

Erection of 76 Houses

KEY INFORMATION

Ward North East

Address

Land to East of Ballumbie Road, Dundee

Applicant

Stewart Milne Homes North,
Osprey House, Mosscroft
Avenue, Westhill Industrial
Estate, Aberdeen

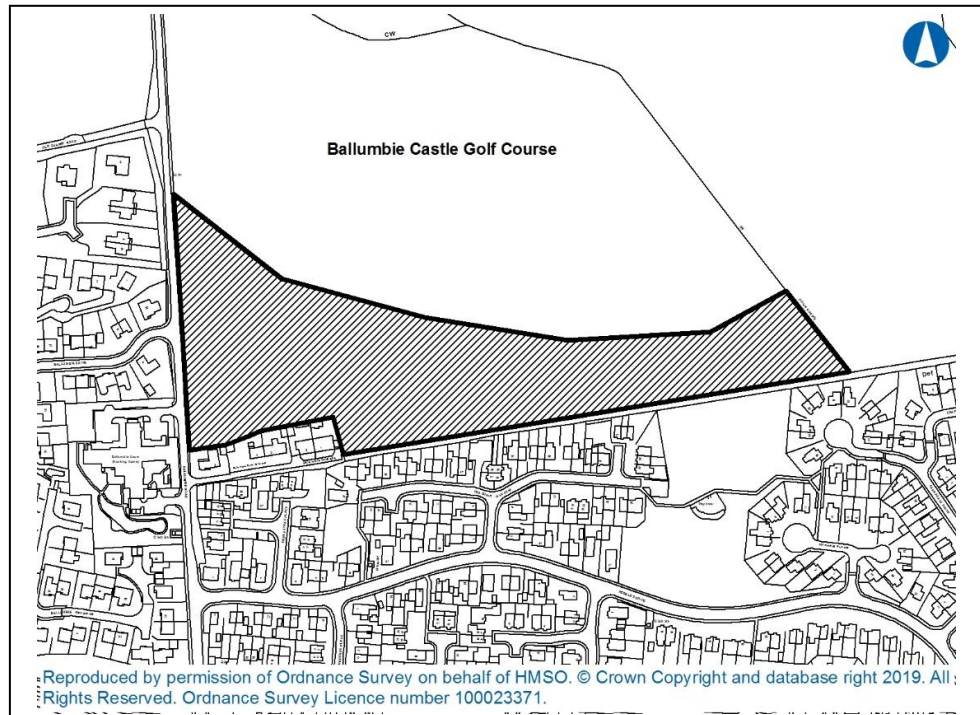
Agent

None

Registered 7 March 2019

**Report by Head of Planning
& Economic Development**

Contact: Caitlin Duffy



SUMMARY OF REPORT

- Planning permission is sought for a residential development of 76no houses on the southern side of Ballumbie Golf Course.
- The site is part of an allocated housing site in the Local Development Plan - site H45 with an total indicative capacity of 150 units.
- The application is in accordance with the Development Plan.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. 6 letters of objection and 1 letter neither objecting to nor supporting have been received.

In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as it is classed as a major development as identified in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

RECOMMENDATION

The application fails to fully comply with Policy 10 (Design of Housing) in relation to window to window distances. There are material considerations which weigh in support of the application. It is recommended that the application be **APPROVED** subject to conditions and a Section 75 Obligation to secure developer contributions towards education infrastructure.

1 DESCRIPTION OF PROPOSAL

- 1.1 Permission is sought for a residential development of 76no units. A mix of detached, semi-detached and terraced properties are proposed. It has been indicated that this application is for phase 1 of the development, whilst there is land to the north of the application site for Phase 2. Landscaping, parkland and footpath links would be formed within the development, including two areas of landscaped SUDS basins.
- 1.2 The proposal includes the formation of a main access road taken from Ballumbie Road which would run horizontally through the site. Five secondary roads would be taken from this main road, some of which are proposed to be private and others marked as potential future road connections should Phase 2 of the residential development come forward. It is also proposed to form two additional vehicles accesses from Ballumbie Road which would each serve 3 detached properties. On Ballumbie Road it is proposed to move the existing dry stone dyke further east and form a new footway along the side of the road.
- 1.3 Within the southwest and southeast corners of the site it is proposed to form SUDS basins which would be fully landscaped. The southeast SUDS basin would be adjacent to the existing public amenity space of Peebles Drive and it is proposed to form a footpath between these areas. Landscaping is proposed to be incorporated in to the overall layout, which includes the retention of existing trees from the golf course, addition of new shrubs and planting, and the formation of new footpath links.
- 1.4 All dwelling houses are proposed to be two storeys high with pitched roofs. There would be a range of two, three, four and five bed dwelling houses in the form of detached, semi-detached and terraced properties. There are 17 different house types proposed which would be finished in smooth grey roof tiles, New Ivanhoe Cream and Alnwick Blend coloured bricks, white dry dash render and grey concrete sills. White UPVC windows and doors and dark grey composite front doors are proposed. All dwellings would have feature brick lintels and some would have canopies over the main entrance door.
- 1.5 The applicant has submitted the following in support of the application:
- Archaeology Report;
 - Design and Access Statement;
 - Flood Risk Assessment;
 - Phase 1 Habitat and Protected Species Survey;
 - Pre-Application Consultation Report;
 - Tree Constraints and Protection;
 - Contaminated Land Geotechnical Reports;
 - Transport Assessment;
 - Energy and Sustainability Statement (Policy 48 and 46 Heat Network and Low and Zero Carbon); and
 - Drainage Scheme.



Figure 1 – Site Plan



Figure 2 – Elevations

2 SITE DESCRIPTION

- 2.1 The application site is rough ground on the southern side of Ballumbie Castle Golf Course. The site lies on the east side of Ballumbie Road, around 100m north of Peebles Drive. The application site is 3.62 hectares. A grass verge and dry stone dyke form the west boundary along Ballumbie Road. The southwest boundary of the site is formed by fencing whilst the rest of the south, east and north boundaries do not have hard boundary structures in place.
- 2.2 Part of the golf course playing area lies immediately to the north of the site boundary however this has been identified as potential Phase 2 of this allocated housing site. To the south of the site lies neighbouring residential properties of Ballumbie Cottages, Traquair Gardens and Carradale Drive. To the southeast of the site lies public open space of Peebles Drive where there is a play park. To the west of the site lies Ballumbie Road, beyond which lies neighbouring residential properties. The Angus Council boundary bounds the east of the site.
- 2.3 The east side of Ballumbie Road has a grass verge and a dry stone dyke. The west side of Ballumbie Road has a footpath, however, where Ballumbie Road changes to a 60mph zone there is no pedestrian footpath beyond this point.



Figure 3 – Site Photo



Figure 4 – Site Photo



Figure 5 – Site Photo

3 POLICY BACKGROUND

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

TAYPlan 2016-2036

Policy 1: Location Priorities

Policy 2: Shaping Better Quality Places

Policy 4: Homes

DUNDEE LOCAL DEVELOPMENT PLAN 2019

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 30: Green Infrastructure

Policy 35: Trees and Urban Woodland

Policy 36: Flood Risk Management

Policy 37: Sustainable Drainage Systems

Policy 41: Land Contamination

Policy 44: Waste Management Requirements for Development

Policy 46: Delivery of Heat Networks

Policy 48: Low and Zero Carbon Technology in New Development

Policy 54: Safe and Sustainable Transport

Policy 56: Parking

Supplementary Guidance – Developer Contributions

- 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 Planning Application Notice (reference: 18/00633/PAN) was submitted in August 2018 for residential development, associated infrastructure, open space and landscaping.
- 4.2 Advertisement consent (reference: 19/00334/ADV) for a V shaped stack sign associated with the proposed housing development was approved in 2019.
- 4.3 Planning permission (reference: 19/00451/FULL) for the erection of a temporary sales cabin and associated car parking is currently under assessment.

5 PUBLIC PARTICIPATION

- 5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.

- 5.2 6 objections have been received (including 1 from The Dundee Cycling Forum) raising the following valid material grounds:
- Access, traffic, road safety and pedestrian safety;
 - Overlooking and privacy;
 - Poor design, residential density and adverse effect on street scene;
 - Contrary to Local Plan and Planning Brief;
 - Noise nuisance;
 - Trees and Landscaping;
 - Adverse impact on amenity of Ballumbie Castle Estate residents;
 - No notification or communication to the Ballumbie Castle Estate residents, Murroes and Wellbank Community Council;
 - Lack of play park and insufficient green space for children to play on;
 - Linked paths and access to Ballumbie Castle Estate should be removed;
 - No evidence of Scottish Water agreement for connections; water pressure, water and sewerage infrastructure;
 - Out of date Desk Study and Due Diligence Report;
 - Incorrect and inaccurate Protected Species Report; and
 - Secure cycle parking has not been provided at each property.
- 5.3 1 letter neither objecting to or supporting the Planning Application (including 1 from Dundee Civic Trust) raising the following valid material planning considerations:
- Pedestrian and Road Safety.
- 5.4 Concerns were also raised in relation to financial burdens to Ballumbie Castle Estate residents and no indication of re-figuring of the golf course were submitted, however, these are not valid material planning considerations.
- 5.5 The valid grounds of representation are taken into account in the material considerations section of this report.

6 CONSULTATIONS

- 6.1 **Angus Council** – consider that the application is consistent with the Dundee Local Development Plan 2019, does not raise any issues of strategic significance for Angus Council and have no objections to the proposal.
- 6.2 **Archaeological Consultant** – comments that the chances of development impacting on significant buried archaeological deposits is too low to justify a condition. Should consent be granted, no archaeological works will be required. They have no objection to the application.

- 6.3 **The Head of Community Safety and Protection** – has commented on the following matters:
- Environmental Health - no issues regarding air quality or noise; and
 - Contaminated Land – requires chemical testing to be carried out and recommends a condition is attached should planning permission be granted.
- 6.4 **The Head of Neighbourhood Services** – has commented on the following matters;
- Waste – the standard wheeled bin provision will apply to all house types.
 - Greenspace – the recommendations of the Phase 1 Habitat and Protected Species Survey are supported, particularly in relation to further surveys, licensing, mitigation and enhancement. A detailed landscape plan for Phase 1 should be provided showing tree protection measures and details of future maintenance.
- 6.5 **Scottish Water** – has no objection to the application.
- 6.6 **SEPA** – has no objection to the application.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Town and Country Planning Act 1997 as amended 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 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 residential development is located on the northeast side of Whitfield which has an established residential character in Dundee. Whilst the site is greenfield land it is bound to the south and west by residential properties. The proposal would see an allocated greenfield site identified in the Local Development Plan developed for 76no units.
- 7.4 **The proposal would therefore satisfy Policy 1.**
- 7.5 **Policy 2: Shaping Better Quality Places** - Policy 2 seeks to deliver better quality and distinctive places through the arrangement, layout, design, density and mix of developments in the local design contexts with consideration for development to achieve lifetime communities, are accessible, resilient and resource efficient
- 7.6 The proposal is for a mix of 2, 3, 4 and 5 bedrooms houses including terraced, semi-detached and detached dwellings providing choice and interest within the development. The proposed

layout and vehicular routes are constrained due to the linear nature of the site however provision has been made in the layout for future development to the north of the site as part of the wider residential designation at H45. The proposal includes areas of open space and landscaping throughout the development contributing to the wider green network within the area.

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 The application site is allocated within the Dundee Local Development Plan 2019 for housing and will contribute to the mix of housing types, size and tenures in the local area.

7.10 **The proposal would therefore satisfy Policy 4.**

DUNDEE LOCAL DEVELOPMENT PLAN 2019

7.11 **Policy 1: High Quality Design and Placemaking** – all development proposals should follow a design-led approach to sustainable, high quality placemaking. Development should contribute positively to the quality of the surrounding built and natural environment and should be planned and designed with reference to climate change mitigation and adaptation. The design and siting of development should respect the character and amenity of the place, create a sense of community and identity, enhance connectivity and incorporate creative approaches to urban design, landscaping and green infrastructure, appropriate to the local context and the scale and nature of the development. New development will be required to meet the six qualities of successful place in accordance with the guidance provided in Appendix 1.

7.12 The proposal is for 76no detached, semi-detached and terraced houses with 2, 3, 4 and 5 bedrooms. There are proposed to be 17 different house types finished in materials including brick, render and grey concrete roof tiles. The proposed finishes and house types contribute positively towards the quality and identity of the development. The proposed driveways are to be finished in 2 colours of block paving. As well as timber boundary and screen fencing within the site, it is proposed to use facing brickwork boundary walls, hedging, trees and shrubs as part of the landscaping plan which will provide both soft and hard features and improve the character of the new development. On Ballumbie Road, the re-use of the dry stone dyke and introduction of soft landscaping would respect the existing character of the road. The proposed housing here would be set back from the road.

7.13 Through the application process, amendments have been made to the layout of the site in regards to garden ground sizes and the traffic calming proposals. There has also been discussions regarding the proposed drainage arrangements, footpath and public transport connections and developer contributions. Fully landscaped SUDS basins are proposed on the southeast and southwest ends of the site. Part of the surface water proposal falls outwith the application site and outwith the Dundee City Council boundary. The agent has contacted Angus Council and it has been confirmed through email that separate consent is not required from Angus Council for the proposed works relating to drainage. It has been demonstrated that in principle there is an acceptable drainage solution for the site. The south eastern SUDS basin has been sensitively integrated in to the site such that it is directly next to the existing public open space of Peebles Drive. The proposed site plan shows a footpath connection between these areas. In line with Policy 10 and Appendix 4 requirements, the areas of rear garden ground have been enlarged and as such the layout amended. The rear boundaries of

the proposed houses would not be built directly on to the boundaries of the neighbouring properties to the south. A buffer strip would run between the proposed development and the new development.

- 7.14 With regard to Appendix 1, this states that the scale, nature and location of the development will determine the extent to which the six qualities are appropriate to the assessment process. Appendix 1 is assessed as follows:

Distinctive - A Design and Access Statement has been submitted however amendments have been made to the proposal since this submission. The amended elevation drawings demonstrate that the proposed two storey houses will provide variation and contribute positively to developing a local character. It is proposed to retain existing trees as well as incorporate new landscaping within the development. The majority of dwellings will front the main street. Access will be taken from Ballumbie Road where the housing facing on to Ballumbie Road would provide a welcoming entrance to the development. New footpaths will be created to provide access through the site and link the development to the surrounding area. Green infrastructure is to be retained and enhanced as part of the proposal. The proposal responds positively and sensitively to local features using stone, vegetation building materials which respect the semi-rural area and will create a positive place with a strong sense of identity.

Safe and Pleasant – the site is bounded by Ballumbie Road to the west from which vehicle access will be taken. The majority of driveways will be provided to the front and side of the houses. In 4 instances driveways will be to the rear of the rear garden ground, however it has been demonstrated on plot boundary plans that these will still be within the boundary of the dwelling house. New footpaths will be created to provide access through the site and link the development to the surrounding area. There are to be areas of greenspace on the east and west sides of the site. The green spaces on the west will provide natural surveillance due to the orientation of houses. Whilst houses would not be orientated towards the greenspace on the east, this siting of greenspace would be the most appropriate in terms of place making as it would be seen as a natural expansion of the existing open space of Peebles Drive and would improve links out with the site. The proposal will create a vibrant and attractive place.

Easy to Move Around and Beyond – new footpaths have been sensitively integrated into the proposed site layout to connect to Ballumbie Road. Bus stops are located on Peebles Drive and Ballumbie Road. It is proposed to form a footpath from the east greenspace to connect to the open space on Peebles Drive. There is potential for this route to extend to reach Peebles Drive where there are bus stops. Within the site it is proposed to form a new path network within parkland areas in a future phase of development. Vehicle access is proposed from Ballumbie Road. The part of Ballumbie Road adjacent to the development which is 60mph speed zone will be changed to 30mph zone, and internally the development will be a 20 mph zone. The proposal considers place and responds positively and sensitively to the needs of people.

Welcoming – it is proposed to re-use the dry stone dyke and landscaping to form a feature along Ballumbie Road which provides a welcoming entrance and sense of identity to the development. The majority of new footpaths through the site will be overlooked by the new houses offering natural surveillance and a safe and welcoming environment. The proposal positively promotes wayfinding and a sense of orientation.

Adaptable – this is an allocated greenfield housing site. The proposed houses will be a positive addition to the mix of houses in the area. Green space is to be retained and incorporated as part of the proposal.

Resource Efficient – a Sustainability Statement has been submitted. This outlines that carbon reductions and emissions are achieved by improving the thermal performance of the building fabric. Small to medium sized houses are to be fitted with PV panels and an Air Source Heat Pump will be installed to the rear wall of the larger dwellings. Waste and recycling will accord with the Council's Waste Management Strategy. Green infrastructure will be retained and enhanced as part of the proposal.

7.15 **The proposal meets the requirements of Appendix 1.**

7.16 The proposed residential development of a range of types and sizes will make a positive contribution to the residential neighbourhood in the northeast of the city. The design and layout has been sensitively considered to respect the character and amenity of the surrounding area and the proposal will be well connected and have green infrastructure.

7.17 **The proposal is in accordance with Policy 1, subject to conditions.**

7.18 **Policy 2: Public Art Contribution** – all developments in Dundee with construction costs of £1 million or over will be required to allocate at least 1% of construction costs for the inclusion of art projects in a publicly accessible/visible place or places within the development.

7.19 The proposal is a major application for 76no units. The applicant has submitted a proposal for public art which includes individual house number plates, road signs and a site entrance/development name plate. In principle this is acceptable and therefore it is recommended that the final details and art project is secured by condition.

7.20 **The proposal is in accordance with Policy 2, subject to conditions.**

7.21 **Policy 9: Housing Land Release** – Priority will be given to the development of the allocated brownfield and greenfield sites.

7.22 The site is a greenfield site allocated site in the Local Development Plan (H45) with an indicative capacity of 150. This application relates to the south part of the site and the application is indicated as phase 1 of development.

7.23 **The proposal is in accordance with Policy 9.**

7.24 **Policy 10: Design of New Housing** – the design and layout of new housing developments in Dundee should be of a high quality and contribute to creating places that respect and enhance the distinct character and identity of the different parts of the city. All new housing developments should meet the six qualities of successful place, as set out in Policy 1 and should provide a balanced choice and type of housing. All new housing developments will be required to conform to the guidance on the Design of New Housing set out in Appendix 4. All new housing developments will need to ensure that the design and layout respects and enhances the character of adjoining properties and the surrounding area and does not have a detrimental impact on residential amenity and parking.

7.25 The proposal is required to meet the suburban standards for houses set out in Appendix 4 which requires the following:

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

Response – the 76no houses proposed are 6no 2 bedroom, 52no 3 bedroom, 13no 4 bedroom and 5no 5 bedroom dwelling houses. As such more than 75% of houses would have 3 or more bedrooms and therefore the proposal meets the standards.

Car Parking – all car parking should be located within the curtilage of each house. All tenures should have at least 1 space. Private houses with 3 bedrooms should have at least 2 spaces. Private houses with 4 or more bedrooms should have at least 3 spaces.

Response – whilst the car parking is located at the end of the rear garden ground, it has been demonstrated on a plot boundary plan for 2 plots that this is within the curtilage of the plot. A condition is recommended to ensure that plot boundary plans of plots 6 and 47 are also submitted to demonstrate that parking is in curtilage. The majority of in curtilage parking would be to the front or side of the houses. In line with this requirement all car parking is within the curtilage of each house.

Cycle Provision - one secure, covered space per house must be provided unless a suitable garage or other secure area is provided within the curtilage of the house.

Response – out of the 76no dwellings, 63no do not have a garage and will be required to provide a secure covered cycle storage area. The applicant has provided some images of secure cycle storage which they propose to provide within the curtilage of these plots, noting that house purchasers would be able to choose their preferred option. A condition is recommended to ensure that details of the type and location of the secure cycle storage are submitted to the Planning Authority for approval and that the storage is provided prior to the occupation of the house.

Amenity/Garden Ground - greenfield sites will provide an average private useable garden ground of 160m² per house with a minimum garden size of 120m². The provision for mid terrace houses may be relaxed. Mid terrace garden should be serviceable by a private path to the street.

Response – the application site is greenfield land. 70no of the proposed gardens meet the minimum 120m² requirement. 6no of the proposed gardens would be below the 120m² minimum size (ranging from 44m² to 66m²), however, these are mid terrace gardens and in line with the above, the 120m² minimum requirement will be relaxed. The average private useable garden ground of the development is 160m². All mid terrace gardens are serviceable by a private path to the street. This is in line with this requirement. In regards to the garden grounds being private, a 450mm plot boundary fence is proposed between properties. This is not considered to provide a sufficient level of privacy between neighbouring garden grounds, and as such, a condition is recommended to ensure that details of proposed boundary fencing is submitted to and approved by the Council.

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

Response – there would be at least 18 metres between the windows of habitable rooms of the proposed housing and the existing housing. Whilst the application site is set on a higher level than the existing house, due to the buffer strip, boundary fencing and distance of the dwelling houses from existing housing there would not be a detrimental impact on privacy. Within the development site, there would be 2 cases where first floor windows of habitable rooms would be within 16-17m. This is contrary to the Appendix 4 standards.

General Requirement - provision for waste and recycling should be provided in accordance with the Council's waste management strategy.

Response – the site plan shows that every property will have a slabbed bin stance within the rear curtilage which can accommodate bin provision. Access from the rear curtilage to the street will be available. Provision can be achieved in accordance with the Council's Waste Management Strategy.

General Requirement – parking areas should provide provision for electric car charging points.

Response – all properties have a driveway and a condition is recommended to ensure that provision for electric car charging points is made.

- 7.26 **The proposal is not in accordance with Policy 10 due to non-compliance with the privacy standards in Appendix 4. Planning conditions can be used to ensure compliance with the remainder of Policy 10 and Appendix 4 standards.**
- 7.27 **Policy 20: Funding of On and Off Site Infrastructure Provision** – where necessary and appropriate, will seek to secure developer contributions towards the cost of infrastructure provision both on and off site. The principles that guide the requirement for contributions and the preparation of the Developer Contributions Supplementary Guidance are:
- 1 fair and proportionate developer contributions for all developments on sites allocated in either the Dundee Local Development Plan or in terms of windfall development;
 - 2 developer contributions will be sought where a need for new or improved services, facilities or infrastructure has been demonstrated that relates directly to the requirements or impacts of a proposed development;
 - 3 flexibility in approach to ensure that development can be brought forward in varied economic circumstances while ensuring that the development has no net detriment; and
 - 4 facilitate informed decision making by those involved in the development process, allowing potential financial implications to be factored into development appraisals prior to commercial decisions and actions being undertaken.
- 7.28 The proposal is located within Area 2 – Whitfield of Figure 5 of the DLDP 2019 in terms of developer contributions. As detailed within the DLDP 2019 and the Developer Contribution Supplementary Guidance, developments built for private sector sale within the Whitfield area are required to contribute towards primary education as well as provide connections for cycling and walking routes to the wider Dundee Core Path Network and green infrastructure. In terms of education contribution, the contribution per dwelling is currently £4,337.17 (figure as at February 2019 – index linked).
- 7.29 This contribution sought for education infrastructure is towards the cost of front funding the construction of the additional capacity within Ballumbie Primary School. Ballumbie Primary School was built with capacity taking in to account future housing developments in Whitfield. This housing site was not an allocated site at this time and as such which have an additional impact on capacity at the primary school. The applicant has questioned the need to contribute towards this front funded infrastructure but has agreed to meet the request for the contribution.
- 7.30 In regards to connections for cycling and walking routes to the wider Dundee Core Path Network and green infrastructure, a footpath link from the east of the site through to Peebles Drive is required to properly connect the existing development to the open space, play park and existing housing to the south, and to also ensure all parts of the development are within 400m of public transport (bus stop on Peebles Drive). Part of the path route falls outwith the application site, and crosses a strip of land outwith the applicant and Council's ownership. The path is required to achieve Policy 54: Safe and Sustainable Transport requirements and the onus is on the applicant to demonstrate compliance with this. The applicant has not agreed to provide this path, instead they propose to provide either the footpath or enable public transport to access the application site in order to satisfy Policy 54. No details have been provided to show how the public transport network could extend into the site.

- 7.31 It is recommended that the footpath link to Peebles Drive is provided in any case as it is required to properly connect this new housing development with the open space, play park and existing housing to the south. This path would also allow the development to satisfy Policy 54.
- 7.32 **The proposal can satisfy Policy 20 subject to the completion of a Section 75 legal agreement for the education contributions, and a planning condition to ensure provision and construction of the footpath.**
- 7.33 **Policy 28: Protecting and Enhancing the Dundee Green Network** – development proposals shall protect and enhance the Dundee Green Network by ensuring that development will not lead to the fragmentation of the existing network of green infrastructure. New development should contribute to the Dundee Green Network where appropriate and as determined by the Council, through the integration of green infrastructure in masterplans or development frameworks and the creation and/or improvement of green infrastructure within development sites or in the local area.
- 7.34 The site layout will create new green space and path networks which would connect to the indicated Phase 2 development to the north. The site plan also shows a footpath connection to the open space of Peebles Drive to the south which would sensibly connect proposed and existing areas of open space and create a new walking route to the housing and path network to the south and east, therefore improving green infrastructure and connectivity.
- 7.35 **The proposal is in accordance with Policy 28, subject to a condition to secure the east footpath to Peebles Drive.**
- 7.36 **Policy 30: Green Infrastructure Maintenance** – the Council will apply planning conditions or Section 75 obligations to planning permissions to make suitable provision for the long-term maintenance of green infrastructure (including open space and landscaping associated with Sustainable Drainage Systems) in new housing developments, based on the following options:
- 1 green infrastructure will be adopted by the Council, subject to appropriate agreements with the developer over the landscaping scheme and annual maintenance, including payment of a commuted sum to cover annual maintenance costs; or
 - 2 a developer may lay out the green infrastructure, transfer the land to a suitable third party, and either.
 - i pay a commuted sum to cover maintenance costs; or
 - ii hand over the maintenance costs to residents of the new development.

This latter option should be clearly set out in the sale agreement so residents agree to effectively share the cost of maintaining green infrastructure on an annual basis.

Within the site there will be areas adopted by the Council including the proposed SUDS landscaped areas. Other areas are proposed to be privately maintained by a factor. In order to secure this it is recommended that a condition is attached to any planning permission granted.

The proposal is in accordance with Policy 30 subject to a condition to secure the long term maintenance of the green infrastructure.

7.37 **Policy 34: Protected Species** - states that development proposals which are likely to have a significant effect on a European protected species will not be supported unless:

- 1 there is no satisfactory alternative; and
- 2 the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature or which have beneficial consequences of primary importance for the environment.

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.

7.38 A Phase 1 Habitat and Protected Species Survey has been submitted. The Head of Neighbourhood Services fully supports the recommendations within this, particularly in relation to further surveys, licensing, mitigation and enhancement measures. As such, a condition is recommended to ensure that the further surveys and mitigations measures are carried out. It is considered the proposal will not have a significant effect on a European protected species.

7.39 **The proposal is in accordance with Policy 34 subject to a condition requiring further survey work and any necessary mitigation works.**

7.40 **Policy 35: Trees and Urban Woodland** – the Council will support the establishment and enhancement of woodland, tree belts and corridors. New development must ensure the survival of woodland, hedgerows and individual trees, especially healthy mature trees, of nature conservation or landscape value through sensitive site layout both during and after construction, unless removal has been approved in advance by the Council. Where appropriate, development proposals must be accompanied by maintenance arrangements and justification for the removal of any trees or hedgerows.

7.41 A Tree Constraints and Protection report has been submitted and proposed site plans showing trees to be retained. The Head of Neighbourhood Services requested that two trees are retained and this has been reflected on the proposed site plan. It has also been requested that a detailed landscape plan, tree protection measures and the implementation of recommendations within the Phase 1 Habitat and Protected Species Survey are submitted and carried out. It is recommended that conditions are attached to ensure this should planning permission be granted.

7.42 **The proposal is in accordance with Policy 35 subject to conditions requiring approval of landscaping details, tree protection and a requirement to implement the recommendations of the survey.**

7.43 **Policy 36: Flood Risk Management** – states that a flood risk assessment may be required where the nature of the development or local circumstances indicates heightened risk.

7.44 The SEPA flood maps show that the application site itself is not a known flood risk area. However, as part of the sites SUDS proposals, it is proposed to discharge the development's surface water runoff to a location directly upstream of a known flood risk location along the Fithie Burn. The updated Flood Risk Assessment states that the discharge will be attenuated

to greenfield runoff rates and therefore should not result in an increase in flood risk elsewhere. Further information and calculations are required to fully demonstrate that there will be no increase to flood risk elsewhere.

- 7.45 **The proposal is in accordance with Policy 36 subject to conditions requiring approval of more detailed flood risk information.**
- 7.46 **Policy 37: Sustainable Drainage Systems** - surface water discharging to the water environment from new development must be treated by a Sustainable Drainage System (SuDS) except for single houses or where discharge is to coastal waters. SuDS should be designed so that the water level during a 1:200 year rainstorm event plus allowances for climate change and future urban expansion is at least 600mm below finished floor levels. This incorporates an allowance for the effect of climate change. 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 the system to form an integral part of the Dundee Green Network through habitat creation or enhancement through measures such as the formulation of wetlands or ponds. Proposals should have no detrimental impact on the ecological quality of the water environment.
- 7.47 A drainage scheme was proposed for two on site SUDS schemes on the southeast and southwest of the site to serve the housing and also for potential future connections of Phase 2. Since submission there has been discussions with Scottish Water and the Council regarding the proposed drainage scheme and flooding downstream. Amended SUDS basins and an updated Flood Risk Assessment have been submitted. The SUDS basins proposed on the southwest and southeast of the site will be fully landscaped. A landscaping condition is recommended which would secure details of the proposed scheme. As part of the amended SUDS scheme part of the scheme falls out with the application site and the Dundee City Council boundary. The applicant is aware of this and has contacted Angus Council in regards to the requirement for any other permissions. It has been demonstrated that the applicant does not require any further permissions from Angus Council for the drainage proposals.
- 7.48 In principle the proposed SUDS layout is acceptable and it is recommended that conditions are attached should planning permission be granted to ensure detailed drainage information including SUDS, Construction SUDS, SUDS Maintenance and evidence of Scottish Water approval is submitted.
- 7.49 **The proposal is in accordance with Policy 37, subject to conditions requiring approval of more detailed drainage information.**
- 7.50 **Policy 41: Land Contamination** – Development of potentially contaminated or statutorily identified contaminated land will be considered where:
- 1 A site investigation is submitted establishing the nature and extent of contamination; and
 - 2 the Council is satisfied that remediation measures proposed for the development, adequately address contamination risks to all receptors, such that the land demonstrably does not meet the statutory definition of contaminated land and is suitable for the planned use.
- 7.51 Contaminated Land Reports have been submitted. The Head of Community Safety and Protection has commented that chemical testing is required for the areas of proposed garden ground. It is recommended that chemical testing is required and as such it is recommended that conditions are attached to any planning permission granted to request that this further investigation work is completed and if necessary a remediation strategy is submitted for written approval by the Council prior to the commencement of development.

- 7.52 **The proposal is in accordance with Policy 41, subject to conditions requiring further investigation work.**
- 7.53 **Policy 44: Waste Management Requirements for Development** - development proposals should demonstrate that they adequately address the Scottish Government's Zero Waste Policy and that sufficient provisions are made to maximise opportunities for waste reduction and waste separation at source and enable the separate collection of recyclable material as outlined in the Waste (Scotland) Regulations 2012. The policy also requires site waste management plans to be prepared and used during the construction of major developments.
- 7.54 The proposed site plan shows that provision for bins storage is made in the rear curtilage of the plots and an access path is available to the street. The Head of Neighbourhood Services has commented that the standard wheeled bin provision applies to all house types. It has been demonstrated that this can be accommodated and there is sufficient space for waste separation and the separate collection of recyclables available. Planning conditions will be sued to ensure that a site waste management plan is prepared and implemented during construction.
- 7.55 **The proposal is in accordance with Policy 44 subject to conditions requiring a site waste management plan.**
- 7.56 **Policy 46: Delivery of Heat Networks** - requires new development to consider the feasibility of meeting their heat demand through heat networks. A statement is required to be submitted with applications that are Major planning applications or are within locations identified within the [Scotland's heat map](#) or the [City's heat strategy](#) as close to significant heat supply or a planned heat network. Development layouts should be designed to be capable of connecting to a heat network or heat source and areas for pipe runs within the development should be safeguarded to enable future connectivity.
- 7.57 A Sustainability Statement has been submitted with the application which states that a search of the local heat map confirmed that the site bounds the northeast of the area 7. A timeframe for the proposed development and occupation of the proposed dwelling houses has been outlined and it does not appear possible/viable for the development to be linked to the heat network. The completion of works at Baldovie do not tie in with the developments timeline, the site-specific design of a system would delay the planned start date and the route for the required series to the development would be challenging in terms of timescale and funding .
- 7.58 Consideration has been given to the viability of creating a heat network and a solution has been proposed for the development to connect in to any future offsite heat network.
- 7.59 **The proposal is in accordance with Policy 46.**
- 7.60 **Policy 48: Low and Zero Carbon Technology in New Development** - proposals for all new buildings will be required to demonstrate that a proportion of the carbon emissions reduction standard set by Scottish Building Standards will be met through the installation and operation of low and zero carbon generating technologies. A statement will be required to be submitted with an application for planning permission to demonstrate compliance with this requirement.
- 7.61 A Sustainability Statement has been submitted. This outlines that carbon reductions and emissions are achieved by improving the thermal performance of the building fabric. Small to medium sized houses are to be fitted with PV panels and an Air Source Heat Pump will be installed to the rear wall of the larger dwellings.
- 7.62 **The proposal is in accordance with Policy 48.**

- 7.63 **Policy 54: Safe and Sustainable Transport** - 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 provide for easy access to local amenities, education facilities and other services.
- 7.64 Development proposals will be required to:
- 1 minimise the need to travel by private car;
 - 2 provide facilities on-site (and/or off-site through developer contributions or by direct delivery) for walking, cycling and public transport networks, including road/junction improvements and cycle parking. Developments without high quality, safe and convenient links to adjacent walking and cycling networks will not be supported;
 - 3 incorporate measures to permit access to public transport networks within a walking distance of no more than 400 metres from all parts of the development;
 - 4 have no detrimental effect on the capacity or safe functioning of the existing road or rail networks;
 - 5 ensure that safe and adequate provision is made for road freight and waste access, loading and unloading;
 - 6 comply with the National Roads Development Guide and any local variations within Dundee City Council's roads design standards; and
 - 7 be supported by a travel plan to mitigate transport impacts and improve the accessibility of developments where the Council considers that the development will generate significant travel.
- 7.65 Walking and cycling routes should be fully useable prior to the first occupation of a new development.

*this includes the re-use of existing buildings.

In respect of the above criteria:

- 7.66 The proposal shows convenient footpath connections throughout the site and on to a new footway to be formed along the side of Ballumbie Road. A footpath has been shown on the east of the site at the landscaped SUDS area to connect the development to the existing areas of open space at Peebles Drive. This path could extend through the open space to link to the footway on Peebles Drive to both better connect the site to the existing areas of housing, and to provide a convenient link to the bus stops on Peebles Drive. As the eastern part of the site is not within 400m of a public transport network this extended footpath link would also help the proposal satisfy criteria 3 of Policy 54.
- 7.67 As outlined in the assessment against Policy 20, part of the required path is out with the site, applicant's ownership and Council ownership. To ensure that this path is delivered, allowing all parts of the site to have easy access to local amenities and other services by a choice of transport modes, it is recommended that the construction of the proposed footpath is secured by planning condition.
- 7.68 A Transport Assessment has been submitted and its findings generally accepted. The proposed development will not have a detrimental effect on the capacity or safe functioning of the existing road network. Swept path diagrams have been submitted to show provision for

road freight and waste access, loading and unloading. It is recommended that planning conditions are attached to ensure the Council's roads design standards are complied with.

7.69 A Transport Assessment has been submitted and its findings generally accepted. Whilst there are proposals and opportunities for the site to be readily accessible by sustainable and active transport, it is recommended that a condition is used to require the developer to prepare a travel plan or Residential Travel Pack to promote the use of sustainable forms of transport to the first occupiers of the development.

7.70 **The proposal is in accordance with Policy 54, subject to conditions relating to road design, a residential travel pack and the provision of a footpath link to Peebles Drive.**

7.71 **Policy 56: Parking – Developments Outwith the City Centre**

Vehicle Parking - all new developments shall be required to comply with Dundee City Council's adopted guidance on road standards; with the national maximum parking standards; and the national minimum disabled parking standards. Residential developments should include infrastructure to provide electric car charging points, either through electrical connections adjacent to private driveways, or through infrastructure for the installation of charging points within communal car parking areas.

Cycle Parking - all new developments should include cycle parking facilities in accordance with Dundee City Council's adopted guidance on roads standards and the Appendix 4 design standards.

7.72 As outlined previously the proposal meets the Appendix 4 parking standards for residential development in suburban areas. It is recommended that a condition is attached to ensure that details of the provision for electric car charging infrastructure is submitted and agreed.

7.73 As outlined previously, as per Appendix 4 standards, the applicant has proposed that where secure cycle storage is not provided in the form of a garage, the occupiers will be given an option on what form of secure cycle storage they would prefer. As such, a condition is recommended to ensure that a site plan and details of the cycle storage options are submitted and agreed.

7.74 **The proposal is in accordance with Policy 56, subject to conditions relating to electric car charging infrastructure and cycle parking.**

7.75 **It is concluded that the proposal does not fully accord with the Development Plan.**

MATERIAL CONSIDERATIONS

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

A - SITE LAYOUT

7.76 Dundee Local Development Plan 2019 Policy 10: Design of New Housing requires all new housing developments to conform to the guidance on the Design of New Housing set out in Appendix 4. Appendix 4 sets a standard for privacy for new housing, requiring a minimum of 18 metres between the facing windows of habitable rooms. Within the development site there would be 2 cases where the first floor windows of habitable rooms would be within 16-17 metres of each other. This is contrary to the Appendix 4 standards.

- 7.77 This is not significantly below the 18 metre requirement and it only relates to houses within the proposed development where properties would be purchased from new, meaning it will not impact on any existing residents. Therefore it is considered that this distance is acceptable
- 7.78 **It is concluded that there are material considerations of sufficient weight in this case to justify approval of planning permission.**

B – REPRESENTATIONS

- 7.79 6 objections have been received raising the following valid material grounds.
- Access, traffic, road safety and pedestrian safety impacts;
 - Overlooking and privacy;
 - Poor design, residential density and adverse effect on street scene;
 - Contrary to Local Plan and Planning Brief;
 - Noise nuisance;
 - Trees and Landscaping;
 - Adverse impact on amenity of Ballumbie Castle Estate residents;
 - No notification or communication to the Ballumbie Castle Estate residents, Murroes and Wellbank Community Council;
 - Lack of play park and insufficient green space for children to play on;
 - Linked paths and access to Ballumbie Castle Estate should be removed;
 - No evidence of Scottish Water agreement for connections; water pressure, water and sewerage infrastructure;
 - Out of date Desk Study and Due Diligence Report;
 - Incorrect and inaccurate Protected Species Report; and
 - Secure cycle parking has not been provided at each property.

- 7.80 The grounds of objection are considered and assessed as follows:

Access, traffic, road safety and pedestrian safety – a Transport Assessment has been submitted and generally accepted. It is recommended that conditions are attached should planning permission be granted to ensure the proposals complies with the National Roads Development Guide and any local variations within Dundee City Council's roads design standards. Conditions are recommended to ensure that the existing speed limit signs are relocated to an agreed location to ensure the full development site is within a 30mph zone. All roads within the site shall be promoted as a 20mph zone. Separate roads construction consent is also required out with the planning process.

Overlooking and privacy – Concerns regarding overlooking from proposed public footpaths have been raised. As assessed against Appendix 4 requirements there would not be a detrimental overlooking impact on neighbouring properties. It is not considered that

detrimental overlooking would arise from a footpath which is a public right of way and where any overlooking would be non-permanent.

Poor design, residential density and adverse effect on street scene – As assessed against Policy 1 and 10, the proposed design, house types, finishes and layouts are considered to contribute positively to the character of the development. The residential development with houses fronting Ballumbie Road would not be out of character with the rest of the street scene. The proposed SUDS areas with landscaping, internal green spaces and proposed vegetation would contribute positively to the character of the development.

Contrary to Local Plan and Planning Brief – there is no Site Planning Brief relevant to this site. The proposal has been assessed against the Dundee Local Development Plan 2019.

Noise nuisance - The surrounding area is characterised by residential properties and it is considered the proposed dwellings would not have a significant detrimental noise impact. The Head of Community Safety and Protection has made no objection in regards to noise. Noise from vehicles and the proposed roads would not be out of character with the surrounding area. Ballumbie Road is already a well-used road which will partly be changed to a 30mph zone and within the development vehicles will be limited to a 20mph speed restriction.

Trees and Landscaping – As outlined above, existing landscaping and new landscaping is proposed which would contribute positively to the development. A condition for full landscaping details is recommended.

Adverse impact on amenity of Ballumbie Castle Estate residents – Ballumbie Castle Estate is located to the north and east of the site within Angus Council. The proposed site plan does not indicate direct connections to the estate and any use of the privately factored estate by future residents would be a private legal matter. Through the development, on site amenity space is proposed and connections to Dundee City Councils amenity space at Peebles Drive are sought.

No notification or communication to the Ballumbie Castle Estate residents, Murroes and Wellbank Community Council – the Council carried out the statutory neighbour notification and advertisement requirements.

Lack of play park and insufficient green space for children to play on – landscaped SUDS areas, landscaped open space and a parkland area are proposed within the site. Additionally, connections to the public open space and play park at Peebles Drive are sought.

Linked paths and access to Ballumbie Castle Estate should be removed – the application site is bound by a red line and no linked paths or access directly to Ballumbie Castle Estate are on the proposed site plan.

No evidence of Scottish Water agreement for connections; water pressure, water and sewerage infrastructure – Through the assessment of the application there have been discussions with Scottish Water and the Council's Engineers. Conditions are recommended to ensure that evidence of Scottish Water approval for the proposed drainage system are submitted.

Out of date Desk Study and Due Diligence Report – Subsequent to the submission of the report, discussions have been ongoing between the agent and the Head of Community Safety and Protection in regards to land contamination. As outlined above, a condition is recommended to safeguard against potential land contamination.

Incorrect and inaccurate Protected Species Report – A Phase 1 Habitat and Protected Species Survey has been submitted. Concerns that the survey does not reference on site hedgehogs and swans has been raised. The findings of the survey are accepted and the species which are not mentioned in the submitted survey would also be protected through other controls and legal requirements including the Wildlife and Countryside Act 1981 outwith the planning remit.

Secure cycle parking has not been provided at each property – as assessed against the Local Development Plan, it is recommended that a condition is attached to ensure that plots without garages submit a site plan and details of the proposed secure cycle storage. The applicant has proposed to give the future occupiers a choice of secure cycle storage options.

- 7.81 1 letter neither objecting to or supporting the Planning Application (including 1 from Dundee Civic Trust) raising the following valid material planning considerations:
- Pedestrian and Road Safety.
- 7.82 Concerns regarding pedestrian and road safety have been assessed and considered in line with the Local Plan.
- 7.83 An indication of the proposed golf course reconfiguring was also raised however this is not a material consideration. The current application affects a small southern section of the course.
- 7.84 The issues raised in the representations have been considered and addressed in the report and the grounds raised are not of sufficient weight to justify refusal of planning permission.
- 7.85 **The views of objectors have been considered and are not of sufficient weight to justify refusal of the application.**

8 CONCLUSION

- 8.1 The application fails to satisfy the requirements of Policy 10 of the Dundee Local Development Plan in relation to privacy and window to window distances. However, this is not significantly below the 18 metre requirement and it only relates to houses within the proposed development where properties would be purchased from new, meaning it will not impact on any existing residents.
- 8.2 These are material considerations of sufficient weight to justify approval of the application.
- 8.3 Therefore it is recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

9.1 **Recommendation 1**

This planning permission shall not be issued 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 developer contributions towards the cost of education infrastructure provision.

9.2 Recommendation 2

It is recommended that planning permission be GRANTED subject to the following condition(s):

- 1 **Condition** - development shall not begin until further investigation and risk assessment are 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:
 - i the nature, extent and type(s) of contamination on the site.
 - ii measures to treat/remove contamination to ensure the site is fit for the use proposed and does not contain any significant pollution linkages.
 - iii measures to deal with contamination during construction works.
 - iv verification of the condition of the site on completion of decontamination measures.

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 Council.

Reason – in order to ensure that any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety

- 2 **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.

- 3 **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 Compliance and Independent Check Certification, evidence of compliance with the Simple Index Approach as described in section 26.7.1 of the CIRIA SUDS Manual (C753), 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 the development hereby approved.

Reason – in the interests of flood protection.

- 4 **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 construction works commencing on any part of the development hereby approved

Reason - in the interests of flood protection.

- 5 **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 interests of flood prevention and visual amenity.

- 6 **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 protection.

- 7 **Condition** – prior to the commencement of any works on site, a Flood Risk Assessment and Dundee City Council Compliance and Independent Check Certification shall be prepared and submitted to the Council and SEPA for written approval. Any recommendations contained within the Flood Risk Assessment must be implemented thereafter prior to occupation of the development.

Reason – in the interests of flood protection.

- 8 **Condition** - prior to the commencement of 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 environmental quality and visual amenities of the area.

- 9 **Condition** – all further surveys and mitigation measures outlined in the approved Phase 1 Habitat and Protected Species Survey (October 2018) shall be complied with to the satisfaction of the Council.

Reason - In order to protect the conservation interests of the area.

- 10 **Condition** - full details of tree protection measures for the existing (and 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.

- 11 **Condition** – prior to commencement of development details of the secure cycle storage provision for each dwelling shall be submitted to and approved in writing by the Council. These details shall include:

i details of the location of secure cycle storage for each plot; and

ii details of the secure cycle storage facility.

The secure cycle storage facilities shall be constructed in accordance with the approved details prior to the occupation of each house.

Reason - in the interests of promoting sustainable modes of travel.

- 12 **Condition** – Prior to commencement of development, full details of the proposed plot boundary plans for plots 6 and 47 will be submitted to and approved in writing by the Planning Authority.

Reason - to ensure that in curtilage parking is provided for each plot in line with the Appendix 4 standards.

- 13 **Condition** – Prior to occupation of the first dwelling, full details of the proposed plot boundary fencing will be submitted to and approved in writing by the Planning Authority.

Reason - to ensure privacy between neighbouring garden areas.

- 14 **Condition** – prior to the commencement of any work on site, maintenance responsibilities along with a maintenance schedule for all communal areas 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 interests of visual amenity.

- 15 **Condition** – prior to commencement of development, details of the proposed electric vehicle charging provision shall be submitted to and approved in writing by the Planning Authority.

Reason – in the interest of sustainable travel measures.

- 16 **Condition** – details of the proposed accesses, roads, footways and footpath links, including visibility splays, road markings and signing for the 20 mph zone, must be agreed prior to any works on site and the accesses, roads, footways, footpath links, visibility splays, road markings and signing for the 20mph zone, must be formed and constructed to Dundee City Council standards and specifications.

Reason - In the interests of vehicle and pedestrian safety.

- 17 **Condition** – A 20mph zone order shall be promoted for all roads within the site with appropriate signing, lining and traffic calming to support this provided to Dundee City Council specifications.

Reason – in the interests of vehicle and pedestrian safety.

- 18 **Condition** – details of proposed traffic calming shall be agreed with Dundee City Council prior to any works on site.

Reason - to ensure the roads are designed to limit speeds to 20mph.

- 19 **Condition** – the existing speed limit signs on Ballumbie Road shall be relocated to an agreed location prior to any works on site.

Reason - to ensure the development site is accessed from within a 30mph limit.

- 20 **Condition** – a footway shall be provided ex adverso the development site on Ballumbie Road linking all residences to existing footways. Details of the footway must be agreed prior to any works on site and the footway must be formed and constructed to Dundee City Council standards and specifications

Reason - to ensure there are adequate pedestrian links and in the interests of pedestrian safety.

- 21 **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.

- 22 **Condition** – details of temporary turning heads shall be agreed with Dundee City Council prior to any works on site and these must be outside of any housing plots.

Reason - to ensure adequate turning space is provided at incomplete link roads.

- 23 **Condition** – prior to occupation of the first dwelling, a Residential Travel Pack shall be submitted to an agreed in writing by the Council.

Reason - in the interests of promoting sustainable modes of travel.

- 24 **Condition** – a Stage 2 Road Safety Audit to Dundee City Council specifications must be submitted and agreed for all new roads associated with the development.

Reason - in the interests of vehicle and pedestrian safety.

- 25 **Condition** – any gates formed as access to drives/parking must open inwards to within the curtilage.

Reason - in the interests of vehicle and pedestrian safety.

- 26 **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

- 27 **Condition** – the hard surface of individual car parking, driveways or hardstanding area should be made of porous materials where appropriate and/or provision made to direct run off water from the hard surfaces to a system or 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 adoptable/adopted road.

- 28 **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 in perpetuity by the relevant authority. Written proof must be provided by the applicant as confirmation that Scottish Water are satisfied with the overall surface water drainage proposal.

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

29 **Condition** – prior to the commencement of development details of the footpath between the east area of open space within the application site to the footway on Peebles Drive shall be submitted to and approved in writing by the Council. These details shall include:

- i the footpath route;
- ii the construction materials; and
- iii the means of securing its provision.

The footpath shall be constructed in accordance with the approved details prior to the occupation of the first house.

Reason – in the interests of place making and improving connectivity between green infrastructure and to ensure that all parts of the development have access to the public transport network.

30 **Condition** – prior to the commencement of development a site waste management plan shall be submitted to and approved in writing by the Council. This shall contain details of how site waste will be controlled during the construction and operation of the development.

Reason – in the interests of resource efficiency and waste minimisation during construction.

Informative - any damage caused to the existing adopted footway or carriageway ex adverso the site as a result of development work must be made good by the applicant at their expense. Where damage is extensive resurfacing/reconstruction will be necessary. All related works must be to Dundee City Council standards and specifications.