

Planning Applications

Reports by Director of City Development to the Development Management Committee

| Item No | Case No/Ward | Location | Page |
|----------------|-----------------------------|--|-------------|
| 1 | 13/00717/FULM W02-Lochee | Hillside Hall, 48 Dalrymple Street, Dundee | 1 |

Members may be aware that in making any determination under Planning Legislation, it shall be made in accordance with Structure and Local Plan Policies, unless other material planning considerations indicate otherwise. NB Background papers relating to these reports comprise letters of objection, correspondence with the applicants and/or their agents, comments from consultees and the Local Plans and other policy documents referred to.

Proposed Erection of 70 Houses at 48 Dalrymple Street

KEY INFORMATION

Ward Lochee

Address

Hillside Hall
48 Dalrymple Street
Dundee

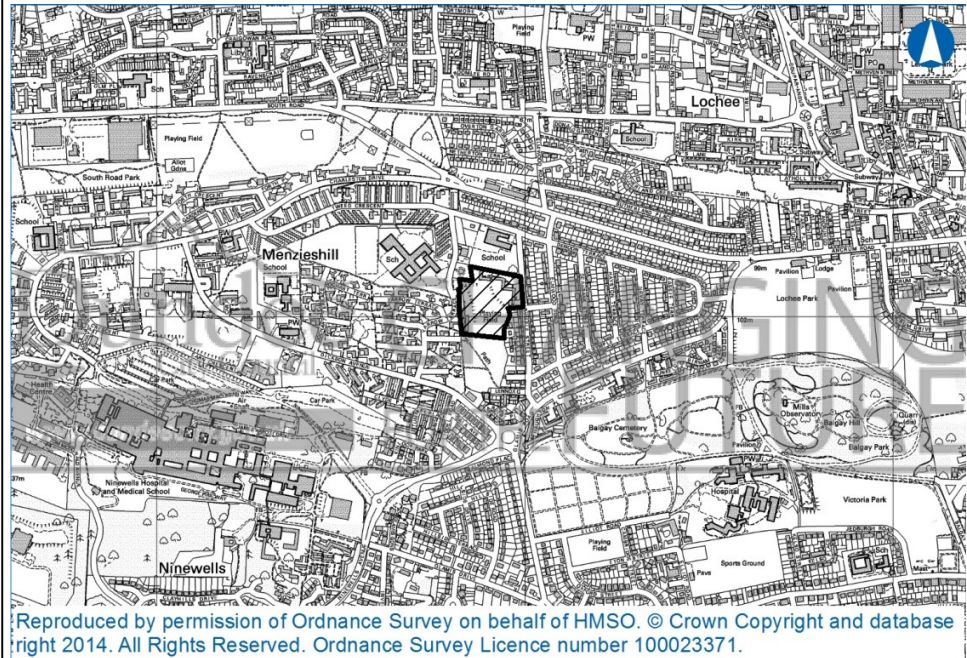
Applicant

Persimmon Homes East
Scotland
FAO Mr Neil Parry
Unit 1 Old Well Court
Easter Inch Business Park
Bathgate
EH48 2TQ

Agent

Registered 13 Nov 2013

Case Officer Eve Young



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SUMMARY OF REPORT

- Planning permission is sought for the erection of 70 houses and associated infrastructure. The 50 detached and 20 semi detached properties have 3 or 4 bedrooms. All will have off street parking or garages and private garden ground of at least 120m².
- The development will take access from Dalrymple Street with pedestrian accesses to Yarrow Terrace to the west and south west.
- The application includes a number of supporting reports including engineering reports to address the remediation of the infilled former quarry.
- The development was the subject of a pre-application public meeting which indicated support for the redevelopment of the site for housing. The planning application attracted one objection and one representation.
- The site is allocated for housing in the Dundee Local Development Plan 2014. The application fails to comply with Policy 7 in the Plan in respect of Public Art.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=MV7VS1GCGN000>.

RECOMMENDATION

The application fails to comply with Policy 7 of the Dundee Local Development Plan 2014 which allocates the site for housing development. However, the material considerations are sufficiently strong to justify approval of planning permission. Therefore, the application is recommended for APPROVAL subject to conditions.

1 DESCRIPTION OF PROPOSAL

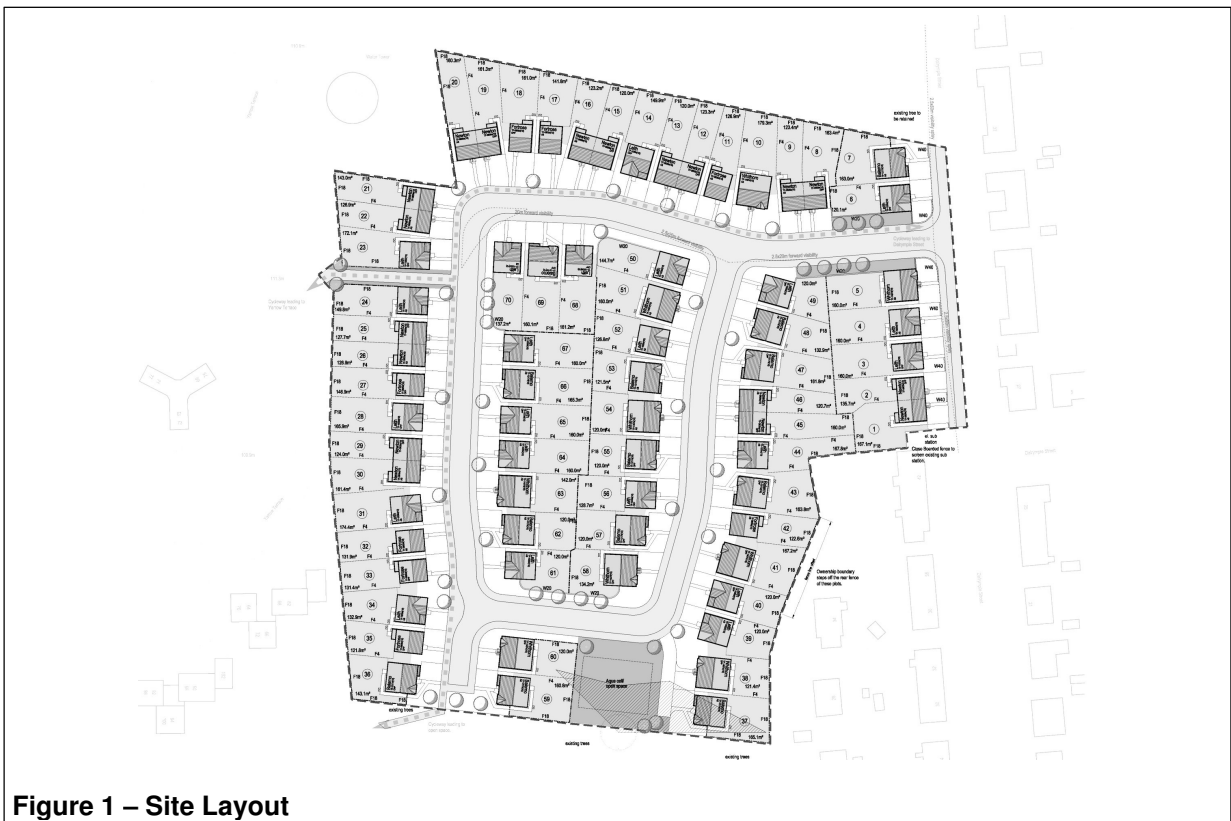


Figure 1 – Site Layout

- 1.1 Planning permission is sought for the erection of 70 houses and associated roads and infrastructure. The houses will comprise 50 detached and 20 semi-detached properties; 26 are 3 bedroom properties and the remaining 44 units have 4 bedrooms. All will have off-street parking or garages and private garden ground of at least 120m². The development will take access from Dalrymple Street and will be served by a loop road around the site. There will be pedestrian accesses to Yarrow Terrace to the west and south west.
- 1.2 The application includes a number of supporting reports including a Tree Survey, a Design and Access Statement, Landscaping Designs, a Transportation Statement and a Planning Statement. A Site Investigation Report, a Site Remediation Report and further reports on the Proposed Engineering and Development Approach have been submitted to explain the proposed method of remediation of the site to address the ground conditions in the infilled quarry.
- 1.3 As the area of the application site exceeds 2 hectares, the proposals fall within the meaning of a Major Planning Application as defined by Regulation 2(1) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Accordingly, the applicant was required to undertake statutory pre-application consultation with the local community. A Pre-application Consultation Report is submitted as part of this application. In addition, the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 also stipulate that major planning applications should be accompanied by a Design and Access Statement. The applicant has complied with this requirement. In accordance with the Scheme of Delegation, all Major Planning Applications must be reported to the Council's Development Management Committee.

2 SITE DESCRIPTION

2.1 The application site is broadly rectangular and lies between Dalrymple Street to the east; open space north of Dickson Avenue to the south, Yarrow Terrace to the west and Hillside Primary School to the north. The site slopes generally from north to south, falling by approximately 5 metres with a lower central section as detailed below. The housing on Dalrymple Terrace is predominantly bungalows and on Yarrow Terrace is a mix of terraced houses and flats. There is a large water tower on the top of the hill at Yarrow Terrace which lies adjacent to the north west corner of the site. There is a line of trees along the southern boundary of the site and scattered trees and shrubbery on the east and north margins of the site. The embankment within the site has scrub vegetation.

2.2 The site was formerly occupied by Hillside Halls student residences which occupied the higher north and west parts of the site. The centre of the site is at a lower level with an embankment to the north and east and was formerly occupied by a football pitch and tennis court used by the students. The student housing was vacated in 2007 and was recently demolished by the applicant. Prior to the development of the student housing in the early 1970s, a large part of this site and the land to the south was a quarry which appears to have been infilled sometime in the 1960s.



3 POLICY BACKGROUND

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

TAYPLAN STRATEGIC DEVELOPMENT PLAN 2012-2032

Policy 5: Housing

DUNDEE LOCAL DEVELOPMENT PLAN

The application will be considered against the relevant policies of the Dundee Local Development Plan 2014.

Policy 7: High Quality Design

Policy 8: Housing Land Release

Policy 9: Design of New Housing

Policy 29: Low and Zero Carbon Technology in New Development

Policy 38: Trees and Urban Woodland

Policy 40: Waste Management Requirements for Development

Policy 42: Sustainable Drainage Systems

Policy 45: Land Contamination

Policy 55: Accessibility of New Developments

SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS

The Policy states that the strategic development plan should identify the housing land requirements for city regions and local development plans should allocate land on a range of sites which is effective or capable of becoming effective up to year 10 from the predicted date of adoption. This report will demonstrate that these requirements have been met by the TAYplan and the Dundee Local Development Plan.

The Policy also states that planning decisions should be made on planning grounds in the public interest and should not be used to secure objectives achievable under other legislation or powers. The granting of planning permission does not establish anything so far as other permissions or authorisations are concerned but the aim should be to avoid situations where planning consent cannot be implemented because other environmental controls cannot be satisfied.

PAN 51 – Planning, Environmental Protection and Regulation states that the planning authority may decide a condition is needed to control a matter which is material to the decision making on an application, following appropriate consultation with environmental bodies.

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

4 SITE HISTORY

- 4.1 13/00195/PAN The PAN (Proposal of Application Notice) was validated on 4 April 2013. The PAN must be submitted at least 12 weeks before the planning application is lodged and specified public consultation must be carried out. A report on the pre-application Consultation must be submitted as part of the subsequent planning application. The applicant has complied with these requirements as noted below.



Figure 3 – Dalrymple Street Photo

5 PUBLIC PARTICIPATION

5.1 Pre-application

As noted above, public consultation forms part of the statutory requirements for the submission of a Major application. The applicants submitted a Pre-application Consultation (PAC) Report as part of the planning application in order to comply with the statutory requirements. The applicants held a public open day at Hillside Primary School on Monday 27 May 2013 between 1500hrs and 2000hrs. The event was advertised in the Courier on 17 May 2013. The exhibition featured plans and images of the proposed development and was attended by 60-70 members of the public. The PAC report states that there was wide support for the demolition of the buildings and redevelopment with housing. Fifteen written comments were made on the following main topics: concern that only one road access is proposed to the site; traffic concerns during construction and possible loss of privacy from new development. Five respondents were very supportive of the proposed redevelopment.

5.2 Objection/Representation

The application was notified to 20 neighbouring properties and was also the subject of statutory advertisement in the local press. One objection was received from a neighbour who supports the principle of the development but objects on the following grounds of detail: 2 storey houses fronting Dalrymple Street are out of character with the streetscape; the site is more densely developed than detailed in the Dundee Local Development Plan; single access only from Dalrymple Street when the site originally had two accesses. One representation supported the development of the site for houses as the student flats on site had fallen into disrepair and were affecting the writer and their neighbours. Since this application was submitted, the vacant student flats have been demolished. These matters will be considered later in this report.



Figure 4 – Dalrymple Street Photo

6 CONSULTATIONS

- 6.1 **Scottish Environmental Protection Agency (SEPA)** – SEPA was consulted as this is a major application. SEPA has no objection to the proposed development in respect of drainage issues. However, advice was given that the developer should seek to reduce the amount of surface water draining to the combined sewer. With regard to the potential impact of the proposed remediation of the site on the water environment, SEPA advised that they had no specific comments but would provide input directly to the Council's Contaminated Land officers.
- 6.2 **Sport Scotland** – Sport Scotland was consulted as the last use of part of the site was sports pitches comprising a football pitch and tennis court. Scottish Planning Policy (SPP) requires that the redevelopment of the sports pitches meet the requirements for suitable replacements. Sport Scotland confirmed that the football pitch element was too small to require formal consultation but the tennis court did require justification for its removal. The site was owned and managed by the University of Abertay solely for the student residents and has been unavailable for some time. The University of Dundee has invested in new sports facilities which are open to students from both Universities and also the community which off sets the loss of this facility. As the opportunity to play tennis has been enhanced in the City in a more accessible location, Sport Scotland does not object to this development
- 6.3 **The Head of Environmental Protection** – advised that the recommendations of the submitted Site Investigation Report were reasonable and requested the submission of a Remediation Statement to address specific matters of contamination prior to the determination of the application. The Remediation Statement was requested to make reference to site investigations carried out on behalf of the City Council in 2011 and the relevant report was made available to the applicant to assist in this process.
- 6.4 Further information was provided and detailed discussions have been carried out with the Contaminated Land Officer. It is concluded that there are some contamination issues due to the historic infilling of the site. Remediation, including capping and gas protection measures, is required to address the risks to future residents. Further Risk Assessment is required to

assess the impact of the proposed works on the groundwater. These matters can be the subject of appropriate conditions.

- 6.5 **The Forestry Officer** – has concerns that several plots are overshadowed by trees in adjoining land and seeks conditions to protect the trees along the southern boundary and agree appropriate landscaping.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.**

THE DEVELOPMENT PLAN

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

TAYPLAN STRATEGIC DEVELOPMENT PLAN 2012-2032

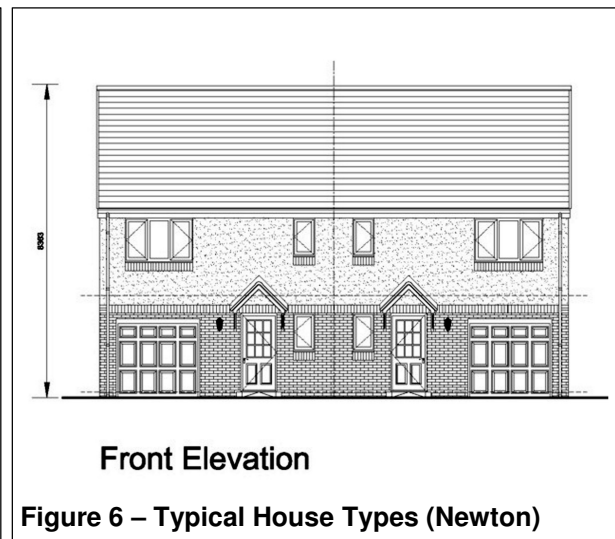
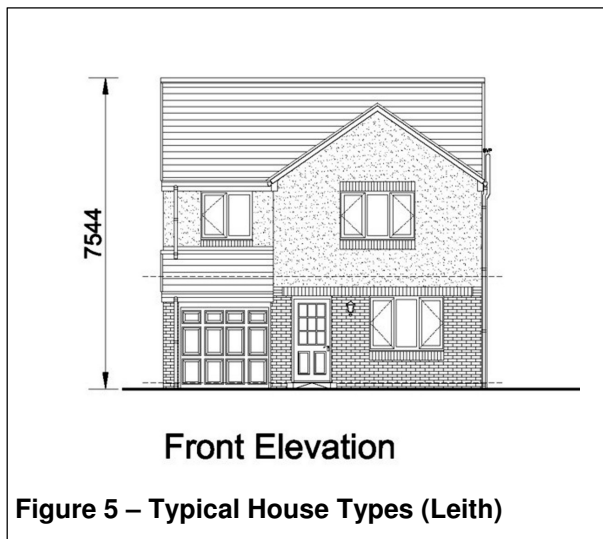
- 7.2 **Policy 5: Housing requires Local Development Plans** - to identify appropriate land to be allocated for housing to ensure a generous supply of effective housing sites to provide for the delivery of the required level of housing as detailed in Proposal 2 and to provide flexibility and choice.
- 7.3 **The proposal satisfies the requirements of Policy 5.**

DUNDEE LOCAL DEVELOPMENT PLAN

- 7.4 **Policy 8 – Housing Land Release** – the principle of development on this site for housing is established through its allocation in the Dundee Local Development Plan as H11 Hillside, Yarrow Terrace for 60 homes. The proposed development for 70 homes is in excess of the indicative capacity for the site. The developer must demonstrate that the site can accommodate a development of the number of homes proposed in accordance with Policy 9 (Appendix 3) and other relevant policies of the Plan.
- 7.5 Policy 8 Housing Land Release seeks to ensure that a 5 year supply of housing land is maintained over the Plan period. To achieve this, housing sites allocated in Appendix 2 are not to be developed for other uses. As the proposed development is for housing then it would raise no issues of concern in terms of the aims of this Policy. To ensure that sufficient land is allocated Appendix 2 provides capacities for each of the allocated sites. Whilst capacities for each site are provided, it is still incumbent on any proposed development to demonstrate that the design and layout is in accordance with Policy 9 (Appendix 3). As part of this process it is accepted that the number of units that can actually be accommodated may increase or decrease from that identified for each of the allocated sites.
- 7.6 The application under consideration proposes that the site be developed for 70, 3 and 4 bedroom family houses. The applicant states that this can be achieved and meet the requirements of Policy 9 (Appendix 3). The proposed development has been assessed against the requirements for new housing set out in Policy 9 (Appendix 3) and it has been established that the proposal is in accordance with these standards. As the proposals are for an increase in the capacity of the site it would not undermine the delivery of the housing

strategy as set out in Policy 8. It is considered that the proposed development is in accordance with Policy 8.

7.7 The proposal satisfies the requirements of Policy 8.



7.8 Policy 9 and Appendix 3 – Design of New Housing – Due to the location of the site the suburban standards in Appendix 3 of the Dundee Local Development Plan 2014 are to be applied. The applicant has amended the layout to comply with the requirements of the Plan.

7.9 The design and layout of new housing developments in Dundee should be of a high quality and contribute to creating places that build on and enhance the distinct character and identity of the different parts of the City. The development meets the approved LDP guidelines in respect of the type of house and parking provision. All of the garden grounds meet the minimum of 120m² and the average garden ground should be 140m². The detached houses on the southern boundary of the site have garden ground that is overshadowed by existing trees which are not in the ownership of the applicant. Similarly a plot at the north east corner of the site is affected by a large tree in the school grounds. Development of these plots should be the subject of further investigation with regard to the condition of the trees outwith the site and this can be the subject of an appropriate condition.

7.10 The Local Plan indicates that there should be a minimum of 18 metres between facing windows of habitable rooms. This minimum is met within the site. Local residents at the pre application exhibition and one local resident in a written objection raise concerns about the development of two storey houses on the frontage of the site at Dalrymple Street both in terms of design and loss of privacy. The existing houses are 25 metres apart across the street. The proposed development has 7 houses on the frontage which are 20 metres from the existing houses. This complies in terms of the policy standards.

7.11 With regard to the development of houses in an area where the street is predominantly bungalows, this will be a large new development and the houses on the street frontage will clearly form part of that new housing rather than an extension of the existing. It is not unusual to have different house types in a residential street and in this case, the two storey houses will be grouped and will form a clearly different development.

7.12 The proposal satisfies the requirements of Policy 9.

7.13 Policy 7 – High Quality Design – The policy states that “all development must 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 and should create and improve links within the site and into the surrounding area beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.”

- 7.14 It is considered that the proposed development provides a well designed modern housing development which respects the existing development and provides links to surrounding streets and the open space to the south.
- 7.15 Policy 7 also states that, “All developments in Dundee with construction costs of £1 million or over will be required 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.” There are no proposals for a public art allocation on this site.
- 7.16 **The proposal fails to satisfy the requirements of Policy 7.**
- 7.17 **Policy 45 – Land Contamination** – the policy requires that:
- 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.”
- 7.18 As noted in the site description, a significant portion of the site is a former quarry which has been infilled. Historic maps show the following: 1865 an active quarry; 1937 a disused quarry; 1958-1970 the quarry is infilled; 1979 the flats have been constructed. The initial Site Investigation Report details the investigations which have been carried out to identify the nature of the underlying ground and any contamination issues. Trial pits and soils boreholes produced samples for testing and 25 probes were used to determine that the quarry floor was up to 20-25 metres below the existing ground levels. A further investigation was carried out to assess the geotechnical properties of the made ground. The reports indicate that the infill materials are of unknown provenance, comprising a sandy gravel of ash, clinker, glass, hardcore and other extraneous materials which may pose a potential contamination risk. The materials were unlikely to have been placed in an engineering manner and are in a loose state of compaction.
- 7.19 Reports have been submitted and discussions held with officers, including the Contaminated Land Officer. It is concluded that, subject to the submission and approval of final reports, the development can address the issue of land contamination and risks to human health and groundwater and these matters can be the subject of appropriate conditions.
- 7.20 **Subject to those conditions, it is concluded that the proposal satisfies the requirements of Policy 45.**
- 7.21 **Policy 38 – Trees and Urban Woodland** – the policy requires that new development, where appropriate, should ensure the survival of existing healthy mature trees. New landscaping proposals should also be submitted.
- 7.22 A Tree Survey and Arboricultural Constraints report and detailed Landscaping proposals were submitted with the planning application. The tree survey described 15 trees in or adjoining the site and assessed other shrubbery and undergrowth within the site. The

woodland belt beyond the south boundary of the site was also assessed and the shadow cast by these trees is indicated on the plans.

- 7.23 Ten trees were considered to be Category A and three are Category B. Two trees in the school grounds overhang one proposed plot and could be affected by the proposed development. The report indicates that in order to accommodate the development, none of the trees within the site can be retained. Tree protection fencing is recommended to protect the woodland belt on the south boundary and management of these trees is required in order to minimise impact on private gardens.
- 7.24 The report recommends works to trees outwith the site, which are in the ownership of Dundee City Council. The granting of planning permission will not give the developer rights to carry out works that may damage these trees but the Forestry Officer has indicated that, in terms of the southern woodland belt, appropriate tree works could be carried out at the applicant's expense to manage and improve this line of trees with some suitable underplanting to enhance the environment. In addition, the outfall from this site to connect with the sewer in Yarrow Terrace will involve some works through this area of trees which will be carried out at the developer's expense. This can be the subject of full consultations with the Forestry Officer as specified in appropriate conditions.
- 7.25 The submitted landscaping plans are for a superseded layout and will require to be amended to address the later amendments. However, the principle of the landscaping is acceptable and can be the subject of appropriate conditions for updated plans and future maintenance.
- 7.26 Whilst the loss of trees on this site is regretted, they are in locations which make their retention difficult. Replacement tree and shrub planting will compensate for this loss and provide trees and landscaping into the future, in addition to the planting which residents may undertake in their own gardens.
- 7.27 **The proposal satisfies the requirements of Policy 38.**
- 7.28 **Policy 40 – Waste Management** – as all of the houses are detached or semi-detached, they have access to their rear gardens which will accommodate the required bin stores to meet the Council's waste strategy
- 7.29 **.The proposal satisfies the requirements of Policy 40.**
- 7.30 **Policy 42 – Sustainable Urban Drainage Systems** – due to the location of the site and its ground conditions, Scottish Water has confirmed that the surface water from the site can be drained to the combined sewer. In order to control the discharge, surface water will drain via an attenuation structure which will provide an area of open space within the development which will be maintained by Scottish Water.
- 7.31 **The proposal satisfies the requirements of Policy 42.**
- 7.32 **Policy 55 – Accessibility of New Developments** – the applicant has submitted a Transport Statement in accordance with the requirements of this policy. The statement and the submitted plans indicate pedestrian routes will be formed to the west and south west to connect the site to adjoining streets. The applicant does not own the adjoining land but the requirement to form acceptable footway links can be the subject of appropriate conditions.
- 7.33 **The proposal satisfies the requirements of Policy 55.**
- 7.34 **Policy 29 – Low and Zero Carbon Technology in New Development** – the policy requires that, for specified developments, carbon emissions will be reduced by defined percentages

through the installation and operation of zero-carbon generating technologies. The submitted Design and Access Statement provides some information regarding the energy saving measures in the construction of the proposed houses. An appropriate condition will ensure that a Statement is submitted in accordance with the terms of Policy 29.

7.35 **The proposal satisfies the requirements of Policy 29.**

7.36 It is concluded from the foregoing that the proposal fails to comply with the Public Art requirement in Policy 7 and thus fails to comply with the provisions of the development plan.

OTHER MATERIAL CONSIDERATIONS

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

A – SITE STABILITY

7.37 The proposed development of the site has been the subject of detailed discussions between the developer, their engineers and officers of the City Council with regard to the remediation of the site. It has also been the subject of consultation with SEPA.

7.38 Following assessment of various engineering solutions and discussion with specialist contractors, the developer proposes deep soil mixing (DSM)

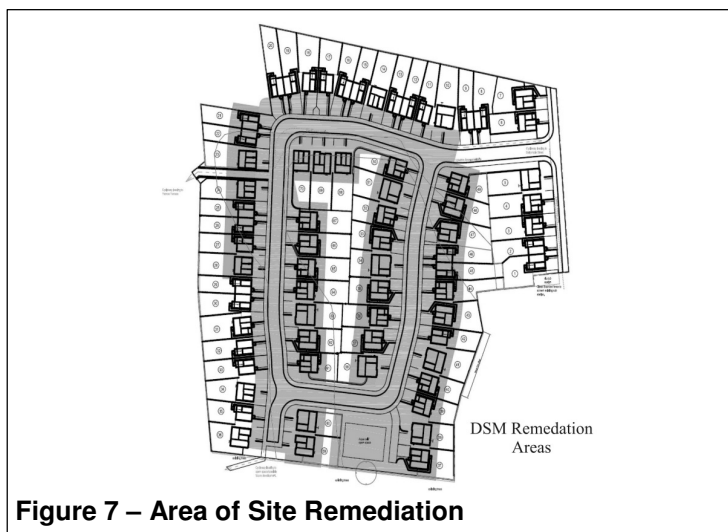


Figure 7 – Area of Site Remediation

for use beneath the housing, roads, footpaths and drainage proposed. DSM involves the injection of cement grout into the surrounding soils. This not only improves and solidifies the existing fill materials but also compacts them thereby reducing potential future settlement to acceptable levels. This process is repeated on a grid pattern beneath all infrastructure and housing situated over the area of the former quarry. A platform of solidified and improved soils will be formed on top of the DSM columns to provide the base for the construction of the houses, roads and infrastructure. In-situ testing of materials will be undertaken at regular intervals and all works will be supervised and verified by the engineer with a completion report provided confirming works have been undertaken to the agreed specification.

7.39 The developer has agreed with a Council request that the development platform will extend 4 metres to the rear of the houses in order to provide a firm base for any future extensions to the properties.

7.40 As noted in PAN 51 the planning authority may decide a condition is needed to control a matter which is material to the decision making. In this particular case, it is considered that the proposed remediation of the ground in the former quarry area should be the subject of detailed planning conditions in respect of testing and validation of the works.

B – POLICY 7: PUBLIC ART

7.41 The development of this site, as detailed above, will incur substantial engineering costs for the developer in order to address the unique circumstances of the ground conditions at this particular site. This is a brownfield site in a residential area which will provide 70, 3 and 4

bedroom family houses. The development of this site will benefit the local community and the city as a whole. It is considered that in this particular case, these exceptional additional costs are sufficient justification to discharge this requirement within Policy 7.

C – VIEWS OF OBJECTORS

- 7.42 The application was notified to 20 neighbouring properties and was also the subject of statutory advertisement in the local press.
- 7.43 One objection was received from a neighbour who supports the principle of the development but objects on the following grounds of detail:
- a storey houses fronting Dalrymple Street are out of character with the streetscape;
 - b the site is more densely developed than detailed in the Dundee Local Development Plan;
 - c single access only from Dalrymple Street when the site originally had two accesses.

Comment

- a The issue of the design of the houses has been addressed in paragraph 7.11.
 - b The site has been allocated as a brownfield housing site in the Dundee Local Development Plan as H11 Hillside, Yarrow Terrace with capacity for 60 units. It is for the applicant to demonstrate that the site is capable of accommodating more development. As noted above the proposed development for 70 family houses makes use of brownfield land in accordance with the Council's guidelines for new housing. It is considered that this requirement has been met in this particular case as detailed above.
 - c As noted above, the applicant does not own the land to the west of the site where it adjoins Yarrow Terrace. The proposed scale of development served by one vehicle access on to Dalrymple Street meets the Council's standards in this case because of the design of the layout.
- 7.44 The concerns of the objector are addressed in the foregoing report and are insufficient to justify refusal of the application.
- 7.45 The comments made at the exhibition are not material considerations which the planning authority is required to take into account. However, the issues raised, other than construction traffic, have been considered in this report. Construction traffic is generally controlled under separate legislation but given the location of the site in a residential area, close to a primary school, it is considered appropriate to apply a condition which will require the submission and agreement of a traffic management plan for the construction phase to address local concerns.

Supporting Statements

- 7.46 The applicant has submitted a Design and Access Statement, as required by statutory legislation, and a Planning Statement in support of this application. Whilst some minor details within those reports have been superseded by more recent changes to the layout, the general principles behind these documents are acceptable as material considerations in support of the application.

- 7.47 **It is concluded from the foregoing that the material considerations support the approval of planning permission.**

8 CONCLUSION

- 8.1 The application fails to comply with one policy in the Dundee Local Development Plan 2014 which allocates the site for housing development. However, the material considerations are sufficiently strong to justify approval of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

- 9.1 It is recommended that consent be GRANTED subject to the following conditions:
- 1 Prior to the commencement of works for the remediation of the site, a full Geotechnical Design, accompanied by signed Certification in accordance with the Highways Agency Design Manual for Roads and Bridges Standard HD22/08 for Managing Geotechnical Risk, shall be submitted for written agreement and subsequent acceptance by the City Council and works shall be carried out in accordance with the agreed details.
 - 2 Prior to the commencement of construction on the site within the area of ground remediation shown on drawing ref: SKE PL 004, a full verification report on the integrity testing and monitoring of the Deep Soil Mixing remediation strategy shall be submitted by the supervising engineer to the City Council for acceptance and construction shall not commence until written acceptance of the report is received.
 - 3 Development shall not begin until the contaminated land risk assessment is completed by the inclusion of reference to groundwater and a final remediation strategy to deal with contamination at the site has been submitted to and approved in writing by the planning authority. The strategy shall contain proposals to deal with contamination to include:
 - 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.If it is anticipated that some units will be occupied prior to remediation and verification of the whole site, proposals for phased remediation and verification on each section of the site should be included.
 - 4 Before any unit is occupied, the remediation strategy, as required by Condition 3 shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy for that phase/site section have been achieved shall be submitted to and approved by the planning authority.
 - 5 Prior to the commencement of any works on site, tree protection fencing in accordance with BS5837:2012 shall be erected on site around the trees to the north east and south of the site boundaries , the only exception to this requirement shall be the wayleave

approved for the connection to the sewer on the south boundary, as agreed with Dundee City Council. Such fencing shall be retained in place throughout the construction period. No excavations, site works or services shall be carried out within the protected tree area and no soil, waste or materials shall be deposited within the tree area in such a position as to be likely to cause damage to the trees by affecting their root structure.

- 6 Prior to the commencement of construction of houses on Plots 7, 36, 37 and 59 as specified on the Site Layout plan ref HSH-02-01 Rev J, a Tree Impact Assessment to address the need for any works to the trees affected by the development shall be submitted for approval. Any works to the trees shall be carried out in accordance with the approved report, in accordance with BS 3998: 1989 and at the developer's expense.
- 7 Prior to the commencement of the construction of the houses hereby approved, a comprehensive landscaping scheme for hard and soft landscaping shall be submitted for approval and the works shall be carried out only in accordance with such approved details. The details shall include replacement trees and underground services should be designed to accommodate tree pits where required.
- 8 The landscaping scheme as detailed in Condition 7 shall be fully implemented in accordance with the approved details in accordance with the following timescales:
 - i landscaping within individual plots shall be completed prior to the occupation of the relevant houses; and
 - ii landscaping within ancillary land shall be completed within 6 months of the completion of the adjacent development.

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.

- 9 The new road and access must be constructed in accordance with details which have previously been submitted to and approved by Dundee City Council as Roads Authority in accordance with DCC specifications.
- 10 Any existing site access which are no longer required as part of the development should be made good, as footway, by the applicant, at their expense. All related works must be to Dundee City Council standards and specifications.
- 11 All proposed garages shall be set back 6 metres from the back of the adjacent footway/site boundary. As an absolute minimum this may be reduced to 5 metres if a roller shutter or sectional type garage door is installed.
- 12 Surface water from within the individual site curtilages must not drain to the adjacent proposed roads therefore hard surfaces must be made of porous materials or provision must be made to direct run off water from the hard surfaces to permeable or porous areas or surface within the curtilage of the dwellinghouses.
- 13 Prior to the commencement of any works on site, including the remediation processes, the developers shall contact the City Council's Network Management Team in order to agree, in writing, a programme for access to the site for construction traffic. The agreed programme shall be carried out by all contractors and sub-contractors.

- 14 Full details of the finishing materials proposed to be used shall be submitted to the Council for approval and the development shall be carried out only in accordance with such approved details.
- 15 Full details of the proposed boundary treatments shall be submitted for approval prior to the commencement of construction and the boundaries shall be completed in accordance with the approved details prior to the completion of the development.
- 16 The proposed pedestrian links to Yarrow Terrace shall be completed, to Dundee City Council standards and specifications, prior to the completion of the houses on either side of each link.
- 17 Any future extensions to the houses hereby approved shall not extend more than 4 metres from the rear wall of the property. For the avoidance of doubt this condition does not grant planning permission for extensions and owners must ensure that, where necessary, planning permission is obtained.
- 18 A Sustainability Statement demonstrating the extent to which the new build elements of the development will meet the requirements of Policy 29 of the proposed Dundee Local Development Plan 2012 shall be submitted for the approval of the Council and the works shall be completed in accordance with the approved Statement.

REASONS

- 1 In order to ensure that the site is suitable for the proposed development.
- 2 In order to ensure that the site is suitable for the proposed development.
- 3 To ensure that potential risks arising from the historic use of part of the site have been fully assessed and an appropriate remediation strategy has been agreed.
- 4 To ensure that the agreed remediation strategy has carried out in the interests of the amenities of future residents
- 5 In order to protect the trees adjacent to the site in the interests of the visual amenities of the area.
- 6 In order to protect the trees adjacent to the site in the interests of the visual amenities of the area.
- 7 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 8 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 9 In the interests of highway safety.
- 10 In the interests of pedestrian and highway safety.
- 11 In order to ensure that there is sufficient space for the garage door to be opened with a car in the driveway, clear of the footway in the interests of pedestrian safety.
- 12 In order to ensure that surface water is dealt with within the curtilage.

- 13 To define acceptable vehicle routes and timetables in accordance with the existing road system and to protect the safety and amenity of the nearby schools and the surrounding residential area.
- 14 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 15 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area and the amenities of neighbours.
- 16 In the interests of pedestrian safety
- 17 The remediation and consolidation of the site extends to 4 metres beyond the rear wall.
- 18 In order to demonstrate that the new development will meet the required carbon emissions reduction standards in the interests of the environment.