Proposed Residential Development

KEY INFORMATION

Ward The Ferry

Address

Land to South of Linlathen Grove
Arbroath Road
Dundee

Applicant

Kirkwood Homes Ltd

Agent

Ewan MacLean
Emac Planning

Validated: 1 Dec 2023

Report by Head of Planning & Economic Development

Contact: Craig Swankie

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SUMMARY OF REPORT

- Planning Permission is sought for a residential development of 38 houses, with associated landscaping, access, infrastructure, and other associated works.
- The application site is 3.64 hectares of land to the south and east of the new housing at Linlathen Grove, comprising areas of landscaping, unkempt grassland and access tracks.
- The applicant has submitted detailed plans including site layouts, elevations and section drawings along with supporting information including planning and design statements, drainage strategy and a statement of community benefit.
- The application is not in accordance with the requirements of the Development Plan.
- In total, 1 neutral representation and 10 letters of objection were received. The letters of objection raise concerns with access to amenities such as shops and schools, increased traffic, failure to comply with Development Plan policy and impact on the environment.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as, due to the site area, it is a Major development as identified in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.
- More details can be found at https://idoxwam.dundeecity.gov.uk/idoxpa-web/applicationDetails.do?activeTab=summary&keyVal=S4L3CJGCGQA00

RECOMMENDATION

The proposal does not comply with the Development Plan. There are no material considerations of sufficient weight to justify approval of planning permission. Therefore the application is recommended for REFUSAL.

1 DESCRIPTION OF PROPOSAL

1.1 The application seeks planning permission for a residential development comprising 38 detached houses on land to the south of Linlathen Grove.

1.2 The proposed houses comprise 32 detached dwellings and 6 semi-detached dwellings, each including front and rear gardens and off street parking. The houses are a mix of sizes including 11 x 3 bedroom houses; 22 x 4 bedroom houses and 5 x 5 bedroom houses. Finishes would include dry dash render with sections of timber cladding to external walls, concrete roof tiles, and grey UPVC windows and doors. Front gardens would include areas of lawn and hardstanding with hedging, and rear gardens would be defined by timber fencing. All houses would front onto the access road, and include off street parking.

1.3 Nine houses would front onto Linlathen Grove/Mona Crescent. A new access road would be formed through the proposed development. All houses within the centre of the site would front onto this road, with an area of open space and planting proposed towards the existing flats at Linlathen Grove. A cul-de-sac is proposed within the east of the site, with houses to be sited around an access road and area of landscaping. Open spaces are proposed, with footpaths which would connect the development to the surrounding area. Further to landscaping within the proposed development, additional planting is proposed within an existing open space to the north west of Linlathen Grove. Within the south east of the site sloping land towards the Dighty Burn which contains trees and grassland is to be retained, with bird and bat boxes added to existing trees. The proposed drainage layout would not provide SUDS within the site, with surface water being conveyed to an existing SUDS system to the east of the site.

1.4 The application includes proposals for a bus service between Linlathen and the City Centre. Buses would serve proposed stops on Mona Crescent immediately to the west of the application site. The applicant has provided details of an initial agreement with a service operator with funding identified for an initial three year period. The supporting information outlines the development would also be subject to a requirement for education contributions.

1.5 As the area of the application site exceeds 2 hectares the proposal constitutes a Major development as defined by Regulation 2(1) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

1.6 The applicant has submitted the following in support of the application:

- Pre-application Consultation Report;
- Drainage Strategy and Assessment;
- Planning and Design Statement;
- Biodiversity Enhancement Plan;
- Design and Access Statement;
- Energy Statement;
- Statement of Community Benefit;
- Geo-Environmental Report; and
- Transport Statement.

Figure 1 – Proposed Site Layout

Figure 2 – Proposed House Types

Figure 3 – Proposed House Types

2 SITE DESCRIPTION

2.1 The 3.64 hectare site is located at Linlathen, within the east of the city. The site sits immediately to the east of Linlathen Grove, and north of an existing flatted development and the Dighty Burn. The site is approximately 750m to the north of the A92 and the established residential areas of Clearwater Park and Strathyre Avenue.

2.2 The site comprises two distinct areas, the centre and west of the site contain areas of landscaping and lawn within generally level ground. Parts of the site contain access tracks which are being used for access and to accommodate construction of residential development to the north. The eastmost section of the site is a rectangular area of gently sloping land. The site relates to a former walled garden associated with the demolished Linlathen House. The site currently contains unkempt and unutilised land which is largely enclosed by a stone wall. In recent years the site has been excavated to facilitate drainage infrastructure associated with the residential development to the west of the site.

2.3 The surrounding area contains a mixture of residential developments to the south, north and west, with agricultural land and drainage infrastructure beyond to the east.

Figure 4 – Centre of Site

Figure 5 – Former Walled Garden

Figure 6 – Within Centre of Site Facing West

Figure 7 – Within West of Site Facing East

3 POLICY BACKGROUND

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

NATIONAL PLANNING FRAMEWORK 4 (NPF)
Policy 1: Tackling the climate and nature crises
Policy 2: Climate mitigation and adaptation
Policy 3a, 3b: Biodiversity
Policy 4f: Natural places
Policy 5b: Soils
Policy 6a: Forestry, woodland and trees
Policy 7o: Historic assets and places
Policy 9 a, c: Brownfield, vacant and derelict land and empty buildings
Policy 12 a, c: Zero waste
Policy 13b: Sustainable transport
Policy 14 b: Design, quality and place
Policy 15 a: Local living and 20-minute neighbourhoods
Policy 16 a, b, e, f: Quality homes
Policy 18b: Infrastructure first
Policy 19f: Heating and cooling
Policy 20b, e: Blue and green infrastructure
Policy 22c: Flood risk and water management
Policy 23e: Health and safety

DUNDEE LOCAL DEVELOPMENT PLAN 2019 (LDP)
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 31: Development within the Open Countryside
Policy 30: Green Infrastructure Maintenance
Policy 34: Protected Species
Policy 35: Trees and Urban Woodland
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 52: Scheduled Monuments and Archaeological Sites
Policy 54: Safe and Sustainable Transport
Policy 56: Parking

Supplementary Guidance - Developer Contributions
Supplementary Guidance - Low and Zero Carbon Technology in New Development

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 The land to the north west of the site is being developed for housing. That development, comprising 250 houses with associated infrastructure relates to planning applications 18/00115/FULM and 19/00799/FULM. Both applications were refused at the Planning Committee, with planning permission granted following an appeal to the Scottish Ministers.

4.2 Planning application 20/00823/FULL for the erection of 16 houses with associated infrastructure was refused by the Planning Committee in May 2021. An appeal was dismissed by Scottish Ministers.

4.3 Planning application 20/00824/FULL for the erection of 15 houses was refused by the Planning Committee in May 2021. An appeal was dismissed by Scottish Ministers.

4.4 Proposal of application notice 22/00753/PAN for a residential development and associated infrastructure was submitted in November 2022.

5 PUBLIC PARTICIPATION

5.1 The applicant has undertaken the necessary pre-application community consultation as required for planning applications for Major development. The Pre-application Consultation Report sets out what consultation took place and how it has influenced the application.

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

5.3 In total 10 letters of objection were received, raising the following material considerations:

- The proposed development is contrary to the requirements of the Development Plan. The site is designated Open Countryside, and not allocated for residential development. The site is also not well served by local amenities such as shops, doctors and dentists.

- The proposal would have a detrimental impact on the local environment and Dighty Burn through loss of habitat, planting and potential flood risk. There is a lack of greenspaces proposed within the site and wider area.

- Further housing at Linlathen will increase road traffic, impacting on the local road network and at the roundabout on Arbroath Road. The development will be car dependant, increasing congestion on surrounding roads and impacting on pedestrian safety.

- The provision of a bus service would be welcome, however the information provided does not include a start date, route details or a timetable. There are concerns with the location of proposed bus stops and that after a 3 year period the service could cease depending on demand.

- The development would provide a limited number of house types and tenures. A wider variety would enhance the development and contribute positively to the local area.

5.4 The valid grounds of representation are taken into account in the material considerations section of this report.

6 CONSULTATIONS

6.1 **Archaeological Consultant** – has reviewed the proposals and has no objection to the proposed development. There is no requirement for any archaeological work within the site prior to any development.

6.2 **Broughty Ferry Community Council** – submitted a letter raising the following matters:

- Whilst it is noted there is an agreement prepared between the applicant and a transport operator, there is no evidence the agreement has been signed nor has there been any notice issued of when such a service will begin. BFCC is of the strong view that a regular bus service should be established before a final planning decision is made.

- Part of the proposed development is upon land not set aside in the current LDP for such a purpose. In his decision regarding refusal of application 20/00824/FULL, the Reporter stated, 'The project would be located on land not allocated for housing development. Nothing has been put to me to indicate and need for the houses proposed as a result of any general deficiency in land supply. BFCC contend that this statement remains valid when considering the current application. However it is acknowledged NPF4 has been adopted and the current LDP is under review. The parts of the application not currently allocated for housing could be considered derelict and therefore sympathetic to development under NPF4.

- The Reporter stated that when providing his reasoning in upholding the refusal of application 20/00823/FULL, 'I have some concerns about the operation of Balgillo roundabout. BFCC sharing such concerns would hope they were considered during the planning process in regards to this application.

6.3 **The Head of Communities, Safety and Protection** - has commented on the following matters:

Contaminated Land – the submitted report has been reviewed, with further investigation work required. It is recommended the completion of further investigations and risk assessment, and implementation of any required remediation measures, are controlled by condition.

Noise – there is scope for noise from sources such as heat pumps or electric substations to impact residential amenity. Planning conditions were therefore suggested to set maximum noise levels for mechanical and electrical plant/equipment and sub stations.

Invasive Non Native Species (INNS) – there is a history of giant hogweed being present in the area. It was recommended that investigation to identify the presence of INNS within the site, and where necessary, the implementation of a treatment plan, is controlled by condition.

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

6.5 **SEPA –** was not required to be consulted on an application of this type and nature. Consideration has been given to the standing advice from SEPA in the assessment of the application.

6.6 **The Head of Sustainable Transport and Roads** – is unable to support the application. The site layout and connections to existing footpath networks are acceptable. However, there is not sufficient information on the proposed bus service to demonstrate residents would have access to public transport.

6.7 **The Head of Design and Property Services** – has no objection to the proposal, subject to conditions.

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 development plan consists of the National Planning Framework 4 (NPF) and the Dundee Local Development Plan 2019 (LDP). The provisions of these Plans relevant to the determination of this application are specified in the Policy Background section above.

Principle of Development

7.2 **NPF Policy 9a: Brownfield, vacant and derelict land and empty buildings** – states development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account. **LDP Policy 9: Housing Land Release** states 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.

7.3 The site is brownfield land having previously been occupied by agricultural buildings and a walled garden. Land within the former walled garden on the east of the site has been developed to provide a route for drainage infrastructure for the wider Balgillo Heights housing development.

7.4 The application demonstrates that a residential development could be developed on the site in a manner that would contribute to the overall quality of the wider residential development at Linlathen. The proposed development would contribute to the range of dwellings within the city through the provision of 3 and 4 bedroom houses for the private market. The proposed houses would support the availability of housing in the local area and the provision of a range of family homes. The proposed site layout and links to surrounding footpaths and proximity of amenities would ensure the development could be connected to existing road infrastructure and provide a high-quality residential amenity. The proposed development would have no impact on the delivery of new housing within allocated housing sites around the city. Overall, the proposed development would contribute positively to the housing mix in the local area.

7.5 **The proposal would comply with NPF Policy 9a and LDP Policy 9.**

7.6 **NPF Policy 16a: Quality homes** - states development proposals for new homes on land allocated for housing in LDPs will be supported.

7.7 The Dundee Local Development Plan 2019 allocates housing sites, comprising deliverable land to meet the 10 year Local Housing Land Requirement in locations that create quality places for people to live.

7.8 The application site is not allocated for housing within the Dundee Local Development Plan 2019.

7.9 **The proposal does not accord with NPF Policy 16a.**

7.10 **NPF Policy 16b: Quality homes** - states development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:

i meeting local housing requirements, including affordable homes;

ii providing or enhancing local infrastructure, facilities and services; and

iii improving the residential amenity of the surrounding area.

7.11 The applicant has submitted a Statement of Community Benefit in support of the proposal.

7.12 In relation to criteria i, the applicant notes in the Statement that the local development plan does not require affordable housing to be provided on private residential development sites. 29% of the units are of a 3 bed house type used by Kirkwood Homes on sites within other local authority areas. The applicant considers that the inclusion of a range of house types and sizes including lower cost private housing would be provided by the development. With reference to accessible, adaptable and wheelchair accessible homes, 100% of all proposed homes have level access. 29% of the proposed homes are also proposed with level access ground floor bedrooms for lifetime home adaptability. Overall, the applicant considers the proposed accommodation mix to be consistent with what has already been delivered by Kirkwood Homes at Balgillo Heights, a development that has proven to be successful in providing a varied housing mix catering to all demographics within the local market area.

7.13 With regard to criteria ii, the applicant's Statement considers that their proposed provision of a new bus service for residents of the application site and existing residents of the Balgillo Heights, Clearwater and Strathyre Avenue would be a significant infrastructure improvement. The service would use existing infrastructure and road capacity delivered in the Balgillo Heights development. The applicant has proposed a new standalone service from Linlathen to Dundee Bus Station as this is considered to be most attractive to potential patrons and therefore better encourage non-car travel. There will also be opportunities for additional stops along the route, enhancing the public transport service provision in the local area.

7.14 The applicant also notes that the development will also require to provide contributions towards education provision and that this can be secured by a Section 75 legal agreement.

7.15 For criteria iii, the Statement notes that the proposed residential development seeks to integrate with the adjacent residential uses and it would have no impact on existing residential development by virtue of overlooking, overshadowing or loss of privacy.

7.16 With regard to wider benefits of the development, the applicant highlights that if approved the development would support approximately 60 staff, including 4 apprentices, employed across the site and that sub-contractors and suppliers are all locally based. The gross development value (GDV) for existing phases at Linlathen comprising 250 houses was £93.8 million. It is estimated the GDV for the current application would be £19.0 million.

7.17 Some of these matters are considered in more detail through further policy assessments elsewhere in this report. In any case, the applicant has satisfied the requirements of Policy 16b by submitting the Statement of Community Benefit.

7.18 **The proposal complies with NPF4 Policy 16b.**

7.19 **NPF4 Policy 16e: Quality homes** - states proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:

i a higher contribution is justified by evidence of need; or

ii a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.

The contribution is to be provided in accordance with local policy or guidance.

7.20 The Dundee Local Development Plan 2019 Developer Contributions Supplementary Guidance was prepared and adopted in parallel to the LDP. It offers guidance to landowners and developers about the likely level and nature of developer contributions that may be required.

7.21 There is no requirement within the Dundee Local Development Plan 2019 or Developer Contributions Supplementary Guidance for housing developments in Dundee to make provision for affordable homes. The approach to the provision of affordable housing in Dundee is through the Council working in partnership with Registered Social Landlords and the Scottish Government to deliver affordable housing through the allocation of grant funding (the Affordable Housing Supply Programme). The approach has enabled the delivery of affordable housing in the city.

7.22 As there is no requirement in the Dundee Local Development Plan 2019 for housing developments to provide or contribute towards the provision of affordable homes it is not necessary in this case to require this development to include any element of affordable homes or contribute towards provision.

7.23 **The proposal complies with NPF4 Policy 16e.**

7.24 **NPF4 Policy 16f: Quality homes** - states development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:

i the proposal is supported by an agreed timescale for build-out;

ii the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20-minute neighbourhoods; and

iii either:

- delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
- the proposal is consistent with policy on rural homes; or
- the proposal is for smaller scale opportunities within an existing settlement boundary; or

- the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

7.25 The proposal is for the development of 38 private homes within a site which is not allocated for housing. The applicant states they would agree to progress the development to a specified timescale of 24 months.

7.26 The proposal relates to the development of an unallocated housing site and is therefore inconsistent with the LDP's spatial strategy. The policy assessment later in this report concludes that the development would not fully comply with other relevant policies including those related to local living. The development would be well connected to the surrounding area by existing roads and footpaths, however, there are few shops and services within 20 minutes of the site. Whilst a bus service is proposed which could improve access to public transport, full details have not been confirmed. It is therefore not possible to consider the potential impacts of any service on enhancing connectivity, reducing car use or enhancing access to local amenities. The proposal therefore fails to satisfy criteria ii.

7.27 With regard to criteria iii, the site is not allocated for housing and is not identified within the Strategic Housing Investment Plan. There is no evidence through the recent Housing Land Audit that delivery of sites is happening earlier than identified in the deliverable housing land pipeline. The proposal does not relate to a rural site, is not a small-scale opportunity site and is not for the delivery of affordable homes. The proposal therefore does not meet any of the sub-criteria within criteria iii.

7.28 **The proposal fails to comply with NF4 Policy 16f.**

Design of New Housing

7.29 **NPF Policy 14b: Design, quality and place** states development proposals will be supported where they are consistent with the 6 qualities of successful places: Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable.

7.30 **LDP Policy 1: High Quality Design and Placemaking** - states 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.

7.31 **LDP Policy 10: Design of New Housing** - requires the design and layout of new housing developments in Dundee to 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 places, 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.

7.32 The built environment within the surrounding area is a mixture of modern residential development comprising houses and flats, and traditional agricultural development. To the

north west of the site are 250 houses which form part of earlier phases of residential development at Linlathen. To the south is an existing flatted development with Dighty Burn and houses on Strathyre Avenue beyond. Beyond the north east and north west of the existing residential developments at Linlathen are areas of agricultural land.

7.33 The proposed development reflects the character, scale and appearance of the recently completed houses to the north west of the site. The site would contain a range of detached and semi-detached houses within the west and centre of the site towards Mona Crescent, with lower density detached houses in the east. The proposed layout reflects the established layout and form of development at Linlathen, and would contribute to the sense of hierarchy. The site layout has been designed to integrate with the wider development of housing whilst being harmonious with the site's semi-rural character and setting.

7.34 By virtue of the above, the height, scale and massing of the proposed houses are appropriate to this semi-rural location and would be in keeping with that of the neighbouring development. With regard to character and amenity, the design, scale and form of the proposed buildings and provision of planting are such that the proposal will integrate into the existing landscape.

7.35 The provision of high-quality finish materials on a development which will be visible from Linlathen Grove/Mona Crescent is essential to ensure the proposals contribute positively to the local streetscape. The proposed development would be of modern design, with a simple, cohesive palette of materials having been chosen which will ensure the development establishes a sense of place and complements the existing built environment. Through the provision of white dry dash renders, feature cladding and grey roof tiles the development would complement the semi-rural character of the site and existing houses within the surrounding area which are of a similar finish. In addition to building designs and finishes, various open spaces, footpaths and planting areas are proposed to ensure the development is permeable and contributes to the visual amenity of the area. The site layout, footpaths and roads positively promote wayfinding and a sense of orientation.

7.36 The development includes houses which front onto surrounding roads and incorporate greenspaces making a positive contribution to the centre and east of the site which are presently in an unkempt condition. The proposal seeks to introduce a modern high-quality development which respects the site's rural setting. Through the provision of sustainable drainage infrastructure, the site would not be at any specific risk from climate change, and the provision of biodiversity enhancements would contribute positively to the ecological value of the site. The proposed houses would integrate with the scale, appearance and layout of residential developments to the north and south, whilst respecting the character and setting of the site.

7.37 With regard to connectivity, the site would be linked to the surrounding area by new and existing roads and footpaths. However, the development is in a location which is not easily accessible by public transport as considered under NPF4 Policy 13b. Whilst proposals have been made by the applicant for a bus service, no details of the bus route or a timetable have been submitted to or agreed with the Council.

7.38 With regard to convenient connections, as considered under NPF Policy 15a the site is not within walking distance of a range of shops, services and places of employment. The proposal therefore fails to ensure convenient connections and does not reduce car dependency as required by the six qualities of a successful place.

7.39 The proposed development does not comply with the six qualities of successful places.

7.40 With regard to LDP Policy 10: Design of New Housing the design and layout of new housing developments in Dundee require to be of a high quality and to conform to the standards on the Design of New Housing set out in Appendix 4.

7.41 The proposed layout responds to the site's irregular shape and changes in levels by providing a range of house types and dwelling orientations. The proposed development would positively address the existing and proposed roads within the site and wider area ensuring a cohesive streetscape and layout. The position and scale of each dwelling ensure there would be no detrimental overlooking, overshadowing or loss of privacy at neighbouring residential developments. Proposed boundary treatments would be of a high quality and planting is to be provided in locations which enhance the appearance of the development and support biodiversity. There are 12 house types proposed which will assist in bringing variety to the streetscape. These comprise a mix of 3, 4 and 5 bedroom houses. Overall, the design of the proposed development is of a high quality.

7.42 The proposal also has to comply with Appendix 4 – Design of New Housing Standards within the Dundee LDP. The site is located within the Suburban area (sites of 5 or more units) where the following standards apply:

i In general, 75% of houses should have 3 or more bedrooms or a minimum gross internal floor area of 100m^2.

7.43 **Response** - all properties have 3 or more bedrooms. This complies with criterion i.

ii All parking should be located within the curtilage of each house. Private houses with 3 bedrooms should have at least 2 spaces and 4-bedroom houses should have at least 3 spaces.

7.44 **Response** - parking is located at either the front or rear of the houses, within in-curtilage parking spaces or garages. Each house has 2, 3 or 4 spaces as required by the standard in relation to the number of bedrooms.

iii One secure covered cycle parking space per house must be provided unless a suitable garage or other secure area is provided within the curtilage of the house.

7.45 **Response** - cycle storage will be provided either within garages or external cycle stores at each house. The applicant has provided a plan confirming the location of external cycle store within garden ground of each property where a garage is not provided. The proposal is in compliance with criterion iii.

iv Brownfield sites will provide and average private useable garden ground of 140m2 per house with a minimum garden size of 120 m2 .

7.46 **Response** - the site plan shows that the average garden ground provided is 190 sqm and all houses will have a minimum private garden ground of 120m^2 to the rear of the properties. The proposal complies with criterion iv.

v a minimum of 18m between the facing windows of habitable rooms.

7.47 **Response** - none of the houses have 18m intervisibility between windows of main habitable rooms. The proposal complies with criterion v.

7.48 General requirements include provision for waste and recycling provided in accordance with the Council's Waste Management Strategy and that parking areas should include provision for EV charging.

7.49 **Response** - an area for storage of bins is denoted within the rear/to the side of all gardens, this allows ample space of storage of bins to accommodate recycling. Infrastructure to support EV charging provision is to be provided at each dwelling in line with the Building Regulations.

7.50 The proposal complies with Appendix 4 – suburban standards for sites of 5 or more houses.

7.51 For the reasons considered above, the proposal is consistent with the requirements of LDP Policy 10 Appendix 4 and the six qualities of successful places. The development will be distinctive, well connected and contribute positively to the character and appearance of residential development at Linlathen.

7.52 **The proposal does not comply with NPF4 Policy 14b and LDP Policy 1, but does comply with Policy 10 and Appendix 4.**

7.53 **NPF4 Policy 15a: Local living and 20-minute neighbourhoods** - states development proposals will contribute to local living including, where relevant, 20-minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:

- sustainable modes of transport including local public transport and safe, high-quality walking, wheeling and cycling networks;
- employment;
- shopping;
- health and social care facilities;
- childcare, schools and lifelong learning opportunities;
- playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
- publicly accessible toilets; and
- affordable and accessible housing options, ability to age in place and housing diversity.

7.54 The proposal is for the erection of 38 houses with associated infrastructure. The site is located at Linlathen, in the north east of the city. The site is connected by public footpaths to open spaces within the wider area, including play equipment within the associated residential development to the north west of the site. However, there is no public transport provision within the local area. The nearest bus stops are a 20 minute walk from the site. Roads to the west of the application site have been designed to accommodate a bus service, and the applicant proposes a service be implemented in the near future. The applicant has suggested a location for new bus stops but no details of a start time, route and timetable have not been provided. Whilst a bus service would contribute to the accessibility of the site and connections with services to the wider area, the information provided with the application does not demonstrate residents would have good, long term access to public transport or where buses would provide connections to.

7.55 Therefore, whilst the development can be accessed by sustainable modes of transport such as a bus service, it is not clear what provision, if any, would be in place to serve the development. The site is not in a highly accessible location as it is located in excess of 20

minutes from local shopping, health care and education provision and would not be served by local public transport. There are no proposals to provide these services in closer proximity to the development.

7.56 The proposal would provide residential accommodation within 3, 4 and 5 bedroom homes for private sale. This would integrate with the mix of family homes at Linlathen. The development would be of private homes only, and would not include any affordable housing or mix of tenure. type. The applicant has not demonstrated there is significant demand for further development of private homes in this location. Overall, the development would not contribute to the availability of affordable and accessible housing options or housing diversity within the city.

7.57 The development would be within a site which is not easily accessible by public transport, and whilst well connected to the surrounding area is not within walking distance of a range of shops, services and places of employment. The proposals would therefore not support or contribute to local living including the formation of 20-minute neighbourhoods.

7.58 **The proposal fails to comply with NPF4 Policy 15a.**

7.59 **LDP Policy 2: Public art contribution** - requires all developments in Dundee with construction costs of £1 million or over 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.

7.60 The proposed residential development will require to provide public art in an accessible/visible location within the site. Details of the public art have not been confirmed as part of this application. Therefore, it is recommended that full details of public art provision, and its completion as part of the development be secured by condition.

7.61 **The proposal complies with LDP Policy 2, subject to a condition.**

Transportation and Local Living

7.62 **NPF Policy 13 b: Sustainable transport** - supports development proposals where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

i provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;

ii will be accessible by public transport, ideally supporting the use of existing services;

iii integrate transport modes;

iv provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;

v supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;

vi are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;

vii have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and

viii adequately mitigate any impact on local public access routes.

7.63 **LDP Policy 54: Safe and Sustainable Transport** - requires development proposals that generate travel to 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 The proposal shows convenient footpath connections throughout the site and onto existing footways including the core path network and Linlathen Road. Whilst no public transport is currently available within the site, the site is connected to Mona Crescent which has been designed to accommodate a bus service and there are foot and cycle connections to the existing bus stops on Balgillo Road East, however these are located 800 metres to the south of the site.

7.65 The applicant has proposed that they would provide a bus service that would enable all parts of the application site to be within 400 metres of a bus stop. This bus service would connect the proposed development, and existing residential developments at Linlathen with the city centre. Details of a start time, route and timetable have not been provided. Whilst a bus service would contribute to the accessibility of the site and connections with services to the wider area, the information provided with the application does not demonstrate residents would have good, long term access to public transport or where buses would provide connections to. It is therefore not possible to consider the potential impacts of any service on enhancing connectivity, reducing car use or enhancing access to local amenities. It has therefore not been demonstrated that the development will be accessible by public transport.

7.66 The proposed development is provided with high quality, safe and convenient links to walking and cycling networks. Bicycle storage is to be provided within the curtilage of each dwelling and the proposed footpaths provide links to traffic free paths within the surrounding area. The site benefits from footpath and road connections which connect the site to amenities, including shops and services at Panmurefield Village and a supermarket at Claypotts. However, as considered under Policy 15, these amenities are not within walking distance of the site.

7.67 A Transport Statement has been submitted and its findings accepted in relation to road safety and network capacity. The proposed development of 38 houses will not have a detrimental effect on the capacity or safe functioning of the existing road network including Arbroath Road, Balgillo Roundabout or Balgillo Road East. The provision of upgrade works at Claypotts to enhance capacity for west bound traffic has been secured through a legal agreement associated with application 18/00115/FULM. These upgrade works have been designed to accommodate the previously approved residential developments totalling 250 new build units at Linlathen and the present proposals for 38 new build units. The site layout has been formed to ensure suitable turning space and levels of visibility will be provided for cars and freight/waste management vehicles. Planning conditions could be attached to ensure the Council's road design standards are complied with.

7.68 The Transport Statement includes a Residential Travel Plan which details various proposals and opportunities for the site to be accessible by sustainable and active transport. The Travel Plan identifies pedestrian and cycle routes, bus services and amenities within the surrounding area which are accessible from the proposed development. The plan also includes details of the proposed bus service and bus stop locations on Mona Crescent. A condition could be used to ensure the developer implements the submitted Residential Travel Plan and promotes the use of sustainable forms of transport to occupiers of the development.

7.69 **The proposal fails to comply with NPF4 Policy 13b and LDP Policy 54.**

7.70 **LDP Policy 56 Parking** - states 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. 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. At places of employment covered secure parking with changing facilities should be provided for employees.

7.71 As assessed under the Appendix 4 standards required by Policy 10 of the Dundee LDP there is sufficient parking within the curtilage of the properties to service the development. EV chargers are not denoted on the plans however this will be secured through the Building Warrant process. Cycle parking is proposed within either garages or cycle stores within the curtilage of each property, details and provision of which could be secured through planning condition.

7.72 **The proposal complies with LDP Policy 56, subject to a condition.**

Climate Change

7.73 **NPF4 Policy 1: Tackling the climate and nature crises** - states when considering all development proposals, significant weight will be given to the global climate and nature crises.

7.74 Through the assessment of this planning application consideration has been given to the global climate and nature crises. The assessment of the proposal against policies relating to biodiversity, transport, waste, air quality, flooding and drainage considers the local level effects of development, which can collectively with other developments have an impact on the global climate and nature crises.

7.75 The site is an area of landscaping and grassland within the east of the city, bound by a mixture of residential development and greenspace. The proposal is for the development of 38 houses which would integrate with an established residential development at Linlathen. The dwellings would include insulation and low carbon technologies to current building standards. The development would be connected to the surrounding area by existing roads and the footpath networks which support the use of active travel.

7.76 The proposals would be required to include biodiversity enhancements and have no detrimental impact on local air quality. The development would be constructed to modern building standard requirements and connect to an existing sustainable drainage system.

7.77 **The proposal is in accordance with NPF4 Policy 1.**

7.78 **NPF Policy 12 a: Zero waste** - states development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy. **LDP Policy 12c: Zero Waste** states development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed.

7.79 **LDP Policy 44: Waste Management Requirements for Development** states 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.

7.80 The development has been designed to allow for safe access by vehicles including refuse, emergency and large delivery vehicles. The applicant has submitted a waste management plan which confirms bin storage areas are to be provided within the rear gardens of each dwelling. All bin storage areas can be accessed from adjacent roads and paths allowing bins to be presented on street on collection days.

7.81 The proposed storage areas are of a size and form that can accommodate bins as required by Dundee City Council's waste strategy and would support waste separation, recycling and reduction in line with the waste hierarchy.

7.82 The provision of a construction waste management plan and its implementation could be controlled by condition.

7.83 **The proposal complies with NPF4 Policy 12a and 12c and LDP Policy 44, subject to a condition.**

7.84 **NPF4 Policy 2: Climate mitigation and adaptation crises** states that:

a development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible; and

b development proposals will be sited and designed to adapt to current and future risks from climate change.

7.85 **LDP Policy 48: Low and Zero Carbon Technology in New Development** - states 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.

7.86 An Energy Statement has been submitted with the application. The statement outlines proposals for the use of energy efficient materials within the buildings and the use of low carbon technologies to generate power.

7.87 The applicant states the development has been designed to include passive and operational energy efficiency measures to reduce heat loss and energy consumption. This would be achieved through the use of thermally efficient materials in construction, and the use of low carbon technologies including air source heat pumps and solar panels. Through the incorporation of energy efficiency measures at each proposed dwelling, the applicant considers the proposals would be a sustainable, low carbon residential development.

7.88 The proposal is acceptable in principle, with a detailed energy strategy to be progressed at the building warrant stage. Through compliance with building regulations, the proposal could meet the requirements of Policy 48 and would minimise greenhouse gas emissions. The provision of a detailed energy statement demonstrating the proposal meets standards set out in Scottish Building Standards could be controlled by condition, should members grant planning permission.

7.89 In respect of part b) of NPF4 Policy 2, a drainage assessment has been submitted with the application. The proposed drainage infrastructure has been designed to accommodate surface water from the development which is then conveyed to the existing SUDS basin to the

east of the site. The system has been designed to address future flood risks and the impacts of climate change. Overall, through the provision of a Sustainable Drainage System, it is demonstrated that the proposals can adapt to current and future risks from climate change.

7.90 **The proposal complies with NPF4 Policy 2 and LDP Policy 48, subject to a condition.**

7.91 **LDP 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 submitted Energy Statement and Planning Statement consider the feasibility of a heat network connection. The application site is located towards the north eastern edge of the city, out with any existing heat networks.

7.93 The applicant states that a search of the local heat network map confirms that there are no heat supplies or suitable connections within the surrounding area, with the nearest being Baldovie, 1 mile to the west of the application site. At this time it is considered a connection to a heat network would not be appropriate or viable for the proposed density of residential development and anticipated timescales for completion. Alternative, low carbon energy solutions are therefore proposed.

7.94 Should connections to a heat network become viable in the future, the site will, as with the current residential development to the north and west of this site, have the potential for a pipe network to be provided within footpaths and verges.

7.95 **The proposal complies with LDP Policy 46.**

7.96 **NPF4 Policy 19f: Heat and cooling -** states that development proposals for buildings that will be occupied by people will be supported where they are designed to promote sustainable temperature management, for example by prioritising natural or passive solutions such as siting, orientation, and materials.

7.97 The energy statement submitted with the application advises that careful consideration has been given to the dwelling construction and materials which seek to maximise the energy efficiency of the development.

7.98 All the proposed dwellings will be constructed to current building standards, and solar panels and heat pumps will be incorporated into the development supporting long term sustainability and the use of low carbon technologies in heating and cooling systems.

7.99 **The proposal complies with NPF4 Policy 19f.**

<u>Biodiversity and Soils</u>

7.100 **NPF4 Policy 3a: Biodiversity** states that development proposals will contribute to the enhancement of biodiversity in line with the mitigation hierarchy. They should also promote nature recovery and nature restoration across the development plan area, including by: facilitating the creation of nature networks and strengthening connections between them to support improved ecological connectivity; restoring degraded habitats or creating new habitats; and incorporating measures to increase biodiversity, including populations of priority species.

7.101 A Preliminary Ecological Appraisal and Biodiversity Enhancement Plan have been submitted in support of the application.

7.102 The submitted report considers the application site is brownfield land having formerly been developed and presently contains access roads, walled garden ground and grasslands. Areas of grassland are present in the north west, east and south of the site. Mixed woodland is present to the south east of the site and the Dighty Burn flows west to east along the south east boundary.

7.103 The report notes the site being developed is not subject to any designations, however, it does contain areas of grassland and new planting which contribute to biodiversity. The report considers where possible grasslands should be retained to provide wildlife connectivity. Where this is not possible, compensatory planting will be required.

7.104 The application includes proposals for compensatory planting to replace the small number of trees which will be lost within the west of the site. There are also open spaces within the site where planting could be provided to support biodiversity.

7.105 With regard to wildlife, there was evidence of species including beavers, red squirrels and birds being present within the area surrounding the site, including at Dighty Burn. To enhance biodiversity and support wildlife the appraisal recommends a range of measures, these include providing bat and bird boxes, ensuring hedgehog spaces are included within any fencing and providing planting such as trees within the development.

7.106 Through the provision of features to support wildlife, retention of a section of grassland towards the centre of the site and protection of trees to the south during construction, the development could maintain and enhance the biodiversity value of the site. The implementation of measures outlined within the Preliminary Ecological Appraisal and Biodiversity Enhancement Plan could be controlled by condition. This would ensure the proposal supports biodiversity in line with the mitigation hierarchy.

7.107 **The proposal complies with NPF4 Policy 3a, subject to conditions.**

7.108 **NPF4 Policy 3b: Biodiversity** - states development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:

i the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;

ii wherever feasible, nature-based solutions have been integrated and made best use of;

iii an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;

iv significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and

v local community benefits of the biodiversity and/or nature networks have been considered.

7.109 The submitted reports consider none of the habitats within the application site to be notable for their rarity, quality, or extent. However, the grassland does provide ecological connectivity and there are features within the surrounding area such as trees which could provide roosting potential for bats. With sections of land within the site being modified in recent years, including the addition of drainage infrastructure within the walled garden ground, there are limited areas of the site which provide wildlife habitat.

7.110 Through the provision of measures including bird and bat boxes, along with appropriate landscaping and open spaces, the development could enhance biodiversity more so than if the site was left in its current state. The ecological characteristics of the site are not of any significant importance and there are no irreplaceable habitats. There are statutory designated sites present within 5km, including Dighty Burn Locally Important Conservation Site (LINC) and Firth of Tay and Eden Estuary. Whilst the development would close to Dighty Burn LINC, due to the nature of the proposed development and utilisation of the existing SUDS system, no direct impact pathways are present. The site is 2.5km from Firth of Tay and Eden Estuary. Due to the nature of the proposed development and distance from surrounding designated sites, it is considered unlikely the proposal would have any impact on designated areas or habitats. The submission has demonstrated it complies with point i) of Policy 3b.

7.111 The development would be landscaped and make use of nature-based solutions both in terms of the built elements of the development and external landscaping and tree planting. There will be a loss of trees within the west of the site and grasslands towards the centre of the site. The proposal will see compensatory and additional planting provided within the site. The provision of this additional planting and measures including bird and bat boxes would ensure there is significant biodiversity enhancement. The proposal meets with the requirements of points ii – iv of Policy 3b.

7.112 With regard to the final point v, the development of the site will have local community benefits through the provision of habitat and planting which can support wildlife, and as a development which can be utilised by residents for walks and outdoor activities.

7.113 **The proposal complies with NPF4 Policy 3b.**

7.114 **NPF4 Policy 4f: Natural places** - states that development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

7.115 **LDP Policy 34: Protected species** – states 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.

7.116 The applicant has provided a Preliminary Ecological Appraisal with the planning application which considers existing site conditions, planting and wildlife.

7.117 The report considers there are grasslands within the site which provide connectivity for wildlife, and space for animals such as birds to rest and forage. There are trees within the site and surrounding area which could provide roosting sites for bats, and with there being giant hogweed present in the area it is highlighted there is a risk of the invasive species spreading.

7.118 With regard to animal species within the site, there was evidence of otters being present and features such as wood stacks which support reptiles and insects. The survey also found evidence of animals including otters and beavers within the wider area including at locations along Dighty Burn. In the interest of protecting these species, the report makes recommendations including clearing any vegetation out with breeding seasons, providing construction contractors with information on protected species, securing any compounds overnight and ensuring any lighting does not illuminate woodland or surrounding habitats.

7.119 Further to the proposed mitigation measures, the appraisal includes a range of recommended measures to provide biodiversity net gain. These include the management of Giant Hogweed, providing bat and bird boxes, hedgehog spaces within fencing and species rich grassland as part of the development.

7.120 The proposed mitigation measures and biodiversity enhancements outlined in the report are supported, and full details of their inclusions within the development can be controlled by condition. Preliminary Ecological Appraisals and wildlife surveys are required to be undertaken within 12 months of any development progressing on site. The submitted report was submitted in November 2023, should planning permission be granted and works not commence by November 2024 an updated report will be required. The provision of an updated Ecological Appraisal and associated surveys before any works on site, and thereafter implementation of identified mitigation measures and biodiversity enhancement measures could be controlled by condition.

7.121 Subject to the implementation of measures to protect wildlife and enhance biodiversity, including the addition of bird and bat boxes within wooded areas to the south east of the proposed houses, the development would have no significant impact on any protected species. The proposal supports nature-based solutions and the provision of biodiversity enhancements as part of the residential development.

7.122 **The proposal complies with NPF4 Policy 4f and LDP Policy 34, subject to conditions.**

7.123 **NPF Policy 6a: Forestry, woodland and trees** - states development proposals that enhance, expand and improve woodland and tree cover will be supported. **LDP Policy 35: Trees and Urban Woodland** supports 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.

7.124 There are a number of Tree Preservation Orders (TPO) within and around the site. The site is contained within TPO 06/13 and includes a range of tree types including Sycamore and Willow.

7.125 The applicant has provided a Tree Survey with the application. The report assesses trees at the application site and at the site boundaries. There are 69 individual trees identified in the report located at the south east, south west and north boundary. Of these trees, the majority are of moderate or high quality with only 11 found to be dead or unviable for retention for reasons including storm damage or ash dieback. The applicant proposes to retain trees at the site boundaries, and within the south east of the site. This will ensure the trees continue to contribute to the appearance of the area and support biodiversity. The provision of tree protection measures during construction works can be controlled by condition.

7.126 With regard to planting within the site, there are over 20 trees and shrubs within the west of the site which were provided as part of a landscaping scheme required with the residential development of 250 homes to the north of Linlathen Grange. These trees contribute positively to the visual amenity of the development and surrounding area. The present application would see these trees removed and the site developed with eight houses fronting onto Linlathen Grove.

7.127 To mitigate the loss of landscaping, the applicant proposes to introduce trees, shrubs and lawn within the development, including an open space with trees and footpath towards the centre of the development and by introducing new planting to an existing area of open amenity space to the north west of the site. The details submitted with the application including landscaping proposals for all parts of the site demonstrate all felled trees will be relocated/replaced and additional planting provided.

7.128 The provision of landscaping as shown on the submitted plans, and implementation of tree protection measures during construction can be controlled by condition.

7.129 **The proposals complies with NPF4 Policy 6a and LDP Policy 35, subject to conditions.**

7.130 **NPF4 Policy 20e: Blue and Green Infrastructure** – states development proposals that include new or enhanced blue and/or green infrastructure will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these. **LDP Policy 30: Green Infrastructure Maintenance** - states 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

7.131 Surface water from the proposed development would be conveyed to an existing SUDS drainage basin to the east of the application site. There are existing arrangements in place with the applicant and Scottish Water for the long term maintenance of the drainage system.

7.132 With regard to roads and drainage infrastructure within the site, there will be areas adopted by the Council and Scottish Water. Other areas including landscaping and open spaces are proposed to be privately maintained by a factor, with costs addressed by residents of the new development. In order to secure this, it is recommended that should committee approve the application a condition is attached to any planning permission granted.

7.133 **The proposal complies with NPF4 Policy 20e and LDP Policy 30, subject to a condition.**

7.134 **NPF Policy 5 b: Soils** - states development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:

i essential infrastructure and there is a specific locational need and no other suitable site;

ii small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;

iii the development of production and processing facilities associated with the land produce where no other local site is suitable; and

iv the generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration.

In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.

7.135 Land within the north and centre of the site which would contain houses and the main access road into the development (around 75% of the application site), is identified as being Class 3.1 on the land capability classification for agriculture map. As such this land is defined by NPF4 as prime agricultural land. The proposal does not meet any of the exceptions contained within Policy 5b.

7.136 **The proposal fails to comply with NPF4 Policy 5b.**

7.137 **LDP Policy 31: Development within the open countryside -** states there will be a presumption against all new development unless:

1 the proposed development consists of no more than one additional building in a group of up to seven buildings or by two additional buildings in a larger group; or

2 the proposed development involves the restoration of an existing stone building of architectural merit and that has four walls surviving to wall head height; or

3 the proposed development is supported by an agricultural justification; or

4 the proposed development is consistent with a masterplan, strategy or programme approved by the Council.

7.138 The proposal is for the development of 38 houses and associated infrastructure. The development would not involve the restoration of an existing stone building, is not supported by an agricultural justification and as the site is not allocated for housing the development would not be consistent with a masterplan, strategy or programme approved by the Council. The proposal therefore does not meet any of the criteria outlined by this policy.

7.139 **The proposal fails to comply with Policy 31 of LDP.**

Sustainable Drainage Provision and Flood Risk

7.140 **NPF Policy 20b: Blue and green infrastructure** - states development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported. Where appropriate, this will be an integral element of the design that responds to local circumstances. Design will take account of existing provision, new requirements and network connections (identified in relevant strategies such as the Open Space Strategies) to ensure the proposed blue and/or green infrastructure is of an appropriate type(s), quantity, quality and accessibility and is designed to be multi-functional and well-integrated into the overall proposals.

7.141 **NPF Policy 22c: Flood risk and water management** states development proposals for or incorporating new or development proposals will:

i not increase the risk of surface water flooding to others, or itself be at risk;

ii manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue/green infrastructure. All proposals should presume no surface water connection to the combined sewer; and

iii seek to minimise the area of impermeable surface.

7.142 **LDP Policy 37: Sustainable Drainage Systems** - states 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.

7.143 The site is not at risk from river flooding, however around an existing access road towards the centre of the site there is a risk of surface water flooding. The risk of surface water flooding to the development is to be mitigated through the conveying of surface water into a sustainable drainage system (SUDS). The proposed drainage provision comprises pipes within the application site and proposed access roads that are to convey water to a SUDS area to the south east of the application site. The SUDS being utilised by the development was previously approved as part of application 18/00115/FULM and has now been operational for a number of years. This existing drainage infrastructure was designed to accommodate surface water from the completed development of 250 houses, and the proposed development of 38 houses.

7.144 The proposed drainage layout and the use of the previously approved SUDS provision are acceptable in principle. As with application 18/00115/FULM, it is recommended that

conditions be attached should planning permission be granted to ensure detailed drainage information is agreed with the Council.

7.145 **The proposal complies with NPF4 Policies 20b and 22c and LDP Policy 37, subject to conditions.**

Environmental Health and Ground Contamination

7.146 **NPF Policy 23e: Health and safety** states development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely. **LDP Policy 39: Environmental Protection** states that 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.

7.147 The proposed development would be located within a semi-rural location, with no significant noise sources in the surrounding area. With regard to noise sources within the proposed development, the applicant presently proposes air source heat pumps (ASHP) be provided at dwellings, however the heating strategy is not yet confirmed.

7.148 The Head of Communities, Safety and Protection has reviewed the proposed development and raised no objection. However, it is noted that there is scope for the development to include sources of noise such as ASHPs and that an electrical substation may be required. At this time full details of these elements are not confirmed, so it isn't possible for the application to demonstrate target noise criteria will be met. Planning conditions are therefore recommended which set maximum noise levels for all electric/mechanical plant equipment such as ASHPs and any substations within or near the site. Subject to recommended conditions, there would be no unacceptable impacts on residential amenity by virtue of noise.

7.149 **The proposal complies with NPF4 Policy 23e and LDP Policy 39, subject to conditions.**

7.150 **NPF Policy 9c: Brownfield, vacant and derelict land and empty buildings** - states that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use. **LDP Policy 41: Land Contamination** states 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.

7.151 The site comprises a mixture of land uses including landscaped areas, access roads, former garden ground and areas where buildings have previously been demolished.

7.152 A Contaminated Land Report has been submitted. The Contaminated Land Report identifies no significant risk of contamination with the site primarily surfaced in top soil with sand/gravel below. However, further exploratory works and sampling will be required prior to the commencement of works on site. It would be reasonable to apply planning conditions to ensure that further site investigations are carried out and if required remediation proposals are approved before any development can commence.

7.153 **The proposal complies with NPF4 Policy 9c and LDP Policy 41, subject to conditions.**

Archaeology

7.154 **NPF Policy 7o: Historic assets and places** – states non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment. **LDP Policy 52: Scheduled Monuments and Archaeological Sites part b) Archaeological Sites** states where any proposal could affect a site of known archaeological importance or potential, the applicant will be required to provide an assessment of the archaeological value of the site and the likely impact of the proposal on the archaeological resource. Such an assessment will require a field evaluation to be carried out to the reasonable satisfaction of the Council, to determine:

1 the character and extent of the archaeological remains;

2 the likely impact of the proposal on the features of archaeological interest; and

3 the ways in which the development proposal can be amended or designed in order to mitigate its impact on the archaeological remains.

Where the development is considered to be acceptable and it is not possible to preserve the archaeological resource in situ, the developer will be required to make arrangements for an archaeological investigation. Planning conditions will be used and agreements sought to secure these arrangements.

7.155 Previous programmes of archaeological research and fieldwork have been undertaken for residential development to the north west of the site. The present application site lies out with archaeological areas of interest at Linlathen which are to the west of this site.

7.156 Following consultation with the council's archaeological consultant, as the site is out with an area of interest and there have been no significant finds during archaeological investigations within earlier phases of development, it is considered no on site investigations or desk surveys are required. It is considered development within the site would have no impact on any materials of archaeological value.

7.157 **The proposal complies with NPF4 Policy 7o.**

Developer Contributions

7.158 **NPF4 Policy 18b: Infrastructure first** states the impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Where planning conditions, planning obligations, or other legal agreements are to be used, the relevant tests will apply. **LDP Policy 20: Funding of On and Off Site Infrastructure Provision** states the City Council, 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.

7.159 The Council's Supplementary Guidance on Developer Contributions (SG) outlines the nature and likely level of developer contributions that may be required in respect of development. As part of this, the guidance sets out what is expected of development in the East of the City.

7.160 The SG states that housing development in this location will be required to make a financial contribution towards enhancing primary school provision. Accordingly, the required financial contributions could be secured via a Planning Obligation in accordance with the SG for the 38 dwellings if Members are minded to approve the application.

7.161 The residential development at Linlathen within allocated housing site H46 necessitates junction improvements at Claypotts. These improvements have previously been secured through the Planning Obligation associated with application 18/00115/FULM for 150 houses at Linlathen. The secured works to Claypotts are sufficient to accommodate the overall 250 new dwellings as approved within site H46, and the residential dwellings presently proposed. No further contributions are therefore required for infrastructure improvements as part of the present application.

7.162 The SG also requires connections for cycling and walking routes to the wider Dundee core path network and green infrastructure. The applicant has shown these on the proposed site layout and they would be delivered as part of that approved layout.

7.163 **The proposals comply with NPF4 Policy 18b and LDP Policy 20 subject to the completion of a Planning Obligation.**

7.164 **It is concluded that the proposal is not in accordance with the Development Plan.**

MATERIAL CONSIDERATIONS

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

A – DEPARTURE FROM DEVELOPMENT PLAN POLICY

7.166 The applicant has submitted supporting documentation, including a Planning Statement, Post Submission Further information and a Transport Assessment. Within these documents, the applicant outlines the material considerations which they consider to provide support for the development.

<u>NPF4 Policy 5b and LDP Policy 31</u>

7.167 With regard to NPF4 Policy 5b Soils and LDP Policy 31 Development within the Open Countryside it is acknowledged that the site contains an area of prime agricultural land and that it is designated as open countryside on the LDP proposals map.

7.168 The applicant's Planning & Delivery Statement and the supplementary Post-Application Report, both recognised that part of the site is identified as Class 2 agricultural land on Scotland's Soil Maps and is 'Prime Agricultural Land' as defined in NPF4. However, the applicant considers the planning history and physicality of the subject land must be weighed heavily against any assertion that the subject land could or should be classified as prime agricultural land. From assessments including a site walk over and maps, it is clear that the red line application boundary does not in fact include any actual prime quality land. Furthermore, the planning history of the land directly north of Clearwater Apartments shows that it benefits from extant residential consent and formerly had agricultural buildings on site. The former Walled Garden has also been subject to recent groundworks and infrastructure development associated with pipework to the SUDS basin, which lies to the east of the application site.

7.169 **Response** - With respect to NPF4 Policy 5b Soils, it is noted that the applicant incorrectly refers to the classification on Scotland's Soil Maps. The correct classification is that contained with the 'land capability classification for agriculture map'. Over half of the site area being developed for housing is identified as class 3.1 on that map and as such it is defined as prime agricultural land in NPF4.

7.170 The site is brownfield land, and presently contains a mixture of previously developed land, access roads and open spaces which do not provide or support any agricultural land uses. The site is of a form and position close to existing development and contains infrastructure such as drainage pipes which results in a site which is not suitable for future agricultural use.

7.171 Overall, the site is not in agricultural use and for the reasons outlined above, is not considered suitable for any agricultural use. It is accepted that the proposal would not conflict with the aims of NPF4 Policy 5b. A departure from this policy would therefore be acceptable in this instance.

7.172 The LDP designation as Open Countryside presumes against new development unless the relevant criteria are met. This designation, which surrounds the now developed allocated housing sites to the north, seeks to protect the semi-rural nature of the wider Linlathen area. As considered under previous planning decisions at this site, including planning appeal reference PPA-180-2066, the extensive house building in this area within allocated sites provides more reason for the land to be retained as open countryside. There are also concerns that if the site was developed, there would be cumulative impacts on the green setting of the city and the establishment of an undesirable precedent for further housing development on land designated as open countryside.

7.173 Having fully considered the supporting information provided by the applicant, it has not been demonstrated the proposal would comply with LDP Policy 31. The material considerations raised are acknowledged, however they are not of sufficient weight to justify a departure from LDP Policy 31.

<u>NPF4 Policy 16f</u>

7.174 In relation to Policy 16f the proposal is considered not to meet criteria ii and iii due to inconsistencies with the plan's spatial strategy and relevant policies.

7.175 With regard to criteria ii, the applicant considers the proposal to be consistent with the plan spatial strategy and other relevant policies.

7.176 With regard to criteria iii, the applicant states that within the current Balgillo Heights development only one house remains to be sold. Works on the proposed development would commence immediately upon receipt of all the required consents, ideally in autumn 2024, to

allow for market continuity and continuity of the business plan. This will allow for a constant delivery of a mix of market housing to meet ongoing local demand, which in turn will sustain the employment of local tradesmen and sub-contractors on site for a further 2 years. The current LDP Appendix 2: Housing Land Supply, includes an allowance for completions that may arise from windfall sites at 72 pa from 2019 to 2029, i.e. 920 in total. This is over and above the established supply. Through no fault of Dundee City Council, there has been a significant delay in the timeous review of the LDP, i.e. due to delays in new Scottish Government planning legislation. Whilst the new LDP is being prepared, the release of appropriate windfall sites in accordance with the LDP locational strategy can assist with the timeous delivery of the housing land requirement. With the above demonstration of local housing delivery happening earlier, indeed now 4 years earlier, than anticipated at Balgillo Heights, in accordance with NPF4 Policy 16 Quality Homes, there is no housing land incumbrance to granting consent at this time for 38 houses, indeed it is a material consideration of some weight that there is clear policy benefit.

7.177 **Response** – in relation to criteria ii, for the reasons outlined within this report, the application site is not allocated for housing and does not support local living and 20 minute neighbourhoods.

7.178 With regard to criteria iii, the applicant has progressed with the development of 250 houses in the wider Balgillo Heights development over the past few years, and it is now nearing completion. Whilst there has been strong demand and completion of houses at this location, this is not the case across the city's deliverable housing land pipeline. There is no justification for allowing further house building in this location at this time. There will be an opportunity for housing land release in the wider area to be considered as part of the review of the LDP.

<u>NPF4 Policy 15a</u>

7.179 The applicant has outlined in the submitted Transport Statement and further supporting information their position that the development would support local living through the provision of connections to shops, services and places of employment. This includes footpaths and roads between the site and wider area, cycle storage within each house and the provision of a bus service.

7.180 Response – It is acknowledged that the site is well connected to the wider area by footpaths and roads, including core paths within the local area, a newly formed path towards Tom Johnston Road and links to Arbroath Road and beyond. These routes are suitable for cycling and roads serving the development are designed to accommodate a bus service.

7.181 However, whilst the connections are of a high quality there are few shops and services within 20 minutes of the site unless accessed by car. It is in excess of 20 minutes to facilities including schools, doctors, dentists and pharmacies. There are also only a small number of places of employment within 20 minutes of the site and at present no access to public transport. The applicant does propose to provide a bus service which would serve stops on Mona Crescent to the west of the development. However, details of a start time, route and timetable have not been provided. Whilst a bus service would contribute to the accessibility of the site and connections with services to the wider area, the information provided with the application does not demonstrate residents would have good, long term access to public transport or where buses would provide connections to. The development therefore does not demonstrate that residents would be able to meet the majority of their daily needs within a reasonable distance of their home, by walking, wheeling or cycling or using sustainable transport options.

7.182 **It is concluded that there are no material considerations of sufficient weight to justify approval of planning permission, contrary to the requirements of the Development Plan.**

B – APPEAL DECISIONS

7.183 The application site was subject of two planning applications determined in 2021, application 20/00823/FULL proposed 16 houses within the west of the present application site, and 20/00824/FULL proposed 15 houses within the east.

7.184 Both applications were refused by the planning committee in May 2021. Following the refusal of planning permission, the applicant appealed the decision to Scottish Ministers. The reporter subsequently dismissed the appeals and refused planning permission.

7.185 The appeal reporter concluded the proposed developments were contrary to LDP Policy 31 Development within the Open Countryside and Policy 54 Safe and Sustainable Transport. This is primarily because the proposal fails to meet the objectives of these policies as a result of its location, being distant from the facilities required for everyday life. As a result, the project would generate additional car travel, which runs counter to the fundamental thrust of the development plan. There would be conflict, too, with LDP Policy 9 Housing Land Release. The project would be located on land not allocated for housing development in the LDP. That is a vital difference from the ongoing Balgillo Heights development. The report concluded there was nothing put forward which indicated any need for the houses proposed as a result of any general deficiency in land supply and that there were no material considerations which overcame these points.

7.186 The present application includes much of the site area which was subject of the appeal decisions. Aside from the proposals for a bus service and completion of a path connection towards Tom Johnston Road there has been no material change in the site or its circumstances since the appeal decisions were made. As considered within the report the site remains over 20 minutes from a range of shops and services, and details provided with the application do not demonstrate residents would be served by public transport. Overall, the reasons for refusal outlined by the appeal report and the outcomes of the appeal remain material considerations which would support the refusal of planning permission.

C – REPRESENTATIONS

7.187 In total, 11 representations were received including one neutral representation from Broughty Ferry Community Council and 10 letters of objection.

7.188 With Broughty Ferry Community Council's representation, matters regarding the site's planning history and appeal decisions are considered. The implications of NPF4 and review of the local development plan are highlighted. The representation also raises the following matters:

7.189 **Public Transport** - whilst it is noted there is an agreement prepared between the applicant and a transport operator, there is no evidence the agreement has been signed nor has there been any notice issued of when such a service will begin. BFCC is of the strong view that a regular bus service should be established before a final planning decision is made.

7.190 **Response** - as considered under Policy 15 and Policy 13b of NPF4, the provision of a bus service to the proposed development and existing residential development at Linlathen would be welcome. However, at this stage whilst arrangements between the developer and an operator are progressing there is no confirmation of a start date, bus route or timetable. It is

therefore not possible to consider the potential impacts of any service on enhancing connectivity, reducing car use or enhancing access to local amenities.

7.191 **Site Allocation** - part of the proposed development is upon land not set aside in the current LDP for such a purpose. In his decision regarding refusal of application 20/00824/FULL, the Reporter stated, 'The project would be located on land not allocated for housing development. Nothing has been put to me to indicate and need for the houses proposed as a result of any general deficiency in land supply.' BFCC contend that this statement remains valid when considering the current application. However, it is acknowledged that NPF4 has been adopted and the current LDP is under review. The parts of the application not currently allocated for housing could be considered derelict and therefore sympathetic to development under NPF4.

7.192 **Response** - the site allocation as Open Countryside is considered within the main body of the report, and the applicant's supporting information regarding the history of the site. Whilst there are material considerations including the site's brownfield status and integration with the existing residential development to the north west which would support the proposals, these are not considered to be of sufficient weight to justify approval of planning permission contrary to the requirements of the Development Plan.

7.193 **Site History** - the Reporter stated that when providing his reasoning in upholding the refusal of application 20/00823/FULL, 'I have some concerns about the operation of Balgillo roundabout. BFCC sharing such concerns would hope they were considered during the planning process in regards to this application.

7.194 **Response** - this matter is considered within the Transport Statement provided by the applicant and Policy 13b of NPF4. There is capacity within the existing road network to accommodate vehicles from the proposed development, without impacting on road safety or resulting in significant congestion.

7.195 With regard to the ten letters of objection, the following matters are raised:

7.196 **Objection** - the proposed development is contrary to the requirements of the Development Plan. The site is designated Open Countryside, and not allocated for residential development. The site is also not well served by local amenities such as shops, doctors and dentists.

7.197 **Response** – these matters are considered within the above policy assessment. The application is contrary to NPF Policies regarding development on Prime Agricultural Land, sites which are not allocated for housing and Local Living and 20 Minute Neighbourhoods. The development is also contrary to LDP policies regarding Development within the Open Countryside. As considered above, there are no material considerations of sufficient weight to justify approval of planning permission contrary to the requirements of the development plan.

7.198 **Objection** - the proposal would have a detrimental impact on the local environment and Dighty Burn through loss of habitat, planting and potential flood risk. There is a lack of greenspaces proposed within the site and wider area.

7.199 **Response** - the proposal's impact on wildlife and biodiversity is considered under Policies 3, 4 and 6 of NPF4. Through the retention of trees to the site boundaries, and towards Dighty Burn there would be no significant impact on local wildlife or the Dighty Burn LINC. Whilst the site does presently contain grasslands and trees, the proposed development will include open spaces, new planting and measures to support wildlife such as bird/bat boxes. Overall, it is considered the development would have no detrimental impact on the local environment. With regard to greenspaces within the site and local area, the development will include areas of landscaping and open space. There are further open spaces within residential developments

to the south and north west of the site. The development would also be connected to the Core Path Network which supports access to a range of open spaces within the wider area.

7.200 **Objection** – further housing at Linlathen will increase road traffic, impacting on the local road network and at the roundabout on Arbroath Road. The development will be car dependant, increasing congestion on surrounding roads and impacting on pedestrian safety.

7.201 **Response** – with regard to public transport, the site is in a semi-rural location with new build residential development to the north west, and residential developments within Clear Water to the south. As considered within the policy assessment, the submitted Transport Statement demonstrates the existing road network has the capacity for the proposed development. The report's findings are accepted by The Head of Sustainable Transport and Roads.

7.202 It is, however, acknowledged there are currently no bus services to the site and few shops and services are within walking distance. Whilst agreement on the provision of a service is being progressed by the applicant, at this time there is no confirmation of a service start date or route. Whilst the site is well connected to the wider road and path network supporting the uses of sustainable transport options such as cycling, it is acknowledged that residents' primary mode of transport would likely be the private car.

7.203 **Objection** – the provision of a bus service would be welcome, however the information provided does not include a start date, route details or a timetable. There are concerns with the location of proposed bus stops and that after a 3 year period the service could cease depending on demand.

7.204 **Response** – these matters are acknowledged and concerns accepted. As considered above, a bus service would be welcome but information provided with the application is not sufficient to confirm how frequently a service would operate, where it would serve and how long it would operate for. Until a service is established it is not possible to confirm the development would be served by public transport.

7.205 **Objection** - the development would provide a limited number of house types and tenures. A wider variety would enhance the development and contribute positively to the local area.

7.206 **Response** – the proposal includes a range of house types, sizes and forms which contribute to positively to the range and character of development at Linlathen. Whilst all tenures would be for private dwellings, there is no requirement for affordable or rented accommodation to be provided. The development as proposed would contribute to the provision of private homes within the east of the city.

7.207 **The matters raised in the representations are acknowledged. Concerns regarding access to services and compliance with the Development Plan support the refusal of planning permission.**

7.208 **It is concluded that there are no material considerations of sufficient weight to support the approval of planning permission contrary to the requirements of the Development Plan.**

8 CONCLUSION

8.1 The application fails to comply with the requirements of the Development Plan. There are no material considerations of sufficient weight that justify the approval of planning permission. It is therefore recommended that planning permission be refused.

9 RECOMMENDATION

9.1 It is recommended that planning permission be REFUSED for the following reasons:

1 **Reason** - the application site is designated as Open Countryside on the Dundee Local Development Plan 2019 Proposals Map. The proposed residential development fails to meet any of the criteria outlined by LDP Policy 31, and would result in the development within the Open Countryside. There are no material considerations of sufficient weight which justify the approval of planning permission, contrary to the requirements of the Development Plan.

2 **Reason** – the development fails to demonstrate that residents would be able to meet the majority of their daily needs within a reasonable distance of their home, by walking, wheeling or cycling or using sustainable transport options, contrary to the principles of local living. The application is therefore contrary to the requirements of NPF4 Policy 15a. There are no material considerations of sufficient weight which justify the approval of planning permission, contrary to the requirements of the Development Plan.

3 **Reason** – the application fails to demonstrate the development would be accessible by public transport. The application is therefore contrary to the requirements of NPF4 Policy 13b and LDP Policy 54. There are no material considerations of sufficient weight which justify the approval of planning permission, contrary to the requirements of the Development Plan.

4 **Reason** - the application site is not allocated for housing in the LDP and fails to meet the criteria contained within NPF4 Policy 16f. The application is therefore contrary to NPF4 Policy 16a and Policy 16f. The proposal There are no material considerations of sufficient weight which justify the approval of planning permission, contrary to the requirements of the Development Plan.

5 **Reason** - the development would not form part of a well-connected network, does not make moving around easy or reduce car dependency as required by the Six Qualities of a Successful Place. The application is therefore contrary to the requirements of NPF4 Policy 14b and LDP Policy 1. There are no material considerations of sufficient weight which justify the approval of planning permission, contrary to the requirements of the Development Plan.