

# Erection of 49 Houses on Land West of Dalmahoy Drive

## KEY INFORMATION

**Ward** Strathmartine

**Address**

Land West of Dalmahoy Drive

**Applicant**

Kirkwood Homes Limited  
Sauchen Business Park  
Inverurie AB51 7LE

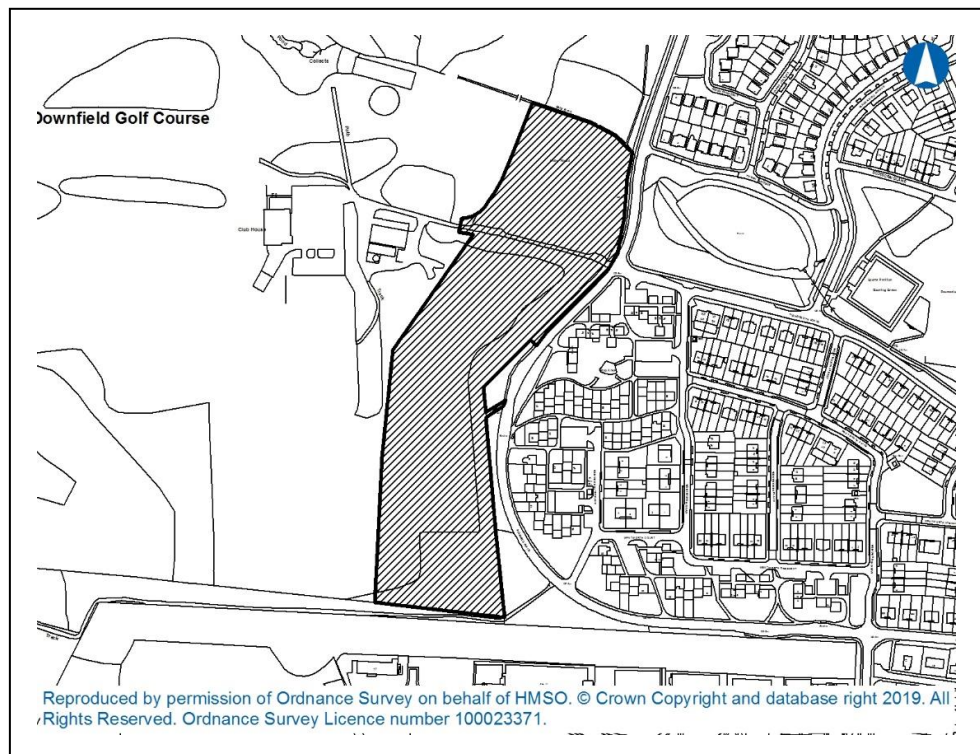
**Agent**

Ewan Maclean  
Emac Planning LLP  
109 Camphill Road  
Broughty Ferry DD5 2NE

**Registered** 1 October 2019

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

**Contact:** Caitlin Duffy



## SUMMARY OF REPORT

- Planning permission is sought for the erection of 49 dwelling houses with associated infrastructure, access, landscaping, drainage, SUDS and open space on land west of Dalmahoy Drive.
- The application is in accordance with the Development Plan.
- In total 8 letters were received objecting to the proposal and 1 letter received neither objecting to nor supporting the proposal. Details of an online petition titled "Stop housing development on local conservation area" were submitted with the names and postcode details of 158 respondents. A handwritten petition titled "Petition against Planning for 49 houses at Downfield Golf Course" containing 35 valid signatures and postal addresses was also received. A separate list of 34 names and Dundee as the address was also submitted. Of these 227 petition signatories, only 35 can be considered as valid.
- 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 due to the area of the site exceeding 2 hectares (4.23ha).
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/simpleSearchResults.do?action=firstPage>

## RECOMMENDATION

The proposal is in accordance with the Development Plan. There are no material considerations of sufficient weight to justify refusal of planning permission. It is therefore recommended that planning permission be APPROVED subject to conditions.

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## 1 DESCRIPTION OF PROPOSAL

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- 1.1 Permission is sought for 49 dwelling houses on a site which measures 4.23ha. The site is currently an area of open space and woodland on the southeast edge of Downfield Golf Course. The site is split north to south by the driveway which leads to the golf course. A total of 6 houses are proposed within the north section and 43 in the south. A mix of 41 detached and 8 semi-detached houses are proposed. All semi-detached houses would be of the same house type whilst there would be 7 different types of detached properties. The proposed houses are to run north to south in a linear pattern within the centre of the site. The outer edges of the site are to retain and introduce additional trees and landscaping. All plots would have private rear garden ground and in-curtilage parking.
- 1.2 The houses are proposed to have grey concrete roof tiles, white/cream dry dash render, UPVC windows and doors and black rainwater goods. In curtilage driveways are to be laid with charcoal concrete block pavements and natural colour pavements on the driveway border. 1.8m high timber fences as well as 1.8m high combined wall/fence boundary treatments are proposed to enclose private garden ground. Hedges are proposed to form the front boundaries.
- 1.3 Access to the residential development is proposed to be taken from Dalmahoy Drive via the driveway which currently provides access to Downfield Golf Course and Club House. Alterations to realign and widen the driveway and form the accesses and footpaths in to the residential area are proposed. The street to be formed within the residential development would run north to south with a hammerhead at the south and a turning head in the north. A SUDS basin is proposed in the northeast section of the site. As well as the road and associated footpaths, pedestrian access is also proposed from Dalmahoy Drive in to the centre of the site and from the south of the site to link to the Dundee Core Path Network.
- 1.4 Separate to the application, Downfield Golf Club has advised that it is proposed to refurbish the golf clubhouse. It has been stated that the golf clubhouse is in need of significant refurbishment. The Golf Club has entered into an agreement with Kirkwood Homes Limited to develop the application site. It is the Golf Club's intention that any monies generated by the development will fund the refurbishment of the Club House and other course improvements.
- 1.5 The applicant has submitted the following in support of the application:
- Relationship Between Driving Range and Proposed Housing;
  - Golf Club Operating Plan;
  - Design and Access Statement;
  - Geo-Environmental Desk Study;
  - Drainage Assessment;
  - Economic Impact Appraisal;
  - Energy Statement;
  - Flood Risk Assessment;
  - Pre-application Consultation (PAC) Report;

- Planning and Delivery Statement;
- Transport Assessment;
- Tree Protection And Removal Plan;
- Tree Survey Report;
- Road Safety Audit;
- Preliminary Ecological Assessment;
- Waste Management Plan;
- Downfield Post Application Report; and
- Justification Statement for Tree Removal.

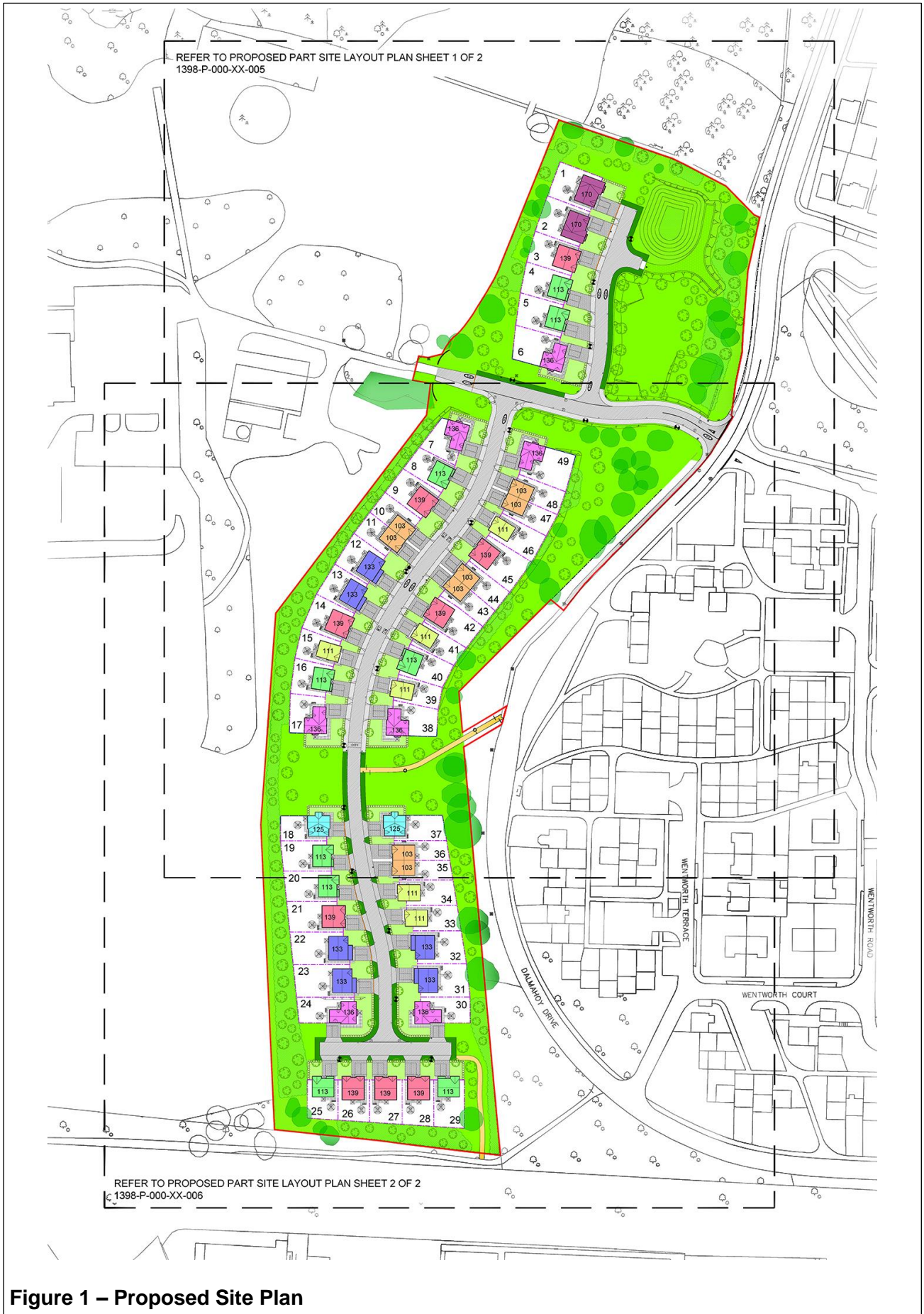


Figure 1 – Proposed Site Plan



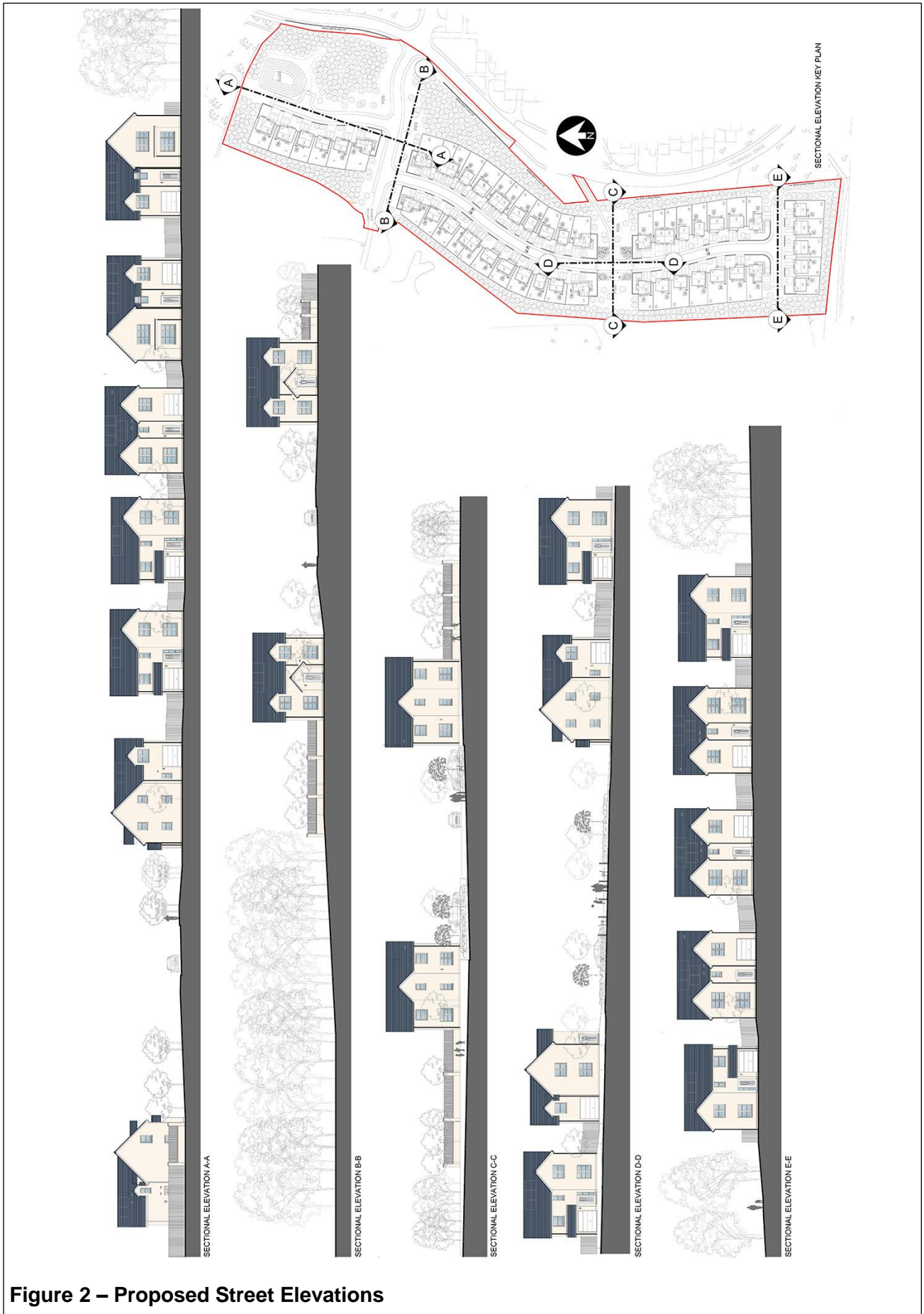


Figure 2 – Proposed Street Elevations

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## 2 SITE DESCRIPTION

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- 2.1 The site is located to the west of Dalmahoy Drive. It is an area of greenfield land within Downfield Golf Course. The site does not form part of the golf course playing area and is not used by the club for sport or leisure purposes. The driveway to the golf clubhouse splits the site north to south. The north is an area of self-seeded semi mature unmaintained woodland which measures approximately 103m x 105m. The south of the site is made-up ground laid with grass which measures approximately 65m x 267m. A tree belt forms the east boundary which is parallel to Dalmahoy Drive.
- 2.2 To the north of the site lies Ardler Wood and to the east Dalmahoy Drive, beyond which lies residential properties and the Ardler complex. Dryburgh Industrial Estate lies to the south of the site. The golf course lies immediately to the west where a large area of maintained grass is used as a golf driving range and practice area. There is also the car park and a group of buildings comprising the clubhouse and a maintenance shed.
- 2.3 In July 2019, prior to the submission of the planning application, a total of 119 trees were felled within the application site boundary. The applicant's agent has advised that trees were felled by the Golf Club as part of its ongoing management. Although these trees were not protected and no planning permission or consent was required from Dundee City Council to fell the trees, this comprised unauthorised felling under the Forestry and Land Management (Scotland) Act 2018. Separate to the planning application process, Scottish Forestry (formerly Forestry Commission Scotland) have taken enforcement action to address this. This enforcement action comprises a restocking direction requiring the golf club to plant a total of 800 replacement trees, of which 10% can be shrubs, and to fence and maintain these for a period of 10 years.
- 2.4 These replacement trees are to be replanted outwith but immediately parallel to the western boundary of the planning application site.
- 2.5 This planning application is assessed on its own merits and is separate to the tree felling case as it is dealt with under a separate remit and legislation. Within the planning remit, tree felling only requires permission if the trees are within a Conservation Area or are protected by Tree Preservation Orders, neither of which apply in this instance. As such the Council has no statutory requirements to pursue action.





**Figure 3 – View Towards Southeast of Site**



**Figure 4 – View in to South Section of Site**

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### 3 POLICY BACKGROUND

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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 28: Protecting and Enhancing the Dundee Green Network

Policy 30: Green Infrastructure Maintenance

Policy 33: Local Nature Conservation Designations

Policy 35: Trees and Urban Woodland

Policy 36: Flood Risk Management

Policy 37: Sustainable Drainage Systems

Policy 39: Environmental Protection

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

3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

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### 4 SITE HISTORY

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4.1 Outline Planning permission (reference: 06/01126/OUT) for the erection of 15 dwellinghouses and access road was refused in 2007.

4.2 Outline Planning permission (reference: 09/00326/OUT) for the erection of 12 dwellinghouses, access road and drainage was approved subject to conditions in 2010.

4.3 Planning Application Notice (reference: 19/00187/PAN) for the Residential Development with Associated Infrastructure, Access, Landscaping, Drainage, SUDS and Open Space was submitted in March 2019. A PAC report has been submitted with the application which outlines and details the public consultation and community engagement which has been undertaken prior to submitting the application.

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### 5 PUBLIC PARTICIPATION

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



- 5.2 In total 8 letters were received objecting to the proposal and 1 letter received neither objecting to nor supporting the proposal. Details of an online petition titled “Stop housing development on local conservation area” were submitted with the names and postcode details of 158 respondents. A handwritten petition titled “Petition against Planning for 49 houses at Downfield Golf Course” containing 35 valid signatures and postal addresses was also received. A separate list of 34 names and Dundee as the address was also submitted.
- 5.3 The Councils Standing Orders and Delegation of Powers to Officers of the Council states that where a letter or petition is received which is signed by more than one person, each signatory must provide a valid postal address, otherwise they will not be considered as a valid representation. A valid representation must be in the form of a signed and dated letter or statement or an e-mail indicating the name and postal address of the sender specifically indicating an objection to the application concerned. The letter/statement shall bear a legible name of the signatory and the signatory’s address. Where more than one letter/statement of representation per household is received this shall be defined as the Council having received one letter/statement.
- 5.4 In total there are 227 petition signatories however only 35 have provided a full postal address and can be considered as valid.
- 5.5 The above raised the following valid material planning considerations:
- trees/landscape affected;
  - inappropriate development in wooded conservation area;
  - increase traffic;
  - water supply;
  - flooding/drainage;
  - impact on wildlife and Wildlife Act;
  - detrimental to environment;
  - loss of green amenity space;
  - residential amenity affected;
  - residential design, density and layout;
  - road and pedestrian safety, parking and access;
  - contrary to Local Plan; and
  - school capacity.
- 5.6 Concerns were also raised in relation to the notification of neighbours beyond the statutory requirements, loss of a view and representations not published online. However, these are not valid material planning considerations.
- 5.7 One letter of representation neither supporting or objecting to the proposal (Dundee Civic Trust) raising the following valid material planning considerations:

- in a local environment near to existing community services and public transport;
  - layout concerns; and
  - increase size of SUDS area and use of shared surfaces.
- 5.8 The valid grounds of representation are taken into account in the material considerations section of this report.

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## 6 CONSULTATIONS

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6.1 **The Head of Neighbourhood Services has commented on the following matters:**

**Waste** – has no objection and comments that standard wheeled bin provision will apply.

**Greenspace Team** – has no objection but has raised concerns regarding the loss of designated open space, green network and Locally Important Nature Conservation areas.

6.2 **The Head of Community Safety and Protection has commented on the following matters:**

**Contaminated Land** – has no objection to the proposal. A desk study has been submitted and reviewed. Conditions are recommended should planning permission be granted. These relate to the completion of the investigation and risk assessment details in the desk study and the submission and implementation of a remediation strategy.

**Environmental Health** – raises concerns regarding potential noise disturbance to the future residents of the application from the adjacent golf course (use of the maintenance shed, club house, road traffic on the access route and associated activities of the golf course that use plant and equipment).

6.3 **Archaeology** – has no objection to the proposal and do not consider the site to be of significant archaeological potential. It has been heavily landscaped and drained as part of the creation of Downfield Golf Course and is partially wooded. The unwooded areas were historically wooded. There are no significant archaeological sites, monuments or deposits recorded in, on or near the proposed development site. No archaeological works are required.

6.4 **Scottish Water** - has no objection to the proposal.

6.5 **SEPA** – has no objection to the proposal based on the further information received by them on 12 November 2019. All development is located outwith the functional floodplain, with the raising of a small section of road and compensatory flood storage proposed, they no longer object to the proposal.

6.6 **SportScotland** – has no objection to the proposal and state that the proposal has been discussed with Scottish Golf. The proposal will not affect any part of the golf course or practice area. The rationale for the development is to help the Club's finances and make improvements to the clubhouse and practice area. They have no objection to the proposal.

6.7 **SNH** – do not offer formal comment on this proposal as it falls below their threshold for consultation as outlined in their Service Statement for planning and development.

6.8 **Scottish Forestry** – has no objection to the proposal.

## 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 northwest of the city which has an established residential character in Dundee. Whilst the site is Greenfield land it is within close proximity to residential properties on the east of Dalmahoy Drive.
- 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 3 and 4 bedroom houses including 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 this is due to the areas of unutilised land being used for development in order to minimise the need for additional tree removal. 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 As well as allocated sites, TAYplan assumes that small and windfall sites would contribute towards the housing land requirement. As the site is not allocated in the LDP it is considered to be a windfall site however it would contribute to the mix of housing types, size and tenures in the local area and will contribute to the supply of housing available within the city and region.
- 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 49 detached and semi-detached houses with 3 and 4 bedrooms. There are proposed to be 8 different house types finished in materials including dry dash render and grey concrete roof tiles with white UPVC windows. The finishes and the house types would contribute positively towards the quality and identity of the development. The proposed driveways are to be finished in charcoal and natural coloured concrete block paving. As well as timber feu and screen fencing within the site, it is proposed to plant new hedging, trees and shrubs as part of the landscaping plan which will contribute positively to the character of the new development. The boundaries of the residential plots would be set back from Dalmahoy Drive by at least 15m. A tree belt containing retained and new tree planting would also lie between the plots and Dalmahoy Drive.
- 7.13 A SUDS basin is proposed on the northwest of the site. It has been demonstrated that in principle there is an acceptable drainage solution for the site however conditions are recommended to secure further technical details of the drainage proposal.
- 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 which addresses the design, access and development concepts of the proposal. A mix of 1.75 and 2 storey houses are proposed and 8 different house types in total. The variety will contribute positively to and add interest to the development. It is proposed to retain existing trees as well as incorporate new landscaping within the development. The access road from Turnberry Road splits the site in two. Additionally an area of public open space splits the southern part of the site. This area can be accessed on foot from Dalmahoy Drive. New footpaths will be created along Turnberry Avenue and within the site. The proposal responds positively and sensitively to the character of the area as the density of development does not overdevelop the site and retains areas of open space and woodland which respect the landscape and open space surroundings.

Safe and Pleasant – the houses are contained within the centre of the site with trees and landscaping forming the outer boundaries. The site is bound by Dalmahoy Drive to the east where vehicle and pedestrian access will be taken. Within the site the driveways will be provided to the front and side of the houses. 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 within the site and there are pedestrian links to the surrounding open space and Core Path network. These spaces will benefit from natural surveillance due to the location of windows on the proposed houses. 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 the surrounding area. This provides access to open space out with the site, the Core Path network and public transport links as bus stops are located on

Dalmahoy Drive. Vehicle access is to be taken from the existing driveway access where the road will be realigned and widened. The proposal considers place and responds positively and sensitively to the needs of people.

Welcoming – the entrances proposed to be taken from Turnberry Avenue in to the north and south sections of the development would be landscaped. 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 site is greenfield land which is underutilised by the golf course and is a lesser part of a wider area of open space and a lesser part of the Locally Important Nature Conservation site. The proposed houses will be a positive addition to the mix of houses in the residential area. Green space is to be incorporated within the development with links to the wider areas of open space.

Resource Efficient – an Energy Statement has been submitted. The proposal has been designed to include passive and operational energy efficiency measures to reduce heat loss and energy consumption. Materials, orientation and site layout, reduction in use of non-renewable resources and the use of energy efficient internal and external fittings have all been proposed. Green infrastructure will be retained and enhanced as part of the proposal.

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

7.16 **Policy 1** - the proposed residential development is for a range of types and sizes which will make a positive contribution to the residential neighbourhood in the northwest of the city. The design and layout has been sensitively considered to ensure that the amount of trees lost is minimised, mitigation measures will be implemented and compensatory planting proposed. The houses have been designed to provide variety and a good quality finish which will contribute positively to the character and appearance of the development. The proposal will be well connected and have green infrastructure.

7.17 **The proposal is in accordance with Policy 1.**

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 49 units on a site which measures 4.23ha. A scheme of public art has not been submitted as part of the application. Therefore it is recommended that the details and public art project is secured by condition.

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

7.21 **Policy 9: Housing Land Release** – priority will be given to the development of the allocated brownfield and greenfield sites. Housing land release on brownfield sites, in addition to the allocations set out in Appendix 3, may be acceptable where it can be demonstrated that it will improve the tenure mix in an area where existing choice is limited and would make a positive contribution to the regeneration objectives of the area.

7.22 The policy requires that priority is given to allocated sites. Whilst the site is not allocated and it is a greenfield site, it is recognised that due to the location of the site and the mix of property type that this windfall site will contribute positively to the tenure mix and housing supply within this part of the city and the wider area.

- 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 A Design and Access Statement has been submitted with the application which addresses the design, access principles and developments concepts of the proposal. The proposal is required to meet the suburban standards for houses set out in Appendix 4 which requires the following:
- 7.26 **House Type** – in general, 75% of houses should have 3 or more bedrooms or a minimum gross internal floor area of 100m<sup>2</sup>.
- 7.27 **Response** – the 49 houses proposed would comprise 30, 3 bed houses and 19, 4 bed houses. There would be no properties with less than 3 bedrooms. As such more than 75% of houses would have 3 or more bedrooms and therefore the proposal meets the standards.
- 7.28 **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.
- 7.29 **Response** – the proposed in curtilage parking would be to the front or side of the proposed houses. All properties with 3 beds would have 2 parking spaces whilst all properties with 4 beds would have 3 parking spaces. In line with this requirement all car parking is within the curtilage of each house and the number of spaces meets the standards.
- 7.30 **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.
- 7.31 **Response** – the majority of properties have a garage where secure covered cycle storage can be provided. Where a garage is not proposed at 14 of the houses, a 1.2m x 2.4m external cycle store is proposed in the rear garden ground. A condition is recommended to ensure that the secure cycle storage is provided prior to the occupation of the house.
- 7.32 **Amenity/Garden Ground** - Greenfield sites will provide an average private useable garden ground of 160m<sup>2</sup> per house with a minimum garden size of 120 m<sup>2</sup>.
- 7.33 **Response** – the application site is Greenfield land. All of the proposed gardens meet the minimum 120m<sup>2</sup> requirement. The average private useable garden ground of the development is 160.3m<sup>2</sup>. In regards to the garden grounds being private, a 1.8m feu fence is proposed between the rear garden grounds which would provide screening between gardens. The proposal meets the standards.
- 7.34 **Privacy** - a minimum of 18 metres between the facing windows of habitable rooms.
- 7.35 **Response** – there are no existing houses within 18m of the site and there would be at least 18 metres between the windows of habitable rooms of the proposed housing. The proposal meets the privacy standards.



- 7.36 **General Requirement** - provision for waste and recycling should be provided in accordance with the Council's waste management strategy.
- 7.37 **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.
- 7.38 **General Requirement** – parking areas should include provision for electric car charging points.
- 7.39 **Response** – all properties with a garage are to have an electric vehicle charging point within the garage itself. Plots without a garage are proposed to have an external charging point installed. It is recommended that a planning condition is used to agree details of the charging infrastructure and to ensure that these are installed.
- 7.40 **The proposal meets Policy 10 and Appendix 4 standards, subject to conditions.**
- 7.41 **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.
- 7.42 Development proposals that would result in a change of the use of a site identified on the Proposals Map as green infrastructure, including open space, allotments or Locally Important Nature Conservation Sites to anything other than a green infrastructure use should establish that the site no longer has a potential value as green infrastructure unless the Council are satisfied that:
- 1 the proposals are consistent with a masterplan, strategy or programme approved by the Council; or
  - 2 compensatory green infrastructure of equal benefit and accessibility will be provided in or adjacent to the community most directly affected; or
  - 3 proposals affect only a lesser part of the site and are ancillary to it or result in improved recreational or amenity value on the remainder of the site.
- 7.43 The proposal is a designated area of open space and Locally Important Nature Conservation Site as identified on the Local Development Plan Proposals Map. The policy requires that where there is a change of use of an identified area of open space or Locally Important Nature Conservation Sites, that at least 1 of the above 3 criteria is satisfied.
- 7.44 In terms of Criteria 3, the proposal affects only a lesser, unutilised part of the wider area of designated open space and nature conservation. The area designated as open space covers Downfield Golf Course, Ardler Woods, Sawmill Wood and Templeton Woods which all lie on the north side of Coupar Angus Road. The combined areas measure approximately 170ha. The application site forms part of this overall area and measures only 4.23ha or 2% of the total area.
- 7.45 To the south of Coupar Angus Road lies Camperdown Park which is also a designated area of open space and nature site. This area measures approximately 159ha.

- 7.46 Due to the above, the site is considered to be a lesser and subsidiary section which is located on the edge of the open space and nature conservation site. The Golf Club has entered into an agreement with Kirkwood Homes Limited to develop the application site. It is the Golf Club's intention that any monies generated by the development will fund the refurbishment of the Club House and other course improvements. This will improve the recreational and potentially the amenity value of the golf course. As part of the development, access could still be gained to the open space and a footpath is proposed on the south of the site to connect to the Dundee Core Path Network. A condition is recommended to secure this.
- 7.47 Taking these points into consideration it is concluded that the proposal would not lead to the fragmentation of the existing network of green infrastructure.
- 7.48 **Policy 28: Protecting and Enhancing the Dundee Green Network** - also requires that proposals affecting outdoor sports facilities will be safeguarded from development except where:
- 1 the proposals affect only a minor part of the site or are ancillary to the principal use of the site as an outdoor sports facility and either improve or do not affect its use and potential for sport, training and amenity use; or
  - 2 the facility which would be lost is to be replaced by a new or upgraded compensatory facility of equal benefit and accessibility in; or
  - 3 adjacent to the community most directly affected; or
  - 4 the proposals are consistent with the Dundee Physical Activity Strategy or Dundee Pitch Strategy and supported through consultation with SportScotland.
- 7.49 The policy requires that where outdoor sports facilities will be affected, at least 1 of the 4 criteria above is satisfied.
- 7.50 The site is within the boundary of Downfield Golf Course which is an outdoor sports facility. However, in line with criterion 1, the proposal only affects a minor part of the site which is not used for play. The site is unutilised made-up land and as outlined within the Bellerby Economic Impact Assessment submitted with the application, the development is proposed in order to generate funds which would be used to upgrade the existing facilities at the club. This in turn would allow the course to remain up to the required standards to host prestigious tournaments and continue to contribute to the Dundee and Scottish economy. The outdoor sports facility would still be able to operate if planning permission were granted. SportScotland has not raised any concerns regarding the proposed development and note that the proposal will not affect any part of the golf course or practice area. It is concluded that the proposal would support the continued and increased use of the golf course.
- 7.51 **The proposal is in accordance with Policy 28, subject to a condition.**
- 7.52 **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.

7.53 Within the site there will be areas adopted by the Council including verges and the proposed SUDS landscaped areas. Other areas of public open space and landscaping 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.

7.54 **The proposal is in accordance with Policy 30, subject to a condition.**

7.55 **Policy 33: Local Nature Conservation Designations** – development which could have a significant effect on the conservation interests associated with Local Nature Reserves, Locally Important Nature Conservation Sites or Wildlife Corridors will only be permitted where:

- 1 an ecological or similar assessment has been carried out which details the likely impacts of the proposal on the conservation interests of the designation;
- 2 any negative impacts identified are contained within the site and can be mitigated without affecting the integrity of the designated area; and
- 3 it has been demonstrated that there are no other suitable sites that could accommodate the development.

7.56 The proposal would affect a lesser part of the designated site. In terms of the impact on conservation interests, a Preliminary Ecological Assessment (PEA) has been submitted with the application. Its findings outline that the site comprises eight Phase 1 Habitat types including improved grassland, scrub and semi-natural woodland. The south eastern woodland is classified as native Upland Birchwood which is a UKBAP priority habitat. Woodland beyond and outwith the southern application site boundary features on the Ancient Woodland Inventory, Scotland. Invasive Non-Native Species were identified. No field evidence of protected or notable species was observed during the survey. There is suitable habitat for foraging, commuting and resting bats, red squirrel, badger, brown hare, hedgehog and a range of bird species. The report concludes that there are currently no further protected species survey requirements, dependent on the extent of tree removal further assessment of potential UKBAP habitats may be required. Good practice mitigation measures are outlined in the report.

7.57 In response to the 3 policy criteria outlined above:

- 1 The Preliminary Ecological Assessment submitted establishes an ecological baseline of the site and identifies any key ecological constraints. It details the likely impacts of the development. It outlines there are no statutory designated sites present on or adjacent to the site nor in the wider landscape that are ecologically connected to habitats on site. No field evidence of protected species was observed during the survey however there is suitable habitat for foraging, commuting and resting bats, red squirrel, badger, brown hare, hedgehog and a range of bird species.



- 2 The negative impacts identified are contained within the application site. The assessment outlines broad mitigation measures which include development seeking to retain and protect the Native Upland Birchwood and mature trees where possible, connectivity to woodlands in the surrounding area, removal of invasive non-native species, vegetation clearance to be between October and February and to carry out a pre-works check. The proposal affects a 4.23ha section of an approximately 170ha Locally Important Nature Conservation Site and with the proposed mitigation measures which are recommended to be secured by condition, the proposal would not affect the integrity of the designated area.
- 3 The site has been chosen sensitively given that it is on the edge of the designated area and an area has been chosen which would not affect the running of the outdoor sports facility. The location of the proposal affects a lesser part of the designated site. The development is linked to the Golf Club and is to support the generation of funds that would be used to refurbish the club itself. Therefore it is considered that the proposed development could not be accommodated at other sites.

7.58 **The proposal is in accordance with Policy 33, subject to a condition.**

7.59 **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.

7.60 As noted earlier in this report a number of trees were felled prior to the planning application being submitted and as this comprised unauthorised felling under the Forestry and Land Management (Scotland) Act 2018, Scottish Forestry have taken enforcement action against the Golf Club. It has been confirmed by the agent that trees were felled by the Golf Club as part of the club's ongoing management of the area.

7.61 Scottish Forestry has advised that the Golf Club has agreed a replacement planting scheme requiring a total of 800 trees, of which 10% can be shrubs, to be planted as a replacement for the 119 trees that were illegally removed on an area of land immediately parallel to and outwith the west boundary of the application site.

7.62 This planning application is assessed on its own merits and is separate to the tree felling case as it is dealt with under a separate remit and legislation. Within the planning remit, tree felling only requires permission if the trees are within a Conservation Area or are protected by Tree Preservation Orders, neither of which apply in this instance. As such the Council has no statutory requirements to pursue action.

7.63 A Tree Protection and Removal Plan, a Tree Survey Report and a Justification Statement for Tree Removal has been submitted with the application. The Report recognises that there are Upland Birchwoods and broadleaved woodland which are recognised habitats. The Report outlines that 95 individual trees and four tree groups were surveyed for the proposed development. This is in addition to the trees which were felled prior to the submission of the application and which is being pursued by Scottish Forestry. The trees range from young to late-mature with a fair condition and 6 trees as unviable so are recommended to be felled. Mitigation measures are recommended which include retaining areas of Upland Birchwood where possible, ensuring protection of root protection areas and maintain, compensate and enhance habitat connectivity where possible.

- 7.64 The majority of areas where the houses are proposed to be built do not require tree removal. The proposal involves the removal of 35 individual trees and 2.0ha of trees from the four tree groups. This is in addition to those felled prior to the submission of the planning application. Only 1 Category A tree is proposed to be removed out of the full 95 trees which were surveyed. All four tree groups are Category "B" quality categorised. It is considered that the site layout has been designed to use areas of land within the site which are unused areas and has sought to maximise tree retention. The proposal includes compensatory planting and landscaping which would see 210 new trees planted within the site. This would be six times the number of individual trees removed. In addition, hedging and shrubs are proposed within the site. As part of the proposal tree protection measures are included to ensure the trees which are being retained are adequately protected during construction.
- 7.65 The compensatory planting would be in addition to the 800 trees to be replanted as required by Scottish Forestry.
- 7.66 It is considered that appropriate justification has been provided for the removal of the 35 trees plus 2ha from the four tree groups, and that appropriate maintenance arrangements are also proposed. Significant compensatory planting is proposed both within and outwith the application site which will establish a new tree belt and enhance the remaining areas of existing woodland. Conditions to ensure that a landscaping plan, replacement planting, mitigation measures and tree protection measures are secured is recommended.
- 7.67 **The proposal is in accordance with Policy 35, subject to conditions.**
- 7.68 **Policy 36: Flood Risk Management** – states that for Medium to High Risk Area there is a general presumption against:
- a development on previously undeveloped land; and
  - b development of essential civil infrastructure, in high risk areas based on a 0.5% or greater annual probability of flooding (equivalent to a 1 in 200 year flood or greater) plus an additional allowance of 600mm. Other development may be acceptable where:
    - 1 sufficient flood defences already exist, or a Flood Protection Scheme or flood defence, designed and constructed to a standard of 0.5% annual probability plus climate change allowance, will be in place prior to occupation of the proposed development;
    - 2 those flood defences will be maintained for the lifetime of the development and will not increase the probability of flooding elsewhere;
    - 3 the extent of development potentially affected by flooding is protected through the use of appropriate water resistant materials and construction; and
    - 4 the finalised scheme does not result in a land use which is more vulnerable to flooding.
- A flood risk assessment will be required for any development within the medium to high risk category.
- 7.69 A Flood Risk Assessment, Drainage Layout and Drainage Assessment have been submitted. The SEPA flood maps show that minor parts of application site are at risk of surface water flooding. SEPA have been consulted on the application and do not object to the proposal and expect Dundee City Council to undertake its responsibilities as the Flood Risk Management Authority.

- 7.70 With the exception of a short section of access road, the development will be outwith the functional flood plain of the Gelly Burn. The section of access road will be raised above the 1 in 200 year flood level. Compensatory storage will be provided to offset the floodwater to be displaced by land raising of the section of access road. Surface water, sewer and groundwater flooding are considered to be of low risk and sewers are designed to current design standards. Any flood risk to the development is to be mitigated by having the finished floor levels above surrounding ground level and to form the land so that any overland flow is routed away from buildings.
- 7.71 It is recommended that conditions are used to ensure that the development is in accordance with the approved Flood Risk Assessment and the Dundee City Council Compliance and Independent Check Certification unless otherwise approved in writing with the Planning, in order to ensure that the proposal does not have a detrimental impact on the Gelly Burn.
- 7.72 **The proposal is in accordance with Policy 36, subject to conditions.**
- 7.73 **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.
- 7.74 A Drainage Layout and Drainage Assessment have been submitted. A drainage scheme has been proposed which is for a SUDS basin in the northeast of the site. It has been demonstrated that an acceptable drainage solution can be achieved. Conditions are recommended to ensure that the drainage details as agreed are implemented in the interest of flood protection.
- 7.75 The proposed SUDS layout is acceptable and it is recommended that conditions are attached should planning permission be granted to ensure the drainage system is implemented in accordance with the approved details, unless otherwise agreed by the Planning Authority.
- 7.76 **The proposal is in accordance with Policy 37, subject to conditions.**
- 7.77 **Policy 39: Environmental Protection** – all new development or an extension to an existing development that would generate noise, vibration, odour, emissions to air, dust or light pollution will be required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area.
- 7.78 New development or an extension to an existing development in close proximity to existing sources of noise, vibration, odour, emissions to air, dust or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on viability of existing businesses or uses.
- 7.79 The Head of Community Safety and Protection has commented that there is potential noise disturbance to the future residents of the application from the adjacent golf course. Noise sources include use of the maintenance shed, club house, road traffic on the access route and associated activities of the golf course that use plant and equipment. Some activities are likely to occur at unsocial hours. The comments include a request for a noise impact assessment

to adequately characterise the existing noise environment and where necessary specify any mitigation measures that will protect the residential amenity of the future residents. It was noted that a new planning application for a driving range building next to the proposed houses and activities associated with this that required the use of plant and mechanised equipment eg ground-keeping and ball collecting may also be noisy and intrusive for future residents.

- 7.80 A Golf Club Operations Plan and “Relationship Between Driving Range and Proposed Housing” document have been submitted which demonstrates that the direction of the Golf Club maintenance vehicle movements is not towards the residential development. The driving range which is an existing operation is not flood lit and is only used during daytime hours. Ball collecting is only carried out twice a day and the driving range grass is cut 3 times a week.
- 7.81 The club house is located 146.8m to the west of the site. The function rooms of the club house are located on the west of the building which is the furthest away elevation from the nearest proposed residential properties. This west elevation of the club house is 162.6m away. The maintenance sheds on the site are 58.3m from the nearest proposed property and the access to these sheds is to be taken from the west elevation which is 84.8m away.
- 7.82 It is considered that the proposed development would not result in significant detrimental noise, vibration, odour, emissions to air, dust or light pollution. The potential sources of noise are not considered to be substantial noise generating uses.
- 7.83 Given the distances outline above, the existing tree belts and the proposed rear garden fencing and landscaping, it is considered that the proposed housing will not impact on the viability of the existing use. Additionally, there is adequate screening and distance to ensure the existing golf operations do not have a significant detrimental impact on the proposed houses and any properties would be purchased with the knowledge that an operational golf course is located directly to the west.
- 7.84 **The proposal is in accordance with Policy 39.**
- 7.85 **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.
- 7.86 A Geo-Environmental Desk Study Report has been submitted as part of the application. The Head of Community Safety and Protection has commented that conditions are recommended should planning permission be granted. These relate to the completion of the investigation and risk assessment details in the desk study and the submission and implementation of a remediation strategy.
- 7.87 **The proposal is in accordance with Policy 41, subject to conditions.**
- 7.88 **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.

- 7.89 A Waste Management Plan has been submitted. The proposed 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.
- 7.90 **The proposal is in accordance with Policy 44.**
- 7.91 **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.
- 7.92 The application site lies out with the heat demand clusters of the Local Development Plan. The site is not within close proximity of the clusters with the closest being located at Ninewells. Given the time frame for the development and occupation of the proposed dwellings it is not possible/viable for the development to be linked to the emerging heat network. Notwithstanding this, consideration has been given to potential future links to a heat network which includes keeping space within footpaths and verges for possible future connections.
- 7.93 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.
- 7.94 **The proposal is in accordance with Policy 46.**
- 7.95 **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.
- 7.96 An Energy Statement has been submitted with the application. It outlines that the proposal has been designed to include passive and operational energy efficiency measures to reduce heat loss and energy consumption. Materials, orientation and site layout, reduction in use of non-renewable resources and the use of energy efficient internal and external fittings have all been proposed. The statement conclude that the development as a whole will be bronze active due to its use of low carbon technologies. A full report will be submitted at the Building Control stage. .
- 7.97 **The proposal is in accordance with Policy 48.**
- 7.98 **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.
- 7.99 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.

7.100 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.

7.101 A Transport Assessment and Road Safety Audit have been submitted. The findings of the Transport Assessment have been accepted. The Road Safety Audit has concluded that no general road safety issues, local alignment safety issues, junction road safety issues and no road signs, carriageway markings and lighting road safety problems have been identified.

7.102 In respect of the above Criteria 1-7:

- 1 The proposal would incorporate and be connected to existing footpath and core path networks. Bus stops are located within 200m of the site on Dalmahoy Drive and secure cycle storage is proposed for each plot. As such the proposal minimises the need to travel by private car.
- 2 Paths are proposed within the development to provide safe and convenient connections to the wider path network. It is noted that to connect to the DCC Core Path network to the south, a small section of the path falls out with the application site. This is not within the ownership of the applicant. A Grampian style planning condition is recommended to ensure that works do not commence unless the details are approved by the Council and thereafter this section of the path is completed. In this instance it would be disproportionate to apply a legal agreement for such a small element. Footpaths and roads would also link to Dalmahoy Drive. Bus routes can be accessed on Dalmahoy Road. Secure cycle parking is proposed for each plot in line with the Appendix 4 standards. Conditions are recommended to ensure that the roads, access, sustainable transport, pedestrian safety and access requirements are met prior to the first occupation of the development.
- 3 Footpaths will connect the site to Dalmahoy Drive where bus services are available within 400m walking distance of all parts of the development.



- 4 A Transport Assessment has been submitted as part of the application and the findings have been accepted. The roads leading to the site have capacity to cater for the proposed development. The proposed junction meets current visibility standards and the access meets current specification. Detailed design and roads information are recommended to be conditioned to ensure that the proposal meets Roads standards. A Roads Construction Consent is also required separately from DCC as Roads Authority.
- 5 With the aforementioned conditions to ensure that details are submitted to and agreed by the Council as Planning and Roads Authority, the proposal ensures that safe and adequate provision is made for road freight and waste access, loading and unloading.
- 6 The proposal meets DCC standards and conditions are recommended to ensure that details are submitted to and agreed by the Council as Planning and Roads Authority.
- 7 A condition is recommended to ensure that a Travel Plan is in place and agreed by the Council prior to the occupation of the first property.

7.103 It is considered that sustainable travel methods are included within the development. Bus stops are located within a 400m walking distance of the site and local amenities and education facilities are approximately 500m to the east of the edge of the site.

7.104 **The proposal is in accordance with Policy 54, subject to conditions.**

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

- a 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.
- b 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.

7.106 As outlined previously the proposal meets the Appendix 4 parking standards for residential development in suburban areas. Charging points for electric vehicles are proposed within every plot.

7.107 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, a secure timber cycle store will be provided within the rear garden. A condition is recommended to ensure that the cycle storage and electric vehicle charging points are installed prior to occupation and remain in perpetuity.

7.108 **The proposal is in accordance with Policy 56, subject to conditions.**

7.109 **It is concluded that the proposal is in accordance with the Development Plan.**

## MATERIAL CONSIDERATIONS

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

### A – REPRESENTATIONS

7.111 In total 8 letters were received objecting to the proposal and 1 letter received neither objecting to nor supporting the proposal. Details of an online petition titled “Stop housing development on local conservation area” were submitted with the names and postcode details of 158 respondents. A handwritten petition titled “Petition against Planning for 49 houses at Downfield Golf Course” containing 35 valid signatures and postal addresses was also received. A separate list of 34 names and Dundee as the address was also submitted. Of these 227 petition signatories only 35 can be considered as valid.

7.112 The objections raised the following valid material grounds:

- trees/landscape affected;
- inappropriate development in wooded conservation area;
- increased traffic;
- water supply;
- flooding/drainage;
- impact on wildlife and wildlife act;
- detrimental to environment;
- loss of green amenity space;
- residential amenity affected;
- residential design, density and layout;
- road and pedestrian safety, parking and access;
- contrary to local plan; and
- school capacity.

The grounds of objection are considered and assessed as follows:

7.113 **Objection** – Trees/Landscape Affected.

7.114 **Response** – the impact on the trees and landscape of the site is as assessed against Policy 35 of the LDP. It is considered that on balance the removal of the identified trees and the re-planting schedule are acceptable.

7.115 **Objection** – inappropriate development in wooded conservation area.

- 7.116 **Response** – as assessed against Policies 33 and 35, it is considered that the proposal affects a lesser part of the overall Locally Important Nature Conservation Site and designated Open Space and Green Network. The removal of the 35 trees plus 2ha from the four tree groups would be approved through this application and it is considered that the layout is sensitive to the existing planted areas and appropriate maintenance arrangements and justification for the removal of any trees has been submitted.
- 7.117 **Objection** – Increased Traffic
- 7.118 **Response** – the proposal is for 49 dwelling houses. It is recognised that there will be an increase in traffic as a result of the development. However, as assessed against Policy 54, a Transport Statement has been submitted and its findings accepted.
- 7.119 **Objection** – Water Supply
- 7.120 **Response** – the proposal is to connect to the existing public water and foul networks. In regards to this Scottish Water have been consulted and not objected. A formal application is required to be made separately to Scottish Water where the availability of capacity can be reviewed and advised.
- 7.121 **Objection** – Flooding/Drainage
- 7.122 **Response** – as outlined previously and as assessed against Policy 36 and 37, SEPA has no objection to the proposal and is satisfied that the small area of road to be formed on the floodplain will be raised and compensatory storage for displaced water will be provided. The Council's Engineers have commented that an acceptable surface water drainage solution and Flood Risk Assessment have been submitted. Conditions are recommended to ensure that the proposal adequately addresses the approved and required drainage and flood management requirements. The hard surfaces within the curtilage of the proposed plots would be conditioned to ensure it is made of porous materials or provision should be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.
- 7.123 **Objection** – Impact on wildlife and Wildlife Act.
- 7.124 **Response** – a Preliminary Ecological Assessment was submitted with the application which establishes an ecological baseline and any key ecological constraints. The site itself and adjacent land does not have any statutory designations that are considered to be ecologically connected to the habitats on site. The site is located on the edge of the LINC. Whilst there is suitable habitat for species on site no field evidence of protected or notable species was observed. As such, broad mitigation is recommended which includes retaining and protecting Native Upland Birchwood and mature trees where possible, connecting woodland habitats to woodlands in the surrounding area where possible to maintain connectivity to habitats and carrying out a pre-works check prior to vegetation removal to avoid injury or death to any brown hare or hedgehog.
- 7.125 **Objection** – Detrimental to Environment
- 7.126 **Response** – as assessed against Policies 28, 33, 34 and 35 the proposal is acceptable and would not have a detrimental impact on the environment.
- 7.127 **Objection** – Loss of Green Amenity Space
- 7.128 **Response** – the application site is part of a wider area of open space which includes the golf course, Ardler Woods and Templeton Woods to the north, as well as Camperdown Park which

is to the south of the site and Coupar Angus Road. Overall only a small section of the open space would be lost as a result of the development.

7.129 **Objection** – Residential Amenity Affected

7.130 **Response** – the proposal is not located directly next to any residential properties. The closest residential properties are to the east of the site, on the east side of Dalmahoy Drive which are at least 20m away. Given the distance, the road which separates the site from residential properties and the trees/landscaping that would be on the east site boundary, it is not considered that there would be detrimental visual, privacy or noise amenity impact on neighbours.

7.131 **Objection** – Residential Design, Density and Layout

7.132 **Response** – there is variety between house types which positively contributes to the design of the development. The sizes and number of plots do not overdevelop the area and they layout has been influenced by the areas of land which are unused to minimise the need for additional tree felling. The design, density and layout has been assessed against Policies 1 and 10 of the Local Development Plan and is considered to comply.

7.133 **Objection** – Road and Pedestrian Safety, Parking and Access

7.134 **Response** – the proposal has been assessed against Policy 54. Subject to planning conditions the proposal will not have a detrimental impact on road and pedestrian safety and the access will meet roads standards. Separately approval is required in the form of a Roads Construction Consent by the Council as Roads Authority. The proposal meets the parking standard requirements in terms of Appendix 4 standards.

7.135 **Objection** – Contrary to Local Plan

7.136 **Response** – the assessment against the Local Development Plan is outlined above and the proposal is considered to comply with the Local Development Plan.

7.137 **Objection** – School Capacity

7.138 **Response** – the Councils Children and Families Service have been consulted and have advised that there is capacity within the local schools.

7.139 One letter of representation neither supporting or objecting to the proposal was received from Dundee Civic Trust raising the following valid material planning considerations:

- in a local environment near to existing community services and public transport;
- layout concerns; and
- increase size of SUDS area and use of shared surfaces.

7.140 The proposal is in keeping with the residential character of this part of the city and is within close proximity to local services and public transport in Ardler. The layout of the proposal has been planned to ensure that the amount of trees to be removed and impacted is kept to a minimum and areas of unused land are utilised. The proposed SUDS and roads surfaces have been assessed against the LDP and subject to further approval of the technical specification are considered to be appropriate in terms of size and general design.

7.141 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.

7.142 **It is concluded that there are no material considerations of sufficient weight in this case to justify refusal of planning permission.**

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## 8 CONCLUSION

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8.1 The application for 49 dwelling houses is in accordance with the Development Plan. There are no material considerations of sufficient weight that would justify refusal of planning permission. Therefore it is recommended that planning permission be granted subject to conditions.

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## 9 RECOMMENDATION

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

1 **Condition** - development shall not begin until the investigation and risk assessment proposed in the submitted Stage I Desk Study are completed and a remediation strategy to deal with contamination risks 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; and
- iv verification of the condition of the site on completion of decontamination measures.

**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** - before any unit is occupied the remediation strategy shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority.

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

3 **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

- 4 **Condition** – prior to the occupation of the first house, the secure cycle storage facilities as shown on drawings “Typical Bike Store” and “Parking Provision and Cycle Storage” be installed in accordance with the approved details.

**Reason** – in the interest of ensure storage provision is made for sustainable transport.

- 5 **Condition** – prior to commencement of development, details of the proposed electric vehicle charging provision for each house shall be submitted to and approved in writing by the Council. The agreed provision shall be installed prior to the occupation of each dwelling.

**Reason** – in the interest of promoting the use of sustainable travel measures.

- 6 **Condition** - prior to any works on site the following details shall be submitted to and approved in writing by the Council:

- a details of the wording on any temporary road signage;
- b details of additional signage along the temporary access route for construction traffic to be aware of members of the public;
- c details of signage at the west end of the construction access to say either “No Construction Traffic Beyond This Point” or “Access for golf course/marketing suite only”; and
- d an indication of any construction accesses and how long they will be in place and if the Phase 1 road, when constructed, will become the new access to the golf course/marketing suite with construction traffic continuing to use any temporary access.

**Reason** – in the interest of road safety where the access to the golf course and marketing suite is to be shared by construction traffic and members of the public.

- 7 **Condition** - prior to occupation of the first property a Resident’s Travel Plan must be in place and agreed with the Planning Authority and this shall be distributed to residents on occupation of each property.

**Reason** – in the interests of promoting sustainable transport

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

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

- 9 **Condition** - no works in connection with the development hereby approved shall commence unless:

- a schedule of the proposed planting including species, plant sizes and proposed numbers and density;
- existing and proposed finish levels; and



- programme for implementation and completion of planting.

are submitted to and approved in writing by the Planning Authority.

**Reason** - to ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

- 10 **Condition** - all soft and hard landscaping proposals shall be carried out in accordance with the approved Landscape Drawings, unless otherwise agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

**Reason** - to ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

- 11 **Condition** - the recommended planting schedule, tree protection measures, management and maintenance plans shall be carried out in accordance with approved details shown on approved drawings "83 – Overall Landscape Drawing 1 of 4", "84 – Part Landscape Drawing Part 2 of 4", "85 – Part Landscape Drawing Part 3 of 4" and "86 – Part Landscape Drawing Part 4 of 4", unless otherwise approved in writing by the Planning Authority.

**Reason** - in order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

- 12 **Condition** - prior to the commencement of works, details of the footpath between the south of the site and the Core Path Network as shown on proposed drawing "Site Layout Plan" shall be submitted to and approved by the Planning Authority. Thereafter, the footpath shall be constructed in accordance with the approved details prior to the occupation of the first house.

**Reason** - to ensure that all parts of the development protects and enhances the green infrastructure and in the interests of improving connectivity between green infrastructure.

- 13 **Condition** - prior to the commencement of any works on site, 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. Thereafter, the waste management plan approved by virtue of this condition shall be implemented in full within the development hereby approved.

**Reason** – in the interests of sustainable waste management.

- 14 **Condition** – prior to the commencement of any work on site, maintenance responsibilities along with a maintenance schedule for all communal/shared areas, including the woodland within the north of the site, 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** - to ensure that the proposed development has a satisfactory external appearance in the interests of the environmental quality and visual amenities of the area.

- 15 **Condition** – the recommended mitigation measures laid out in section 4.3 within the Preliminary Ecological Appraisal dated October 2019 by EnviroCentre Limited shall be fully implemented as part of the development.

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

- 16 **Condition** – the recommended mitigation measures laid out in Section 4.1, 4.2, 4.3, 4.4 and 4.5 within the Tree Survey Report dated October 2019 by EnviroCentre Limited shall be fully implemented as part of the development.

**Reason** - in order to ensure the site is developed with due regard and protection of trees and landscape.

- 17 **Condition** – the 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), shall be completed in accordance with the docketed file “129134 UPDATED DRAINAGE PACKAGE 120320” and “DRAWING NO 129134-2250- REV F - Cut Off Drainage Layout.pdf”, unless otherwise agreed by the Planning Authority. All surface water drainage/SUDS design works approved shall be carried out prior to the first occupation of the development hereby approved.

**Reason** - in the interests of flood protection.

- 18 **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.

- 19 **Condition** – the maintenance responsibilities and maintenance schedule for the surface water drainage system/SUDS features hereby approved shall be carried out in accordance with the approved future maintenance proposals as included in Drainage Assessment Issue 6 dated 12 March 2020. All works approved by virtue of this condition shall be carried out in perpetuity.

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

- 20 **Condition** – the drainage scheme as approved by Scottish Water in their docketed letter dated 3 April 2020 shall be implemented, unless otherwise approved in writing by Scottish Water and the Planning Authority.

**Reason** - in the interests of flood protection.

- 21 **Condition** – the recommendations/conclusion/ requirements stated in the Fairhurst Flood Risk Assessment Revision 5 dated 11 March 2020 hereby approved, shall be implemented, unless otherwise agreed in writing by Planning Authority.

**Reason** - in the interests of flood protection.

**Informative**

A Road Construction Consent (RCC) application (found via the following link on DCC website: <http://www.dundee.gov.uk/a2z/constructionconsent>) must be submitted to Dundee City Council as Roads Authority for work on the adjacent public road or footway and consent for this must be obtained prior to the commencement of any work on the public road or footway. For further details please contact 01382 433341 or [developmentroads@dundee.gov.uk](mailto:developmentroads@dundee.gov.uk).