

KEY INFORMATION

Ward Lochee

Proposal

Engineering Works for
Surface Water Outfall

Address

South Gray Village
Dykes of Gray Road
Dundee

Applicant

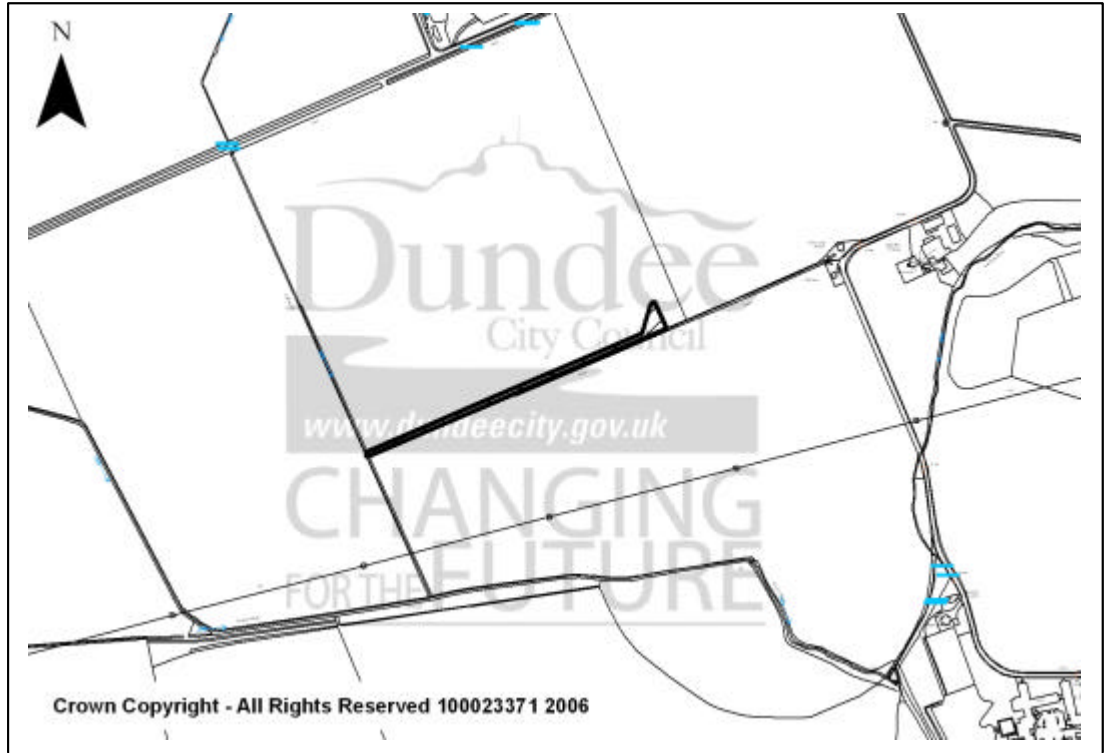
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Registered 26 Feb 2007

Case Officer Eve Jones



Proposed Drainage Outfall in Western Gateway

Engineering Works for a Surface Water Outfall are **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The development forms part of the infrastructure for the proposed South Gray Village. It complies with Policy 75 and will require to form part of the Section 75 legal agreement in respect of phasing and maintenance. Subject to the legal agreement, the application is Recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the formation of a surface water outfall channel to connect the proposed South Gray village with the Liff Burn.
- The channel will be 462 metres long and will run west wards from the Sustainable Urban Drainage system detention basin in the south west corner of the proposed South Gray Village to the Liff Burn which flows southwards to join the Lochee Burn.
- The drainage system treats the surface water from the development by natural percolation into the detention basin and in periods of heavy rain, the basin will collect the water which will then flow westwards to the burn.
- The submitted proposals are acceptable and comply with both Policy 75 and SPP7.
- The channel, the subject of this application will require to be linked to the provision of the SUDS system in the village and the future maintenance of the drainage channel will require to be agreed with the developer. These matters will be the subject of a detailed Section 75 legal agreement between the City Council, the developer and all interested parties

DESCRIPTION OF PROPOSAL

Planning permission is sought for the formation of a surface water outfall channel to connect the proposed South Gray village with the Liff Burn.

The channel will be 462 metres long and will run west wards from the Sustainable Urban Drainage system detention basin in the south west corner of the proposed village to the Liff Burn which flows southwards to join the Lochee Burn.

Due to the undulating nature of the ground, a limited degree of upfilling will be required to form the channel but this will not exceed 1 metre deep at any point along its length. The banks will be graded into the field to maintain a natural appearance.

The drainage system treats the surface water from the development by natural percolation into the detention basin and in periods of heavy rain, the basin will collect the water which will then flow westwards to the burn.

The maintenance of the drainage channel and its provision in tandem with the drainage basin in the proposed South Gray Village will require to be agreed with the developer and will be the subject of a detailed Section 75 legal agreement between the City Council, the developer and all interested parties.

SITE DESCRIPTION

The site is a narrow strip of land running westwards from the proposed village to the Liff Burn. It is currently cultivated farmland. There is a farm track along part of the south boundary.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

As a key objective of the approved Dundee and Angus Structure Plan the Dundee Western Gateway provides a focus for planned integrated development, including greenfield housing land release." This application site lies within the identified Dundee Western Gateway.

Dundee Local Plan Review 2005

Policy 3A Housing Proposals and Appendix 3 H70 Dundee Western Villages. These identify that the proposed development of 230 houses meets the policies of the Local Plan.

Policy 75 requires that all "development proposals must be accompanied by a Sustainable Drainage Scheme".

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

SPP7: Planning and Flooding - the SPP requires that new developments should not be at risk of flooding or materially increase the risk of flooding elsewhere. Drainage measures should be subject to consultation with Scottish Water and SEPA where appropriate. Surface water run-off should be dealt with by sustainable drainage systems.

Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application.

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

There is no planning history of direct relevance to this site.

Associated applications which form part of the development of this village are also considered elsewhere on this agenda as follows:

07/00036/FUL - Erection of 230 houses and 07/00442/LBC - Demolition of New Mill of Gray Bridge, Dykes of Gray Road, Dundee.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and there were no objections.

CONSULTATIONS

The Scottish Environmental Protection Agency - SEPA - has no objections to

the proposal subject to acceptable details of the construction of the channel to prevent the deposit of soil in the burn and control of the future maintenance of the channel by the landowner to allow the drainage system to continue to operate.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider:

- whether the proposals are consistent with the provisions of the development plan; and if not
- whether an exception to the provisions of the development plan is justified by other material considerations.

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above

The provision of the village development meets the requirements of the Dundee Angus Structure Plan and the Dundee Local Plan Review 2005. The proposed development forms part of the infrastructure required to enable the development to proceed.

Policy 75 requires that all "development proposals must be accompanied by a Sustainable Drainage Scheme". This proposal has been the subject of detailed discussions between consultants acting for the developer and officers of the City Council. It is agreed that the submitted proposals are acceptable and comply with both Policy 75 and SPP7.

The channel requires to be an integral part of the SUDS system proposed for South Gray Village which is part of the enabling works to be carried out prior to Phase 1 of the construction of any of the houses. The channel, the subject of this application will require to be linked to the provision of the SUDS system by means of a legal agreement. The maintenance of the channel and its protection from any works which may adversely affect its operation will also be written into the agreement.

It is concluded that the proposed development complies with the policies of the Dundee Local Plan Review 2005.

Other Material Considerations

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

Scottish Planning Policies and Planning Advice Notes. As noted the proposed development complies with the relevant advice and guidance with regard to the drainage of the development.

Response from Consultees

As noted above, SEPA has accepted the proposals subject to certain safeguards to ensure that the watercourse is protected.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission contrary to the provisions of the Development Plan.

Design

Design issues have been addressed in the report.

CONCLUSION

This development forms part of the infrastructure required for the development of one of a series of 3 villages proposed for the Western Gateway development to the west of Dundee.

The developer has agreed to enter into a Section 75 legal agreement with the Council to cover infrastructure provision, phasing and maintenance.

RECOMMENDATION

Recommendation 1

This planning permission shall not be issued unless and until an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 between the Council and all parties with appropriate interests in the land has been recorded. This agreement will relate to Sustainable Drainage.

The works required for the provision of SUDS shall be provided by the developer as part of the enabling works prior to the Phase 1 development of the main village. The channel shall be maintained and shall not be the subject of amendments or earthmoving which may affect its operation other than with the full written agreement of the City Council.

Recommendation 2

The application is recommended for APPROVAL subject to the following condition:

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.
- 2 Full details of the lining and planting of the channel shall be submitted to the City Council for approval prior to the commencement of the development and if approved, the works shall be carried out only in accordance with such approved details.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In order to ensure that water flow in the channel will not result in scouring or erosion to the detriment of the quality of water which will then discharge into the Liff Burn.