

Proposed Works to Enable Services, Drainage, SUDs Ponds and Infrastructure

KEY INFORMATION

Ward North East

Address

Land at Aberlady Crescent,
Dundee

Applicant

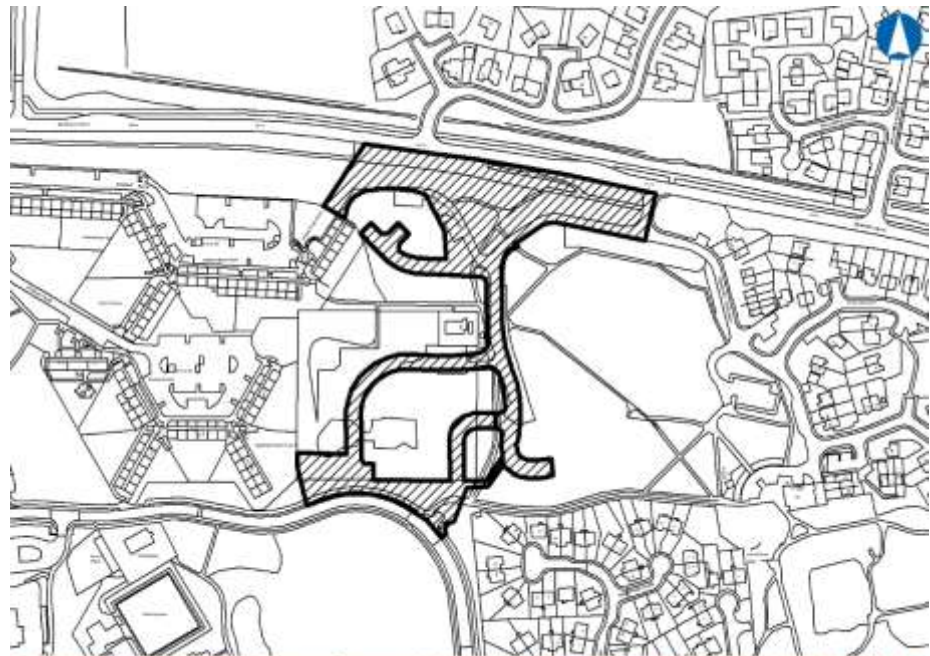
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Agent

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Registered 19 Oct 2018

Report by: Head of Planning
& Economic Development



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SUMMARY OF REPORT

- The application is for enabling works including services, drainage, SUDs ponds, roads and footpaths/cycleway as part of a four phase housing development on land at Aberlady Crescent (Local Development Plan Allocated Housing Site H16).
- The application proposes a new SUDs basin on the north-west boundary and on the south-west boundary of the housing site.
- New roads are proposed to connect the four phases of the housing development to Berwick Drive to the north and Lothian Crescent to the south.
- An existing off road footpath/cycleway is to be relocated and falls, in part, within the boundary of the application site for the enabling works.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as eight valid letters of objection have been received from members of the public and the recommendation is for approval.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/simpleSearchResults.do?action=firstPage>.

RECOMMENDATION

Proposed works to enable services, drainage SUDs ponds and infrastructure is recommended for APPROVAL subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 The application is for enabling works including services, drainage, SUDS ponds, roads and footpaths/cycleway as part of a four phase housing development. The housing site is allocated in the Local Development Plan (H16).
- 1.2 The application proposes a new SUDS basin on the north-west boundary and one on the south-west boundary of the housing site. New roads are proposed to connect the 4 phases of the housing development to Berwick Drive to the north and Lothian Crescent to the south. An existing off road footpath/cycleway (190m approx.) is to be relocated and falls, in part, within the boundary of the application site for the enabling works.
- 1.3 Phase 1 for 26 houses was approved under delegated powers in 2015. Phase 2 for 25 houses is being reported in a separate paper to the Planning Committee as a proposed new off road footpath/cycleway falls in the boundary of the Phase 2 development and the boundary of this application.



Figure 1 – Revised Proposed Roads and Drainage Layout

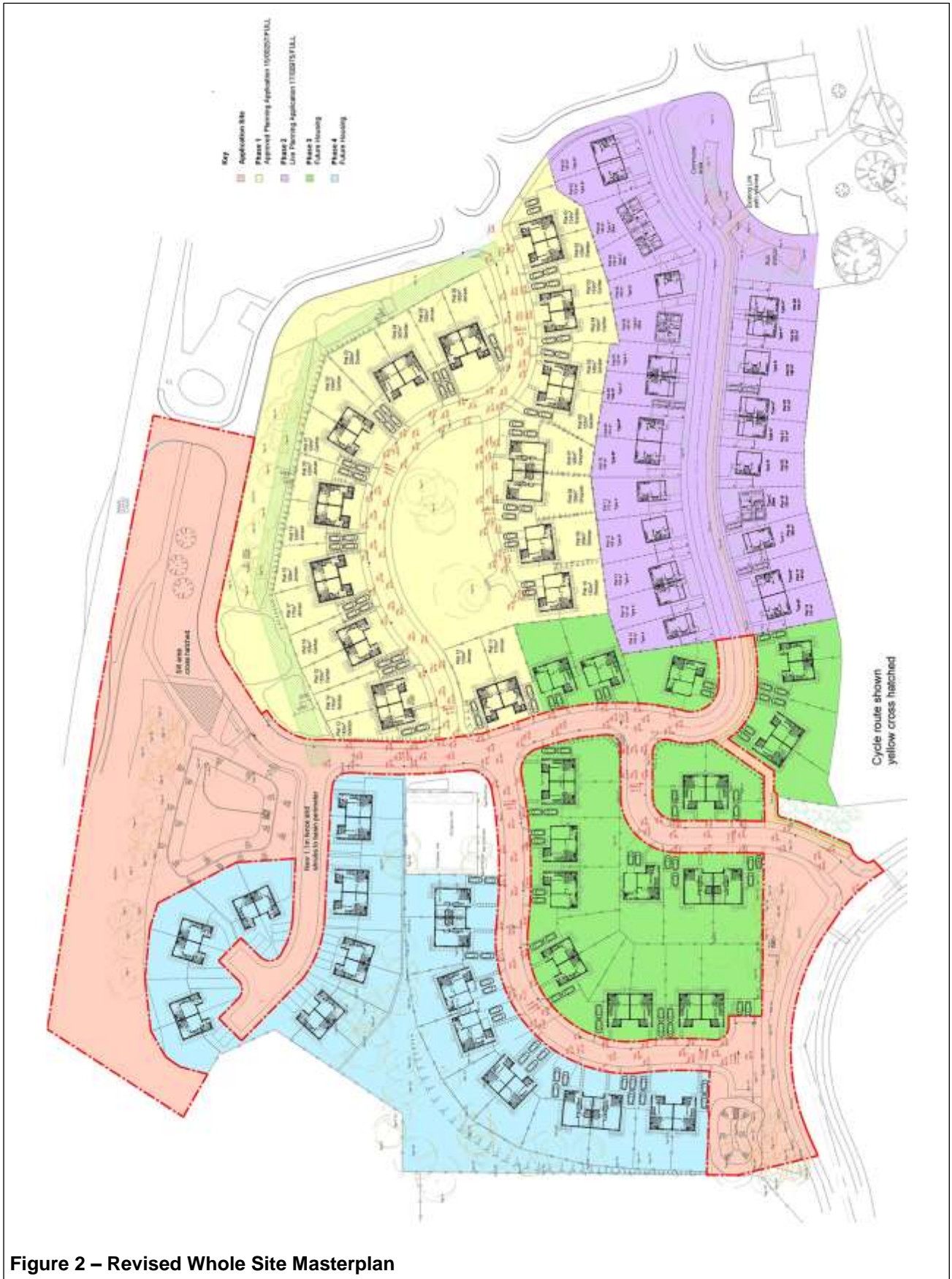


Figure 2 – Revised Whole Site Masterplan



Figure 3 – Existing Cycle Route

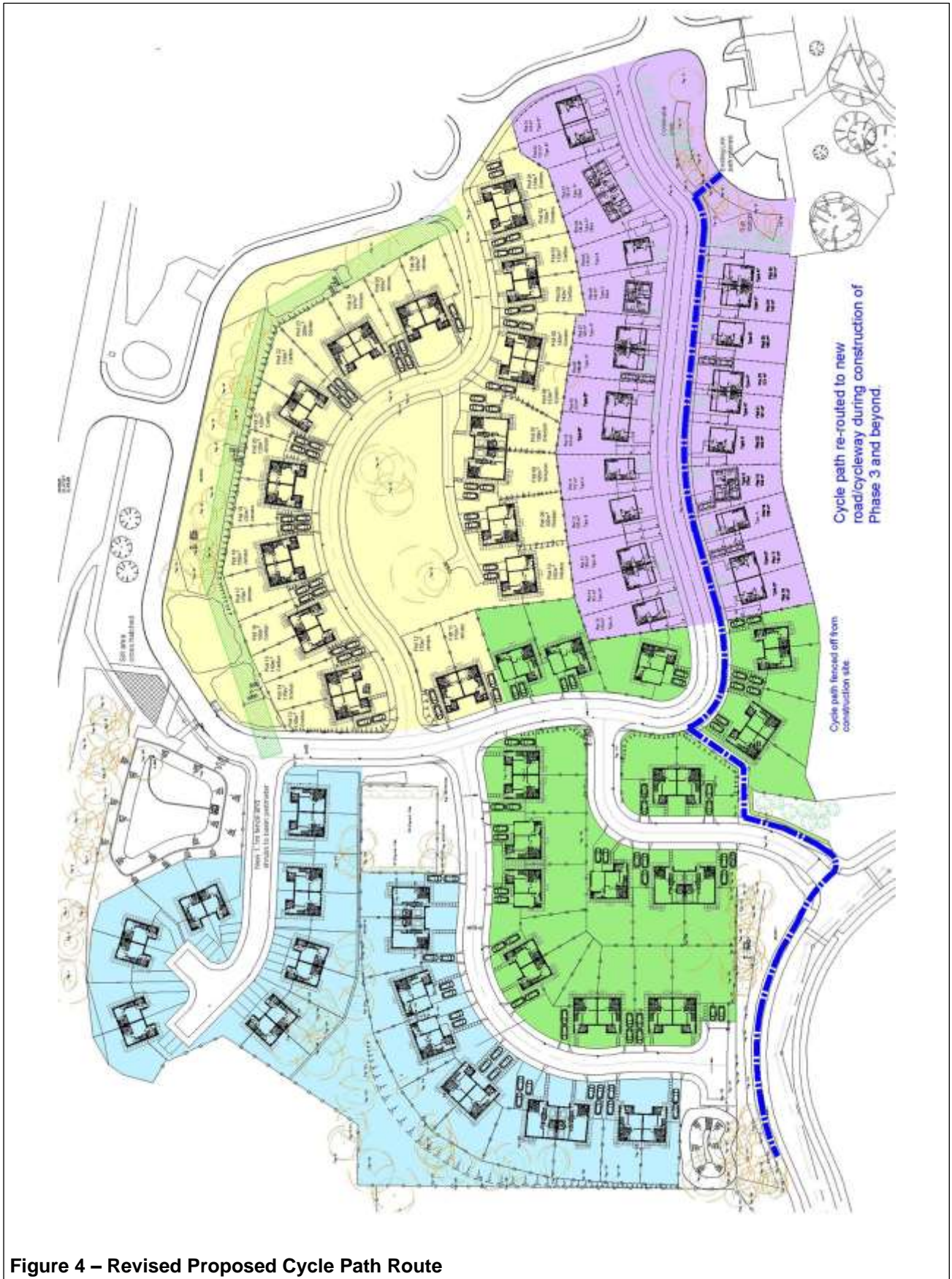


Figure 4 – Revised Proposed Cycle Path Route

2 SITE DESCRIPTION

- 2.1 The proposed enabling works form part of a four phase housing development on a vacant brownfield site bounded by Aberlady Crescent to the north and east.
- 2.2 The application site is on the site of the former Greenfield Primary School and local authority flatted blocks which have been demolished. A Site Planning Brief was published in 2009 and the housing site is allocated in the Local Development Plan (H16 – Site 1, Whitfield).
- 2.3 To the north of the site is Berwick Drive and to the south, east and west is housing.
- 2.4 The site has an undulating topography and is landscaped with a mix of grass, trees and shrubs.



Figure 5 – Aerial Photo of Existing Site



Figure 6 – Existing Cycle Route Looking West



Figure 7 – Existing Cycle Route

3 POLICY BACKGROUND

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

DUNDEE LOCAL DEVELOPMENT PLAN 2014

Policy 7: High Quality Design
Policy 38: Trees and Urban Woodland
Policy 42: Sustainable Drainage Systems
Policy 45: Land Contamination
Policy 54: Active Travel
Policy 55: Accessibility of New Development

PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN 2

Policy 1: High Quality Design and Placemaking
Policy 28: Protecting and Enhancing the Dundee Green Network
Policy 29: Outdoor Access and the Dundee Green Network
Policy 35: Trees and Urban Woodland
Policy 37: Sustainable Drainage Systems
Policy 41: Land Contamination
Policy 54: Safe and Sustainable Transport

NON STATUTORY STATEMENTS OF COUNCIL POLICY

Aberlady Crescent Site Planning Brief (2009)
The Whitfield Planning Framework (2018)
Whitfield Sustainable Urban Drainage Systems (2016)
Whitfield Green Infrastructure (2016)
The Dundee Green Network (2016)

- 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 15/00257/FULL - erection of 26 Houses - approved subject to conditions.
- 4.2 17/00975/FULL - Phase 2 Erection of 25 new houses - pending consideration.
- 4.3 18/01005/FULL - amendment to house types and garden ground to the previously approved planning application reference no 15/00257/FULL – approved subject to conditions.

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.
- 5.2 Eight valid letters of objection were received from members of the public. These all raised the same issue regarding road and pedestrian safety due to the relocation of an existing off road footpath/cycle way within the proposed housing development.

6 CONSULTATIONS

- 6.1 **Scottish Water** - Scottish Water has no objection to the proposed development.
- 6.2 **The Head of Community Safety and Protection** – due to potential demolition material in the area it is recommended that an advisory note is attached to any planning permission granted to ensure vigilance is maintained during groundworks and the Council is notified immediately in writing if any ground contamination is found.
- 6.3 **The Head of Environmental Management** – a tree survey, protection measures for the retained trees and full details and a maintenance schedule for all new tree planting proposed is required. Also details of the maintenance schedule is required specifically for the new proposed landscaping around the SUDS. It is recommended that this is conditioned.
- 6.4 **Police Scotland - Local Designing Out Crime Officer** – was consulted on the proposed design and layout in line with the published Site Planning Brief that recommends that this be undertaken. To ensure a high quality and safe environment, it is proposed to locate the back gardens of the proposed new housing against the back gardens of the existing housing on Silverlink Avenue/Badenoch Place and in so doing remove an existing footpath/cycleway. The local Designing Out Crime Officer has confirmed that this approach is acceptable to avoid a gathering point or 'rat run' between residents back gardens.

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.

DUNDEE LOCAL DEVELOPMENT PLAN 2014

- 7.2 **Policy No 7: High Quality Design** - requires all new development to contribute positively to the quality of the surrounding built and natural environment. The design and siting of a development should respect the character and amenity of the place and should create and improve links within the site and into the surrounding area. Proposals should also incorporate new landscaping appropriate to the local context and scale and nature of the development.
- 7.3 The application is for enabling works as part of a four phase housing development and includes services, drainage, SUDS ponds, roads and footpaths/cycleway.
- 7.4 As part of the application new SUDS are proposed on the north-west boundary and on the south-west boundary of the housing site. The new roads proposed will connect the 4 phases of the housing development to Berwick Drive to the north and Lothian Crescent to the south. An existing off road footpath/cycleway within the boundary of the Phase 2 application site (17/00975/FULL) is to be relocated and falls, in part, within the boundary of the application site for the enabling works.
- 7.5 A Design Statement, Drainage Layout and a Landscape Plan have been submitted. The Design Statement provides details of the phasing for the relocation of the existing

footpath/cycleway to ensure that safe and secure access is maintained during the construction phases of the development. The Landscape Plan shows tree removal together with new planting including a wet meadow mix on the base of the SUDS.

- 7.6 The Head of Environmental Management has been consulted on the Landscape Plan and recommends that conditions are attached to any planning permission granted to request that a tree survey, tree protection plan, full details of the new planting and an associated maintenance plan are all submitted for the written approval of the Council prior to the commencement of development.
- 7.7 The proposal will create new links within the site and into the surrounding area. New landscaping is proposed which will make a positive contribution to the surrounding built and natural environment. The proposed enabling works will contribute positively to the redevelopment of this brownfield site.
- 7.8 **With the inclusion of conditions the proposal satisfies Policy 7.**
- 7.9 **Policy 38: Trees and Urban Woodland** - the Council will support 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.
- 7.10 As outlined previously, the proposed works involve both the removal and retention of trees. A Landscape Plan has been submitted and the Head of Environmental Management has been consulted. It is recommended that conditions are attached to any planning permission granted to request that a tree survey, tree protection plan, full details of the new planting and an associated maintenance plan are all submitted for the written approval of the Council prior to the commencement of development.
- 7.11 **With the inclusion of conditions the proposal satisfies Policy 38.**
- 7.12 **Policy 42: Sustainable Drainage Systems** - 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.
- 7.13 As part of the application a new SUDS basin is proposed on the north-west boundary and on the south-west boundary of the housing site. Detailed discussion has taken place with Council Engineers to ensure a suitable, high quality, environmentally friendly design is developed and maintained to manage surface water. Full details, drawings and relevant certificates have been received and approved by the Council.
- 7.14 **The proposal satisfies Policy 42.**
- 7.15 **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.

7.16 The Head of Community Safety and Protection was consulted. Due to the possibility of demolition material in the area it is recommended that an advisory note is attached to any planning permission granted to ensure vigilance during groundworks and that the Council be notified in writing if any ground contamination is found during construction.

7.17 **The proposal satisfies Policy 45.**

7.18 **Policy 54: Active Travel** - new development should be designed in order to:

- 1 minimise the need to travel by private car;
- 2 improve access to services; and
- 3 promote healthy lifestyles by encouraging active travel.

All developments which border an existing or proposed core path must ensure that it is immediately and easily accessible from that development by provision of appropriate* facilities.

All developments should make provision for walking and cycle access, including cycle parking and walking/cycle routes and to a standard that affords it priority over motorised transport. This requirement may be applied flexibly where the re-use of existing buildings is involved. Walking and cycling routes should be fully useable prior to the first occupation of a new development:

* appropriate - refers to the specification choice of: footways, footpaths, cycleways or shared surface paths.

7.19 The proposal includes new roads to connect the four phases of the housing development to Berwick Drive to the north and Lothian Crescent to the south. An existing off road footpath/cycleway within the boundary of the Phase 2 application site (17/00975/FULL) is to be relocated and falls, in part, within the boundary of the application site for the enabling works.

7.20 In respect of Policy 54, there are no core paths immediately adjacent to the site. There has been discussion with the applicant's agent during the application process about the relocation of the existing off road footpath/cycleway (190m approx.) on the southern boundary of the wider masterplan site. The original submitted proposal was to relocate this to the 20mph road proposed through the Phase 2 housing development (17/00975/FULL). However, discussion during the application process has resulted in an alternative proposal for the creation of a safe, cycle route on a widened footpath/cyclepath as part of the Phase 2 housing development (17/00975/FULL) and a link section proposed to/from Lothian Crescent will be off road.

7.21 A submitted Design Statement and drawings show that the relocation of the existing footpath/cycleway will be phased to ensure that safe and secure access is maintained during the construction phases of the development. It also notes that all roads within the development will be 20mph.

7.22 The proposed development makes provision for walking and cycle access and will retain and create new links into the surrounding area.

7.23 **The proposal satisfies Policy 54.**

7.24 **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.

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; and
- 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; and
- 3 have no detrimental effect on the capacity or functioning of the existing road or rail networks; and
- 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.

7.25 In respect of the above criteria, the proposed development is served by all modes of transport and the application site has direct links to adjacent walking and cycling networks and is located on a public transport route with bus stops in close proximity. The proposed development will not have detrimental effect on the capacity or functioning of the existing road network. Safe and adequate provision is made for road freight and waste access, loading and unloading. The proposed development complies with Dundee City Council's roads design standards.

7.26 **The proposal satisfies Policy 55.**

7.27 **It is concluded from the foregoing that the proposal complies 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

7.28 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.

7.29 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.

7.30 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.

7.31 The following policies are considered to be a material change.

- 7.32 **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.
- 7.33 As outlined previously, the proposal will create new links within the site and into the surrounding area. New landscaping is proposed which will make a positive contribution to the surrounding built and natural environment.
- 7.34 The Head of Environmental Management has been consulted on the Landscape Plan and recommends that conditions are attached to any planning permission granted to request that a tree survey, tree protection plan, full details of the new planting and an associated maintenance plan are all submitted for the written approval of the Council prior to the commencement of development.
- 7.35 **The proposed enabling works will contribute positively to the redevelopment of this brownfield site. The proposal meets Scottish Planning Policy's six qualities of successful place. With the inclusion of conditions the proposal satisfies Policy 1.**
- 7.36 **Policy 28: Protecting and Enhancing the Dundee Green Network** – requires development proposals to protect and enhance the Dundee Green Network by ensuring that development will not lead to fragmentation of the existing network of green infrastructure.
- 7.37 The proposal connects with the surrounding streets and roads, makes provision for walking and cycle access and improves overall permeability. Detailed discussion has taken place to ensure an environmentally friendly SUDS design is created and maintained to manage surface water. As outlined previously, it is recommended that conditions are attached to any planning permission granted to ensure a high quality landscape plan is implemented and maintained.
- 7.38 **The proposal will not lead to the fragmentation of the existing network of green infrastructure. With the inclusion of conditions the proposal satisfies Policy 28.**
- 7.39 **Policy 29: Outdoor Access and the Dundee Green Network** - the Council will seek to safeguard, improve and extend the network of outdoor access routes, with particular emphasis on the Core Path network and routes identified in the Dundee Cycling Strategy which support the development of the Dundee Green Network. When considering development proposals the Council will:
- 1 Safeguard the line of any existing or proposed outdoor access route affected by the development, and require its incorporation into the development unless a satisfactory alternative route can be agreed;
 - 2 Seek to secure any additional outdoor access opportunities which may be achievable as a result of the development; and
 - 3 Where an outdoor access route is to be temporarily disrupted, require the provision of an alternative route for the duration of construction work and the satisfactory reinstatement of the route on completion of the development.
- 7.40 An existing off road footpath/cycleway (200m approximately) is to be relocated in part, within the boundary of the application site for the enabling works and within the boundary of the Phase 2 application site (17/00975/FULL). This route is not part of the Core Path network however it is a 'traffic free path' identified in the Dundee Cycling Strategy.

7.41 In consideration of the criteria above:

- 1 For “Secure by Design” reasons the existing footpath/cycleway has not been incorporated into the proposed housing development. The existing route is located to the north of the rear gardens of housing at Silverlink Avenue/Badenoch Place with the boundary fencing for these houses running along the route of the footpath/cycleway. To ensure a high quality safe environment, it is proposed to locate the back gardens of the proposed new housing for the Phase 2 development (17/00975/FULL) against the back gardens of the existing housing on Silverlink Avenue/Badenoch Place and in so doing remove the footpath/cycleway. The Council has consulted with the Police Scotland local Designing Out Crime Officer regarding the design and layout of the proposed Phase 2 development and it has been confirmed that this is a positive design solution to avoid a gathering point or ‘rat run’ between residents back gardens. As outlined above, an alternative route is proposed for the creation of a cycle route on a widened footpath/cyclepath which will be overlooked by housing as part of the Phase 2 housing development (17/00975/FULL). A link section proposed to/from Lothian Crescent will be off road.
- 2 The proposed development makes provision for walking and cycle access and will retain and create new links into the surrounding area.
- 3 The Design Statement and drawings show that the relocation of the existing footpath/cycleway will be phased to ensure that safe and secure access is maintained during the construction phases of the development.

7.42 **The proposal will safeguard and improve the network of outdoor access routes. The proposal satisfies Policy 29.**

7.43 There are no other material changes. The proposal complies with the provisions of the Proposed Dundee Local Development Plan 2.

B - VIEWS OF OBJECTORS

- 7.44 Eight valid letters of objection were received from members of the public. These all raised the same issue regarding road and pedestrian safety due to the relocation of an existing off road footpath/cycle way within the proposed housing development. Many of the letters of objection note that the proposal is contrary to the Dundee Cycle Strategy.
- 7.45 As outlined previously, the original submitted proposal was to relocate the existing route to a 20mph road proposed through the Phase 2 housing development (17/00975/FULL). In light of the objection letters received further discussion has taken place with the applicant’s agent during the application process. This has resulted in an alternative proposal for the creation of a cycle route on a widened footpath/cyclepath to be created as part of the Phase 2 housing development (17/00975/FULL) with a link section proposed to/from Lothian Crescent being off road.
- 7.46 The Design Statement and drawings show that the relocation of the existing footpath/cycleway will be phased to ensure that safe and secure access is maintained during the construction phases of the development.
- 7.47 It is noted that the existing route is identified as a ‘traffic free path’ in the Dundee Cycling Strategy. The Proposed Dundee Local Development 2 aligns with the Cycling Strategy through a new policy, Policy 29: Outdoor Access and the Dundee Green Network. As outlined previously, the proposal meets the requirements of this new policy.

- 7.48 The issues raised in the letters of objection have been considered and addressed in the report and are not of sufficient weight to justify refusal of planning permission.

C - ABERLADY CRESCENT SITE PLANNING BRIEF (2009)

- 7.49 The Site Planning Brief states that in this suburban location the site will be developed mostly with houses. Whilst the brief is not tenure specific, development of private housing on this site will help to secure a balanced mix of tenure through the estate. Having regard to site constraints such as the existing trees, the capacity of the site is likely to be approximately 60/70 units. The proximity of the countryside offers an opportunity for a high quality development. A network of pedestrian routes and appropriate road standards will be used throughout the site.
- 7.50 The Site Planning Brief highlights that the 'Tayside Police Architectural Liaison Officer' must be consulted in order to achieve security by design consistent with other requirements in this brief.
- 7.51 The proposed enabling works are an essential part of a four phase housing development at Aberlady Crescent. As outlined previously, the Policy Scotland local Designing Out Crime Officer has been consulted. The proposals meets the principles set out in the Site Planning Brief.

D - WHITFIELD PLANNING FRAMEWORK/SUDS GUIDANCE/WHITFIELD GREEN INFRASTRUCTURE

- 7.52 Whitfield is the subject of a planned regeneration to build a new community around the framework of the original Whitfield by developing cleared sites within a comprehensive strategy. The Whitfield Planning Framework was approved by the Council as its vision for the regeneration of Whitfield.
- 7.53 There is the potential for the development of between 800 and 1,000 new dwellings providing a greater mix of house types and tenures in the area.
- 7.54 The Framework sets out the principles required for the sustainable regeneration of the area and is a material consideration in the determination of the planning applications within the area.
- 7.55 In addition to the Whitfield Planning Framework, further detail has been prepared in relation to SUDS and green infrastructure to ensure the provision of well-designed green infrastructure throughout Whitfield.
- 7.56 The proposed enabling works are an essential part of a four phase housing development at Aberlady Crescent. The proposal meets the principles set out in the Whitfield Planning Framework and associated guidance on SUDS and green infrastructure.
- 7.57 **It is concluded from the foregoing that the material considerations support the approval 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

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

- 1 **Condition** - prior to the commencement of development, a full and 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 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.

- 2 **Condition** - full details of a maintenance plan for the proposed trees shall be submitted to the Council for approval before any development commences on site and if approved the development shall be carried out only in full accordance with such details.

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

Informative

Vigilance should be maintained during groundworks and the council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council Planning Authority. The scheme shall include a full timetable for the remediation measures proposed. Verification shall be provided by the applicant or his agent, on completion, that remediation has been undertaken in accordance with, and to the standard specified in, the agreed remediation scheme.