

Erection of 26 Dwellings

KEY INFORMATION

Ward Lochee
Address
 Site of Benvie House, North
 Road, Liff

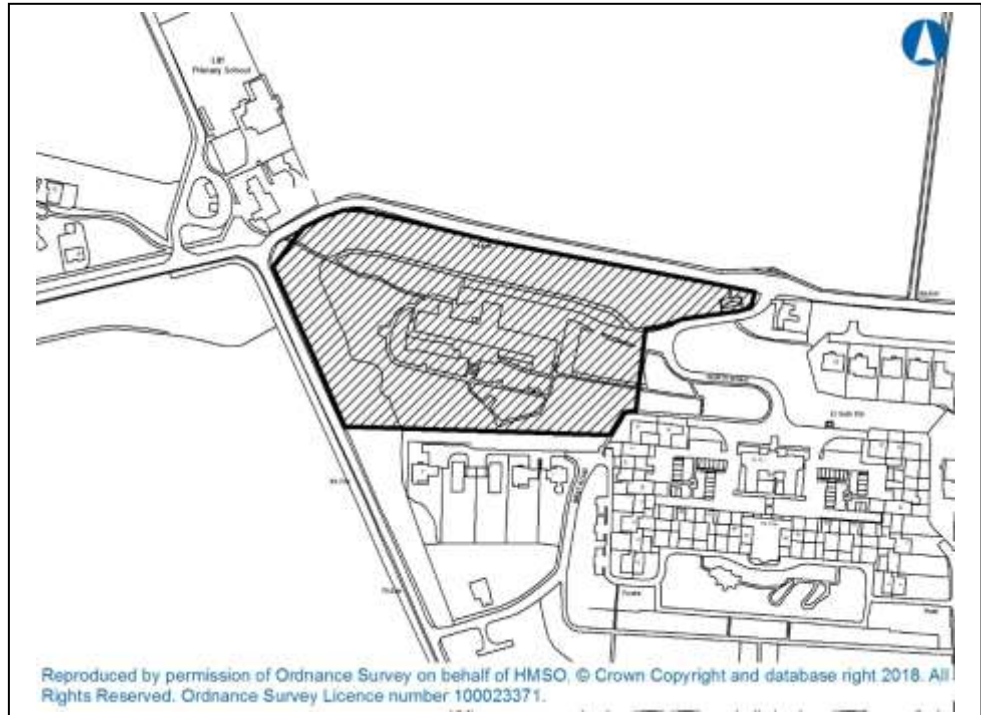
Applicant

Miller Homes and NHS
 Tayside
 Miller House
 2 Lochside View
 Edinburgh Park
 Edinburgh EH12 9DH

Agent

Registered 29 June 2019

Report by: Head of Planning
 & Economic Development



SUMMARY OF REPORT

- The proposal is for 26 private dwelling houses with associated roads, landscaping and drainage provision.
- The proposals include a mix of 4 and 5 bedroom detached homes with in curtilage parking and front and rear gardens. Fifteen of the proposed dwellings benefit from detached garages and all dwellings face onto access roads within the site.
- The site was formerly occupied by Benvie House, a facility operated by NHS Tayside. Since the closure of Benvie House, buildings within the site have been demolished and the site finished in crushed building material.
- The proposed development is in accordance with the Development Plan.
- The statutory neighbour notification procedure was undertaken and six valid letters of objection have been received, including an objection from West Green Park Residents Association.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee at the request of an elected member and as 6 valid objections have been received from members of the public.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/simpleSearchResults.do?action=firstPage>.

RECOMMENDATION

The application satisfies the requirements of the Development Plan. There are no material considerations that would justify refusal of planning permission. Therefore, the application is recommended for APPROVAL subject to conditions and a Section 75 Obligation. The Obligation will relate to the provision of contributions towards Education Provision and Road Upgrades in accordance with the Development Plan.

1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission is sought for the erection of 26 houses on the site, along with associated infrastructure, landscaping and SUDS. The proposals include 9 different house types with all dwellings addressing access roads within the site. The proposed houses would be detached properties with private garden ground and in-curtilage parking. A total of 8 units are proposed with 5 bedrooms, the remaining 18 would have 4 bedrooms. Five of the houses would benefit from integral garages and 15 would benefit from detached garages. In addition, provision of in-curtilage off street parking spaces for three or more vehicles are illustrated within each plot.
- 1.2 Access would be taken from North Road, to the east of the site. A SUDS area is proposed within the southwest of the site, to serve the proposed dwellings.
- 1.3 Areas of landscaping are proposed within the site, and the proposal includes links to footpaths within a wooded area to the north of the site. Existing trees which bound the site are to be retained.
- 1.4 In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee at the request of an elected member and as six valid objections have been received from members of the public.



Figure 1 – Proposed Site Plan

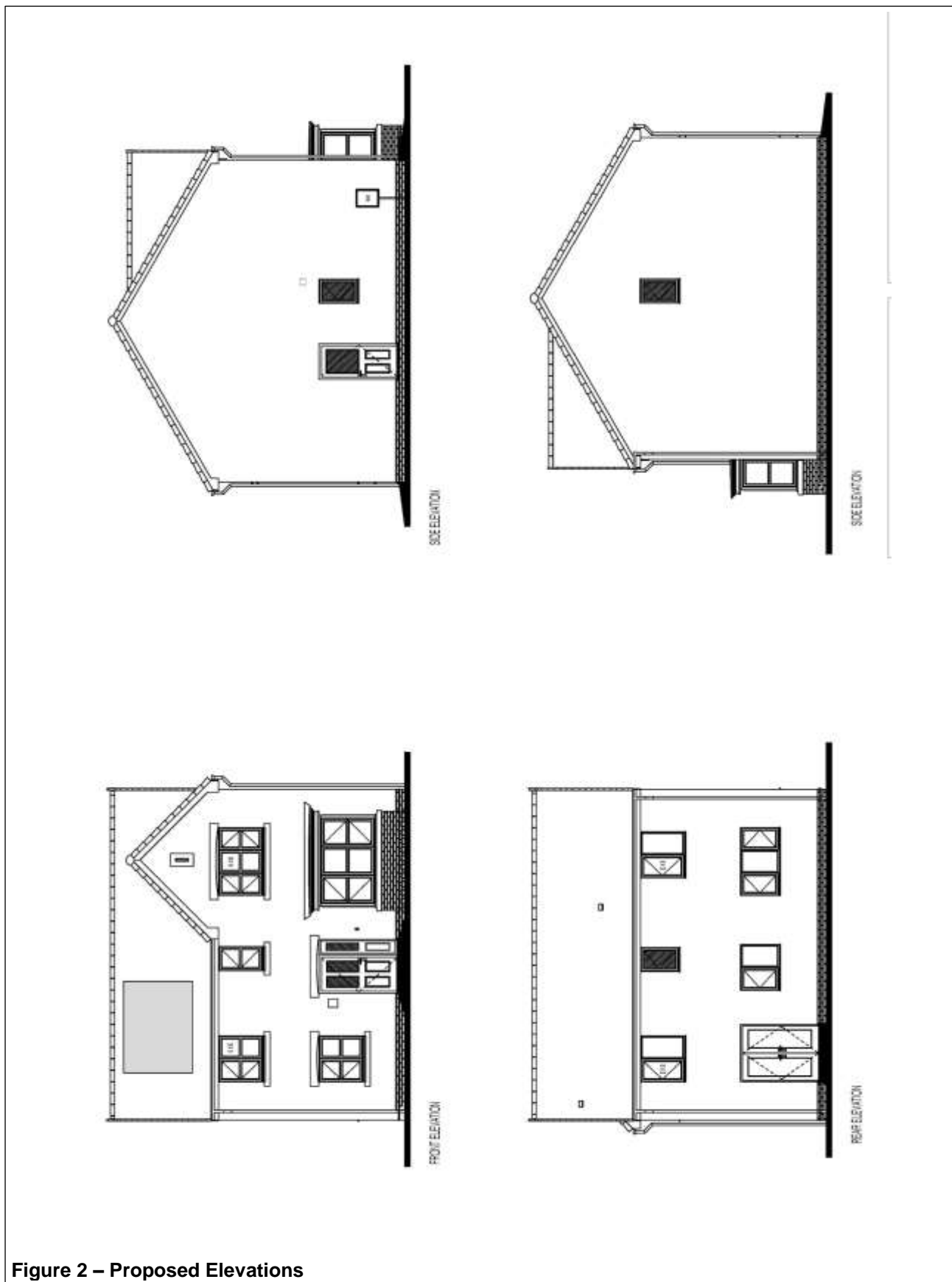


Figure 2 – Proposed Elevations

2 SITE DESCRIPTION

- 2.1 The site (1.73 hectares) which is located to the west of Liff Hospital is largely enclosed by woodland. The site is presently cleared brownfield land following the demolition of Benvie House, and has been levelled and laid with demolition material.
- 2.2 The site which slopes gently to the south is bounded by woodland to the north and west with public roads beyond. To the east is an existing access onto North Road and a further area of mature trees. To the south of the site is an area open in nature, with houses beyond on West Road. The existing residential areas at West Green Park comprise of low density private dwellings and flatted developments within the Category B Listed former Liff Hospital.
- 2.3 The site, and wider West Green Park area is covered by Tree Preservation Order 06/2003.



Figure 3 – Site Photo



Figure 4 – Site Photo

3 POLICY BACKGROUND

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

TAYPLAN STRATEGIC DEVELOPMENT PLAN 2012 - 2036

Policy 1: Location Priorities

Policy 2: Shaping Better Quality Places

Policy 4: Homes

DUNDEE LOCAL DEVELOPMENT PLAN 2014

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 35: Protected Species

Policy 38: Trees and Urban Woodland

Policy 40: Waste Management Requirements for Development

Policy 42: Sustainable Drainage Systems

Policy 45: Land Contamination

Policy 55: Accessibility of New Developments

PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN

Policy 1: High Quality Design and Placemaking

Policy 2: Public Art Contribution

Policy 9: Housing Land Release

Policy 10: Design of New Housing

Policy 20: Funding of On and Off Site Infrastructure Provision

Policy 28: Protecting and Enhancing the Dundee Green Network

Policy 35: Trees and Urban Woodland

Policy 34: Protected Species

Policy 37: Sustainable Drainage Systems

Policy 41: Land Contamination

Policy 44: Waste Management Requirements for Development

Policy 48: Low and Zero Carbon Technology in New Development

Policy 54: Safe and Sustainable Transport

NON STATUTORY STATEMENTS OF COUNCIL POLICY

- 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 There is no relevant planning history.

5 PUBLIC PARTICIPATION

- 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. The application was also advertised in the Dundee Evening Telegraph as a departure to the Development Plan.
- 5.2 Six valid letters of objection were received, including an objection from West Green Park Residents Association. The letters of objection raise issues with regards to overlooking, impact on trees, increased traffic, impact on wildlife, water supply, drainage and flood risk, noise and light pollution, impact on Liff Hospital and cumulative impacts of residential development in the area.

6 CONSULTATIONS

- 6.1 **Scottish Water** – has no objection to the proposals.
- 6.2 **The Head of Community Safety and Protection** – recommends conditions are attached to any planning permission granted to request an updated Contaminated Land Investigation and Risk Assessment be submitted for written approval by the Council prior to the commencement of development.
- 6.3 **The Head of Environmental Management** – recommends that measures to protect trees, provide compensatory planting and support wildlife are implemented as part of the proposed 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 2012-2036

- 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 residential development is located in an area of Dundee with a unique rural residential character. The proposal would re-use a vacant brownfield site and would integrate into the existing road network and residential developments at West Green Park without any significant impact on the amenity of residents.
- 7.4 **The proposal therefore satisfies Policy 1 of the Adopted Strategic TAYplan.**
- 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 would be well located for integration into the existing community at West Green Park, waste management and transport are considered and the proposals take heed of the required policy statements.
- 7.7 **The proposal therefore satisfies Policy 2 of the Adopted Strategic TAYplan.**
- 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.
- 7.10 The proposed development would contribute to the mix of housing types at West Green Park which includes flats, townhouses and larger properties. The provision of 4 and 5 bedroom family homes for the private market would meet the needs and aspirations of the city. 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 therefore satisfies Policy 4 of the Adopted Strategic TAYplan.**

DUNDEE LOCAL DEVELOPMENT PLAN 2014

- 7.12 **Policy 7: High Quality Design** - this policy requires all development to contribute positively to the quality of the surrounding built and natural environment and to respect the character and amenity of the place. The policy adopts a design criteria approach which requires development proposals to consider and respect site topography and any supporting important landmarks, views or skylines; contribute to a sense of identity; complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours; existing buildings structures and natural features that contribute to the local townscape should be retained and sensitively integrated into the proposals.
- 7.13 The proposal for 26 houses includes 9 different house types and a mixture of in curtilage parking, integrated garages and detached garages. The applicant proposes finishing materials which would generally comprise of render with brick, concrete roof tiles and 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 finish materials are agreed.
- 7.14 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 design which is in keeping with the residential character of West Green Park.
- 7.15 The scale and density of development is reflective of housing in the local area and is in keeping with the sites semi-rural setting. The site layout and form of the proposed dwellings would ensure the development has no detrimental impact on the surrounding built and natural environment.
- 7.16 The applicant has provided plans to illustrate the retention of areas of woodland surrounding the site and proposed landscaping within public open areas. Conditions are proposed to ensure that a landscape plan is implemented and to agree the maintenance of the areas.
- 7.17 The applicant proposes a main access road with carriageways and footpaths to serve the proposed dwellings. Footways are proposed to provide pedestrian links onto North Road to the east of the site and to existing paths within the surrounding woodland. This ensures the proposals will integrate into the existing road and footpath networks.
- 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 public art.
- 7.19 Overall, the proposed development would be of high quality and through the addition of conditions regarding finish materials, boundary treatments and public art would be acceptable in terms of Policy 7.
- 7.20 **With the inclusion of conditions the proposal satisfies Policy 7.**
- 7.21 **Policy 8: Housing Land Release** - this policy states that priority will be given to the development of the allocated brownfield and the greenfield sites.
- 7.22 The application site was previously occupied by Benvie House and its associated grounds. Following the demolition of Benvie House the site has remained an undeveloped brownfield site, surfaced with demolition materials. The redevelopment and re-use of this brownfield site could improve the amenity of the area to the benefit of adjacent local residents and the wider

West Green Park area and support the management and maintenance of the perimeter woodland areas.

7.23 The proposed development would improve the range of dwellings at West Green Park through the provision of different house types from different house builders. The proposed houses will support the availability of new build private housing in the local area and support the provision of a range of large houses. The proposed development would have no impact on the delivery of new housing within allocated housing sites at the Western Gateway.

7.24 **The proposal satisfies Policy 8.**

7.25 **Policy 9: Design of New Housing** - this policy requires the design and layout of new housing developments to be of a high quality and contribute to creating places that build on and enhance the distinct character and identity of the different parts of the City. All new housing development will require to conform to the guidance on the Design of New Housing set out in Appendix 3.

7.26 The design and layout of the new housing is of a high quality and provides an attractive and active frontage onto access roads within the site. The proposed development is an acceptable use of a vacant brownfield site and would maintain the semi-rural character of West Green Park and the surrounding area.

Appendix 3 requires the proposal to meet the "Suburban" Housing Standards which requires the following:

7.27 **House Type** - in general 75% of houses should have 3 or more bedrooms or a minimum gross internal floor area of 100m².

7.28 **Car Parking** - all tenures should have at least 1 space within the curtilage of each house. Private houses with 3 bedrooms should have at least 2 spaces. Private houses with 4 or more bedrooms should have at least 3 spaces.

7.29 **Amenity/Garden Ground** - sites will provide an average private useable garden ground of 140m² per house with a minimum garden size of 120m².

7.30 **Privacy** - a minimum of 18 metres between the facing windows of habitable rooms.

7.31 **General Requirements** - all proposed developments will be required to make appropriate provision for waste and recycling in accordance with Dundee City Council's waste strategy.

In respect of the above standards:

7.32 **House Type** - 100% of the proposed houses have 4 or more bedrooms. The proposal meets this requirement.

7.33 **Car Parking** - this is a private development of 4 and 5 bedroom houses, all of the proposed houses have a minimum of three spaces within the curtilage of each house. The proposal therefore meets this requirement.

7.34 **Amenity/Garden Ground** - the garden ground size provided for each house ranges from 129m² to 311m². The average garden ground across the site is 167m². All of the proposed properties therefore meet the minimum required garden size of 120m² and exceed the average required garden ground provision of 140m².

7.35 **Privacy** - the window to window distance between dwellings meets the minimum of 18 metres.

- 7.36 **General Requirements** - in terms of waste management each plot has a designated bin storage area.
- 7.37 **The proposal satisfies Policy 9 and Appendix 3.**
- 7.38 **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.
- 7.39 The Council's Supplementary Guidance on Developer Contributions was adopted in September 2014 and offers guidance to land owners and developers on the likely level and nature of developer contributions that may be required in respect of development. As part of this, the guidance sets out what is expected of development in the Western Gateway.
- 7.40 The Supplementary Guidance states that all windfall sites which come forward for consideration that are not allocated in the Plan may be subject of contributions for both primary and secondary school provision. The levels of contributions sought will be the same as for allocated sites unless there is a justification to vary them due to specific circumstances. In addition, residential developments in this area are required to contribute towards the enhancement of works undertaken at Dykes of Gray Road.

Education

- 7.41 The Supplementary Guidance states that 'within the Western Gateway there is a requirement to enhance primary school provision and options for this are currently being considered.'
- 7.42 At present there is sufficient capacity within the current catchment school. Notwithstanding this, as development progresses at the Western Gateway the long term level of growth may require a new primary school in the locality. The timing of any new school will be determined by Dundee City Council, as will the location. Education contributions made by the applicant will be held by the Council until the provision of a new school is required and then used towards funding the building of the new school.

Dykes of Gray Road Improvements

- 7.43 The Council has already front funded and undertaken the required improvements to Dykes of Gray Road to facilitate the development of housing in this area. In line with Policy 19 and the Supplementary Guidance for Developer Contributions, the Council is seeking to recover the costs of these works as development progresses. The applicant is required to make contributions towards the improvements of Dykes of Gray Road in accordance with the provisions of the Supplementary Guidance.
- 7.44 The developer contributions sought for the improvements carried out to Dykes of Gray Road and for the future provision of a new primary school could be the subject of a Section 75 Planning Obligation should members be minded to approve the application.
- 7.45 Lastly, as stated in the Policy 7 assessment above, the inclusion of public art could be secured by condition should Members be minded to grant planning permission.
- 7.46 **The proposals are therefore in accordance with Policy 19 of the Dundee Local Development Plan 2014 subject to a Planning Obligation and a condition.**
- 7.47 **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. This percentage will increase to 15% from the beginning of 2016 and will be reviewed in 2018.

- 7.48 The applicant has provided an Energy Statement which confirms each dwelling will be constructed from energy efficient materials which meet present Building Standards Regulations. These include thermal performance and energy efficient systems such as insulation, double glazing and energy efficient light fittings. In addition, plots have been orientated to maximise solar gain and solar panels can be added to the roof planes of each proposed dwelling.
- 7.49 **The proposal satisfies Policy 29.**
- 7.50 **Policy 35: Protected Species** - does not support development proposals which are likely to have a significant effect on a European protected species unless there is no satisfactory alternative, the development is required for preserving public health or safety, or other reasons of overriding public interest. 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 similarly 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.
- 7.51 The applicant has submitted an Ecological Assessment. The Ecological Assessment includes a review of the application site, including wooded areas and open grassland.
- 7.52 The survey identified there will be low-grade habitat loss as a result of the development which would be mitigated by the creation of private gardens and SUDS facilities which are inherently more biodiverse than the habitat they replace which includes open space surfaced in crushed demolition materials. New tree and shrub planting can be designed and managed for biodiversity enhancement, however due to the density of the proposed development there is limited scope for such planting. The applicant proposes a small number of trees within the site and hedging within front garden ground. The connections to and upgrading of pathways through the plantation woodland immediately out with the application site can be achieved with no significant impact on the trees and negligible impact on the ecology, with significant wildlife activity only occurring in the canopy of the woodland.
- 7.53 In relation to protected species the assessment found no evidence of Badgers and small mammals, and considers there is little likelihood of the species using the site. No further inspections/surveys are required before development starts on the land, but it is recommended the precautionary approach set out above is adopted during construction, to safeguard small mammals that might access the Site.
- 7.54 With regard to Bats, there are no roost opportunities within the site and as the site is largely covered by crushed demolition material there are limited foraging opportunities which would be affected by the proposed development. No further bat survey work is required.
- 7.55 No evidence of Red Squirrels using woodland adjacent to the site was found and there is no suitable habitat within the site. There are no further recommendations made as a Red Squirrel Management Plan was prepared in 2005 and it has been confirmed by the applicant and West Green Park Residents Associated that this can be adopted for the proposed development.
- 7.56 There is potential for bird nesting in the semi-natural habitats, whilst no further survey work is necessary site clearance should be undertaken outside the bird nesting season.
- 7.57 Following review of the Ecological Assessment, the Head of Environmental Management recommends the applicant undertakes measures to protect Red Squirrels and Bats which are

present in the wider Liff and Camperdown areas. In relation to squirrels, the surrounding woodland is part of a corridor connecting the squirrel populations from Camperdown Park to the east, Backmuir Woods to the north west and Fowlis Den to the West. As above, the applicant has confirmed the existing Squirrel Management Plan which covers West Green Park is to be extended to incorporate the application site. The Head of Environmental Management supports this. In relation to bats, the ecological assessment states that there is no suitable roosting habitat for bats but they may use the surrounding woodland for foraging. It is recommended that the developer install bat boxes in the surrounding woodland as it is known that there are bats in areas such as Camperdown Park, Backmuir Woods and nearby farms.

- 7.58 To ensure the proposed development will have no detrimental impact on any protected species, conditions should be attached to requiring the implementation of the recommendations of the Ecological Assessment and those of the Head of Environmental Management should Members be minded to grant planning permission for the development.
- 7.59 **The proposal would comply with Policy 35 with the addition of planning conditions.**
- 7.60 **Policy 38: Trees and Urban Woodland** - this supports the establishment and enhancement of woodland, tree belts and corridors. New development should contribute to the expansion of tree planting and woodland development where appropriate and 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 landscaping scheme which includes a supporting justification and sufficient map based material to document existing planting within the application site as well as new planting and maintenance arrangements.
- 7.61 The site is bound to the north, east and west by mature woodland and landscaping. In addition, there are a number of trees within the site.
- 7.62 The applicant has submitted a Tree Survey with the application.
- 7.63 The applicant proposes to fell 19 trees within the application site. The trees to be felled comprise of 14 trees associated with landscaped areas of the former Benvie House and 5 trees which are associated with mature woodland towards the edge of the site. The trees which form part of landscaped areas associated with Benvie House are not of any significant value to the character of the site. Trees associated with mature woodland towards the edge of the site contribute towards the wooded character of the site and surrounding area. To mitigate for the loss of 5 of these trees, the applicant proposes the planting of hedges within front garden ground. The landscaping proposed by the applicant within the site is acceptable to The Head of Environmental Management.
- 7.64 The Head of Environmental Management has requested that a tree protection plan for all trees surrounding the site and along footpaths is provided to ensure they are protected during construction. This is particularly important to ensure the retention of 2 Copper Beech Trees to the north west of the site.
- 7.65 Should Members be minded to approve the application, conditions should be attached to request full details of tree protection measures and an associated maintenance schedule are submitted to the Council for written approval prior to the commencement of development.
- 7.66 The applicant proposes to fell a further 3 trees which bound the site to facilitate the development. As these trees fall out with the application site boundary and are subject of a tree preservation order, the applicant will require a separate consent for tree works. As part

of any application for tree works to fell the trees, the Head of Environmental Management has recommended replanting is provided within the existing wooded areas.

- 7.67 **The proposal satisfies Policy 38 subject to conditions.**
- 7.68 **Policy 40: Waste Management Requirements for Development** - development proposals should demonstrate that they adequately address the Council's waste strategy to reduce, collect, sort, recycle and reuse waste.
- 7.69 In terms of waste management each plot has a designated bin storage area within rear garden ground.
- 7.70 **The proposal satisfies Policy 40.**
- 7.71 **Policy 42: Sustainable Urban Drainage Surface** - water from new development must be treated by a Sustainable Urban Drainage System (SUDS) except for single houses or where discharge is to coastal waters. SUDS should be designed so that in a 1 in 200 year rainstorm event, flooding will not be higher than 300 mm below floor level. In addition, proposals will be encouraged to adopt an ecological approach to surface water management, ensure an appropriate level of treatment and exploit opportunities for habitat creation or enhancement through measures such as the formulation of wetlands or ponds.
- 7.72 The applicant proposes to collect surface water from the development and transfer to the proposed SUDS area to the south west of the proposed housing development, before thereafter discharging into the existing drainage network. The applicant has submitted a drainage strategy in support of the application which states that the development could be acceptably drained in the manner proposed. The technical detail of the proposed drainage layout and SUDS area should be controlled via condition should Members be minded to approve the application.
- 7.73 **The proposal satisfies Policy 42 with the inclusion of conditions.**
- 7.74 **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.
- 7.75 The Head of Community Safety and Protection was consulted on the supporting information submitted with the application. It is recommended that conditions are attached to any planning permission to ensure that further site investigations are carried out and remediation proposals approved before any development can commence should Members be minded to approve the application.
- 7.76 **With the inclusion of conditions the proposal satisfies Policy 45.**
- 7.77 **Policy 55: Accessibility of New Developments** - all development proposals that generate travel should be designed to be well served by all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be afforded priority and allow walkable access to local amenities.
- 7.78 Development proposals will be required to:
- 1 incorporate facilities on-site (and/or off-site through developer contributions) for walking, cycling and public transport networks, including road/junction improvements and cycle parking. Developments without direct links to adjacent walking and cycling networks will

not be supported; and developments without direct links to adjacent walking and cycling networks will not be supported;

- 2 incorporate measures to permit access to public transport networks within a walking distance of no more than 400 metres from the centre of the development;
- 3 have no detrimental effect on the capacity or functioning of the existing road or rail networks;
- 4 ensure that safe and adequate provision is made for road freight and waste access, loading and unloading; and
- 5 comply with Dundee City Council's roads design standards Streets Ahead.

7.79 In respect of the above criteria:

- 1 The proposal site would have links to the walking and cycling networks within the surrounding area, including The Dundee Green Network which runs along the public roads to the north and west of the site. In addition, a contribution is to be provided by the applicant towards the upgrade of Dykes of Gray Road. The proposal meets this requirement.
- 2 The site is connected to the public transport network with bus stops located to the north. The proposal meets this requirement.
- 3 A Transport Statement has been submitted and its findings accepted. The roads/footways leading to the site have capacity to cater for the proposed development. It is recommended that standard conditions are attached to any planning permission granted to request that details of the proposed vehicle accesses and street lighting system are submitted to the Council for approval. The proposal will not have any detrimental effect on the capacity or functioning of the existing road network.
- 4 Safe and adequate provision has been made for road freight and waste access. The proposed roads and accesses have capacity to cater for the proposed development. The proposal meets this requirement.
- 5 It is recommended that conditions are attached to any planning permission granted to ensure the Council's roads design standards are met.

7.80 **With the inclusion of conditions the proposal satisfies Policy 55.**

7.81 **It is concluded from the foregoing that the proposal does comply with the provisions of the development plan.**

OTHER MATERIAL CONSIDERATIONS

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

A - PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN 2

7.82 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.

7.83 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.

- 7.84 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.

The following policy is considered to be a material change:

- 7.85 **Policy 1: High Quality Design and Placemaking** - requires new development to meet Scottish Planning Policy's six qualities of successful place as outlined in Appendix 1 - Distinctive; Safe and Pleasant; Easy to Move Around and Beyond; Welcoming; Adaptable and Resource Efficient. The scale, nature and location of the development will determine the extent to which the qualities, as outlined in Appendix 1, are appropriate to the assessment process.
- 7.86 Policy 1: High Quality Design and Placemaking - requires new development to meet Scottish Planning Policy's six qualities of successful place as outlined in Appendix 1 - Distinctive; Safe and Pleasant; Easy to Move Around and Beyond; Welcoming; Adaptable and Resource Efficient. The scale, nature and location of the development will determine the extent to which the qualities, as outlined in Appendix 1, are appropriate to the assessment process.
- 7.87 As outlined above, the proposed design and layout of the residential development respects the character and amenity of the surrounding area with the houses designed to provide a frontage onto access roads within the site and maintain the surrounding woodland. It maintains the established semi-rural character of the site. The siting and layout provides links to the surrounding area including roads and footpaths. The proposed development therefore meets Scottish Planning Policy's six qualities of successful place.
- 7.88 **The proposal satisfies Policy 1.**
- 7.89 **There are no other material changes. The proposal complies with the provisions of the Proposed Dundee Local Development Plan 2.**

B - VIEWS OF OBJECTORS

- 7.90 Six letters of objection were received. The letters of objection raise issues with overlooking, impact on trees, increased traffic, impact on wildlife, water supply, drainage and flood risk, noise and light pollution, impact on Liff Hospital and cumulative impacts of residential development in the area. During consideration of the proposals, West Green Parks Residents and Proprietors Association provided an updated representation following discussions with the applicant.
- 7.91 **Overlooking** - concerns were raised that the proposed development would overlook neighbouring properties to the south of the application site. Due to the sloping nature of the application site and land to the south the proposed dwellings would sit above properties on West Road. The applicant initially proposed to have dwellings within the site facing south, towards properties on West Road. The site layout has been amended to re-orientate the proposed dwellings to face east-west. This ensures no proposed properties would face towards existing dwellings and there would be no overlooking of properties on West Road. In addition, there is 20 metres of separation between the proposed development and existing dwellings to the south.

- 7.92 **Impact On Mature Trees and Wildlife** - concerns were raised that the proposed residential development would have a detrimental impact on mature trees at the site which are protected under TPO 06/2003 and wildlife in the area with species such as red squirrels present in the local area. The applicant has provided a detailed tree survey and an ecology report in support of the application. Whilst trees are to be felled, mature trees which surround the application site, including two Copper Beech trees, are to be retained and protected during construction to ensure the arboreal amenity of the area is not impacted by the proposals. The Head of Environmental Management has no objection to the proposed landscaping scheme and felling of trees within the site, subject to the protection of trees which surround the site and provision of planting within the proposed development. The submitted Ecology Assessment considers there would be low grade habitat loss only which will be mitigated by the creation of private gardens which are more biodiverse than the habitats they are replacing. The survey also highlights that there was no evidence of Badgers, Bats and Red Squirrels. The applicant has confirmed that they are aware of the WGPR squirrel policy 2015 and confirm this can be extended over these sites accordingly.
- 7.93 **Cumulative Impacts of Residential Development In The Area, Including Additional Traffic** - the proposed development, and a further planning application for residential development which is under consideration to the east of the application site (ref 18/00407/FULL) would result in an additional 54 dwellings at West Green Park if approved. There are further residential developments under construction within the wider Liff area, including developments at the Western Gateway and to the south of West Green Park. The cumulative impacts of these development increase traffic and requirements for education provision, objectors raise concerns that there is not sufficient capacity in the local area to provide for these developments.
- 7.94 The proposed residential development would result in 26 properties being erected within the west of West Green Park, and requiring access onto Liff Road and Dykes of Gray Road. The applicant has provided a Transport Statement which demonstrates the existing road and path network can accommodate the proposed development, and the applicant will provide a financial contribution towards the upgrade works which were undertaken at Dykes of Gray Road.
- 7.95 The Council is considering education provision at the Western Gateway, and it is recommended that any permission granted is subject of a planning obligation requiring the applicant to provide an Education Contribution on each dwelling.
- 7.96 As developments in the surrounding area progress it is anticipated shops and services will open. Under planning application 15/00121/FULM to the south west of the application site retail provisions and local amenities including a nursery were granted planning permission.
- 7.97 **Water Supply, Site Drainage and Flood Risk** - the applicant has undertaken work to assess the existing water and drainage network, and confirmed that discussions have been had with Scottish water. Following detailed camera surveys and porosity tests over the application site, the proposed development will connect into the existing WGP foul drainage system utilising the existing transferrable rights retained by the NHS. It is also proposed, subject to agreement with Scottish Water, to take existing on site surface water flow and new surface water flow generated from the redevelopment and connect to a new point of discharge off site. The proposals for foul and surface water drainage are acceptable in principle, and full details of the systems should be submitted to the Council for consideration should Members be minded to approve the application.
- 7.98 The applicant has confirmed the detailed Surface Water Management Plan will consider local observations in relation to ground conditions and these will all be taken into account as part of our development proposals. A detailed Surface Water Management Plan will require to be

agreed with the Council prior to the commencement of development on site. The provision of appropriate surface water management, which should be controlled by condition, will ensure the proposed development does not create a flood risk to the surrounding area, and that properties within the site will not be at risk of flooding.

- 7.99 **Noise and Light Pollution** - concerns were raised by objectors that the proposed development would have an adverse impact on neighbouring residential development by virtue of noise and light. The site layout ensures no properties or lit roads are within close proximity to existing housing to the south or east of the site. Noise and light associated with the proposed development would be in keeping with levels of existing residential developments at West Green Park and have no significant impact on the surrounding area.
- 7.100 **Impact On Liff Hospital** - the proposed development is of a form and style which is typical of residential development at West Green Park. The proposed development would be set back from Liff Hospital and partially screened by existing trees. The proposed development would have no adverse impact on the character or setting of the Category B Listed Hospital.
- 7.101 In addition to the proposal impact on Liff Hospital, representations sought further information on the proposals for a timber bus stop which is located to the north of the access road into the proposed development. The applicant has confirmed they would undertake repairs and repainting of the bus stop where required.
- 7.102 The issues and concerns raised in the letters of objection have been fully considered and addressed in this report. In this case, they are considered not to be of sufficient weight to justify refusal of planning permission.
- 7.103 **It is concluded from the foregoing that there are no material considerations of sufficient weight to justify refusal of planning permission.**

8 CONCLUSION

- 8.1 The proposal satisfies the requirements of the Development Plan. There are no material considerations that would justify refusal of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

Recommendation 1

- 9.1 This planning permission shall not be issued unless and until an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997, between the Council and parties with appropriate interests in the land, has been recorded. This obligation will relate to the provision of contributions towards Education Provision and Road Upgrades in accordance with the Development Plan.

Recommendation 2

- 9.2 It is recommended that consent be GRANTED subject to the following conditions:
- 1 **Condition** - 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.

Reason – in the interests of visual amenity.

- 2 **Condition** – prior to the commencement of any development, a 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 shall also be submitted to and approved by the planning authority prior to the commencement of development. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.

Reason – to ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.

- 3 **Condition** - prior to the commencement of any development, any site scraping or entry of construction traffic, tree protection fencing in accordance with BS5837:2012 shall be erected on site in the positions agreed within the landscape details to be agreed as Condition 2 under the supervision of the applicant's arboricultural consultant and to the satisfaction of the City Council. Such fencing shall be retained in place throughout the construction period and relocation of any fencing shall be agreed with the Forestry and Enforcement officers prior to any movement of the fencing.

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

- 4 **Condition** – no services ie water, power or drainage, shall be installed within the tree protection area of any of the trees on site or within the canopy spread of any trees in adjacent properties , unless full details have been submitted to and approved by the City Council prior to the works being undertaken. If any such service trenches are required, the details should be prepared in consultation with the arboricultural consultant who provided the tree reports.

Reason – in the interests of reducing carbon emissions associated with the proposed development.

- 5 **Condition** – development shall not begin until further risk assessment is completed and, if necessary; 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 the interests of providing a site suitable for residential development.

- 6 **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 the interests of providing a site suitable for residential development.

- 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 and signed Dundee City Council Design and Check Certification 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 commencement of the development hereby approved and shall be maintained until development is complete.

Reason - in the interests 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 Dundee City Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out in perpetuity.

Reason - in the interests of flood prevention and visual amenity.

- 10 **Condition** – the recommendations laid out in section 5 of “Liff Hospital West Dundee Ecological Assessment for Miller Homes” dated August 2018 shall be fully implemented as part of the development. This shall include the provision of a Squirrel Management Plan to cover the application site. Full details of the Squirrel Management Plan, and any further investigations to be carried out as part of the Ecological Assessment shall be submitted to the Council for approval in writing prior to the commencement of development.

Reason - in order to ensure the site is developed with due regard to any species on site.

- 11 **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.

- 12 **Condition** – details of the proposed vehicle access including proposed road markings must be agreed prior to any works on site and the access must be formed and constructed as a Type C junction to Dundee City Council standards and specifications..

Reason - in the interests of vehicle and pedestrian safety.

- 13 **Condition** – any existing accesses that are no longer required as part of the proposed development must be made good as footway 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.

- 14 **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.

- 15 **Condition** – 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.

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

- 16 **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.