

Proposed Residential Development

KEY INFORMATION

Ward Strathmartine

Address

Site of Former Kingspark School, Gillburn Road

Applicant

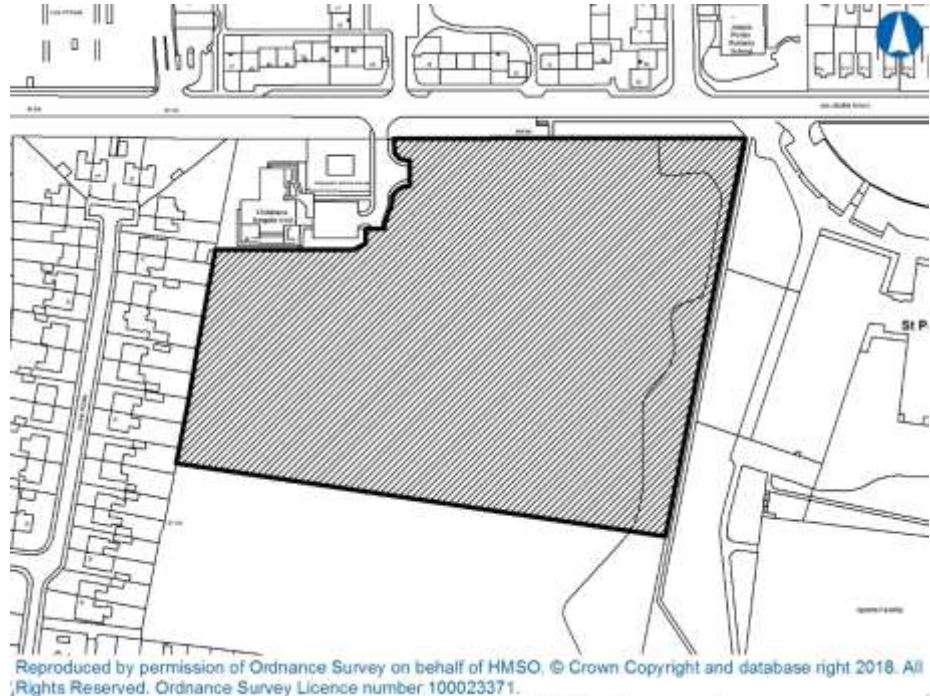
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Agent

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Registered 28 Sep 2017

Report by Executive Director
of City Development



SUMMARY OF REPORT

- Planning permission is sought for the erection of 62 residential units comprising a mixture of detached and semi-detached properties with associated car parking, access, landscaping and drainage infrastructure.
- The proposed residential development complies with the relevant policies of the Adopted Dundee Local Development Plan 2014 and approved TAYplan Strategic Development Plan 2016-2036.
- The statutory neighbour notification procedure was undertaken and 31 letters of objection have been received. This includes an objection and petition with 377 signatures submitted by Kirkton Community and Safety Partnership.
- As the proposal is for over 50 residential units and the site area exceeds two hectares it constitutes a Major Planning Application. In accordance with the Scheme of Delegation, Major Planning Applications are to be determined by the Council's Planning Committee.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=O82ZD6GCMKP00>.

RECOMMENDATION

The erection of 62 residential units comprising a mixture of detached and semi-detached properties with associated car parking, access, landscaping and drainage infrastructure is recommended for APPROVAL subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission is sought for the erection of 62 houses on the site, along with associated landscaping and infrastructure including access roads and drainage.
- 1.2 The proposal would provide a mixture of 3 and 4 bedroom detached and semi-detached dwellings of 2 storeys in height. The dwellings mainly address the proposed road network within the site which takes access from Gillburn road to the north. The development would include 7 different house types with a mixture of in curtilage parking, integrated garages and detached garages proposed. Finishing materials would generally comprise of facing brick, with sections of roughcast and concrete roof tiles. Boundary treatments would generally comprise 1.8m timber fencing to rear gardens.
- 1.3 The proposed layout includes a main access road with a cul-de-sac within the south west of the site. A SUDS area including detention basin is proposed to the north east of the main residential part of the site, directly to the south of Gillburn Road. It is proposed to link the houses to this via a new sewer running under the access roads within the site. A wooded area within the south east of the site is to be retained and areas of landscaping are proposed within the development. Footpaths are to be provided to connect the proposed houses with Gillburn Road and open space to the south ensuring there is suitable pedestrian/cyclist access through the site.
- 1.4 As the application site exceeds 2 hectares, and the proposed number of residential units is more than 50, the proposal constitutes 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 December 2016 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. A transport statement and updated flood risk assessment have been submitted in the course of the application.
- 1.5 An Environmental Impact Assessment Screening Opinion has been undertaken, under the terms of the EIA Scotland Regulations 2017, and it has been considered that an EIA is not required to be submitted.
- 1.6 The applicant has also submitted two further planning applications, 17/00766/FULL and 17/00767/FULL, which relate to the upgrade of the access onto Gillburn Road and re-alignment of an embankment to the south of the application site. Planning application 17/00766/FULL would see the main vehicular entrance to the site upgraded to an adoptable standard and a footpath provided between the site entrance and an existing footpath on Gillburn Road. Planning application 17/00767/FULL would see an existing slope which runs across the site from east to west re-aligned to run directly across the site.
- 1.7 In accordance with the Council's Scheme of Delegation, all Major Planning Applications must be reported to the Council's Development Management Committee.

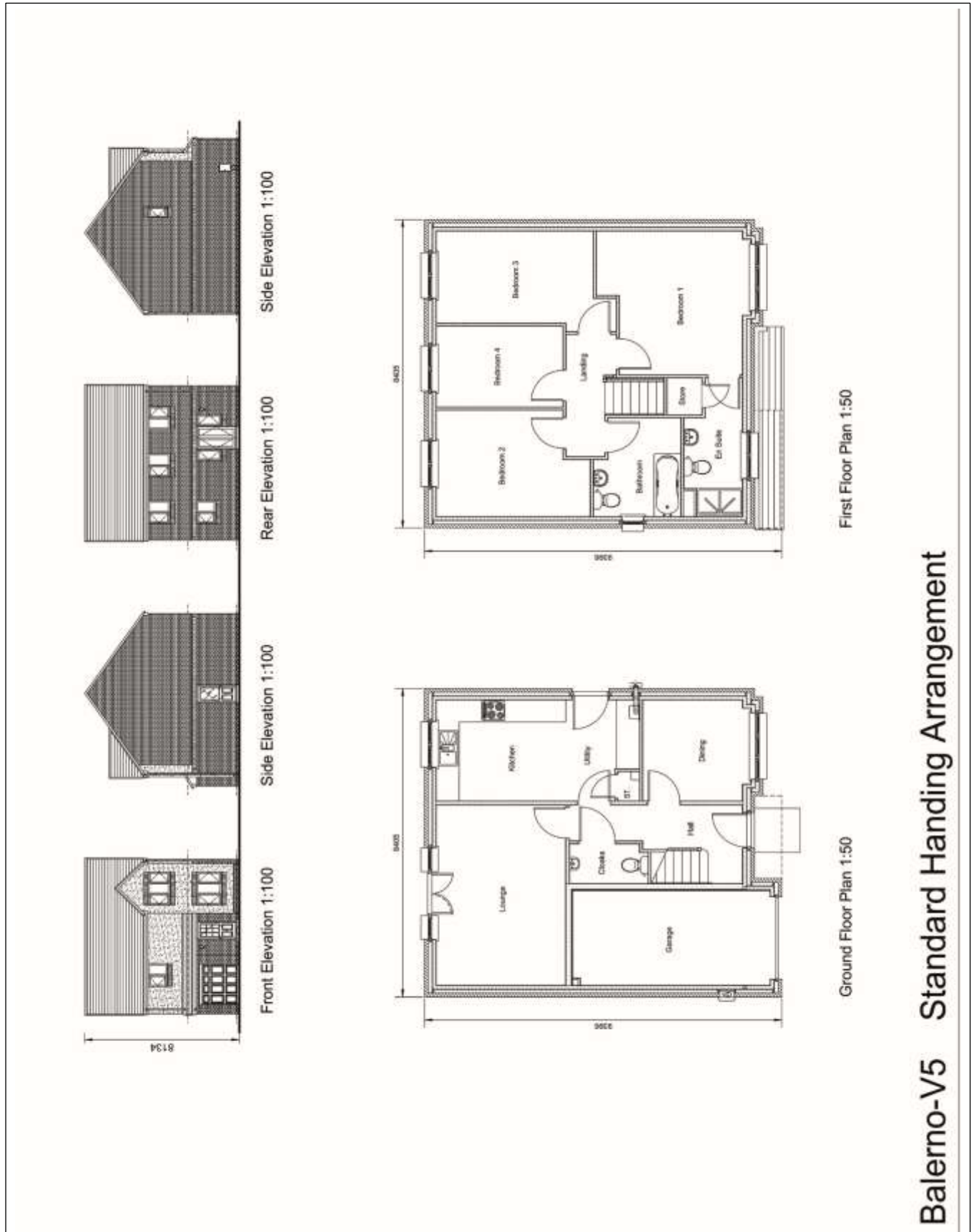


Figure 2 – Proposed Street Elevations

2 SITE DESCRIPTION

- 2.1 The 2.85 hectare site is located to the south of Gillburn Road, 250 metres north of the Kingsway. The site formerly contained Kingspark School and associated playing fields. The school was demolished in 2013 and the site cleared. In recent years, the site has been used as informal open space.
- 2.2 There is a general change in level within the site which mainly comprises unkempt grassland. There are areas of raised land to the south, with a relatively level area towards the centre of the site and a gentle slope to the north. There are also areas of established trees to the east and west boundaries. Vehicle and pedestrian access to the site is currently from the north via Gillburn Road.
- 2.3 The site is bounded to the north by Gillburn Road and to west and south by residential properties. To the east lies St Pauls RC Academy and playing fields. The surrounding area is residential in character and includes a supermarket and leisure facilities.



Figure 3 – Site Photo Looking South

3 POLICY BACKGROUND

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

TAYPLAN STRATEGIC DEVELOPMENT PLAN 2016-2036

Policy 1: Location Priorities

Policy 2: Shaping Better Quality Places

Policy 4: Homes

ADOPTED 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 35: Protected Species

Policy 38: Trees and Urban Woodland

Policy 41: Flood Risk Management

Policy 42: Sustainable Drainage Systems

Policy 45: Land Contamination

Policy 47: Environmental Protection

Policy 55: Accessibility of New Developments

PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN

Policy 1: High Quality Design and Placemaking

Policy 9: Housing Land Release

Policy 10: Design of New Housing and Appendix 4 Standards

Policy 34: Protected Species

Policy 35: Trees & Urban Woodland

Policy 36: Flood Risk Management

Policy 37: Sustainable Drainage Systems

Policy 39: Environmental Protection

Policy 41: Land Contamination

Policy 48: Low and Zero Carbon Technology In New Buildings

Policy 54: Safe and Sustainable Transport

SITE PLANNING BRIEF

Kingspark School

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 16/01014/PAN - The PAN (Proposal of Application Notice) was validated on 12 December 2016. 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.

5 PUBLIC PARTICIPATION

- 5.1 The Council carried out the statutory neighbour notification procedure detailed in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.
- 5.2 Thirty one letters of objection have been received to the proposals. This includes an objection and petition (with 377 signatures) received from Kirkton Community Safety Partnership.
- 5.3 The detailed concerns raised by the objectors relate to the following issues:
- flood risk and drainage;
 - impact on surrounding services including schools;
 - lack of open space;
 - overdevelopment;
 - impact on traffic/parking and increased pollution; and
 - the application site is not allocated for housing in the Local Development Plan or Housing Land Audit.
- 5.4 Members will have had access to these letters and the issues raised are considered in the Observations section below.

6 CONSULTATIONS

- 6.1 **The Head of Community Safety and Protection** - has recommended that conditions are appended to any planning permission granted to ensure ground conditions are suitably investigated and to ensure residents are protected from road traffic noise.
- 6.2 **Scottish Water** - have been consulted on the proposals and have raised no objection to the application. There is sufficient capacity in existing networks to serve the proposed development.
- 6.3 **SEPA** - have no objection to the planning application following the submission by the applicant of a satisfactory energy statement and flood risk assessment.
- 6.4 **Transport Scotland** - has no objection to the application and does not advise against the granting of planning permission.
- 6.5 **Kirkton Community Safety Partnership** - have submitted an objection and a petition containing 377 signatures to the application raising concerns in relation to over-development, flood risk, provision of local services, increased traffic and lack of open space.

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.

ADOPTED TAYPLAN STRATEGIC DEVELOPMENT PLAN 2016-2036

- 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 proposed major residential development is located in an area of Dundee with an established residential character. The proposal would re-use a vacant brownfield site and the applicant has demonstrated the 62 houses can be integrated into the surrounding area in terms of drainage infrastructure, roads access and public transport.
- 7.4 **The proposal would therefore satisfy Policy 1.**
- 7.5 **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.
- 7.6 The proposals have demonstrated that they comply with the above; the site is well located, waste management and transport is considered and the proposals take heed of the required policy statements.
- 7.7 **The proposal would therefore satisfy Policy 2.**
- 7.8 **Policy 4: Homes** - requires Local Development Plans to identify appropriate land to be allocated for housing to ensure a generous supply of effective housing sites. This includes provision of a mixture of sites to ensure an effective supply of housing which meet the needs of the region.
- 7.9 Policy 4 provides flexibility to plan for housing numbers in excess of the housing land requirement in Dundee City only. The development of this brownfield site would support this. The proposed development would not prejudice the delivery of the identified Strategic Development Areas.
- 7.10 The proposed development would contribute to the mix of housing types, size and tenures in the local area and meet the needs and aspirations of a range of different households. The proposed development would also support the region in providing a target of 75% of new homes for the private market.
- 7.11 **The proposal would therefore satisfy Policy 4.**

ADOPTED DUNDEE LOCAL DEVELOPMENT PLAN 2014

- 7.12 **Policy 7: High Quality Design** - requires that 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 incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.

7.13 Proposals should also:

- consider and respect site topography and any surrounding landmarks, views or skylines;
- contribute to a sense of identity by developing a coherent structure of streets, spaces, and buildings that are accessible and respect the existing building lines;
- have a design which should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours;
- ensure that existing buildings, streets and spaces should create safe accessible inclusive places for people which are easily navigable particularly on foot, bicycle and public transport and designed with future adaptability in mind; and
- ensure existing buildings, structures and natural features that contribute to the local townscape are retained and sensitively integrated into the proposals.

7.14 The proposal for 62 houses includes 44 detached and 18 semi-detached dwellings. Overall, 7 different house types are proposed with a mixture of in curtilage parking, integrated garages and detached garages proposed. The applicant states that the finishing materials would generally comprise of facing brick, with sections of roughcast, concrete roof tiles, UPVC windows and rainwater goods. The proposed boundary treatments would generally comprise 1.8m timber fencing to rear gardens. To ensure the proposal creates an attractive development, with high quality streetscapes a condition is proposed to ensure that full details of the proposed boundary treatments are agreed.

7.15 The proposed residential development respects the site's topography, surrounding landmarks, views and skylines. The proposed houses would have no impact on surrounding landmarks and the dwellings are of a height, massing and finish which is in keeping with the residential character of the surrounding area.

7.16 The proposed dwellings are set back from Gillburn Road and provide a high quality frontage to the site's north boundary. The scale of development is reflective of housing opposite the site on Gillburn Road which include two storey houses and would enhance the overall surrounding built and natural environment. The proposal would also provide suitable connections to the surrounding roads and footpaths.

7.17 The layout currently proposed would contain areas of landscaped amenity space and provide a pedestrian connection to open space immediately to the south of the site. This would contribute positively to the accessibility and character of the proposed development and surrounding area. The applicant has provided plans to illustrate the retention of an area of woodland within the east of the site and proposed planting within public areas. Conditions are proposed to ensure that a landscape plan is implemented and to agree the maintenance of the areas.

7.18 The applicant proposes a structure of streets which includes carriageways with footpaths, crossing places and various shared surface areas. Footways are proposed throughout the site providing pedestrian links between Gillburn Road and open space to the south of the application site. Whilst the principle of this would be acceptable, further details are required regarding the road type and layout and conditions are proposed to ensure these matters are resolved before development commences.

7.19 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.

- 7.20 Overall, the proposed development would be of high quality and through the addition of conditions regarding street layout, footpath connections, landscaping, public art and boundary treatments, would be acceptable in terms of Policy 7.
- 7.21 **The proposal satisfies Policy 7 through the addition of conditions.**
- 7.22 **Policy 8: Housing Land Release** - seeks to ensure that there is a five year effective supply of housing land maintained over the plan period. Housing land release on brownfield sites, in addition to the allocations set out in Appendix 2, may be acceptable where it can be demonstrated that it will improve the tenure mix in an area where existing choice is limited and would make a positive contribution to the regeneration objectives of the area.
- 7.23 The application site was previously occupied by Kingspark School and its associated playing fields. Following the school's demolition the site has remained an undeveloped brownfield site.
- 7.24 The site is not allocated for housing in the Dundee Local Development Plan 2014. However, the site is subject of a Site Planning Brief which establishes the principle of residential development at this site as acceptable. The Site Planning Brief has been prepared in support of the Dundee Local Development Plan 2014 (LDP).
- 7.25 The proposal would provide a mix of 3 and 4 bedroom detached and semi-detached properties for private sale. This would enhance the tenure mix in the locality and contribute to the regeneration objectives of this area. In addition to the proposed residential development, 1.6 hectares of land to the south of the application site will be retained and form public open space in accordance with the Site Planning Brief.
- 7.26 The principle of re-developing this brownfield site for residential development is considered to be in accordance with the requirements of Policy 8.
- 7.27 **The proposal satisfies Policy 8.**
- 7.28 **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.
- 7.29 The proposed development would be of high quality in terms of design and layout for the reasons set out in the consideration of Policy 7.
- 7.30 Appendix 3 requires 75% of the houses to have 3 or more bedrooms or a minimum of 100m² 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 have 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. Every house would have a minimum of 120m² of private useable garden ground and the average rear garden area is 145m². This meets the required standards of 120m² minimum and 140m² average for brownfield sites specified in Appendix 3. The proposed houses would also meet the minimum window separation distance of 18m between habitable rooms.
- 7.31 **The proposal satisfies Policy 9 and Appendix 3.**

- 7.32 **Policy 29: Low and Zero Carbon Technology in New Development** - requires that, for specified developments, carbon emissions will be reduced by 15% percent through the installation and operation of zero-carbon generating technologies.
- 7.33 The applicant has provided an Energy Statement which confirms solar panels are specified for all plots. In addition the houses are designed and orientated to maximise solar gain and will be constructed from energy efficient materials which meet present Building Standards Regulations. The Energy Statement also explores the potential for a district heating network. However it is concluded that in this instance it would not be appropriate due to the relatively low number of houses proposed and lack of existing infrastructure.
- 7.34 **The proposal complies with Policy 29.**
- 7.35 **Policy 35: Protected Species** - states development proposals which would be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range will not be supported. Development proposals that would be likely to have an adverse effect on a species protected under the Wildlife and Countryside Act 1981 (as amended) will not be supported unless the development is required for preserving public health or public safety. For development affecting a species of bird protected under the 1981 Act there must also be no other satisfactory solution.
- 7.36 The applicant has submitted a Habitat Survey and Bat Survey.
- 7.37 The Habitat survey includes assessment of the application site, including wooded areas and areas of open grassland. The survey identified no habitats within the study area which were notable for their rarity, quality, or extent: The grassland is of low quality and species-poor. The woodland within the eastern boundary of the site may have trees worthy of retention if native species or non-native species with high biodiversity value are present. In conclusion the Habitat Survey recommended further studies are undertaken to identify any presence of bats and trees which may be worthy of retention within wooded area towards the sites east boundary.
- 7.38 Following completion of the Habitat Survey, the recommended Bat Survey was undertaken and concluded there was no evidence of bats or trees that would support roosting within the application site. 10 trees on land to the south of, but out with the application site would have potential to support bat roosting but no evidence of bats being present was found. Trees to the south and east of the site are to be retained, and would provide a habitat for foraging bats should any visit the site.
- 7.39 Overall, the report demonstrates that there will be no detrimental impact on any protected species arising from the proposed development and the trees which have potential roosting features are to be retained.
- 7.40 **The proposal satisfies Policy 35.**
- 7.41 **Policy 38: Trees and Urban Woodland** - requires that new development must ensure the survival of existing healthy mature trees through sensitive site layout both during and after construction. Where appropriate, development proposals must be accompanied by a tree planting and landscape scheme.
- 7.42 A Tree Survey was submitted with the application and this identified that trees to the site's north boundary and a group of trees within the south west of the application site are to be felled to accommodate the proposed development and access roads. The layout of the development does however facilitate the retention of matures trees within the south east of the site.

- 7.43 To mitigate the loss of existing trees, the applicant proposes compensatory planting and landscaping works within the site and the erection of tree protection measures during construction to protect retained trees.
- 7.44 It is recommended that Members agree to condition these matters should they be minded to approve the application.
- 7.45 **With the addition of appropriate planning conditions, the proposal would satisfy Policy 38.**
- 7.46 **Policy 41: Flood Risk Management** - seeks to control development in low to medium risk areas and requires a flood risk assessment to be carried out where necessary.
- 7.47 Potential sources of flooding at the former school site have been identified as being from surface water from the Gelly Burn which is culverted along Gillburn Road to the north, and from a small open watercourse just beyond the site's western boundary.
- 7.48 The applicant submitted a flood risk assessment and drainage proposals with the application. Following assessment of the application site and submitted flood risk assessment SEPA objected to the proposal due to a lack of information.
- 7.49 Subsequently, the applicant has submitted an amended flood risk assessment and drainage proposals which address comments made by SEPA and Dundee City Council engineers.
- 7.50 The proposed drainage system includes the provision of sewers below the proposed access roads within the sites which will carry surface water to a proposed SUDS basin. It is also proposed to re-direct water from the watercourse to the west of the site into a sewer within the application site. This will reduce the flow of water to mitigate the flood risk from the open channel. Further matters of surface water disposal are considered below in the context of Policy 42.
- 7.51 The amended scheme will remove the flood risk to the site from the open watercourse to the west and ensures controlled discharge of water into the existing network which runs under Gillburn Road.
- 7.52 The amended flood risk assessment and drainage scheme address the flood risks to the application site. Following review of the amended proposals, SEPA has withdrawn there objection.
- 7.53 Dundee City Council engineers support the proposed scheme, and recommended that conditions are applied to any planning permission granted.
- 7.54 **The proposal would satisfy Policy 41 with the addition of appropriate planning conditions.**
- 7.55 **Policy 42: Sustainable Drainage Systems** - states that surface water from new development must be treated by a Sustainable Urban Drainage System (SUDS), which should be designed so that in a 1 in 200 year rainstorm event, flooding will not be higher than 300mm below floor level. Proposals are encouraged to adopt an ecological approach.
- 7.56 The applicant has provided a flood risk assessment and drainage details. It is proposed to collect surface water from the development and transfer it to the SUDS area to the north east of the proposed housing development, before discharging into the existing drainage network. Scottish Water has confirmed there is sufficient capacity within the existing network to accommodate the proposed development and has no objection to the planning application.

- 7.57 In addition, it is proposed to re-direct water from an existing open channel to the west of the site into the proposed developments drainage network which is to be constructed under access roads. This proposal would remove the flood risk to existing properties on Clive Road and ensures the proposed residential development will not be at risk of flooding from the open channel. As sections of the re-routed channel will be within land which is owned by Dundee City Council the applicant will be required to obtain the relevant consents from the City Council to undertake the associated infrastructure works.
- 7.58 The proposal is acceptable to Dundee City Council Engineers and SEPA subject to planning conditions requiring a detailed surface water drainage design be submitted, along with confirmation of Scottish Water approval for the proposed drainage system.
- 7.59 **The proposal would satisfy Policy 42 with the addition of appropriate planning conditions.**
- 7.60 **Policy 45: Land Contamination** - requires that development of potentially contaminated land will be considered where a site investigation has been submitted and establishes the nature and extent of the contamination, and where remediation is proposed that it would adequately address contamination risks and be suitable for the planned use.
- 7.61 The Head of Community Safety and Protection has reviewed the contaminated land report and notes further assessment is required to fully assess any potential ground contamination at this former school site. As levels are being altered within the site it would be appropriate to undertake further survey work once levels are finalised. The findings of the further survey work will allow for the submission of a remediation strategy.
- 7.62 To ensure the recommended remedial measures are taken forward as part of the development it is recommended that contaminated land conditions are applied to any planning permission granted.
- 7.63 **The proposal would satisfy the terms of Policy 45 with the addition of appropriate planning conditions.**
- 7.64 **Policy 47: Environmental Protection** - states that all new development in close proximity to existing sources of noise, vibration or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on the viability of existing businesses or uses.
- 7.65 The applicant has provided a noise impact assessment in relation to potential traffic noise associated with Gillburn Road to the north of the site. The report concludes internal sound levels associated with traffic will be low and not impact on residential amenity.
- 7.66 However, full details of the dwellings finish materials including glazing units are not specified. The Head of Community Safety and Protection notes the findings of the report and has recommended that a condition is applied to any planning permission granted to restrict internal noise levels in the interest of residential amenity.
- 7.67 **The proposal would satisfy the terms of Policy 47 with the addition of an appropriate planning condition.**
- 7.68 **Policy 55: Accessibility of New Developments** - seeks that all development proposals which generate travel should be designed and well served by all modes of transport and development proposals are required to incorporate facilities for walking, cycling and public transport networks. Proposals should also comply with Dundee City Council's road standards.

- 7.69 The proposed street layout provides for safe pedestrian, cycle and vehicle circulation. The application proposes pedestrian route connections to the wider area including Gillburn Road and an area of open space to the south of the site. The connection with Gillburn Road will provide a link between the application site and Core Path 10 which runs the length of Gillburn Road and onto the Kingsway.
- 7.70 Access to frequent public transport services is provided on Gillburn Road. Bus stops immediately to the north of the site are served by frequently services including service 10 (Outer Circular) and service 23 (City Centre – Downfield) which provide access across the city.
- 7.71 **The proposal would satisfy the terms of Policy 55.**
- 7.72 **It is concluded from the foregoing that the proposal complies with the provisions of the development plan.**

OTHER MATERIAL CONSIDERATIONS

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

A - SITE PLANNING BRIEF

- 7.74 The application site is subject of a Site Planning Brief. The Brief was prepared in consultation with local communities and interested parties to provide site specific guidance to developers and others regarding the site's development potential. The consultation process identified strong local support for the retention of open space which is achieved by the present proposals. The Kingspark Site Planning Brief was approved by City Development Committee in January 2016.
- 7.75 The Kingspark School Planning Brief states the former school site is now surplus to Dundee City Council's requirements and that an opportunity exists to create a high quality housing development providing a mix of house types and sizes, whilst retaining an area of open space for community use.
- 7.76 The proposed residential development meets the requirements of the Site Planning Brief in providing a high quality public realm with dwellings fronting Gillburn Road and the area of open space to the south. The proposed road and footpath layout ensures safe access through the site and connections to the surrounding area. Trees within the east of the site are to be retained and landscaping is proposed throughout the development. Whilst trees within the north of the site are to be felled this allows for dwellings to front onto Gillburn Road and a SUDS basin to be provided within the north east of the site.
- 7.77 Overall, the Site Planning Brief and the proposal's compliance with the aspirations of the Brief are material considerations that weigh in support of the application.

B - VIEWS OF OBJECTORS

- 7.78 31 letters of objection have been received. This includes a submission from Kirkton Community and Safety Partnership which contained a letter of objection and petition with 377 signatures.
- 7.79 The petition and letters of objection raised the following concerns.

7.80 Flood Risk and Drainage Concerns.

7.81 Response - flood risk and drainage are considered under Policy 41 and Policy 42 within the main body of this report. The submitted information satisfies the requirements these policies of the Dundee Local Development Plan 2014.

7.82 The submitted flood risk assessment and drainage proposals demonstrate the development is to feature a sustainable drainage system and that the proposals will reduce the risk of flooding to the surrounding area. This is achieved by a proposed drainage network under roads within the development site, and re-routing of water from an existing open channel to the west of the site. A SUDS basin will provide storage for drainage water at the site and allow for controlled discharge into the existing network. Scottish Water has confirmed there is sufficient capacity within the existing network to accommodate the proposed development.

7.83 SEPA are satisfied with the updated flood risk assessment submitted by the applicant. The proposed drainage arrangements are considered suitable subject to further assessment from Dundee City Council prior to the commencement of development on site.

7.84 The concerns of objectors in relation to flood risk are addressed through the provision of an appropriate drainage system which is to be controlled by condition.

7.85 Overdevelopment of the application site and detrimental impact on surrounding services including schools.

7.86 Response - the design and form of the proposed residential development is of a high quality, with the proposed houses meeting the relevant Local Development Plan Standards in relation to privacy, parking provision, amenity and garden sizes. In addition, landscaped areas are to be provided within the application site and woodland to the east is to be retained. Immediately to the south of the site a 1.6 hectare area of open space is to be retained in line with the requirements of the Site Planning Brief and will provide existing and future residents with suitable provision of open space.

7.87 The Council's Supplementary Guidance on Developer Contributions states that the site is in an area where the Primary School is presently at 81-90% capacity. Therefore there is capacity for the proposed development to be served by existing school provision within the local area.

7.88 Overall, the proposal does not constitute overdevelopment and will not have a significant impact on existing services.

7.89 Lack of Open Space.

7.90 Response – a number of objections raise concern at the lack of open space. Following demolition of the former Kingspark School, the site has been accessible to members of the public and used as informal open space for dog walking etc.

7.91 Whilst temporarily available to local residents as open space, the site is the subject of a planning brief for residential development and the retention of open space.

7.92 To the south of the application site, 1.6 hectares of land which previously formed part of the Kingspark School site is to be retained as public open space. The open space is to be accessible from an existing path and via the proposed development. This would provide the local community with a large area of formal open space which is to be maintained by Dundee City Council. In addition the area of open space to the south of the proposed residential development is protected from future development within the Dundee Local Development Plan 2 through its allocation as Open Space under Policy 28.

- 7.93 In addition to the open space to the south of the proposed development there is significant provision of public open space within the local area. Caird Park lies 420 metres to the east and Trottick Wildlife Corridor is 880 metres to the north. These provide local residents with high quality open space in the local area.
- 7.94 **Impact on traffic/parking and increased pollution.**
- 7.95 Response - the applicant's Transport Statement (TS) has assessed the impact of the development on the existing road infrastructure. Each proposed dwelling provides in-curtilage parking and there is capacity on Gillburn Road and Kingsway to accommodate additional traffic. The site is also well served by public transport with bus stops immediately to the north of the site.
- 7.96 The upgrading of the site access to Dundee City Council specifications and provision of pedestrian links to a bus stop on Gillburn Road form part of a separate planning application. The additional traffic will have no significant impact on air quality, and no significant increase in traffic movements at peak times when compared to the site's previous use as a school.
- 7.97 **The application site is not allocated for housing in the Local Development Plan or Housing Land Audit.**
- 7.98 Response - the site at Kingspark is not included as an allocation for housing in the adopted Dundee Local Development Plan 2014. At the time of preparing the Plan the Kingspark site had not been declared surplus to the requirements of the Council. When the site became available for disposal the Development Plan had been adopted. As a result a Site Planning Brief was prepared to provide for the opportunity for public consultation on the future use of the site. The brief was subsequently approved by the Council for housing on the north part with the southern part retained as open space
- 7.99 In considering the housing allocations to be included in the Proposed Plan, sites with planning permission are not included as the decision to approve the principle of development has already been taken. In preparing the proposed Dundee Local Development Plan 2 the site at Kingspark was not included as a PAN had been submitted by the developer with the intention to submit a planning application for a housing development in due course. Given that a decision on the application would be taken by the Council before the Proposed Plan was adopted (anticipated towards the end of 2018) it was decided not to include the site in the Proposed Plan as the future use of the site would have already been decided.
- 7.100 In terms of inclusion in the Housing Land Audit the criteria for inclusion of housing sites is that they either are in the adopted Dundee Local Development Plan 2014 or that they have been granted planning permission and that the permission is still valid. In this case the Kingspark site is not in the adopted Dundee Local Development Plan 2014 and does not have the benefit of planning permission. If the current planning application is approved then the site will be included in the updated Housing Land Audit for 2018.
- 7.101 **The views of the objectors are not of sufficient weight to justify refusal of the application.**
- 7.102 Kirkton Community and Safety Partnership raise further concerns in relation to the cumulative impact of development in the Kirkton area and potential impacts on traffic, air quality and community facilities. The impact of the present application 17/00765/FULM has been considered and can be accommodated without detriment to the surrounding area. As above, the proposed development meets the relevant requirements of the Dundee Local Development Plan 2014. Any further development would need to be assessed on their own merits.

C - DUNDEE LOCAL DEVELOPMENT PLAN 2

- 7.103 The Proposed Dundee Local Development Plan 2 was approved by the Council on 21 August 2017. It sets out the spatial strategy that will guide future development up to 2029.
- 7.104 The proposed Dundee Local Development Plan 2 will in time replace the Dundee Local Development Plan 2014. Approval of the Proposed Dundee Local Development Plan 2 represents the Planning Authority's settled view as to what the final adopted content of the Plan should be. Whilst the Dundee Local Development Plan 2014 (along with TAYplan) constitutes the statutory Development Plan, the Proposed Dundee Local Development Plan 2 has the status of a material planning consideration to be taken into account in the assessment of planning applications.
- 7.105 The provisions of the Proposed Dundee Local Development Plan 2 relevant to the determination of this application are specified in the Policy background section above.
- 7.106 There are no material changes to these policies which would affect the outcome of the present planning application.
- 7.107 **It is concluded from the foregoing that there are material considerations which support the approval of planning permission.**
- 7.108 **There are no other material planning considerations that would justify refusal of the application.**

8 CONCLUSION

- 8.1 The application fully complies with the relevant policies of the Dundee Local Plan 2014 and the Adopted TAYplan Strategic Development Plan. There are no material considerations of sufficient weight to justify refusal of the application. It is recommended that the application be approved subject to conditions.

9 RECOMMENDATION

- 9.1 It is recommended that consent be GRANTED subject to the following conditions:
- Condition** - 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. Thereafter, the erection of the boundary treatments shall be carried out in strict accordance with the details approved by this condition.
Reason - in the interests of privacy and visual amenity.
 - Condition** - 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.
Reason - in the interests of enhancing the amenity and environmental quality of the development.
 - Condition** - 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.

Reason – in order to minimise the risk of land contamination.

- 4 **Condition** - 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.

Reason - in order to minimise the risk of land contamination.

- 5 **Condition** - prior to the commencement of development hereby approved, a detailed 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. 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.

Reason - to ensure that the character of the application site and the surrounding area is maintained.

- 6 **Condition** - prior to the commencement of any works on site, the tree protection measures specified in the Tree Survey and Arboricultural Constraints Report dated 08 September 2017 by Alan Motion Tree Consulting Ltd shall 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.

Reason - in order to prevent any construction impact on the trees on and around the site.

- 7 **Condition** - 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.

Reason - in the interests of flood prevention.

- 8 **Condition** - 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.

Reason - in the interest of flood prevention.

- 9 **Condition** - prior to the commencement of any works on site, maintenance responsibilities along with a maintenance schedule for the surface water drainage system/SUDS features shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out in perpetuity.

Reason - in the interest of flood prevention.

- 10 **Condition** - 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.

Reason - in the interests of flood prevention.

- 11 **Condition** - a scheme for protecting the proposed dwelling units from road traffic noise shall be incorporated into the design of the houses hereby approved to ensure that the internal noise levels within all habitable rooms and with windows closed, do not exceed LAeq(16 hours) 40/45dB daytime and LAeq (8 hours) 30/35 dB night-time. For the avoidance of doubt, any day time hours shall be between 0700 and 2300 hours and, night time shall be between 2300 and 0700 hours.

Reason - in the interest of residential amenity.

- 12 **Condition** - details of the proposed roads including proposed road markings must be agreed prior to any works on site and the roads must be formed and constructed to Dundee City Council standards and specifications.

Reason - in the interests of vehicle and pedestrian safety.

- 13 **Condition** - details of the required 20mph traffic order shall be agreed with Dundee City Council and approved prior to any works on site.

Reason - in the interests of vehicle and pedestrian safety.

- 14 **Condition** - details of the proposed surface water drainage and treatment shall be submitted to and approved by Dundee City Council prior to any works on site.

Reason - in the interests of vehicle and pedestrian safety.

- 15 **Condition** - a footway must be provided to Dundee City Council specifications ex adverso the site on Gillburn Road. Details of the footway must be agreed prior to any works on site.

Reason - in the interests of vehicle and pedestrian safety.

- 16 **Condition** - the existing footpath into the site from Gillburn Road that is no longer required as part of the proposed development must be made good as verge to Dundee City Council specifications. Details of these alterations must be agreed prior to any works on site.

Reason - in the interests of vehicle and pedestrian safety.

- 17 **Condition** - a Street Lighting system must be provided by the applicant to Dundee City Council standards and specifications.

Reason - in the interests of vehicle and pedestrian safety.

- 18 **Condition** - the hard surface within individual driveways should be made of porous materials or provision should be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

Reason - to ensure that surface water from within the curtilage of the site does not drain to the adjacent adopted road.

- 19 **Condition** - details of the proposed realignment of the existing culvert must be submitted to and approved by Dundee City Council prior to the commencement of any works on site.

Reason - to ensure an appropriate and publicly maintainable system is provided.