

# 150 Houses - Linlathen Road

## KEY INFORMATION

**Ward** The Ferry

### Address

Linlathen Village  
Linlathen Road  
Broughty Ferry

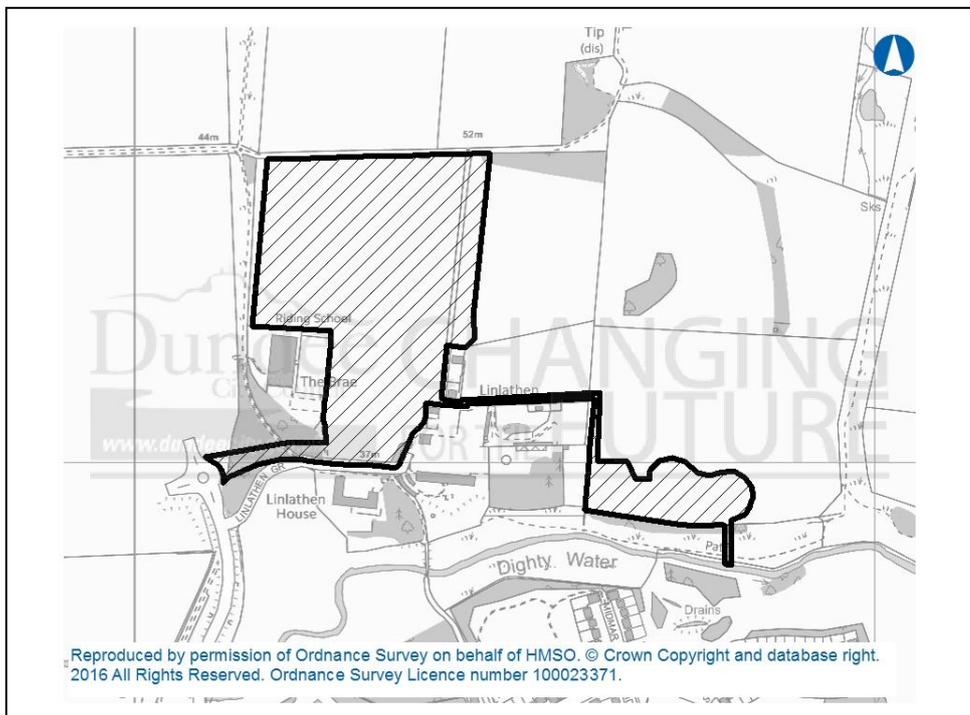
### Applicant

Kirkwood Homes Ltd  
Technical Department  
Kirkwood Business Park  
Sauchen  
Inverurie  
AB21 7LE

### Agent

**Registered** 3 May 2016

**Case Officer** David Gray



## SUMMARY OF REPORT

- Planning permission is sought for the erection of 150 houses on the site, along with associated infrastructure, access, landscaping, drainage, SUDS and open space.
- The 11.91 hectare site comprises part of a greenfield housing site, listed as site H71(2) in the Dundee Local Development Plan 2014 which is indicated as having capacity for 150 houses. The LDP states that the site is for release in the second 5 year period of 2020-2024 of the Plan.
- The applicant proposes 150 houses on part of the allocated H71(2) site, leaving the eastern part of the allocated site out of this application. The proposed SUDS area is located outwith the allocated site.
- The proposal is contrary to Policy 8 of the Dundee Local Development Plan because of the proposal to bring it forward ahead of the 2020-2024 Plan period; Policy 9 and Appendix 3 because of proposed courtyard parking; and Policy 32 due to the SUDS area being located in the Open Countryside
- The proposal otherwise complies with relevant provisions of the Development Plan.
- Broughty Ferry Community Council has objected to the application and 6 valid objections were received.
- Bringing forward the delivery of the site at the current time would not prejudice the delivery of the Western Gateway Strategic Development Area and would provide a choice of new housing locations within the east and west of Dundee; the location of the proposed SUDS area is at the lowest possible level close to the outfall into the Dighty would not detract from the rural character of the Open Countryside; and the courtyard areas provide a choice of housing style and sizes within the development. These matters justify the approval of the application contrary to the Development Plan.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/simpleSearchResults.do?action=firstPage>

## RECOMMENDATION

The proposal fails to comply with the Development Plan. However, there are material considerations that would justify the approval of planning permission. Therefore, the application recommended for APPROVAL subject to a Section 75 Planning Obligation and conditions.

# 1 DESCRIPTION OF PROPOSAL



**Figure 1 – Proposed Site Layout**

- 1.1 Planning permission is sought for the erection of 150 houses on the site, along with associated infrastructure, landscaping, SUDS and open space. Access would be taken from the existing roundabout at the north end of Linlathen Road, before leading eastwards through a small woodland into the site. The majority (118) of the houses would be detached, with 6 semi-detached and 26 terraced houses also being proposed. The houses would range from 3 to 5 bedrooms and 1.5 to 1.75 storeys in height. The detached and semi-detached houses mainly address the proposed road network within the site. The terraced properties would be located within two areas of the site, and would address parking courtyard areas.
- 1.2 A new SUDS area is also proposed to the southeast of the main residential part of the site, directly to the north of the Dighty Water. It is proposed to link the houses to this via a new sewer running along the track to the north of 40 Linlathen Grove before turning south towards the Dighty.
- 1.3 Several areas of open space are proposed within the site, all with pedestrian/cyclist access to or through them. The proposal would also provide pedestrian/cycle access to the north, east and west of the site, including links to the Core Path Network to the north and west of the site. The applicant proposes to landscape the areas of open space, and provide some landscaping strips to the north and west boundaries of the site.
- 1.4 As the application site exceeds 2 hectares, and the proposed number of residential units is more than 50, the proposals constitute 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 Proposal of Application Notice (PAN) was

submitted in June 2015 and a Pre-application Consultation Report has been submitted with the application. A design and access statement, planning statement, transport statement, ecological impact assessment, bat survey, ground investigation report and tree survey have also been submitted with the application. Updated drainage and road design drawings have been submitted in the course of the application.



**Figure 2 – Proposed Site Sections**

- 1.5 In accordance with the Council's 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 located 750m to the north of the A92 and is accessed from Linlathen Road. It lies north of the escarpment above the Dighty Water beyond the existing housing developments at Clearwater Park and Strathyre Avenue. The site is currently in agricultural use and slopes down gently from north to south towards the Dighty Water.
- 2.2 The site is bound by the existing Core Path Network to the north and west of the site, existing agricultural land to the east and designated open countryside to the south. There is an existing narrow tarmac road running east from Linlathen Road providing access to an existing nursing home which is located to the south of the site, and The Braes horse riding facility for the disabled to the east. Several houses are also accessed via this road. Small areas of woodland are located to the south and west of the proposed housing layout. There is a steep wooded embankment to the south of the site down to the Dighty Water. These areas of woodland are the subject of Tree Preservation Orders.

- 2.3 A small number of existing houses associated with Linlathen Farm are located to the southeast of the site.



Figure 3 – Photo of Site from Northwest



Figure 4 – Photo of Site from Northeast

### 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**

Policy 7: High Quality Design

Policy 8: Housing Land Release

Policy 9: Design of New Housing

Policy 19: Funding of On and Off Site Infrastructure Provision

Policy 29: Low and Zero Carbon Technology in New Development

Policy 32: Development within the Open Countryside

Policy 34: Locally Important Nature Conservation Sites

Policy 38: Trees and Urban Woodland

Policy 41: Flood Risk Management

Policy 42: Sustainable Drainage Systems

Policy 45: Land Contamination

Policy 55: Accessibility of New Developments

#### **SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS**

Scottish Planning Policy: 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.

- 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 10/00298/FULM for the development of a 60 unit supported living complex on land immediately to the south of the application site which was granted on 24 July 2012. This development is now under construction.
- 4.2 Planning application 12/00830/FULM for the erection of 271 houses with associated infrastructure, open space and landscaping was withdrawn by the applicant prior to determination.
- 4.3 A Proposal of Application Notice (reference 15/00452/PAN) was received on 12 June 2016. The current planning application was submitted on 3 May 2016 along with the required Pre-application Consultation Report. The PAC Report states that the applicant undertook community consultation including a public meeting which was attended by 23 people.

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## 5 PUBLIC PARTICIPATION

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- 5.1 The Council has carried out the statutory neighbour notification procedure detailed in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. This application was also advertised in the Dundee Evening Telegraph as a departure to the Development Plan.
- 5.2 Six valid objections were received, citing the following concerns:
- Contrary to development plan;
  - Detrimental to environment;
  - Detrimental to residential amenity;
  - Increased traffic;
  - Impact on road traffic and pedestrian safety;
  - Density;
  - Design;
  - Impact on trees;
  - Remote from and impact on capacity of community services;
  - Loss of rural land; and
  - No need for greenfield housing in this area.
- 5.3 Broughty Ferry Community Council also objected and this is summarised in the Consultations section below.

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## 6 CONSULTATIONS

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- 6.1 **Scottish Natural Heritage** – offered no comments on the application.
- 6.2 **Scottish Environment Protection Agency** – has no objection to the application, stating that whilst part of the site is located within the 1 in 200 year flood envelope, it is located sufficiently high above the Dighty Water to be outwith the flood plain.
- 6.3 **Historic Environment Scotland** – has no objection to the development.
- 6.4 **Royal Society for the Protection of Birds** – has no objection to the application but recommends that bird breeding and barn owl surveys are carried out before development commences and that the inclusion of owl and kestrel boxes be considered by the developer.
- 6.5 **The Head of Community Safety and Protection** – has no objection to the application subject to conditions requiring a further land contamination risk assessment and remediation strategy.
- 6.6 **The Head of Environmental Management** – has no objection but commented that further detail/revisions should be sought regarding the proposals for Core Path connections and proposals, landscaping and SUDS, tree felling and protection and biodiversity.
- 6.7 **The Archaeology Service** – has no objection subject to a condition requiring a programme of archaeological work.
- 6.8 **Broughty Ferry Community Council** – objects to the application stating that the proposal is premature; would result in overdevelopment; is remote from community facilities and public transport; would be entirely car dependent and could cause flooding and pollution issues. The Community Council also states that there is no primary school capacity for the development; that elements of the design could be improved and that stone walling could be retained and incorporated into the layout of the development.

## 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 1: Location Priorities** - states that the principal settlements within the region have the potential to accommodate the majority of development in the region, and that the re-use of previously developed land and buildings should be priorities; Dundee's core area is identified as a Tier 1 principal settlement.
- 7.3 **The proposal therefore satisfies Policy 1 of the Adopted Strategic TAYplan.**

7.4 **Policy 2: Shaping Better Quality Places** - requires that climate change resilience and resource efficiency is built into the built environment, that new development is integrated with the existing community and transport links, that waste management solutions are incorporated into development proposals and that new designs and layouts take cognisance of Scottish Governments Designing Places and Designing Streets.

7.5 The proposal has demonstrated that it complies with the above; the site is allocated in the current Local Development plan for housing and is well located to offer choice for greenfield housing locations in Dundee; waste management is considered and the proposals take heed of the required policy statements.



Figure 5 – Proposed SUDS Area

7.6 **The proposal therefore satisfies Policy 2 of the Adopted Strategic TAYplan.**

7.7 **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. The Local Development Plan should plan for house building rates in Dundee to exceed the level of annual provision in Proposal 2. However, the Local Development Plan shall ensure that there is a presumption against land releases where it would prejudice the delivery of Strategic Development Areas.

7.8 Development at the Western Gateway Strategic Development Area is now well underway. A total of around 700 units have been approved, development has commenced, and as of 31 October 2016, a total of 31 houses had been completed. Given the progress at the Western Gateway, the development of the Linlathen site ahead of 2020 to 2024 Plan period would not prejudice the delivery of the Strategic Development Area. Additionally, the development of housing at Linlathen would offer a balanced choice of locations in both the east and west of Dundee for prospective residents.

7.9 **The proposal therefore satisfies Policy 5 of the Adopted Strategic TAYplan.**

## DUNDEE LOCAL DEVELOPMENT PLAN

7.10 **Policy 8: Housing Land Release** - gives priority to the development of the allocated brownfield and greenfield sites and states that the sites allocated in Appendix 2 shall not be developed for uses other than housing.

7.11 The site forms part of the H71(2) allocation the Dundee Local Development Plan which is identified for release in the 2020 to 2024 Plan period. The proposal ahead of that Plan period is therefore contrary to Policy 8. Appendix 2 states that the site has an indicative capacity of 150 houses. The current application seeks planning permission for 150 houses, but only on part of the allocated site. The remainder of the site (approximately one third) would not be developed as part of this permission and the applicant has indicated that additional residential development would be proposed on that part of the site. Doing so would substantially increase the scale of development beyond the indicative capacity in Appendix 2. Notwithstanding, 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. The current application demonstrates that 150 units could be developed on the site in a manner that would not have any significant detrimental impact on the quality of the overall development. Any future application for additional housing or other land uses would be assessed on their own merits at that time.

**7.12 The proposal contravenes Policy 8.**

**7.13 Policy 7: High Quality Design** - requires all new development proposals to have a high quality design that contributes positively to the surrounding built and natural environment, with designs complementing their surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.

**7.14** The applicant submitted a Design and Access Statement which outlines the aspirations of the applicant to create unique and identifiable places and neighbourhoods, create vista stops where possible, provide a variety of house types/sizes, create safe pedestrian, cycle and vehicular environment, utilise the existing landscape features and avoid the creation of cul-de-sacs and dead ends. Whilst the proposed layout does not meet all of those aspirations, the applicant's intention is to meet all of the aspirations through the development of the wider area. To that end the applicant also submitted development framework indicating further residential, neighbourhood and school uses as well as landscaping and SUDS. Members should note that the wider area is currently designated open countryside where there is a presumption against development and any further development in this area would be the subject of future Local Development Plan Policies, Site Planning Briefs and/or planning applications. The proposed development framework is therefore not for determination at this time.

**7.15** The layout currently proposed would contain several areas of open space and landscaped amenity areas and these would reflect the character of the site's semi-rural location. The applicant has provided landscape plans to illustrate tree, hedge and shrub and grass planting within public areas and private gardens. The landscape plans also propose areas of feature stone walling. A play area containing areas of bark, balance beams and climbing ramps is also proposed within the central open space. Conditions are proposed to ensure that the landscape plan is implemented and to agree the maintenance details of such areas.

**7.16** The applicant proposes a structure of streets and spaces ranging from 7.3m carriageways capable of serving bus routes, to 4.1m wide lanes with various shared surface areas providing access to a small number of houses. Footways, cycle paths are also proposed throughout the site and the site plan illustrates links to the Core Path Network to the north and west of the site. Whilst the principle of this would be acceptable, further details are required regarding the road type and layout, roads drainage and footpath links and conditions are proposed to ensure these matters are resolved before development commences.

**7.17** Whilst the majority (118) of the houses would be detached, 12 different house types are proposed. Two terraced courtyard areas are also proposed to provide choice for smaller and more affordable properties. The applicant states that the finishing materials would generally comprise wetdash walls, timber grey or green lintels, grey tiled roofs, white UPVC windows and black UPVC rainwater goods. However no details of these have been provided on the elevation drawings and a condition is proposed to secure these. Similarly, the applicant states that the boundary treatments would generally comprise 0.9m timber fencing to the front gardens, 1.8m timber fencing to the rear, and 0.9m masonry walls with 0.9m timber fencing on top in areas of public/private interface. The aim of this proposal is to create an attractive development, with high quality streetscapes in an effort to avoid a

development with a suburban appearance. As such, the fences, walls and railings would not be acceptable. A condition is proposed to ensure that the details of the proposed boundary treatments are to comprise stone dykes and beech hedging, particularly within the areas of prominence within the streetscape.

- 7.18 In accordance with Policy 7, at least 1% of the construction costs should be allocated for the inclusion of art projects in a publically accessible/visible place or places within the development. A condition is proposed to secure the required art.
- 7.19 Overall, the proposed development would be of high quality and through the addition of conditions regarding street layout, footpath connections, landscaping and materials, would be acceptable in the context of Policy 7.
- 7.20 **The proposal satisfies Policy 7 through the addition of conditions.**
- 7.21 **Policy 9: Design of New Housing** - states that the design and layout of all new housing in Dundee should be of high quality and contribute to creating places that build on and enhance the distinct character and identity of the city. In seeking to achieve this, the policy requires proposals to comply with the requirements of Appendix 3 of the Local Development Plan.
- 7.22 The proposed development would be of high quality for the reasons explained above in the context of Policy 7.
- 7.23 Appendix 3 requires 75% of the houses to have 3 or more bedrooms or a minimum of 100m<sup>2</sup> of gross internal floor area. Every proposed house would have at least 3 bedrooms and this meets the requirements. Regarding parking, all tenures should have at least one space within the curtilage of each house, 3 bedroom houses should at least 2 spaces, and 4 or more bedroom houses should have at least 3 spaces. All proposed houses would have the minimum number of required spaces. However, the required 2 spaces for the 3 bedroom terraced houses would not be located within the curtilage of the respective houses, but within parking bays within the courtyards directly in front of the houses. This would not meet the requirements of Appendix 3. Every house would have a minimum of 120m<sup>2</sup> of private useable garden ground and the average rear garden area is 163m<sup>2</sup>. This meets the required standards. The proposed houses would meet the minimum window separation distance of 18m between habitable rooms.
- 7.24 **The proposal contravenes Policy 9 and Appendix 3 due to the proposed courtyard parking.**
- 7.25 **Policy 19: 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 the site.
- 7.26 The Developer Contributions Supplementary Guidance (SG) states that housing development in this location will be required to make a financial contribution towards enhancing primary school provision. The SG states that any greenfield housing land release over that allocated will require the provision of a new primary school north of the A92 Arbroath Road. As the site is allocated for 150 houses, there is no requirement for a new school at this stage, and it is recommended that Members secure the required financial contributions via a Planning Obligation in accordance with the SG. The SG would likely require developer contributions in the form of both land and finance for any further development. The applicant has submitted an indicative development framework for the wider area which indicates a possible location for a new school and neighbourhood facilities to the north of this application site. However, these matters would be for future

consideration as part of a Local Development Plan review and/or further planning application.

- 7.27 The proposed development would also necessitate junction improvements at Claypotts and Balgillo Road/Balgillo Road East. These improvements should also be secured through the Planning Obligation should Members be minded to approve planning permission.
- 7.28 The SG also requires connections for cycling and walking routes to the wider Dundee core path network and green infrastructure. The applicant has illustrated this on the proposed site layout and conditions are proposed to secure the detail the links.
- 7.29 Lastly, the inclusion of public art is to be secured through condition as explained in the context of Policy 7.
- 7.30 **The proposal satisfies Policy subject to a Planning Obligation and conditions.**
- 7.31 **Policy 29: Low and Zero Carbon Technology in New Development** - requires the applicant to demonstrate that 10% of carbon emission reduction standards set by the Scottish Building Standards (2007) will be met through the installation and operation of zero-carbon generating technologies.
- 7.32 This could be dealt with by condition should Members be minded to approve the application.
- 7.33 **The proposal satisfies Policy 29 through the addition of a condition.**
- 7.34 **Policy 32: Development within the Open Countryside** - states that there will be a presumption against all new development in areas designated as Open Countryside.
- 7.35 The proposed SUDS area and sewer from the proposed housing are located outwith the allocated site, and within the area of Open Countryside as defined by the Dundee Local Development Plan. The proposal therefore technically contravenes Policy 32. However, it is noted that none of the proposed houses, roads, or any other development would be located within the Open Countryside, only the technical SUDS infrastructure.
- 7.36 **The proposal contravenes Policy 32.**
- 7.37 **Policy 34: Locally Important Nature Conservation Sites** - states that development which could have a significant effect on the conservation interests associated with Local Nature Reserves, Sites of Importance for Nature Conservation or Wildlife Corridors will only be permitted where an ecological assessment has been carried out; any negative impacts have been identified and mitigated without affecting the integrity of the designated area; and it has been demonstrated that there are no other suitable sites that could accommodate the development.
- 7.38 An Ecological Assessment was submitted with the application. This concluded that the development would result in the loss or arable and grassland fields, areas of woodland and hedgerows. The assessment stated that the habitats within the site are of negligible local value and the impact of the development on them would not be significant. The Ecological Assessment recommends that further surveys for breeding birds, great crested newt and barn owls be carried out and it is proposed to require these via condition. Any mitigation measures identified in such assessments should be implemented in full. Furthermore, the Ecological Assessment identified giant hogweed on and around the site and recommended that an eradication programme be undertaken in conjunction with SEPA. Again, it is proposed to ensure this is implemented by condition.

- 7.39 **The proposal satisfies Policy 34 through the addition of conditions.**
- 7.40 **Policy 38: Trees and Urban Woodland** - supports the establishment and enhancement of woodland, tree belts and corridors and states that new development must ensure the survival of healthy mature trees through sensitive site layout. Where appropriate, proposals must be accompanied by a tree planting and landscaping scheme which includes supporting justification and sufficient map based material to document existing planting within the site as well as new planting and maintenance arrangements.
- 7.41 There are a number of Tree Preservation Orders (TPO) on and around the site. These include TPO 07/84 and 06/13 in the southwest corner and along the western boundary of the site. A Tree Survey was submitted with the application and this identified that several trees with the southwest corner of the site would require to be felled to facilitate the proposed vehicular access into the development. This forms part of the allocated housing site and the only available road access to the site is from the existing roundabout on the Linlathen Distributor Road. As such, the loss of these protected trees is justified. The applicant proposes mitigation planting the site and tree protection fences would be erected to prevent any impact to the remaining trees within TPOs. It is recommended that Members agree to condition these matters should they be minded to approve the application.
- 7.42 **The proposal satisfies Policy 38 through the addition of conditions.**
- 7.43 **Policy 41: Flood Risk Management** - seeks to control development in low to medium and medium to high risk areas and requires a flood risk assessment to be carried out where necessary.
- 7.44 Part of the site is located within SEPA's 1 in 200 year flood risk envelope from surface water, and the Dighty Water to the south of the site is a source of fluvial flooding. The applicant submitted a flood risk and drainage strategy to demonstrate that the site would not be at risk of flooding from the Dighty Water due to the level differences between the water and the site. SEPA has no objection to the application on grounds of flood risk and the matter of surface water disposal is considered below in the context of Policy 42.
- 7.45 **The proposal satisfies Policy 41.**
- 7.46 **Policy 42: Sustainable Drainage Systems** - states that surface water from new development must be treated by SUDS except for single houses or where discharge is to coastal waters.
- 7.47 The applicant proposes to collect surface water from the development and transfer to the proposed SUDS area to the southeast of the proposed housing development, before thereafter discharging into the Dighty Water. The applicant has submitted a drainage strategy in support of the application which demonstrates that the development could be acceptably drained in the manner proposed. The Proposed SUDS area is located adjacent to the Dighty Water and the technical detail of the proposed SUDS area could be controlled via condition should Members be minded to approve the application.
- 7.48 **The proposal satisfies Policy 42 through the addition of conditions.**
- 7.49 **Policy 45: Land Contamination** - states that development of potentially contaminated land will be considered where a site investigation is submitted establishing the nature and extent of contamination and the Council is satisfied that remediation measures proposed adequately address the risks to all receptors.

- 7.50 The Ground Investigations Report submitted with the application identified potential risks to buildings and human health from elevated concentrations of carbon monoxide requiring and sulphate concentrations. The applicant proposes to carry out further investigations and remediation measures and The Head of Community Safety and Protection has no objection to the application subject to conditions regarding further surveys and remediation.
- 7.51 **The proposal satisfies Policy 45 through the addition of conditions.**
- 7.52 **Policy 55: Accessibility of New Developments** - requires all development that would generate travel to be well served by all modes of transport, with priority afforded to sustainable modes of walking, cycling and public transport.
- 7.53 The proposed street layout provides for safe pedestrian, cycle and bus circulation, as well as by private vehicle. The application proposes pedestrian and cycle route connections to the wider area including the core path network. Whilst no public transport is currently available within the site, the site has been designed to accommodate buses should future demand indicate that bus routes within the site would be viable. Good foot and cycle connections are available to the existing bus stops on Balgillo Road East, 1.2km from the site boundary.
- 7.54 **The proposal satisfies Policy 55.**
- 7.55 **It is concluded from the foregoing that the proposal does not comply with the provisions of the Development Plan.**

## **OTHER MATERIAL CONSIDERATIONS**

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

### **A - JUSTIFICATION FOR DEPARTURE FROM DEVELOPMENT PLAN**

- 7.57 The application is contrary to Policy 8, Policy 9 (and Appendix 3) and Policy 32 of the Dundee Local Development Plan 2014 because the proposal is to bring forward the housing development ahead of the 2020 to 2024 Plan period within which it is allocated; the parking provision for the terraced courtyards is outwith the relevant house curtilages; and proposing the SUDS area within the defined Open Countryside.
- 7.58 The reason that housing site H71(2) is allocated for release in the second 5 year period of the Local Development Plan (2020 to 2024) is to avoid undermining the investment in housing development at the Western Gateway which is a strategic priority for the first Plan period. However, planning permission has been granted for almost 700 houses at the Western Gateway, road improvements at Dykes of Gray have been undertaken, and as at 31 October 2016, 31 houses has been completed. This demonstrates a commitment to progressing the Western Gateway. As a result, there is now an opportunity to release the allocated capacity of 150 houses on a greenfield site at Linlathen without undermining the delivery of the Western Gateway. Allowing the early release of 150 houses here would offer a choice of new greenfield housing locations within both the east and west of the City without undermining the development plan strategy.
- 7.59 The proposed courtyard areas for the terraced housing meet the required parking standards in terms of the number of private spaces to be provided per house. However, the proposed spaces would not be located within the private house curtilages. The spaces in question could be incorporated into the respective house curtilages, but this would effectively result in a dead end road, with no visual interest. The applicant provided plans to demonstrate that the proposed parking spaces would be directly related to and owned by the respective householders and the spaces would not constitute remote parking due to their location

directly in front of the proposed houses. The terraced housing around the courtyards would provide a choice of housing type and size within a development which would otherwise comprise of predominantly detached houses.

- 7.60 The SUDS area is proposed on greenfield land, outwith the allocated housing site, in the Open Countryside. The applicant states that the proposal has evolved in this manner because the best technical solution to dispose of surface water involves the SUDS area being located at the lowest possible level, close to the proposed outfall into the Dighty Water. Additionally, the applicant states that putting an upsized SUDS area in such a location would allow for additional housing development within the allocated site, although Members should note that this would be the subject of further planning applications. No housing or other buildings are proposed outwith the allocated site, and the SUDS area would be landscaped so that it did not detract from the character and appearance of the designated Open Countryside.
- 7.61 These are material considerations with sufficient weight to justify approval of the application contrary to the relevant provisions of the Development Plan.

### **B - VIEWS OF OBJECTORS**

Six valid objections were received, citing the following concerns:

- 7.62 **Objection** - contrary to Development Plan.
- 7.63 **Response** - the application is contrary to the development plan for the reasons explained in the Development Plan assessment above. However, there are material considerations that justify that the application be approved.
- 7.64 **Objection** - detrimental to environment.
- 7.65 **Response** - the application would not have any significant adverse impact on the environment for the reasons explained in the Development Plan assessment above.
- 7.66 **Objection** - detrimental to residential amenity.
- 7.67 **Response** - the proposed development meets the relevant Local Development Plan standards in relation to privacy and amenity. The proposed housing is located far enough away from existing housing so as not to have any significant adverse impact on residential amenity.
- 7.68 **Objection** - increased traffic, and impact on road traffic and pedestrian safety.
- 7.69 **Response** - the applicant's Transport Assessment (TA) has fully assessed the impact of the development on the existing road infrastructure. The TA required mitigation in the form of widening junctions at Claypotts and Balgillo Road/Balgillo Road East. It is recommended that such improvements are secured through a Planning Obligation should Members be minded to approve the application.
- 7.70 **Objection** – density.
- 7.71 **Response** - whilst 150 houses are proposed on only part of the allocated housing site, the applicant has demonstrated that this can be achieved by meeting the relevant Local Development Plan Standards in relation to privacy, amenity and garden sizes. In addition, a number of public open spaces, amenity areas and landscaped areas are proposed throughout the site. As such, the proposal does not constitute overdevelopment.

- 7.72 **Objection** – design.
- 7.73 **Response** - the design and layout of the development is acceptable for the reasons explained in the context of Policy 7 in the Development Plan assessment above.
- 7.74 **Objection** - impact on trees.
- 7.75 **Response** - as considered in the Development Plan assessment above, the loss of trees is necessary to facilitate the proposed vehicular access into the site. The applicant proposes additional landscaping and planting throughout the site to mitigate the loss of the protected trees.
- 7.76 **Objection** - impact on capacity of community facilities.
- 7.77 **Response** - the Council's Supplementary Guidance on Developer Contributions notes that the site is in an area where the Primary School is close to capacity. As such, it states that financial contributions towards enhancing primary school provision are required for any new housing development in the area, and it is proposed to secure such contributions through a Planning Obligation. Furthermore, it states that any greenfield housing release beyond that which is allocated would require a new school. The site is currently allocated for 150 houses and as such, there is no requirement for a new Primary School at the current time.
- 7.78 Whilst the Council encourages other community facilities as part of the development, there is no requirement for the developer to provide this. Should there be any further land release in the area, consideration would be given to additional community facilities through the proposed Local Development Plan and/or Supplementary Guidance. To that end, the applicant provided an indicative development framework which identifies the possibility of land for a new primary school and other facilities to the north of the application site. However, consideration for any additional development is not for consideration at this time.
- 7.79 **Objection** - remote from services.
- 7.80 **Response** - whilst the site is on greenfield land, the site is allocated for housing to offer a choice of location over where to live in Dundee. Whilst there are no community facilities on or adjacent to the site, the site is well connected by road, cycle and footpaths to the wider area where services can easily be accessed, and the applicant proposes to improve such connections.
- 7.81 **Objection** - loss of rural land.
- 7.82 **Response** - the vast majority of the application site is on land allocated for housing development. Whilst the proposed SUDS area is not, that part of the proposal would not detract from the rural character of the area and would be landscaped to contribute to the rural area.
- 7.83 **Objection** - no need for greenfield housing in this area
- 7.84 **Response** - the site is an allocated greenfield housing site to meet the needs and demands of new housing locations in Dundee. For the reasons explained in the assessment above, it would be acceptable to bring forward development on the site at the current time.
- 7.85 The concerns of the objectors are not supported.

## **C - VIEWS OF BROUGHTY FERRY COMMUNITY COUNCIL**

- 7.86 Broughty Ferry Community Council objects to the application stating that the proposal is premature; would result in overdevelopment; is remote from community facilities and public transport; would be entirely car dependent and could cause flooding and pollution issues. The Community Council also states that there is no primary school capacity for the development; that elements of the design could be improved and that stone walling could be retained and incorporated into the layout of the development.
- 7.87 The matters raised by the Community Council have been considered in the assessment above. The design is considered to be acceptable, and the applicant has submitted a significant amount of supporting information in relation to transport, environment, flooding and drainage. The applicant has also amended the proposal to improve the layout and provide stone walls at various locations throughout the site.
- 7.88 The concerns of the Community Council are not supported.
- 7.89 **It is concluded from the foregoing that the material considerations support the approval of planning permission.**

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## **8 CONCLUSION**

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- 8.1 The proposal fails to satisfy the requirements of the Development Plan. However, there are material planning considerations in relation to offering a balanced choice for new housing development to the east and west of Dundee without prejudicing the Western Gateway Strategic Development Area, offering a choice of house style, size and affordability, and technical considerations for the proposed SUDS area that would justify approval of planning permission. Therefore, it is recommended that this application be approved.

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## **9 RECOMMENDATION**

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### **RECOMMENDATION 1**

- 9.1 A legal agreement will require to be concluded prior to the issuing of planning permission to agree a contribution in relation an education and the implementation infrastructure works outwith the application site.

### **RECOMMENDATION 2**

- 9.2 It is recommended that consent be GRANTED subject to the following conditions:
- 1 Prior to the commencement of work on site, details of the proposed finishing materials of the development hereby approved shall be submitted to the Council for written approval. Thereafter, the proposed development shall be finished in strict accordance with the details approved by this condition.
  - 2 Prior to the commencement of work on site, details of the proposed boundary treatments and their location on the site shall be submitted to the Council for written approval. For the avoidance of doubt, the boundary treatments within the streetscape shall comprise stone dykes and beech hedging. Thereafter, the erection of the boundary treatments shall be carried out in strict accordance with the details approved by this condition.

- 3 Prior to the commencement of work on site details of a scheme of public art to be provided within the development hereby approved shall be submitted to the Council for written approval. Thereafter, the approved scheme of public art shall be installed prior to the completion of the development hereby approved.
- 4 A Sustainability Statement demonstrating the extent to which the new build elements of the development will meet the requirements of Policy 29 of the Dundee Local Development Plan shall be submitted for the approval of the planning authority and the works shall be completed in accordance with the approved Statement.
- 5 Development shall not begin until further risk assessment has been completed and a remediation strategy to deal with any contamination at the site has been submitted to and approved in writing by the planning authority. The strategy shall contain proposals to deal with contamination to include:
  - a the nature, extent and type(s) of contamination on the site;
  - b measures to treat/remove contamination to ensure the site is fit for the use proposed and does not contain any significant pollution linkages;
  - c measures to deal with contamination during construction works; and
  - d verification of the condition of the site on completion of decontamination measures.
- 6 Before any unit is occupied the remediation strategy shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority.
- 7 No development shall take place within the development area until the applicant has secured the implementation of a staged programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant, agreed by the local Archaeology Service and approved by the Planning Authority.
- 8 Prior to the commencement of the development hereby approved, further bird breeding and barn owl surveys referred to in the Ecological Impact Assessment dated August 2012 by Heritage Environmental Limited be undertaken, and submitted for the written approval of the planning authority. Any mitigation measures specified in those surveys shall be fully implemented.
- 9 Prior to the commencement of the development hereby approved, the mitigation measures contained in the Ecological Impact Assessment dated August 2012 by Heritage Environmental Limited be undertaken in full. For the avoidance of doubt, this shall include the actions in respect of Giant Hogweed.
- 10 Prior to the commencement of the development hereby approved, full details, including plans to accurately illustrate all proposed connections from the site to the adjacent Core Paths shall be submitted to and approved in writing by the planning authority. Thereafter, the proposed connections shall be fully implemented prior to the occupation of the penultimate house on the site.

- 11 Details of the road layout within the site shall be agreed prior to any works on site. The roads shall be constructed in accordance with these details to Dundee City Council specifications
- 12 A 20mph order shall be promoted for all roads within the site with appropriate signing and lining to support this provided to Dundee City Council specifications.
- 13 A Street Lighting system must be provided by the applicant to Dundee City Council standards and specifications.
- 14 Details of surface water treatment and written agreement on these matters from all relevant parties shall be agreed prior to any works on site.
- 15 The applicant must provide a disposal route for road surface water to the satisfaction of Dundee City Council which discharges to a system publicly maintained/maintainable by the relevant authority, full details of which shall be submitted to and approved in writing by the planning authority prior to the commencement of development.
- 16 Details of the proposed road works on A92 Arbroath Road shall be agreed prior to any works on site and the works shall be constructed in accordance with these details and in accordance with Dundee City Council specifications. [\*do we need this as it would be covered in the S75\*]
- 17 Prior to the commencement of development hereby approved, a revised scheme of landscaping shall be submitted to and approved by the Council, and it shall include indications of all existing trees and hedgerows on this land, and details of any to be retained, together with measures for their protection in the course of development in accordance with BS5837:2012. Full details of new planting and landscaping and an associated maintenance schedule, as well as a scheme for the timing of its implementation shall also be submitted to and approved by the planning authority prior to the commencement of development. An Arboricultural Consultant shall inspect all nursery stock and provide a report to the Council that it complies with the landscape plans hereby approved prior to it being planted. All tree planting to be carried out as per BS:8545:2014. 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.
- 18 Prior to the commencement of any works on site, the tree protection measures specified in the Tree Survey Report dated July 2016 by Struan Dalgleish Arboriculture be implemented in full in accordance with BS5837:2012. Once implemented, the protection measures shall remain in situ and be maintained in full working order until the completion of the development unless otherwise approved in writing by the planning authority.
- 19 Prior to the commencement of any works on site, a detailed surface water drainage/ SUDS design including drawings, calculations, full modelling, simulation results, design risk assessment, signed Dundee City Council Design and Independent Check Certification, and where appropriate SEPA comments shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to the first occupation of any housing unit hereby approved.
- 20 Prior to the commencement of any works on site, details of measures proposed to manage surface water run-off from the site during construction shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition

shall be carried out prior to the first occupation of any part of the development hereby approved.

- 21 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.
- 22 Prior to the commencement of any works on site, evidence of Scottish Water approval for the proposed drainage system for the development hereby approved shall be submitted to the Council for written approval.
- 23 Prior to the commencement of any works on site, a Flood Risk Assessment and shall be prepared and submitted to the Council and SEPA for written approval along with signed Dundee City Council Compliance and Independent Check Certification. Any recommendations contained within the Flood Risk Assessment must be implemented thereafter prior to occupation of the development.

## **REASONS**

- 1 In the interests of visual amenity.
- 2 In the interests of privacy and visual amenity.
- 3 In the interests of enhancing the amenity and environmental quality of the development.
- 4 In the interests of reducing carbon emissions associated with the proposed development.
- 5 In order to minimise the risk of land contamination.
- 6 In order to minimise the risk of land contamination.
- 7 In order to determine the presence or absence of archaeological sites.
- 8 In the interests of minimising impact on bird species.
- 9 In order to minimise impact of the development on ecology and to ensure that Giant Hogweed is removed from the site.
- 10 In order to ensure that the proposed connections are implemented in an acceptable manner.
- 11 In the interests of vehicle and pedestrian safety.
- 12 In the interests of vehicle and pedestrian safety.
- 13 In the interests of vehicle and pedestrian safety.
- 14 To ensure an appropriate and publicly maintainable system is provided.
- 15 To ensure an appropriate and publicly maintainable system is provided.
- 16 In the interests of vehicle and pedestrian safety

- 17 To ensure that the character of the application site and the surrounding area is maintained.
- 18 In order to prevent any construction impact on the trees on and around the site
- 19 In the interests of flood prevention.
- 20 In the interest of flood prevention.
- 21 In the interest of flood prevention.
- 22 In the interests of flood prevention.
- 23 In the interests of flood prevention.