

**KEY INFORMATION**

Ward Lochee

**Proposal**

Change of house types on  
47 plots and 7 additional  
houses - total 54 plots

**Address**

West Green Park  
Royal Dundee Liff Hospital  
Dundee

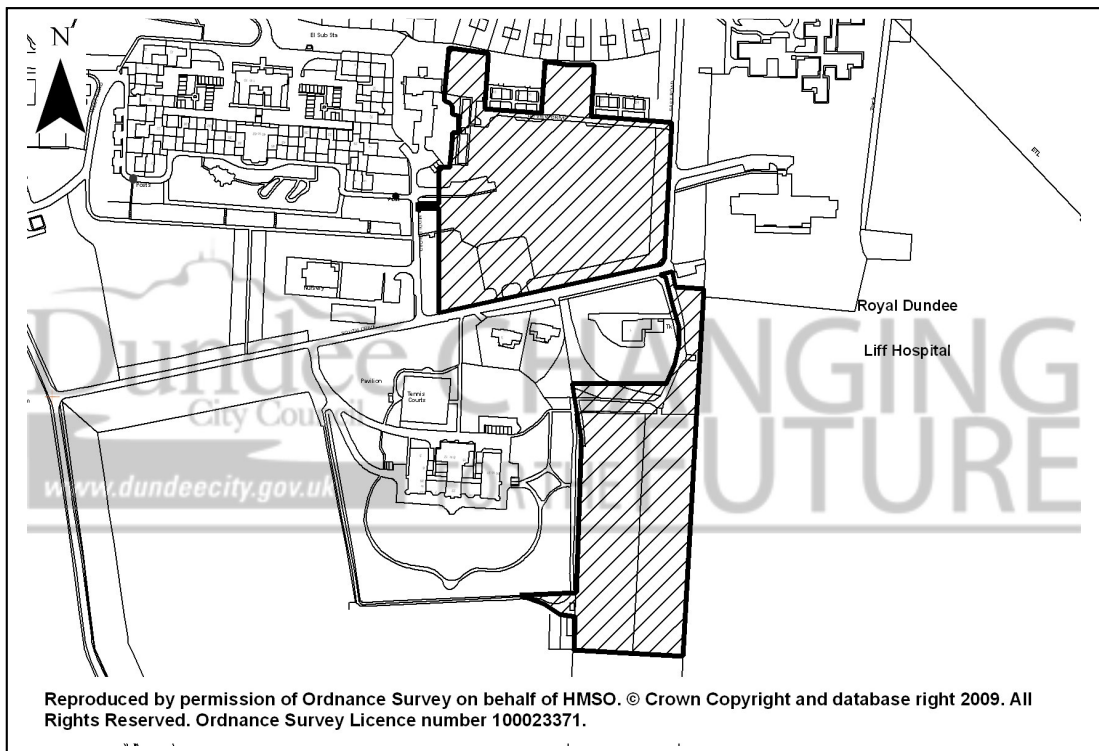
**Applicant**

Cala Homes (North) Ltd  
42 Albyn Place  
Aberdeen  
AB10 1YN

**Agent**

Registered 29 July 2009

Case Officer Eve Jones



## Changes to Approved Housing Development at Former Liff Hospital

The change of house types on 47 plots and 7 additional houses totalling 54 plots is **RECOMMENDED FOR APPROVAL** subject to conditions and the completion of a **Section 75 Agreement**. Report by Director of City Development.

**RECOMMENDATION**

The layout and design of the 10 house types will contribute to the overall quality of the redevelopment of the former hospital site. The development complies with Council policies and the planning issues raised by neighbours have been addressed. The application is therefore recommended for **APPROVAL** subject to conditions and the completion of a **Section 75 Agreement**.

**SUMMARY OF REPORT**

- Planning consent is sought for the erection of 54 detached house on two sites which form part of the grounds of the former Liff Hospital which is currently being redeveloped for residential use. 10 house types are proposed, all are detached with integral garages and have 4 or 5 bedrooms. Planning permission has already been granted for 47 houses on the same sites and this application includes changes to the approved house types with 7 additional plots.
- Following a detailed assessment some selective tree felling has been agreed in consultation with the City Council's Forestry Officer. Many of these trees were also affected by the current planning permissions. Replacement planting and landscaping will also form part of the development.
- 9 representations were received from local residents on the following grounds: - surface water drainage and flooding; protection of trees; retention of footpaths; condition of roads/service charges. A single objection was to the loss of a tree at the proposed Plot 11.
- Amendments to the development layout have been agreed to address the planning issues raised in the representations and the objection and have resulted in the retention of specimen trees and a footpath.
- The revised proposals require to be the subject of a Section 75 agreement with the City Council in respect of developer contributions towards Education provision.

**DESCRIPTION OF PROPOSAL**

Planning consent is sought for the erection of 54 detached houses on two sites forming part of the grounds of the former Liff Hospital which has been partly redeveloped for residential use. Currently, the two sites have planning permission as follows: 29 plots on an open site in the centre of the estate, east of the Main Building and 18 plots on land at the south east side of the estate, east of Gowrie House. The current proposals are for 32 houses in the central site and 22 houses on the south east site an increase of 7 houses in total. Amendments are also sought to the house types on the plots.

10 different house types are proposed to be erected on the 54 plots. All are detached with integral garages and have 4 or 5 bedrooms. The proposed materials are smooth buff render with buff feature stone details, reconstituted slate roofs and white UPVC windows.

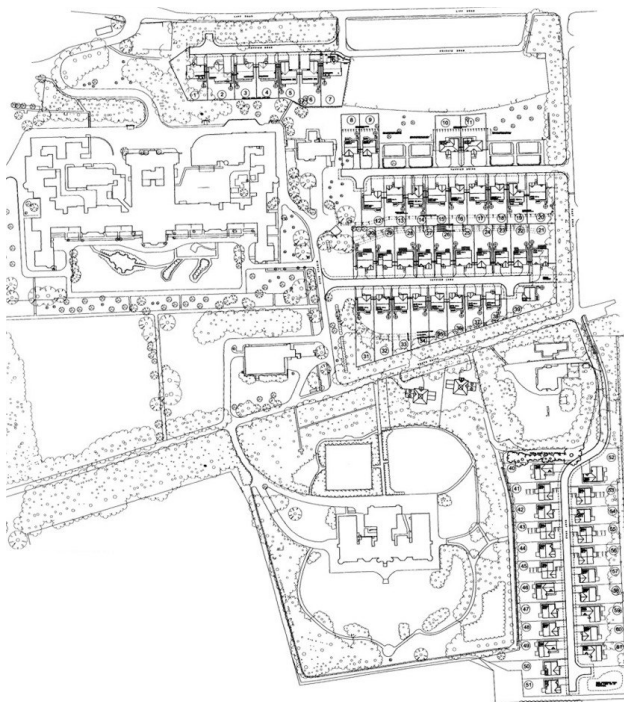
Following a detailed assessment of the condition of the trees surrounding these sites, the potential impact of development on the trees and the impact of the trees on the proposed development, some selective tree felling has been agreed in consultation with the City Council's Forestry Officer. Replacement planting and landscaping will also form part of the development.

As a result of the detailed tree survey and following representations from local residents, amendments to the original layout have been agreed with the applicant. These involve the relocation of selected houses to ensure the retention of specific trees and a footpath.

**SITE DESCRIPTION**

The 2 sites total 3.842 hectares and form part of the larger former hospital grounds (approx 20 ha) to the west of Dundee, south east of Liff Village. The grounds slope gently from north to south and the elevated location provides views through the surrounding trees across the Carse of Gowrie to the Tay estuary. The whole site is bounded by public roads to the north and west connecting the site in

several directions to Gourdie Brae/Kingsway to the east, Muirhead to the north and the Swallow junction on the A90 to the south. The internal road and footpath network is private.



The mature trees form a high quality parkland setting for the buildings and the tree belts, which surround the site, screen it from long distance views. The trees on the site are the subject of



Tree Preservation Order 06:2003. Some trees have been removed in the larger, central site in accordance with previous planning permissions. New building has been suspended on the site during the current economic situation.

3 of the original Listed Buildings have been converted to residential use. The Trust Offices which lie to the west of

the central site have remained in office use to date.

**POLICY BACKGROUND**

**Dundee and Angus Structure Plan 2001-2016**

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

**Dundee Local Plan 2005**

The following policies are of relevance:

Policy 3a: Housing Proposals - sites identified in Appendix 2 and 3 are reserved for housing and should not be developed for other uses. The Council will ensure the maintenance of a five year effective land supply at all times, to be monitored through the annual Housing Land Audit Process.

Policy 4: Design Of New Housing - the design and layout of all new housing in Dundee should be of a high quality. As a basis for achieving this, new development will be required to conform to the Design Standards contained in Appendix 1 of this Local Plan unless:

- a the City Council, through either site allocation in the Local Plan or site planning briefs, considers it appropriate to vary the standards to reflect the constraints or opportunities offered by the development of a particular site; or
- b the proposal is within an established low density residential area, in which case the density of the new development should reflect this and more generous external space standards will be required.

New housing development should also have regard to the principles of the City Council's Urban Design Guide.

In addition, new housing development should meet "Secured by Design" standards. New residential streets should be designed to promote low vehicle speeds of 20 m.p.h. or less. New housing should have regard to

opportunities to maximise energy efficiency and promote sustainable waste management.

Policy 20: Funding of on and off Site Infrastructure Provision - within the context of Circular 12/1996 the City Council, where necessary and appropriate, will seek to secure developer contributions towards the cost of infrastructure provision both on and off site.

Policy 72: Trees and Urban Woodland - new developments must have regard to existing healthy mature trees, the survival and retention of which will be strongly encouraged through sensitive site layouts and both during and after construction. Where appropriate, development proposals must be accompanied by a tree planting and landscaping scheme which includes a supporting justification and sufficient map based material to document existing planting within the application site, as well as new planting and maintenance arrangements. The Council will promote Tree Preservation Orders to protect individual trees or entire planting schemes where expedient to do so.

**Scottish Planning Policies, Planning Advice Notes and Circulars**

There are no statements of Government policy relevant to the determination of this application.

**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**

04/00622/FUL Planning permission was granted for the redevelopment of the former Royal Dundee Liff Hospital for residential use comprising the conversion of 4 buildings to provide 83 units and the construction of 63 new build houses. The application was approved by the Development Quality

Committee on 28 March 2005 subject to a Section 75 legal agreement to cover a number of issues including phasing, education contributions, protection of red squirrels, trees and the restoration of two Alberto Morocco murals. There were companion listed building applications for the conversion of each of the Listed Buildings. The conversion of 3 of the listed buildings have been completed.



06/00261/FUL Planning permission for conversion of the proposed leisure facility to form 8 flats and 2 townhouses in June 2006.

07/00823/FUL Planning permission for 54 new build plots was granted by the Development Quality Committee on 17 December 2007 subject to a Section 75 legal agreement. This involved the change of house types on these plots, no additional houses were involved. 7 of those houses have been completed on Tayview Road to the north of the estate.

**PUBLIC PARTICIPATION**

The application was the subject of statutory Neighbour Notification and was also advertised as potentially contrary to Policy 4: Design of New Housing in the Dundee Local Plan Review 2005. 9 comments or representations were received from local residents and 1 objection.

The representations were on the following grounds:

- surface water drainage and flooding;
- protection of trees;
- retention of footpaths; and
- condition of roads/service charges.

The single objection was to the loss of a tree at the proposed Plot 11.

The issues raised are discussed in detail in the "Observations" below. Members will already have seen the various letters.

**CONSULTATIONS**

The Head of Environmental Health and Trading Standards seeks precautionary conditions in respect of any ground contamination which may be discovered on the site. The south east site has areas which have been used for storage and vehicles and there is evidence of past deposits of materials which require to be investigated.

The Forestry Officer sought detailed revised tree surveys to assess the impact of the proposed development on the trees within the two development sites and on immediately adjoining land.

These were submitted and were the basis of two detailed site visits to assess the trees.

A number of trees, were in poor condition, were in crowded groups where selective felling would allow one good specimen tree to develop or were likely to be adversely affected by the new development eg the new road access. An assessment was also made of the impact of the trees on the proposed development and the removal of several trees in very close proximity to proposed houses was agreed. As the footprint of development is the same as previously approved, many of these trees were previously approved for felling as part of earlier planning permissions.

However, it was also identified that it was essential to retain certain trees of high quality and amendments to the layout were sought and agreed. In particular, a large, fine beech tree to the south west of Tayview Drive is to be retained in open space and a beech tree to the south of Liff House will also be retained.

In the central site, of the 92 trees around the site, 30, mainly smaller trees, have been agreed for removal.

In the south eastern site, a total of 107 trees were assessed but a large number, on the western boundary of the site, are

in the grounds of Liff House or Gowrie House and are in private ownership or in the shared grounds of the estate. The original tree survey carried out for the whole site in 2005 indicated that the safety of the trees to the east of Gowrie House required to be assessed in relation to the proposed construction of houses on the adjoining land. It is considered appropriate to ensure, by the imposition of suspensive conditions, that further investigations of these trees are carried out before any development commences on the south eastern site.

The south eastern site is also bounded on the east by a well established former hedge which now takes the form of a dense belt of trees, a number of which encroached into the site and were concluded to be too close to the proposed houses. A group of poor quality trees at the north end of the site will be removed to allow for the access road to be formed and for improved replacement planting. Of the total of 58 trees in this area, 25 will be felled but the previously approved layout would also have required tree felling in this location. Along the north of the site, local residents identified a footpath bounded by a hedge with a fine beech tree which formed part of the footpath links around the grounds. The housing layout has been amended to retain the tree, the hedge and the footpath.

The landscaping plans include 75 replacement trees.

Whilst the loss of any tree is to be regretted, many of these trees are to be removed for good horticultural reasons to allow better specimens to develop and new planting will improve the age range of the trees on the site and provide a succession of planting for the future.

## OBSERVATIONS

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

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b 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.

Policy 3A - Housing Proposals - the sites fall within Proposal H70, Dundee Western Villages in Appendix 2 of the Dundee Local Plan Review 2005.

This identified the former Liff Hospital site for residential development subject to compliance with other policies in the Plan.

Policy 4 - Design of New Housing - Appendix 1 to Policy 4 details the standards to be met by new housing developments in the villages of the Western Gateway. The proposed revised house types comply with the requirements in respect of the size of the houses, the parking and garaging provision, protection of privacy and the private usable garden ground.

It is considered that the proposals comply with the guidelines and therefore comply with Policy 4.

Policy 20 - Funding of On and Off Site Infrastructure Provision states that the City Council where necessary and appropriate will seek developer contributions towards infrastructure costs.

In this case, Council will seek, by means of a Section 75 legal agreement, the payment of a specific, index linked sum per dwelling house completed towards education provision. This payment is the subject of a current agreement on the existing planning permissions for development on these sites and will be the subject of future legal agreements with other housing developers in the Western Gateway.

It is considered that the proposal complies with Policy 20.

Policy 72 - Trees and Urban Woodland. The policy requires that new developments have regard to existing healthy mature trees, the survival and retention of which are strongly encouraged through sensitive site layouts.

The larger former hospital site is the subject of a Tree Preservation Order and an Arboricultural Assessment was been carried out as part of the original masterplan application (04/00622/FUL). The Assessment suggested that the whole site contains

in excess of 2,000 trees, the majority of which are single aged and mature.

As planning permission has already been granted for the development of housing on these two sites, permission has already been given for the removal of a large number of the trees which have been identified for removal following the detailed tree assessment. Given the large areas of the original estate which are protected from development and the proposed replanting within the gardens and the amenity areas, it is considered that a limited degree of tree loss (55 trees) can be justified in the interests of the creation of a high quality residential development.

It is considered that the objectives of Policy 72 have been met with regard to the larger former hospital site of which these development sites form a part.

As the proposal complies with Policies 4, 20 and 72 of the Dundee Local Plan it therefore complies with all of the requirements of Policy 3A and it is concluded that the proposed development will comply with the provisions of the development plan.

## Other Material Considerations

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

Objection - the single objection was to the potential loss of a tree at the proposed Plot 11. Following amendments to the layout, the tree is now in public space rather than within a private garden and the plots have been adjusted to ensure that the tree does not significantly overshadow any of the new houses.

Representations - 9 comments or representations were received from local residents. The representations did not object to the development but wished the following issues to be taken into account:

Surface water drainage and flooding - local residents advise that the site has been the subject of localised flooding in periods of heavy rain and they are concerned that additional development will exacerbate the situation.

The site infrastructure, including roads and drainage, is private and is maintained by a factor at the owners' expense. The applicant proposes that surface water is dealt with by the existing sewer and the private system has been designed in accordance with



"Sewers for Scotland", the technical design guidance. This was agreed when planning permission was originally granted for development on these sites and was approved by Scottish Water.

Within the central site, plots 8-39 are to be drained via filter trenches within each plot, then oversized sewers with a hydrobrake which will control the issue of water to the public sewer. The south eastern site, plots 40 - 61 will be drained via oversized sewers with a hydrobrake and then a detention basin to the south of the site before discharge to the public sewers. As this basin has not been the subject of technical design at this stage, an appropriate condition to require the details to be approved before the commencement of any construction is appropriate in this case. This positive drainage will address any sheet water run off from the central site.

The flooding occurs in exceptional rain events when water flows from the fields to the north, on to the adopted Liff Road and down into the estate roads. Dundee City Council maintains the public road and is seeking remedial action from the farmer to address the matter as it affects the road. Good maintenance of the private estate roads is required to minimise the impact of the flooding within the estate.

Protection of trees - residents seek assurances that trees will be protected and replanting will be carried out for any trees to be removed.

As noted in the consultations above, tree issues have been the subject of considerable discussion. The removal of trees has been justified and replanting will be the subject of appropriate conditions. Specific trees of high amenity value have been retained in the revised layout within the development sites.

Retention of footpaths - residents seek the retention of footpath links. The existing track to the south of Liff House has been retained following amendments to the layout. The footpath east of Gowrie House does not fall within the development site.

Condition of roads/service charges - as noted above, the site infrastructure is private and the condition of the roads during and following construction is a matter for the private parties involved. This is not a planning issue.

It is considered that the planning issues raised in the representations have been taken into account and have informed the negotiations with the applicant. It is considered that they have been addressed by the amendments to the development layout.

Red Squirrels - the site of the former Liff Hospital provides a habitat for red squirrels and the original planning permission granted in 2004 was subject to a legal agreement which included the implementation of a Squirrel Management Plan which had been drawn up following an Ecological Assessment of the site. Since that time, parts of the estate have been developed. In order to assess the current situation with regard to the red squirrel population and to ensure that the development proposed is carried out in such a way as to minimise impact on this population, the developer should contact the Dundee Red Squirrel Project to seek information and agree a management programme for their development. The project is part of the "Saving Scotlands' Red Squirrels" project, is partly supported by Dundee City Council and is administered from Camperdown Park. It is considered that this can be the subject of an appropriate condition.

## Design

The design of the ten different house types and the layout which is proposed will result in an attractive development on the 2 sites which remain to be developed for new build housing. The new houses will contribute to the overall quality of the redevelopment of the former hospital site.

## CONCLUSION

It is concluded from the foregoing that there are no material considerations which would justify the refusal of this development which accords with the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions subject to a Section 75 agreement as detailed above.

## 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 developer contributions towards Education provision.

## Recommendation 2

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

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
- 2 Development shall not begin on the south eastern site until a Preliminary Risk Assessment is completed and, if required, an Intrusive Investigation and a scheme to deal with potential contamination at the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of proposals to deal with contamination to include:

assessment of the risks associated with contaminant sources, pathways and receptors specific to the proposed use of the site, and if necessary;

a Remediation Implementation Plan detailing measures to treat/remove contamination and mitigate risks to ensure the site is fit for the proposed use,

measures to deal with contamination during construction works, and

verification sampling, testing, certification and monitoring of the site to demonstrate suitability for the proposed use on completion of remediation measures.

- 3 Before any unit in the south eastern site is occupied any measures to decontaminate the site, if necessary, shall be fully verified and approved in writing by the planning authority.
- 4 Prior to the commencement of any development on the sites, including the approved tree works, the developer shall submit to the City Council a Management Plan to preserve and maintain the red squirrel population and its habitat during the course of the development period. Works shall not

- commence until the plan has been approved in writing.
- 5 No development or other operations, other than tree felling, approved tree works or tree planting as detailed in other conditions of this permission, shall be commenced on these sites until tree fencing as detailed in condition 06 has been carried out to safeguard, against damage or injury during construction works, all trees on the sites, or whose root structure may extend within the sites, which are the subject of the Tree Preservation Order 06/2003. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the trees by affecting their root structure. Any works shall be carried out in accordance with BS5837:2005 "Trees in relation to Construction".
  - 6 Prior to the commencement of development but following any tree felling, approved tree works or tree planting as detailed in other conditions of this permission, tree protection fencing in accordance with BS5837:2005 shall be erected on site in accordance with details previously submitted to the City Council for approval. If approved, such fencing shall be retained in place throughout the construction period. Relocation of any fencing to allow construction works to proceed shall be agreed with the Forestry and Enforcement officers prior to any movement of the fencing.
  - 7 Three clear working days notice shall be given to the City Council of the erection of the tree fencing required by Condition 05 to allow the site to be inspected.
  - 8 The existing hedge on the west boundary of the south eastern site shall be retained and shall not be cut down, grubbed out or otherwise removed or topped or lopped so that the height of the hedge falls below 2 m at any point without the written consent of the City Council. Any hedge removed without consent, being severely damaged or becoming seriously diseased within five years from the completion of development shall be replaced with planting of such size and species as may be directed by the City Council.
  - 9 Replacement tree planting on land currently owned by the applicant but outwith the development sites; shall be carried out in accordance with the details of the landscaping proposals submitted by the applicant; during the planting season following any of the removals of trees protected by Tree Preservation Order 06:2003. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.
  - 10 Replacement tree planting and other landscaping within the development sites shall be carried out in accordance with the details of the landscaping proposals submitted by the applicant; during the planting season following the completion of each dwelling. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition. For the avoidance of doubt, purchasers must be advised that landscaping will take place within specific plots in accordance with an agreed planting scheme.
  - 11 Works to the trees to be retained shall be carried out in accordance with BS3998:1989 and the findings of the revised Tree Survey dated 03.10.2009. The works shall be carried out prior to any approved tree planting in the vicinity, following which the trees shall be fenced in accordance with condition 06.
  - 12 Prior to the commencement of any development of the south east site, plots 40 - 61, a detailed arboricultural investigation shall be carried out into the health and viability of the trees on the eastern boundary of the garden ground of Gowrie House. The trees are "Fagus sylvatica" and are number 241 to 260 in the Tree Survey. Any required tree works identified by such an investigation shall be reported to the City Council for approval and any agreed tree works shall be carried out prior to the commencement of construction of any of the houses on the west side of the site.
  - 13 Prior to the commencement of any development on the south east site (plots 40-61) details of the proposed Sustainable Drainage Scheme, including full design details of the detention basin, shall be submitted to the City Council for approval and if approved, the works shall be carried out only in accordance with such approved details. Confirmation that the SUDS is acceptable to Scottish Water and information on the maintenance of the system must be submitted as part of the details.
  - 14 Details of the proposed finishing materials shall be agreed in writing prior to the commencement of development and the works shall be carried out only in accordance with such approved details. Any later amendments to such approved details shall also be agreed in writing prior to any further works being carried out.
  - 15 Full details of the proposed boundary fences to all plots which abut the tree belts around either site shall be submitted to the City Council for approval and if approved the works shall be carried out only in accordance with such approved details. All works shall be in accordance with BS5837:2005 "Trees in relation to construction".

### Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of the amenities of the future occupants of the residential accommodation.

- |  |  |
|--|--|
| <p>3 In the interests of the amenities of the future occupants of the residential accommodation.</p> <p>4 The site has a population of red squirrels. It is important for the developer to minimise the impact of development on the squirrels and their habitat.</p> <p>5 To protect those trees within Tree Preservation Order 06/2003 which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance of the development.</p> <p>6 To protect those trees within Tree Preservation Order 06/2003 which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance of the development.</p> <p>7 To protect those trees within Tree Preservation Order 06/2003 which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance of the development.</p> <p>8 To protect that hedging which is of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development.</p> <p>9 To ensure that replacement tree planting is carried out on the amenity land, outwith the development plots, as soon as possible after the removal of the trees as agreed by the Perimeter Tree Survey plans ref 12-10A and 12-11A, in the interests of the visual amenity of the area and to comply with the relevant legislation in relation to the approved felling of trees within the TPO.</p> <p>10 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.</p> <p>11 To protect those trees within Tree Preservation Order 06/2003 which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance of the development.</p> <p>12 The Tree Survey carried out in July 2005 on behalf of Duncarse</p> | <p>Ltd identified these trees as being in poor condition with a number of defects and some were identified to be felled. The construction of dwellings relatively close to the trees presents a potential risk to residents which requires to be investigated at an early stage.</p> <p>13 In order to ensure that surface water will be dealt with on the site in accordance with current standards and to demonstrate that there is sufficient space to accommodate the basin design required for the site.</p> <p>14 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.</p> <p>15 To protect those trees within Tree Preservation Order 06/2003 which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance of the development.</p> |
|--|--|