63 **A condition is proposed to secure porous driveways which will minimise impermeable surfaces. The proposal complies with criterion iii.**

7.64 **LDP Policy 37 – Sustainable Drainage Systems** states that 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.

- 7.65 The proposal incorporates SUDs alongside creation of habitat through the drainage basin itself and wider planting proposals.
- 7.66 **The proposal complies with NPF4 Policy 22c of and LDP Policy 37 – Sustainable Drainage Systems subject to conditions.**
- 7.67 **Part d of NPF4 Policy 22** of requires development proposals to connect to the public water mains. It is proposed to connect to the public water mains. Scottish Water has no objections noting that there is capacity within the network.
- 7.68 **The proposal complies with part d of Policy 22.**
- 7.69 **LDP Policy 30 – Green Infrastructure Maintenance** is relevant as there are communal areas of open space, landscaping and trees which will require to be maintained. It is understood that SUDs arrangements will be vested by Scottish Water. Policy 30 states that 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.
- 7.70 A condition is recommended to secure further detail on the long-term maintenance of all communal areas within the development.
- 7.71 **The proposal complies with LDP Policy 30 subject to condition.**

#### **Climate and Nature Crises**

- 7.72 **NPF4 Policy 1 – Tackling the Climate and Nature Crises** states that when considering all development proposals significant weight will be given to the global climate and nature crises.
- 7.73 **LDP Policy 1 – High Quality Design and Placemaking** also makes reference to proposals being designed with reference to climate mitigation and adaptation.

- 7.74 The development of brownfield sites reduces pressure on greenfield land. The site is not at any specific risk from climate change and would not cause harm to nature given its brownfield nature and current condition. Nature on site will be enhanced through provision of landscaping, trees, SUDs basin and other measures that encourage biodiversity.
- 7.75 **The proposal complies with NPF4 Policy 1 and LDP Policy 1.**
- 7.76 **NPF4 Policy 2 – Climate mitigation and adaptation of** - with reference to part a) states that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Part b states that development proposals will be sited and designed to adapt to current and future risks from climate change.
- 7.77 **LDP Policy 48 – Low and Zero Carbon Technology in New Development** and the associated Supplementary Guidance require proposals for all new buildings 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.
- 7.78 The proposal utilises solar panels to the roofs which provides for a renewable energy source. The applicant advises that air source heat pumps are to be provided. A condition is recommended to secure further detail on the position of these and to ensure that noise levels are appropriate.
- 7.79 **The proposal complies with NPF4 Policy 2 and LDP Policy 48 alongside the associated Supplementary Guidance subject to condition.**
- 7.80 **NPF4 Policy 19f – Heating and cooling** – states that development proposals for buildings that will be occupied by people will be supported where they are designed to promote sustainable temperature management, for example by prioritising natural or passive solutions such as siting, orientation, and materials.
- 7.81 As many properties as possible have been orientated to be south facing to make use of solar gain, it is acknowledged that given the challenging nature of the site that it is not possible for all houses to benefit from this. It is submitted that the proposals will employ the latest sustainable construction standards, methods and materials including through use of insulation. The measures for heating and cooling the properties will be subject to scrutiny through the Building Regulations. A condition is recommended to secure final details on materials.
- 7.82 **The proposal complies with NPF4 Policy 19f of subject to condition.**
- 7.83 **LDP Policy 12a – Zero Waste** states that development proposals will seek to reduce, reuse or recycle materials in line with the waste hierarchy.
- 7.84 Part b states that development proposals will be supported where they:
- i Reuse existing buildings and infrastructure;
  - ii Minimise demolition and salvage materials for reuse;
  - iii Minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life;

- iv use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials; and
  - v use materials that are suitable for reuse with minimal reprocessing.
- 7.85 The site previously housed a mill which has been demolished due to being unsafe. There are some left over materials on site which could be reused within the development. A Construction Method Statement will require to clarify how waste to be re-used within the development contributes to the circular economy. A condition is recommended to secure this.
- 7.86 Part c of Policy 12 states that development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:
- i provision to maximise waste reduction and waste separation at source, and
  - ii measures to minimise the cross contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.
- 7.87 **LDP Policy 44 – Waste Management Requirements for Development** requires development proposals to 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.
- 7.88 Policy 44 largely aligns with the requirements of Policy 12 of NPF4. Subject to a condition to secure finalised construction and operational waste management plans, the proposal complies with both policies.
- 7.89 **The proposal complies with NPF4 Policy 12 and LDP Policy 44 subject to conditions.**
- 7.90 **NPF4 Policy 3a and Policy 3c – Biodiversity** states that development proposals will contribute to the enhancement of biodiversity including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible. Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.
- 7.91 A Biodiversity Enhancement Plan has been submitted in support of the application. This shows that alongside the retention of the protected trees within the site, measures including:
- wildflower meadows;
  - bird and bat boxes within the existing trees;
  - bug hotels; and
  - areas of shrubbery, and new native tree planting.
- 7.92 A schedule is also submitted for a five-year maintenance plan. The proposed development would provide biodiversity enhancements over the current condition of the site. The proposal therefore complies with parts 3a and 3c of NPF4. A condition is proposed to ensure the proposed measures are provided timeously and maintained.

- 7.93 **The proposal complies with NPF4 Policy 3a and Policy 3c subject to condition.**
- 7.94 **NPF4 – Policy 6b – Forestry, woodland and trees** - states that development proposals that enhance, expand and improve tree cover will be supported. Development proposals will not be supported where they result in:
- i any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;
  - ii adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;
  - iii fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy; and
  - iv conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.
- 7.95 Criteria i, iii and iv are not applicable in this case. There are trees within the southern part of the site which are protected through a Tree Preservation Order. These are to be retained and a condition is recommended to ensure tree protection barriers are in place and retained in situ until the development is complete. The proposal is supported by Policy 6b.
- 7.96 **LDP Policy 35 – Trees and Urban Woodland** is also relevant. This provides a presumption for new development to ensure the survival of individual trees, especially healthy mature trees.
- 7.97 The arboricultural impact assessment demonstrates that there will be no adverse impact on healthy trees. Five trees that are dead, damaged or diseased are to be felled. The layout of the southern part of the site has been designed to mitigate impacts to protected trees. In addition, tree planting within the site is proposed as part of biodiversity enhancement measures.
- 7.98 **The proposal complies with NPF4 Policy 6b and LDP Policy 35 – Trees and Urban Woodland subject to condition.**
- 7.99 **NPF4 Policy 4 – Natural Places** –part f of the Policy states that development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.
- 7.100 **LDP Policy 34: Protected Species** - states proposals which are likely to have a significant effect on a European protected species will not be supported unless:
- 1 there is no satisfactory alternative; and
  - 2 the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature or which have beneficial consequences of primary importance for the environment.

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.

- 7.101 An Ecological Report and Preliminary Bat Survey were carried out. There are no buildings on site therefore only trees were surveyed. No bats were found although there is potential for bats to be in the wider area. Bat boxes are proposed to existing trees to enhance the environment for the protected species.
- 7.102 It is noted that there is potential for ground nesting birds within the site. An informative note is attached advising that an Ecological Clerk of Works should be on site should site clearance be carried out within the bird breeding season. As discussed earlier in the report, the biodiversity measures will be secured by condition.
- 7.103 **The proposal complies with NPF4 Policy 4f and LDP Policy 34 subject to conditions.**

#### **Historic Environment**

- 7.104 **NPF4 Policy 7 – Historic assets and places** part c states that development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.
- 7.105 **LDP Policy 49 – Listed Buildings** – with reference to part c states that development proposals in close proximity to or within the curtilage of a listed building, should have regard to the preservation or enhancement of the setting of the listed building.
- 7.106 There was initial concern with the site layout and the potential for the proposal to impact upon the setting of Pitalpin House, the category B listed building beyond the west boundary of the site. In response, the layout of plots 43, 44 and 45 were redesigned and rotated 90° to open the frontage of Pitalpin House to overlook an area of landscaping which incorporates biodiversity enhancements. The improved separation of the listed building and proposed development is acceptable and the redevelopment of the site will improve the area surrounding the listed building which will appear as a contemporary separate entity and will therefore not detract from this. The works will preserve the setting of the listed building.
- 7.107 The site itself contains the remains of Pitalpin Works, a category B listed building that was demolished several years ago due to the dangerous state of the building. As highlighted earlier in this report, technically the building and its curtilage are still listed. However, very little of the building actually remains with only a small section of wall central to the site remaining which retains a change in level within the site.
- 7.108 Policy 49 seeks to protect the city's listed buildings. In this case there is very little of the listed building remaining and what does remain is of no special interest. Removing the wall and developing the site would have little impact on the architectural or historical significance of the site. There may be an opportunity for some of the remaining material to be incorporated into the public art scheme for the development.
- 7.109 The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 - Section 14 requires planning authorities, in considering applications that affect listed buildings, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As discussed above the proposed

works would not diminish the architectural integrity of the building therefore the Council would have discharged its statutory duty in the event that planning permission is approved.

**7.110 The proposal complies with NPF4 Policy 7 and LDP Policy 49.**

**Health, Safety and Amenity**

7.111 **NPF4 Policy 23 – Health and Safety** protects people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.

7.112 Part e of Policy 23 relates to noise. Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

7.113 **LDP Policy 39 – Environmental Protection** requires all new development that would generate noise, vibration, odour, emissions to air, dust, or light pollution to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area.

7.114 A Noise Impact Assessment was submitted which demonstrated that the new houses would not be significantly affected by noise from existing commercial businesses adjacent to the site. Air source heat pumps are proposed. A condition is proposed to secure details of the location of these and to consider if restrictions are necessary to control noise levels.

7.115 **LDP Policy 40 – Air Quality** – states that there is a general presumption against development proposals that could significantly increase air pollution or introduce people into areas of elevated pollution concentrations unless mitigation measures are adopted to reduce the impact to levels acceptable to the Council.

7.116 The proposal is for housing within an area which is predominantly residential. The development of the site for housing would not significantly increase air pollution to existing or future residents. There are no nearby uses which would impact on air quality to people.

7.117 **The proposal complies with NPF4 Policy 23e and LDP Policies 39 and 40 subject to conditions.**

7.118 **NPF4 Policy 23d: Health and Safety** - does not support development proposals that are likely to have significant adverse effects on air quality. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely. LDP Policy 40: Air Quality states there is a general presumption against development proposals that could significantly increase air pollution or introduce people into areas of elevated pollution concentrations unless mitigation measures are adopted to reduce the impact to levels acceptable to the Council.

7.119 A residential development would not introduce any significant sources of pollution and there are no developments within the surrounding area which impact on air quality. A Construction Management Plan will be required to ensure that dust suppression measures are in place to protect existing residents during construction.

7.120 **The proposal complies with NPF4 Policy 23d subject to condition.**

7.121 **LDP Policy 41 – Land Contamination part a** - states that development of potentially contaminated or statutorily identified contamination 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.

7.122 The application is supported by a Phase 1 Environmental Desk Study. This has been assessed and the Head of Communities, Safety and Protection advises a planning condition to secure further detail on contamination alongside a verification report to demonstrate that the land has been remediated.

7.123 **It is concluded that the proposal is not fully in accordance with the Development Plan.**

## **MATERIAL CONSIDERATIONS**

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

### **A - JUSTIFICATION FOR DEVELOPMENT PLAN DEPARTURE - POLICY 16f OF NPF4**

7.125 The proposal fails to comply with Policy 16 – Quality Homes, part f with reference to point iii as it has not been demonstrated that the proposed development, which is on an unallocated site would meet with any of the following exceptions:

- delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
- the proposal is consistent with policy on rural homes; or
- the proposal is for smaller scale opportunities within an existing settlement boundary; or
- the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

7.126 To support this application the applicant has submitted a Statement of Community Benefit. The statement notes that the proposal would result in the provision of private homes within an area which already has a high proportion of social housing and will encourage more families into the area supporting local schools, business, shops local services and public transport.

7.127 It also considers that the development will deliver new homes on a site which is derelict and of detriment to the character and appearance of the area. As a brownfield site it could take pressure off development of greenfield sites. The development will enable greater permeability in the area for existing residents between Liff Road, Buttars Loan and South Road as it will be more attractive and safer to walk through.

7.128 It is submitted that the proposal will also bring about biodiversity enhancements which will benefit the wider community on what is a problem site. The development will also enable the upgrade of a Scottish Water culvert and pipe which will in turn enable wider improvements

to surface water management in the local area. The benefits of delivering housing on this site are accepted.

- 7.129 The content of the Statement is accepted. Significant weight is given to the fact that this is a long-term vacant and derelict site. This strategy of the development plan prioritises the redevelopment of brownfield sites over greenfield sites. The proposal will result in an improvement of the site; it will deliver new housing and improve biodiversity; and enhance the sense of place. On balance, the development of the site is supported.
- 7.130 Whilst the proposal does not fully satisfy the requirements of Policy 16, there are material considerations of significant weight that justify a departure from the development plan.

## **B – REPRESENTATIONS**

- 7.131 19 objections have been received raising the following valid material grounds.

- Drainage to the field;
- Detrimental to the environment including trees and wildlife;
- Loss of a play area;
- Detrimental to residential amenity and privacy;
- Increased littering ;
- Noise impacts;
- Increased traffic – road and pedestrian safety;
- Loss of parking and servicing (bin collection) for existing residents;
- Residential density/overdevelopment and impact to street scene; and
- Impact to setting of a listed building.

- 7.132 The grounds of objection are considered and assessed as follows:

- 7.133 **Objection** - drainage to the field.

- 7.134 **Response** – it is noted that there are existing surface water drainage issues in the area. However, the proposed development will have its own drainage arrangements including a SUDs basin therefore it would not exacerbate any existing issues. The application is supported by a flood risk assessment and proposed drainage arrangements which have been assessed by the City Engineers who have no objections subject to conditions.

- 7.135 **Objection** - detrimental to the environment including trees and wildlife.

- 7.136 **Response** – 5 trees are to be felled. However, these are trees are dead, damaged or diseased. The proposal includes a biodiversity enhancement plan which includes trees planting and measures to encourage wildlife. Protected trees on site are to remain unaffected.

- 7.137 **Objection** - loss of a play area.

- 7.138 **Response** - the proposal will largely result in the redevelopment of brownfield land which is currently fenced in. An area to the south which includes trees is to be developed. However, the wider playing field and area will be unaffected. There will be no loss of any public open space or play area.
- 7.139 **Objection** - detrimental to residential amenity and privacy.
- 7.140 **Response** –the site has lain vacant for a considerable time and existing residents will be used to a certain level of amenity. An existing cottage in the centre of the site will be affected by the proposal as it will be surrounded by new housing development. However, the site is within a built-up urban area and is brownfield in nature. Local and government policy directs development to such sites. Although the site is not allocated for development, the site has previously been promoted for housing development. The use of the site for housing is appropriate to the surrounding area which is predominantly residential. The development will not cause an unacceptable level of overlooking to existing residents and is a compatible use.
- 7.141 **Objection** - increased littering.
- 7.142 **Response** – the Planning Authority have no control over individual behaviour and adopted areas of the site will be subject to the same management of litter as elsewhere in the city.
- 7.143 **Objection** - noise impacts.
- 7.144 **Response** – the proposed housing development within an existing built-up residential area is acceptable. Construction noise will be limited within prescribed hours.
- 7.145 **Objection** - increased traffic – road and pedestrian safety.
- 7.146 **Response** – Although traffic will increase in the area as a result of the development, the roads have been designed to an appropriate standard. The development is compatible with surrounding land uses. The nature of the development in terms of the road geometry and changes in levels mean it is unlikely traffic will travel at any significant speed to create a significant road safety issue. The Head of Sustainable Transport and Roads has no objections subject to recommended planning conditions.
- 7.147 **Objection** - loss of parking and servicing (bin collection) for existing residents.
- 7.148 **Response** –the properties in question – Nos 41–57 Pitalpin Street are a traditional row of stone built terraced houses. These properties do not have dedicated parking and appear to be utilising informal arrangements on the applicant's land. However, as a gesture of goodwill the applicant has offered to provide the properties with a surfaced parking area. Access would still be available to facilitate bin collection.
- 7.149 **Objection** - residential density/overdevelopment and impact to street scene.
- 7.150 **Response** – the proposed development is located in an area that contains a mix of houses and flats. The proposed layout is of a lower density than the surrounding area and is therefore no overdevelopment of the suite. The layout has been improved during the application process so that houses better address the new streets which will be created. It is not considered that there will be any negative impacts on any existing or proposed street scape.
- 7.151 **Objection** - impact to setting of a listed building.
- 7.152 **Response** - the design was revised to ensure no adverse impact on Pitalpin House. The outlook from the property will be improved and the new development will appear as a



contemporary addition to the area. As assessed under the Historic Environment section above the proposal will not have a significantly detrimental impact on the setting of this category B listed building.

- 7.153 The issues raised in the representation(s) have been considered and addressed in the report and the grounds raised are not of sufficient weight to justify refusal of planning permission.
- 7.154 **It is concluded that there are material considerations of sufficient weight in this case to support a departure from the Development Plan and approval of planning permission.**

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## 8 CONCLUSION

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- 8.1 The proposals do not fully accord with the relevant policies of National Planning Framework 4 and the adopted Dundee Local Development Plan, 2019. However, there are material considerations of sufficient weight that would justify approval of planning permission.

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## 9 RECOMMENDATION

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- 9.1 It is recommended that planning permission be GRANTED subject to the following condition(s):

- 1 **Condition** - the development hereby permitted shall commence within three years from the date of this permission.

**Reason** - to comply with Section 58 of the Town & Country Planning (Scotland) Act 1997.

- 2 **Condition** - development shall not begin until the investigation and risk assessment proposed in the submitted Stage I Desk Study are completed and, if necessary; a remediation scheme to deal with any contamination at the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain proposals to deal with contamination to include:

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

**Reason** - in the interests of providing a site suitable for residential development.

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

**Reason** - in the interests of providing a site suitable for residential development.

- 4 **Condition** - prior to any works on site details of the proposed roads, footways, footpaths must be agreed and the access must be formed and constructed to Dundee City Council

standards and specifications. For the avoidance of doubt all roads, footways and footpaths shall be available for use prior to first occupation of the development hereby approved.

**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. For the avoidance of doubt all new footways should be made available for use prior to first occupation of the development hereby approved.

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

- 6 **Condition** - prior to occupation of the first property a Residential Travel Plan shall be submitted to and agreed in writing by the Planning Authority. The residential travel pack shall identify details of different travel options available in the area in order to discourage the use of the private car. The approved travel pack shall be supplied to the occupants of every residential unit on occupation.

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

- 7 **Condition** – prior to the commencement of construction of any dwelling full details of the cycle storage for the development shall be submitted to and agreed in writing by the Planning Authority. The agreed cycle storage shall be installed prior to the first occupation of each dwelling.

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

- 8 **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.

- 9 **Condition** - prior to the commencement of works, a traffic management plan for all construction works on site, shall be submitted to and approved in writing by the Planning Authority. Thereafter construction traffic shall access and exit the application site in strict accordance with the approved management plan. For the avoidance of doubt, the traffic management plan shall include details of parking for construction workers.

**Reason** - in the interest of road and pedestrian safety.

- 10 **Condition** – prior to commencement of development a scheme of measures for the control and maintenance of invasive non-native species on site shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt this shall include a schedule of monitoring and maintenance for five years from the date that works start on site. Thereafter the development shall progress in accordance with the approved details.

**Reason** – in order to ensure that species are appropriately managed on site.

- 11 **Condition** – all landscaping works shall be carried out in accordance with the Biodiversity Plan and Appendix A hereby approved. The hard landscaping shall be completed in

accordance with the approved details prior to the first occupation of the dwellings hereby approved. All planting, seeding or turfing as may be comprised in the approved scheme and plans shall be carried out in the first planting and seeding seasons following the commencement of the development, unless otherwise stated in the approved scheme. Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

**Reason** – in order to ensure timeous delivery of the landscaping and biodiversity measures and ongoing maintenance in the interest of amenity

- 12 **Condition** – prior to commencement of development a scheme for the maintenance, in perpetuity, of all on-site green spaces, trees, wildflower meadows and biodiversity measures and public art and other spaces, facilities, features or parts of the development that are not the exclusive property of any identifiable individual home owner, and those elements of surface water drainage regimes not maintained either by the Council or Scottish Water, have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved scheme shall be implemented in full and in accordance with the timescales contained therein.

**Reason** - to ensure that all communal spaces, facilities and landscaping areas are properly managed and maintained.

- 13 **Condition** - prior to commencement of development a Construction Environmental Management Plan (CEMP) for the construction phase shall require to be submitted to, and approved in writing by the Planning Authority, in consultation with relevant third parties. For the avoidance of doubt this shall cover:

- i Habitat and Species Protection;
- ii Pollution Prevention and Control;
- iii Lighting plans during construction
- iv Site Waste Management;
- v Surface and Ground Water Management; and
- vi any other relevant environmental management as may be relevant to the development.

**Reason** – in order to ensure construction is managed appropriately on site and in the interests of neighbouring residential amenity during the construction period.

- 14 **Condition** – If the site is to be cleared for development within the ground nesting bird breeding season between 1 March – 31 August inclusive, the applicant shall require to appoint, at their expense an Environmental Clerk of Works to oversee the site clearance stage. Prior to works starting on site the applicant shall submit for approval in writing by the Planning Authority details of the Environmental Clerk of Works who has been appointed, the duration of their employment, frequency of visits to the site, and details of their duties.

**Reason** – in order to ensure that ground nesting birds which are a protected species are not disturbed or are relocated sensitively under the supervision of a suitably qualified professional.

- 15 **Condition** - all works and protective measures necessary to safeguard the trees on the site during development operations shall be undertaken as per BS 5837:2012. The protective measures shall be retained in a sound and upright condition throughout the development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.

**Reason** - to protect those trees which are of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development.

- 16 **Condition** – prior to commencement of development 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.

**Reason** - in the interests of flood prevention

- 17 **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.

- 18 **Condition** - prior to the commencement of any works on site, a finalised Flood Risk Assessment and Dundee City Council Compliance and Independent Check Certification shall be prepared and submitted to the Council and SEPA for written approval. Any recommendations contained within the Flood Risk Assessment must be implemented thereafter prior to occupation of the development.

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

- 19 **Condition** - prior to the commencement of any works on site, any existing culvert(s) present within the development site are to be identified, and full details of any culvert diversion proposals necessary shall be submitted to and approved in writing by the Planning Authority. Thereafter, all works shall be carried out in accordance with the approved details prior to first occupation of the development hereby approved.

**Reason** - to ensure there is no built development over any existing culvert(s) within the development site.

- 20 **Condition** - prior to the commencement of work on site, details of the proposed finishing materials of the development hereby approved shall be submitted to and approved in writing by the Planning Authority. Thereafter, the proposed development shall be finished in strict accordance with the details approved by this condition.

**Reason** – in the interests of visual amenity.

- 21 **Condition** - prior to the commencement of work on site, details of all proposed boundary treatments and their location on the site shall be submitted to and approved by the Planning Authority. Thereafter, the erection of the boundary treatments shall be carried out in strict accordance with the details approved by this condition.

**Reason** - in the interests of privacy and visual amenity

- 22 **Condition** - prior to the commencement of any construction works, details of a scheme of public art to be provided within the development hereby approved shall be submitted to the Council for written approval. This scheme shall include a programme for the installation of the public art and the works shall be completed in accordance with the agreed programme.

**Reason** - in the interests of enhancing the visual amenity and environmental quality of the development.

- 23 **Condition** – prior to commencement of development a review of the Noise Impact Assessment produced by Charlie Fleming Associates entitled 'Report on Commercial and Planting Sound for H&H Properties UK at Pitalpin Street, Dundee, document 3936-06-R, dated 31st January 2024" shall be undertaken to:

- assess the cumulative impact of the air source heat pumps on existing dwellings in accordance with BS4142:2014+A1:2019, and to
- demonstrate compliance with Condition 24 below.

The report shall then be submitted to the Council for approval prior to work commencing on site. Thereafter, any noise mitigation measures recommended in the reviewed Noise Impact Assessment shall be installed and operational prior to the first occupation of any dwelling.

**Reason** – in the interests of protecting the visual amenity of the area and the residential amenity of neighbouring residential properties and those within the development.

- 24 **Condition** – The total noise from the air source heat pumps shall not exceed NR35 as measured 1 metre externally to the facade of adjacent dwellings and shall not exceed NR25 within any adjoining dwellings

**Reason** – In the interests of protecting residential amenity.

#### Informative

#### **Road Construction Consent**

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)