



City Chambers
DUNDEE
DD1 3BY

24th October, 2025

Dear Colleague

You are requested to attend a MEETING of the **PLANNING COMMITTEE** to be held remotely on Monday, 3rd November, 2025 at 5.00 pm.

Members of the Press or Public wishing to join the meeting should contact Committee Services on telephone (01382) 434205 by Friday 31st October, 2025.

Yours faithfully

GREGORY COLGAN

Chief Executive

AGENDA OF BUSINESS

1 DECLARATION OF INTEREST

Members are reminded that, in terms of The Councillors Code, it is their responsibility to make decisions about whether to declare an interest in any item on this agenda and whether to take part in any discussions or voting.

This will include all interests, whether or not entered on your Register of Interests, which would reasonably be regarded as so significant that they are likely to prejudice your discussion or decision-making.

2 DEPUTATIONS

- (a) 25-00053-FULL – CHANGE OF USE TO UNLICENSED BUFFET RESTAURANT (CLASS 3) AND ASSOCIATED EXTERNAL ALTERATIONS – ARNOLD CLARK SHOWROOM, EAST DOCK STREET, DUNDEE – FOR HOT WORLD CUISINE LTD

Requests have been made for a deputation to address the Committee relative to objections to and in support of the abovementioned application which is recommended for approval.

- (b) 25-00268-FULL – ERECTION OF DRIVE - THROUGH UNIT (CLASS 3/SUI GENERIS), ASSOCIATED ACCESS, CAR PARKING, LANDSCAPING AND INFRASTRUCTURE (AMENDMENT TO 21/00830/FULL) - LAND SOUTH OF RIVERSIDE AVENUE, DUNDEE – FOR MCDONALD'S RESTAURANTS LIMITED

Requests have been made for a deputation to address the Committee relative to objections to and in support of the abovementioned application which is recommended for approval.

- (c) 25-00426-FULM – PROPOSED RESIDENTIAL DEVELOPMENT - LAND TO NORTH OF DENHEAD OF GRAY, DYKES OF GRAY ROAD DUNDEE – FOR SPRINGFIELD PROPERTIES PLC AND BARRATT & DW NORTH SCOTLAND

Requests have been made for a deputation to address the Committee in support of the abovementioned application which is recommended for approval.

3 PLANNING APPLICATIONS

(Copy attached).

4 PLANNING APPEAL DECISION (AN30-2025)

Planning application 24/0247/FULL sought planning permission for the change of use of 3 Albert Road (also known as Jessies Kitchen) to form 13 self-catering apartments and events space. The application was refused by the Planning Committee at its meeting on 31st January 2025 for the following reasons:

- 1 The proposal fails to comply with Policy 8: - Visitor Accommodation - of the Dundee Local Development Plan, 2019, as the proposed accommodation is not small-scale B&B and guesthouse style accommodation and is located outwith the City Centre and Central Broughty Ferry as defined within the Proposals Map. There are no material considerations of sufficient weight to justify approval of planning permission.
- 2 The proposal fails to comply with Policy 30b of National Planning Framework 4 because the proposed development of 13 self-contained units used as short term holiday lets is not compatible with the surrounding area in terms of the nature and scale of the proposed activities and impacts of increased overnight visitors. There are no material considerations of sufficient weight to justify approval of planning permission.
- 3 The proposal fails to comply with Policy 30e of National Planning Framework 4 because the proposed development of 13 self-contained units used as short term holiday lets is not in keeping with the character of the neighbourhood and would have an adverse impact on local amenity and the character of a neighbourhood area. The application also fails to demonstrate that the loss of the residential accommodation within the building is outweighed by the local economic benefits which would be derived from the proposed short term holiday letting use. There are no material considerations of sufficient weight to justify approval of planning permission.
- 4 The proposal would have an unacceptable impact on the amenity of residents in the surrounding area by means of noise from guests and music, and disturbance by vehicular movements. As such the application is contrary to Policy 23 - Health and Safety of National Planning Framework 4 and Policy 39 of the Dundee Local Development Plan, 2019. There are no material considerations of sufficient weight to justify approval of the application.

Planning appeal reference PPA-180-2075 was submitted and the Reporter appointed by Scottish Ministers issued a decision on 9th September 2025. The Reporter ALLOWED the appeal and planning permission has been GRANTED subject to conditions.

The full appeal decision can be accessed via:

<https://idoxwam.dundeecity.gov.uk/idoxpa-web/> reference number 24/00247/FULL.

The determining issues in the appeal were the provisions of the Development Plan, the principle of the proposed development and the potential impact on the amenity and character of the area.

The Reporter concluded that the proposal would make a positive contribution to the local economy – directly through creation of jobs and indirectly through local suppliers and the construction phase.

The Reporter considered the lawful use of part of the building as a café and noted that surrounding uses are mixed density residential but that there is a degree of separation from the majority of existing neighbouring properties. It was also noted that the appellant would accept conditions related to hours of operation, waste collection and deliveries. The Reporter therefore concluded under NPF4 Policy 30b that the impact on local amenity and character is acceptable, subject to conditions and for similar reasons the proposal is also in compliance with NPF4 Policy 30 part e.

The Reporter did not consider that the loss of two residential flats would hinder the provision of homes and services for local people as required by NPF4 Policy 30e, concluding that the loss of 2 units is outweighed by the local economic benefits.

The Reporter agreed that the appeal proposal does not benefit from support from Dundee Local Development Plan Policy 8 – Tourist Accommodation as the site is 250m outside the central area

(Broughty Ferry) and further from the city centre, however, they concluded that the policy support from both NPF4 and DLDP, with the exception of the locational criterion in DLDP Policy 8, demonstrates that the principle of the development is acceptable, and that overall, there is compliance with the Development Plan.

In regard to vehicular movements, it was accepted that movements would be significantly lower than the previous use although acknowledged that movements would occur at later hours. The Reporter was satisfied that restricting guest access to outdoor spaces, music at events and timing of deliveries and servicing by planning conditions would minimise the potential for an adverse impact on residential amenity. Therefore, the Reporter is satisfied that the requirements of NPF4 Policy 30e and Policy 23 and LDP Policy 39 are met, subject to conditions which are attached to the Decision Notice.

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Planning Applications

Reports by Head of Planning & Economic Development to the Planning Committee

Item No	Case No/Ward	Location	Page
1	25/00053/FULL W05-Maryfield	Arnold Clark Showroom, East Dock Street, Dundee, DD1 3HB	1
2	25/00268/FULL W03-West End	Land South of Riverside Avenue, Dundee	24
3	25/00426/FULM W02-Lochee	Land To North of Denhead of Gray, Dykes Of Gray Road, Dundee	51

Members may be aware that in making any determination under Planning Legislation, it shall be made in accordance with The Development Plan, unless material planning considerations indicate otherwise. NB: Background papers relating to these reports comprise letters of objection, correspondence with the applicants and/or their agents, comments from consultees and the Development Plan and other policy documents referred to.

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Change of Use To Unlicensed Buffet Restaurant (Class 3) and Associated External Alterations - 25/00053/FULL

KEY INFORMATION

Ward - Maryfield

Address

Arnold Clark Showroom
East Dock Street
Dundee
DD1 3HB

Applicant

Hot World Cuisine Ltd

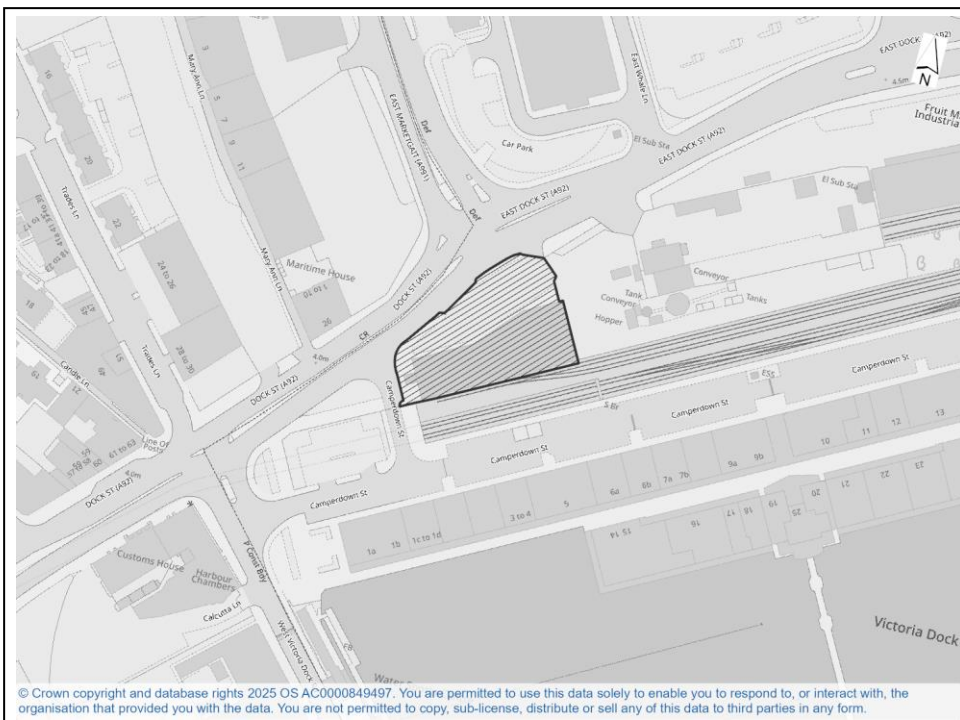
Agent

Jewitt & Wilkie Architects Ltd

Registered: 3 Feb 2025

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

Contact: Edward Bean



SUMMARY OF REPORT

- Planning Permission is sought for the change of use of a former car showroom to an unlicensed buffet restaurant, along with associated external alterations.
- The application site is the former Arnold Clark Vauxhall car dealership on the south side of East Dock Street, with a site area of 0.58 acres (0.2375 hectares) and a floor area of 2,630 square metres.
- The applicant has submitted detailed plans including site layouts, elevations and floor plans along with supporting information including a design statement, sequential assessment and transport statement.
- The application is not fully in accordance with the requirements of the Development Plan as there is a shortfall in parking.
- The statutory neighbour notification process was undertaken. In total, 24 letters of objection were received. The letters of objection raise concerns with impact on existing restaurants, parking pressure, impact on road safety, and amenity impacts.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as six or more valid written objections have been received and the recommendation is for approval.
- More details can be found at: <https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=SR3YWOGCIEV00>

RECOMMENDATION

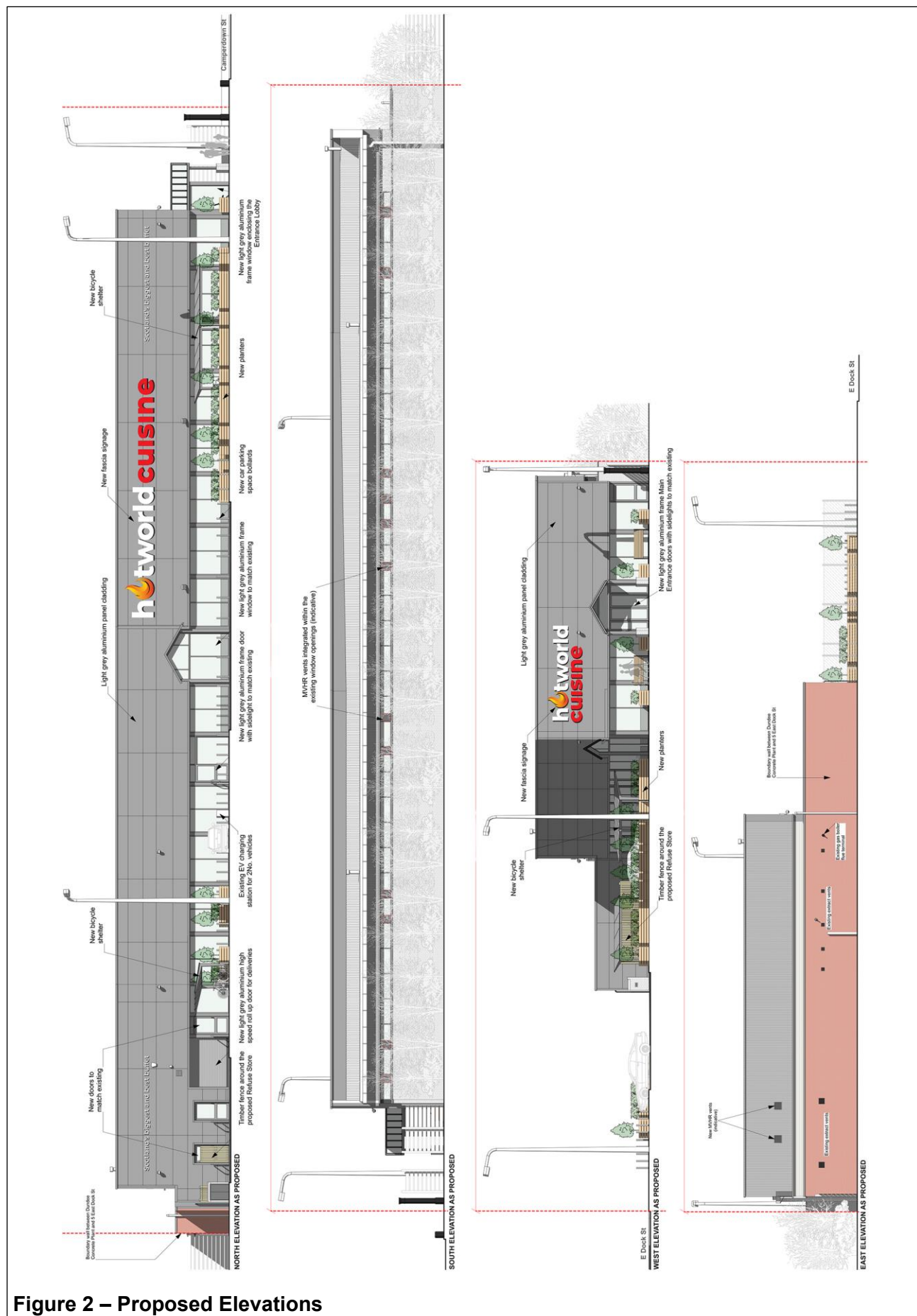
The proposal is not fully in accordance with the Development Plan. There are material considerations of sufficient weight to support approval of planning permission. It is therefore recommended that planning permission be **APPROVED** subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission is sought for the change of use of a vacant single-storey car showroom at 5 East Dock Street, Dundee into a Class 3 buffet restaurant.
- 1.2 The building, previously used for the sale and display of motor vehicles, will be repurposed to accommodate a large-scale dining facility offering 386 covers. The restaurant will feature a wide variety of international cuisines, and kids/miscellaneous sections, served from perimeter and island buffet counters. It will include a commercial kitchen, dessert preparation area, soft drinks bar, waiting area, prayer room, and staff facilities.
- 1.3 External alterations to the existing building include the following:
- A new glazed entrance lobby within the front (north) elevation of the existing building.
 - A dedicated timber fenced refuse and recycling area to the north of the existing building.
 - The installation of new door openings within the front (north) elevation of the existing building.
 - The installation of mechanical extract vents on the rear (south) and side (east) elevation of the existing building.
- 1.4 The development will otherwise retain the existing building footprint and structure. Cycle storage will be added, and existing EV charging points will be retained.
- 1.5 The submitted elevation drawings show the installation of new signage which will require to be assessed under separate application for advertisement consent.
- 1.6 The applicant has submitted the following in support of the application:
- Planning statement/Design and Access statement;
 - Transport Statement; and
 - Sequential Assessment (Town Centres First).



Figure 1 – Proposed Site Layout



2 SITE DESCRIPTION

- 2.1 The application site is at 5 East Dock Street, Dundee and is located to the east of the city centre, occupying approximately 0.58 acres (0.2375 hectares) with a floor area of 2,630 square metres. It is a single-storey, steel-framed, mono-pitched metal-clad building, complete with a glazed entrance porch and ground-level glazing on the northern elevation. The building is currently vacant but formerly operated as a car dealership.
- 2.2 The site is surrounded by a mix of industrial, commercial, and transport-related infrastructure. To the south, it is bordered by a railway cutting and a naturally formed landscape buffer. On the west side, a link road connects East Dock Street to Camperdown Street, which hosts several existing restaurants. To the east, the site adjoins a concrete mixing plant. The north boundary faces the junction of East Marketgait and East Dock Street, with the Gallagher Retail Park on the north east side of the junction.
- 2.3 The application site is not allocated for any particular use, and is located within the Inner City area as defined in the Dundee Local Development Plan 2019.



Figure 3 – Façade of Building



Figure 4 – Rear of Building



Figure 5 – Side Entrance to Building



Figure 6 – Façade of Building

3 POLICY BACKGROUND

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

National Planning Framework 4 (NPF4)

Policy 1: Tackling the climate and nature crises
Policy 2: Climate mitigation and adaptation
Policy 3: Biodiversity
Policy 7: Historic assets and places
Policy 9: Brownfield, vacant and derelict land and empty buildings
Policy 12: Zero waste
Policy 13: Sustainable transport
Policy 14: Design, quality and place
Policy 22: Flood risk and water management
Policy 23: Health and safety
Policy 27: City, town, local and commercial centres

Dundee Local Development Plan 2019 (LDP)

Policy 1: High Quality Design and Placemaking
Policy 21: Town Centre First Principle
Policy 27: Public Houses, Restaurants and Hot Food Takeaways
Policy 37: Sustainable Drainage Systems
Policy 39: Environmental Protection
Policy 41: Land Contamination
Policy 44: Waste Management Requirements for Development
Policy 49: Listed Buildings
Policy 54: Safe and Sustainable Transport
Policy 56: Parking

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

4 SITE HISTORY

- 4.1 There is no recent planning application history relevant to the determination of this current application.

5 PUBLIC PARTICIPATION

- 5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- 5.2 24 letters of objection were received.
- 5.3 The letters of objection raise the following valid material grounds:
- impact on existing city centre eateries and restaurants;
 - a sequential assessment should be provided to illustrate that no Town Centre or District Centre sites are available;

- insufficient parking and increased parking pressure in local vicinity;
- risk to pedestrian safety;
- vehicular congestion in the local vicinity;
- contrary to LDP Safe Sustainable Transport Policy;
- inadequate sight lines for merging traffic will be unsafe and dangerous;
- access arrangements onto the A92 will create risk of vehicles stopped on A92;
- lack of suitable drainage;
- increase in air pollution as a result of vehicle movements;
- the proposal will result in the generation of a substantial amount of waste;
- removal of vegetation and greenspace to accommodate development;
- negative effect on biodiversity;
- potential for nearby residential amenity to be impacted; and
- potential for existing nearby industrial businesses to be impacted by noise and odour complaints from patrons of the proposed restaurant.

6 CONSULTATIONS

- 6.1 **Head of Sustainable Transport and Roads** – has no objections and does not recommend any conditions.
- 6.2 **Transport Scotland** – has no objections and does not recommend any conditions.
- 6.3 **City Centre and Harbour Community Council (CCHCC)** – objects to the application and raises the following concerns:
- lack of parking considering the number of potential customers;
 - impact on the surrounding road network from increased visitors to the site;
 - loss of business to local businesses as a result of parking competition;
 - contrary to NPF4 Policies 13, 27 and 30; and
 - no transport assessment provided.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission shall be determined in accordance with the Development Plan unless material considerations indicate otherwise.**

THE DEVELOPMENT PLAN

- 7.2 The development plan consists of the National Planning Framework 4 (NPF4) and the Dundee Local Development Plan 2019 (LDP). The policies relevant to the determination of this application are specified in the Policy Background section above.

Principle of Development

- 7.3 **NPF4 Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings** - provides a presumption in favour of developing such sites. Part a states that 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.
- 7.4 **NPF4 Policy 9d:** states that development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses.
- 7.5 The proposed buffet restaurant would be a sustainable reuse of the site. The site has not naturalised to an extent that it has any notable biodiversity value.
- 7.6 **The proposal complies with Policy 9a and 9d of NPF4.**
- 7.7 **NPF4 Policy 27b: City, Town, Local and Commercial Centres** - states that development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces:
- i will be supported in existing city, town and local centres, and
 - ii will not be supported outwith those centres unless a town centre first assessment demonstrates that:
 - all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable;
 - the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and
 - the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres.

- 7.8 **LDP Policy 21: Town Centre First Principle** - states that all new or expanded uses that will generate significant footfall should be located in the City Centre or a District Centre. Proposals for such uses in other locations will only be acceptable where it can be established that:
- 1 no suitable site is available, in the first instance, within the City Centre or District Centres then, edge of town centre and then, Commercial Centres identified in the Local Development Plan, and then out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes;
 - 2 individually or cumulatively the proposal would not have a significant adverse effect on the vitality or viability of the City Centre, District Centres or Commercial Centres; and
 - 3 the proposal would address a deficiency in provision which cannot be met within or on the edge of these centres.
- 7.9 The proposed restaurant use is a commercial use and is therefore footfall generating. As such, Policy 27b requires such proposals to be consistent with the town centre first approach. LDP Policy 21 also directs footfall generating uses to the City Centre or a District Centre, consistent with NPF4.
- 7.10 The proposed restaurant comprises a footfall generating use that is not within an existing centre. The application site is located within the 'Inner City' as defined by the adopted Dundee Local Development Plan 2019. The application site is located on the edge of the city centre boundary, and is therefore an 'edge of centre' location.
- 7.11 To justify the proposed restaurant's edge of centre location against the requirements of NPF4 policy 27b and LDP policy 21, the applicant has submitted a Sequential Assessment which considers alternative sites within the city and district centre.
- 7.12 The applicant submits that the building requirements that are essential to the operation of the proposed restaurant includes the need for a single-level floorplate of approximately 1,000 square metres to accommodate seating for over 300 diners, a large buffet area, and extensive kitchen and back-of-house facilities. The applicant submits that the proposed concept also necessitates a dedicated service yard for deliveries and refuse storage, customer car parking including disabled bays, and cycle parking provision. The applicant submits that visual prominence from a main road is a further requirement, as the restaurant is intended to function as a destination venue that benefits from exposure to passing traffic.
- 7.13 The sequential assessment focuses primarily on Dundee's City Centre, particularly the core retail and commercial areas such as the High Street, Overgate, Wellgate and surrounding streets. It evaluates the availability and suitability of existing buildings within this area.
- 7.14 Larger units (over 1,000sqm) within the Overgate and Wellgate Centres were ruled out due to restrictions on evening trading and their designation as key anchor retail units, which are not available for restaurant use. Other city centre buildings were considered by the applicant to be unsuitable due to being of traditional design, limited frontage, and inability to provide the large, open, single-level floorplate required for the proposed buffet-style restaurant. The applicant also explored options within the Waterfront area, which is part of the extended City Centre boundary, however concluded that there are no existing buildings available for conversion. New-build options have been discounted by the applicant due to the cost of new build and viability concerns.
- 7.15 The applicant also considered District Centres, and concluded that there are no premises within the District Centres which are capable of accommodating the operational requirements of the proposed use. The applicant argues that the nature of the proposed restaurant is such

that it seeks to serve the city as a whole, rather than a specific district, and therefore demands a location with high visibility and significant footfall.

- 7.16 Overall, the assessment concluded that no suitable City Centre or District Centre properties could accommodate the scale and operational needs of the proposed restaurant.
- 7.17 The applicant has demonstrated that there are no suitable sites available within the City Centre or District Centres. The assessment includes a detailed review of City Centre and District Centre properties, concluding that no available site can accommodate the scale, layout, and operational requirements of the proposed restaurant.
- 7.18 The proposed restaurant occupies an edge-of-centre site that straddles the defined City Centre boundary, with its main entrance located directly on the boundary line. This edge-of-centre location benefits from strong physical and functional links to the city centre, including proximity to the Apex Hotel, City Quay, and major pedestrian routes such as signalised crossings and core paths leading into the City Centre. The site is highly visible from the inner ring road and is adjacent to complementary uses including leisure, retail, and hospitality. The applicant considers that given these characteristics, the location is well-placed to support the vitality of the city centre by attracting footfall, encouraging linked trips, and enhancing the overall mix of uses in the area. Under these circumstances, the applicant considers that the proposal would not have a significant adverse effect on the vitality or viability of the City Centre or District Centres.
- 7.19 Factoring in the above, it is considered that applicant has provided sufficient justification that the proposed use would not have a significant adverse effect on the vitality or viability of the City Centre or District Centres.
- 7.20 **The proposal complies with NPF4 Policy 27b and LDP Policy 21.**
- 7.21 **LDP Policy 27: Public Houses, Restaurants and Hot Food Takeaways** - states that outwith the City Centre and District Centres proposals for hot food takeaways and restaurants, including external seating areas will only be supported where:
- 1 the proposal has a gross floor area up to 150 square metres and is more than 30 metres from existing or proposed housing or;
 - 2 the proposal has a gross floor area in excess of 150 square metres and is more than 45 metres from existing or proposed housing.
- 7.22 The application proposes a restaurant venue within the Inner City area with a gross floor area of approximately 1,102 sqm.
- 7.23 The building is also located within 96 metres of flats under construction at Harbour Chambers/Customs House, although this is not within such proximity that would be contrary to the above policy.
- 7.24 However, the curtilage of the building is also located within 26 metres of flats to the northwest of the application site at Maritime House and this is contrary to criterion 2 of Policy 27.
- 7.25 **The proposal is contrary to LDP Policy 27.**
- 7.26 **NPF4 Policy 12b: Zero Waste** - states that development proposals will be supported where they reuse existing buildings and infrastructure.

7.27 The proposal involves the conversion of a vacant commercial building into active use, thereby securing its future and reducing the levels of embodied carbon associated with a new build project.

7.28 **The proposal complies with NPF4 Policy 12b.**

Design

7.29 **NPF4 Policy 14a: Design, Quality and Place** – states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Development proposals will be supported where they are consistent with the six qualities of successful places.

7.30 **NPF4 Policy 14c:** states that development proposals which are poorly designed, detrimental to amenity or inconsistent with the qualities of successful places will not be supported.

7.31 **LDP Policy 1: High Quality Design and Placemaking** - states that all development proposals should follow a design-led approach to sustainable, high quality placemaking. 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, which are: healthy; pleasant; connected; distinctive; sustainable; and adaptable.

7.32 The proposal involves the re-use of an existing building, with minor physical alterations which include a new glazed entrance lobby, new entrance doors, refuse and recycling area and wall mounted extract terminals.

7.33 Overall, the proposed physical alterations are modest and in keeping with the existing building. The physical alterations proposed would retain the building's original character and would not be harmful to the character and appearance of the surrounding area.

7.34 The proposal would not result in any loss of privacy due to harmful overlooking, nor a harmful loss of sunlight or daylight.

7.35 The proposal is of a design and form which has no detrimental impact on the character or amenity of the locality.

7.36 **The proposal is in accordance with NPF4 Policy 14a and c and LDP Policy 1.**

Climate and Nature Crises

7.37 **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.

7.38 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, 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.

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

- 7.40 **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.
- 7.41 The proposal involves the conversion of a prominent vacant building into active use, thereby securing its future and reducing the levels of embodied carbon associated with a new build project.
- 7.42 **The proposal is in accordance with NPF4 Policy 2.**
- 7.43 **NPF4 Policy 12a: Zero Waste** - states development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.
- 7.44 **NPF4 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 including:
- a provision to maximise waste reduction and waste separation at source;
 - b measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste;
 - c convenient access for the collection of waste; and
 - d recycling and localised waste management facilities.
- 7.45 **LDP Policy 44: Waste Management Requirements for Development** - development proposals should demonstrate that they adequately address the Scottish Government's Zero Waste Policy and that sufficient provisions are made to maximise opportunities for waste reduction and waste separation at source and enable the separate collection of recyclable material as outlined in the Waste (Scotland) Regulations 2012.
- 7.46 Dedicated refuse and recycling areas are included within the proposed service yard area to the north of the existing building.
- 7.47 The proposal will utilise the two existing vehicular accesses from East Dock Street, with the service yard and staff parking area accessed by its own dedicated vehicular access. As such, the development will allow for safe access by refuse, emergency and large delivery vehicles. The dedicated waste storage area within the service yard will be accessible to waste pickup vehicles.
- 7.48 There is sufficient provision for waste reduction and waste separation within the development site. The proposal would support waste separation, recycling and reduction in line with the waste hierarchy. A planning condition is recommended to secure the submission of details for a waste management strategy.
- 7.49 **The proposal is in accordance with NPF4 Policy 12a and LDP Policy 44, subject to condition.**

Biodiversity

- 7.50 **NPF4 Policy 3c: Biodiversity** - requires that development proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.
- 7.51 The application site is currently hard surfaced. The site does not currently benefit from any existing level of biodiversity or planting, and it would be difficult to deliver enhancements due to the lack of any soil on the site, preventing the establishment of any new planting. Under these circumstances, it is considered that it would not be proportionate to require the applicant to carry out additional planting or to install biodiversity measures.
- 7.52 **The proposal is in accordance with NPF4 Policy 3c.**

Environmental Protection/Amenity

- 7.53 **NPF4 Policy 23e:** 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.
- 7.54 **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. New development or an extension to an existing development close to existing sources of noise, vibration, odour, emissions to air, dust or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on the viability of existing businesses or uses.
- 7.55 The nearest residential properties are located to the northwest at Maritime House. As such, several conditions are necessary to maintain a suitable level of residential amenity within those existing dwellings.
- 7.56 To protect residential amenity, noise from mechanical and electrical plant or services must not exceed NR45 during daytime hours and NR35 during the night. Additionally, all deliveries and servicing activities, including loading and unloading, are prohibited between 2200 and 0700 hours. These controls have been included as conditions should planning permission be granted.
- 7.57 In terms of potential for odour nuisance, due to the location of the premises and the proposed discharge point for the kitchen extraction system to the east side of the premises, it is not anticipated there to be the likelihood of odour nuisance.
- 7.58 Overall, the proposed development can be accommodated without significant negative impact on surrounding residential amenity.
- 7.59 **The proposal is in accordance with NPF4 Policy 23e and LDP Policy 39 subject to conditions.**

Land Contamination

- 7.60 **NPF4 Policy 9c: Brownfield, Vacant and Derelict Land and Empty Buildings** - states 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.

- 7.61 **LDP Policy 41: Land Contamination** - states that development of potentially contaminated or statutorily identified contaminated land will be considered where 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.
- 7.62 Dundee City Council records show that three underground storage tanks were installed in 1964 and decommissioned in 1979 by cement slurry infilling. There is no record of the tanks being excavated or removed, and the applicant does not intend to disturb them as part of the proposal. There is therefore no requirement for further investigation or remediation measures.
- 7.63 **The proposal complies with NPF4 Policy 9c and LDP Policy 41.**

Flood Risk and Drainage

- 7.64 **NPF4 Policy 22c: Flood Risk and Water Management** - states 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.
- 7.65 **LDP Policy 37: Sustainable Drainage Systems** - states that 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.
- 7.66 The proposal will utilise the existing drainage infrastructure of the building. The design statement confirms that the development will not impact surface water drainage and that the increased waste water demand can be accommodated within the current foul water drainage system on East Dock Street.
- 7.67 On this basis it is considered that the proposals would not increase the risk of flooding, nor result in a detrimental impact on the ecological quality of the nearby water environment.
- 7.68 **The proposal complies with NPF4 Policy 22c and LDP Policy 37.**

Traffic and Transportation

- 7.69 **NPF4 Policy 13b: Sustainable Transport** - states development proposals will be supported 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.

7.70 **LDP Policy 54: Safe and Sustainable Transport** - states all development proposals that generate travel should be designed to be well served by all modes of transport. In particular, the sustainable modes of walking, cycling and public transport should be afforded priority and provide for easy access to local amenities, education facilities and other services.

Development proposals will be required to:

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

7.71 In respect of NPF4 Policy 13 part b) standards:

- i the site is immediately adjacent to the Green Circular core path network;
- ii the site is within 200m of bus stops on Seagate, so is readily accessible by public transport;
- iii the integration of transport modes is relevant to larger scale applications; however the applicant proposes cycle parking to support active travel alongside access by private car;
- iv EV charging spaces are proposed within the curtilage of the site with ducting installed to support future expansion;
- v cycle parking is proposed within the curtilage of the site, with capacity for 24 cycles;
- vi as the proposal is for the reuse of an existing building, it not considered appropriate to require new safety measures;
- vii accessible parking spaces are proposed; and
- viii there would be no impact on local public access routes.

7.72 The application has been assessed by the Head of Sustainable Transport and Roads, who requested that a Transport Statement be submitted to support the proposal.

7.73 In terms of trip generation, the submitted Transport Statement advises that the proposed restaurant is expected to generate approximately 144 vehicle trips per day, compared to 135 trips per day associated with the previous car showroom use, representing a negligible increase in daily traffic. The transport statement indicates that the restaurant will primarily generate trips during late weekday and Saturday afternoons, avoiding peak traffic periods, therefore concluding that the development is unlikely to contribute to network congestion.

7.74 Based on the above, the Head of Sustainable Transport and Roads raised no objections around the effect that the proposed development would have on the capacity or safe functioning of the existing road network.

7.75 The application has also been assessed by Transport Scotland, who do not raise any concerns regarding road safety or vehicular access arrangements.

7.76 Overall, the proposal would have no detrimental effect on the capacity or safe functioning of the existing road or rail networks.

7.77 For similar reasons to NPF4 Policy 13b, the proposal complies with the criteria set out in LDP Policy 54.

7.78 **The proposal is in accordance with NPF4 Policy 13b and LDP Policy 54.**

7.79 **LDP Policy 56: Parking** - states that 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.

7.80 In terms of parking provision, the Transport Statement acknowledges that the proposed 21 spaces fall short of the 75 spaces recommended by national guidance for the proposed floor area. However, this shortfall is considered acceptable due to the site's central location, strong public transport links, and accessibility by active travel modes such as walking and cycling. In addition, there are existing car parks near the site which can be accessed.

- 7.81 EV charging spaces are proposed within the curtilage of the site with ducting installed to support future expansion.
- 7.82 No objection has been raised by the Head of Sustainable Transport and Roads around parking pressure in this context.
- 7.83 **The proposal is not fully in accordance with LDP Policy 56.**

Historic Environment

- 7.84 **NPF4 Policy 7c: Historic assets and places** - states that development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.
- 7.85 **LDP Policy 49: Listed Buildings part c** - states that Development proposals in close proximity to or within the curtilage of a listed building, should have regard to the preservation or enhancement of the setting of the listed building.
- 7.86 Of significance to this application is the Category C listed East Dock Street gates and gate piers at the entrance to Victoria Dock which lie directly to the southwest of the application site.
- 7.87 The form and scale of the development is such that it would have no greater physical impact on the setting of the nearby listed building than the existing situation at the site. The proposed development would preserve the character and special architectural and historic interest and the setting of the listed building adjacent to the application site.
- 7.88 **The proposal is in accordance with NPF4 Policy 7c and LDP Policy 49c.**
- 7.89 **It is concluded that the proposal does not fully accord with the Development Plan.**

MATERIAL CONSIDERATIONS

- 7.90 The letter of objection received from the City Centre and Harbour Community Council (DCCHCC), raises the following points:
- 7.91 **Objection** - lack of parking considering the number of potential customers.
- 7.92 **Response** - parking provision is considered in the assessment above against Dundee LDP Policy 56: Parking, where it is determined that the proposed development would not result in any significant parking pressure due to the availability of public car parks near the site.
- 7.93 **Objection** - impact on the surrounding road network from increased visitors to the site.
- 7.94 **Response** - impact of the proposed development on the local road network is considered in the assessment above against Policy 13b of NPF4 and Policy 54 of the Dundee LDP, where it is determined that the proposed development would not have a detrimental effect on the capacity or safe functioning of the existing road network.
- 7.95 **Objection** - loss of business to local businesses as a result of parking competition.
- 7.96 **Response** - parking provision is considered in the assessment above against Dundee LDP Policy 56: Parking, where it is determined that the proposed development would not result in any significant parking pressure.
- 7.97 **Objection** - contrary to NPF4 Policies 13, 27 and 30.

7.98 **Response** - Policies 13 and 27 of NPF4 are considered in the assessment above, where it is determined that the proposal would comply with these policies. Policy 30 (Tourism) of NPF4 is not considered relevant to the determination of the application, as the proposal is not tourism related development.

7.99 **Objection** - no transport assessment provided.

7.100 **Response** - the applicant has provided a Transport Statement, the findings of which have been reviewed and accepted by the Council's Head of Sustainable Transport and Roads.

A - REPRESENTATIONS

7.101 Aside from the above letter received from DCCHCC, the letters of objection raise the following grounds:

7.102 **Objection** - impact on existing city centre eateries and restaurants.

7.103 **Response** - the impact on the City Centre is considered in the assessment above against NPF4 Policy 27b and Dundee LDP Policy 21, where it is determined that the proposed development would not have a significant adverse effect on the vitality or viability of the City Centre or District Centres.

7.104 **Objection** - a sequential assessment should be provided to illustrate that no Town Centre or District Centre sites are available.

7.105 **Response** - the applicant has provided a sequential assessment, the findings of which are discussed and accepted in the assessment above against NPF4 Policy 27b and Dundee LDP Policy 21. The assessment finds that there are no suitable sites within the City Centre or District Centres.

7.106 **Objection** - insufficient parking and increased parking pressure in local vicinity.

7.107 **Response** - parking provision is considered in the assessment above against Dundee LDP Policy 56: Parking, where it is determined that the proposed development would not result in any significant parking pressure.

7.108 **Objection** - risk to pedestrian safety.

7.109 **Response** - the application has been considered in detail by the Council's Head of Sustainable Transport, who does not raise any concerns regarding pedestrian safety.

7.110 **Objection** - vehicular congestion in the local vicinity

7.111 **Response** - impact of the proposed development on the local road network is considered in the assessment above against Policy 13b of NPF4 and Policy 54 of the Dundee LDP, where it is determined that the proposed development would not have a detrimental effect on the capacity or safe functioning of the existing road network. No objections have been received from the Head of Sustainable Transport and Roads or Transport Scotland who are responsible for this section of road.

7.112 **Objection** - contrary to LDP Safe Sustainable Transport Policy

7.113 **Response** - the proposed development is assessed above against Policy 13b of NPF4 and policy 54 of the Dundee LDP, where it is determined that the proposed development is in accordance with both policies.

- 7.114 **Objection** - inadequate sight lines for merging traffic will be unsafe and dangerous
- 7.115 **Response** - the application has been considered in detail by the Council's Head of Sustainable Transport and Transport Scotland, who do not raise any concerns regarding visibility splays.
- 7.116 **Objection** - access arrangements onto the A92 will create risk of vehicles stopped on A92
- 7.117 **Response** - the application has been considered in detail by the Council's Head of Sustainable Transport and Transport Scotland, neither of which raise any concerns regarding vehicular access arrangements.
- 7.118 **Objection** - lack of suitable drainage.
- 7.119 **Response** - the proposal will utilise the existing drainage infrastructure of the building. The design statement confirms that the development will result in any changes to the existing surface water drainage arrangements and that the increased waste water demand can be accommodated within the current foul water drainage system on East Dock Street.
- 7.120 **Objection** - increase in air pollution as a result of vehicle movements
- 7.121 **Response** – the increase in vehicle movements as a result of the proposed development is negligible over that which existed with the previous use of the site. As such, there will be no significant increase in air pollution as a result of the development.
- 7.122 **Objection** - the proposal will result in the generation of a substantial amount of waste.
- 7.123 **Response** - waste is considered above against NPF4 Policy 12a and 12c and LDP Policy 44, where it is determined that there is sufficient provision for waste reduction and waste separation, and the proposal would support waste separation, recycling and reduction.
- 7.124 **Objection** - removal of vegetation and greenspace to accommodate development.
- 7.125 **Response** - the proposal does not involve any removal of vegetation.
- 7.126 **Objection** - negative effect on biodiversity.
- 7.127 **Response** - biodiversity is assessed above against Policy 3c of NPF4. The proposal does not involve any removal of vegetation or affect any habitats. Therefore, the proposals would not have a negative effect on biodiversity.
- 7.128 **Objection** - potential for nearby residential amenity to be impacted.
- 7.129 **Response** - residential amenity is assessed above in relation to Policy 23e of NPF4 and Policy 39 of the Dundee LDP - the proposed development can be accommodated without significant negative impact on surrounding residential amenity.
- 7.130 **Objection** - potential for existing nearby industrial businesses to be impacted by noise and odour complaints from patrons of the proposed restaurant.
- 7.131 **Response** - the agent of change principle places the onus on new development to ensure that it does not compromise the continued operation of existing uses, particularly those that may generate noise or other impacts. However, in this case, the proposed restaurant use is not a use which is sensitive to noise or odour.
- 7.132 The matters raised in the representation are not considered to be of sufficient weight to justify refusal of planning permission.

B - DEVELOPMENT PLAN DEPARTURE

- 7.133 There is a shortfall of parking within the site. 21 spaces are proposed within the site, and the applicable standard requires 75 spaces. As the site is located on the edge of the city centre, is well connected by footways and pedestrian crossings and that there are easily accessible car parks opposite the site, the shortfall in parking is acceptable on this occasion. In addition, cycle parking for customers and staff is to be provided within the site to promote active travel. In this context, the availability of parking nearby and active travel options are material considerations of sufficient weight to justify approval of planning permission despite a shortfall in parking on site.
- 7.134 The closest residential properties at Maritime House are within 45m of the application site Policy 27. However, these properties are located within the City Centre, where neighbouring restaurant uses can be anticipated. Furthermore, as assessed above in relation to Policy 23d and 23e of NPF4 and Policy 39 of the Dundee LDP, the residential amenity of these dwellings can be maintained with the imposition of several conditions relating to odour and noise from mechanical and electrical plant or services. In this context, the ability of odour and noise to be controlled, together with the location of the flats in the City Centre are material considerations of sufficient weight to justify approval of planning permission despite the proximity of the proposed restaurant.
- 7.135 **There are material considerations of sufficient weight to justify approval of the application.**

8 CONCLUSION

- 8.1 The application fails to fully comply with the requirements of the Development Plan. However, there are material considerations of sufficient weight that justify approval of planning permission. It is therefore recommended that planning permission be granted, subject to conditions.

9 RECOMMENDATION

- 9.1 It is recommended that planning permission be GRANTED subject to the following conditions:
- 1 **Condition** - the development hereby permitted shall be commenced within three years from the date of this permission.

Reason - to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.
 - 2 **Condition** - prior to first use, details of secure, covered cycle storage/parking shall be submitted for the written approval of the planning authority. Thereafter, the provision of the secure, covered cycle storage/parking shall be installed in accordance with the approved schedule.

Reason – in the interests of sustainable travel measures.
 - 3 **Condition** - the total noise from mechanical and electrical plant/services shall not exceed NR45 during the day and shall not exceed NR35 during night - as measured 1 metre external to the facade of adjacent residential property.

For the avoidance of doubt night time shall be 2300 to 0700 hours.

Reason - in the interests of surrounding residential amenity.

- 4 **Condition** – deliveries and servicing of the restaurant, including loading, unloading or lay-up, shall not take place between 2200 and 0700 hours.

Reason - in the interests of surrounding residential amenity.

- 5 **Condition** – prior to occupation of the development, a waste management strategy shall be developed for the prior approval of the planning authority.

Reason - in the interests of environmental protection.

Informative

The site is within an area where basic radon protection measures should be installed as a matter of course in all new developments. This may include a suitable barrier membrane and ventilation. There is further information available at www.ukradon.org or the applicant may wish to discuss this with a Building Standards or Contaminated Land Officer.

Erection of Drive - Through Unit (Class 3/Sui Generis), Associated Access, Car Parking, Landscaping and Infrastructure (amendment to 21/00830/FULL)

KEY INFORMATION

Ward West End

Address

Land South of
Riverside Avenue
Dundee

Applicant

McDonald's Restaurants
Limited

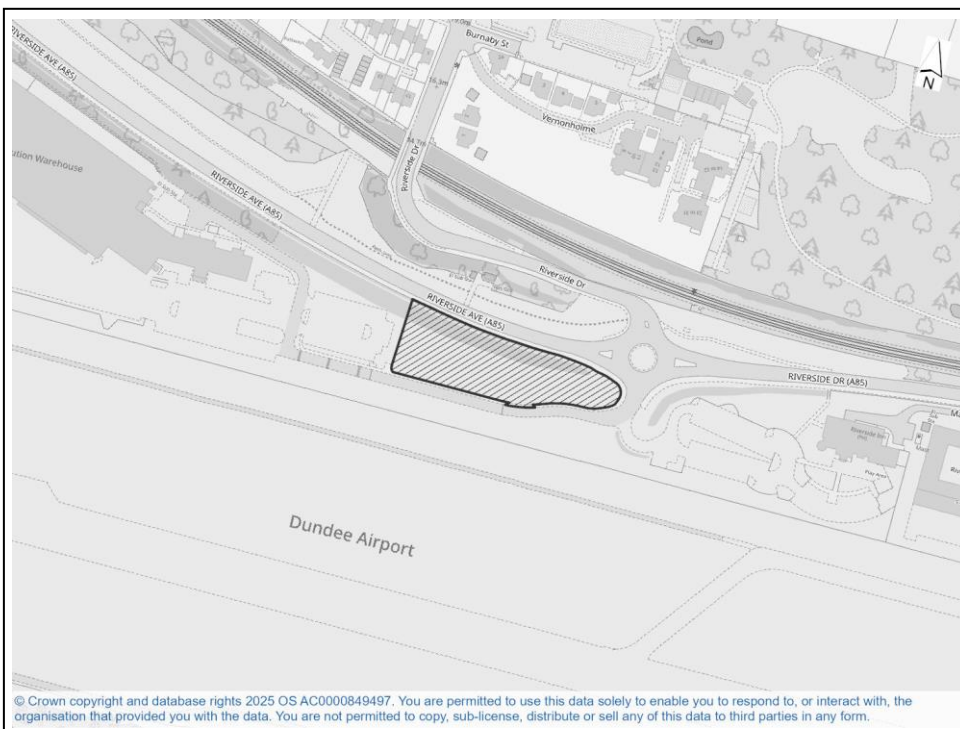
Agent

Rachel Affleck
Lichfields

Validated: 20 May 2025

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

Contact: Sharon Dorward



SUMMARY OF REPORT

- Planning permission is sought for the erection of a drive through restaurant, with associated access, parking and landscaping details.
- The application site measures 0.46 hectares and is located on the south side of Riverside Avenue and to the north of Dundee airport, approximately 3.5km from the city centre.
- The application is not in accordance with the requirements of the Development Plan.
- Planning permission 21/00830/FULL for the erection of two Class 3 drive-through restaurants with parking was approved in March 2022. This permission has been implemented and remains extant.
- In total, 28 objections were received in relation to the proposal. The letters of objection raise concerns in relation to impact on Perth Road District Centre, traffic congestion, sustainable transport, noise, environmental impacts, visual amenity, air quality and contravention of planning policy.
- In total, 14 letters of support have been received. These welcome the development for its job creation opportunities, boost to the local economy, suitable location, accessibility, and EV charging provision.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as more than six objections have been received and at the request of an Elected Member.
- More details can be found at: [25/00268/FULL | Erection of drive-through unit \(Class 3 / Sui Generis\), associated access, car parking, landscaping and infrastructure \(amendment to 21/00830/FULL\) | Land South Of Riverside Avenue Dundee.](#)

RECOMMENDATION

The proposal does not comply with the Development Plan. There are material considerations of sufficient weight to support approval of planning permission. Therefore, the application is recommended for APPROVAL subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks planning permission for the erection of a drive-through restaurant, with associated access, parking, servicing and landscape details.
- 1.2 The site is currently vacant unkempt grassland bound by immature trees to the north. The access to the site is from Loverose Way to the south.
- 1.3 The applicant has provided a site layout with detailed floor plans and elevations. The restaurant/drive-thru would have a footprint measuring 309 square metres and an internal floor area of 286 square metres. The building would be constructed to a maximum height of 5.5 metres. A bin store on the west elevation would have an enclosure height of 3 metres. External finishes for the building are proposed as dark grey and timber effect cladding panels, with a dark grey brick basecourse. Canopies and columns would be finished in white; windows and doors would have jet black frames and service points would be highlighted with illuminated yellow panels. The restaurant would operate 24 hours, 7 days a week.
- 1.4 The vehicular site access from the south on Loverose Way has been constructed and the existing footpath on Loverose Way would extend into the application site. Additional pedestrian access would be from the north and east of the site boundary. A total of 35 car parking spaces would be provided. These would include three accessible spaces and two grill (waiting) bays. Of these 35 spaces, three would be Electric Vehicle (EV) charging spaces and three will have capacity for future EV charging. 15 cycle storage spaces are also proposed, with 12 for customers and three for staff.
- 1.5 The applicant has submitted the following in support of the application:
- Planning Statement;
 - Transport Statement;
 - Travel Plan;
 - Drainage Statement and Plans;
 - Remediation Strategy and Verification;
 - Tree Survey Report;
 - Ecological Appraisal Survey;
 - Landscape Scheme and Management Plan;
 - Sustainability Statement;
 - Lighting Impact Assessment;
 - Economic Statement;
 - Community Consultation Statement; and
 - King's Counsel Legal Opinion.

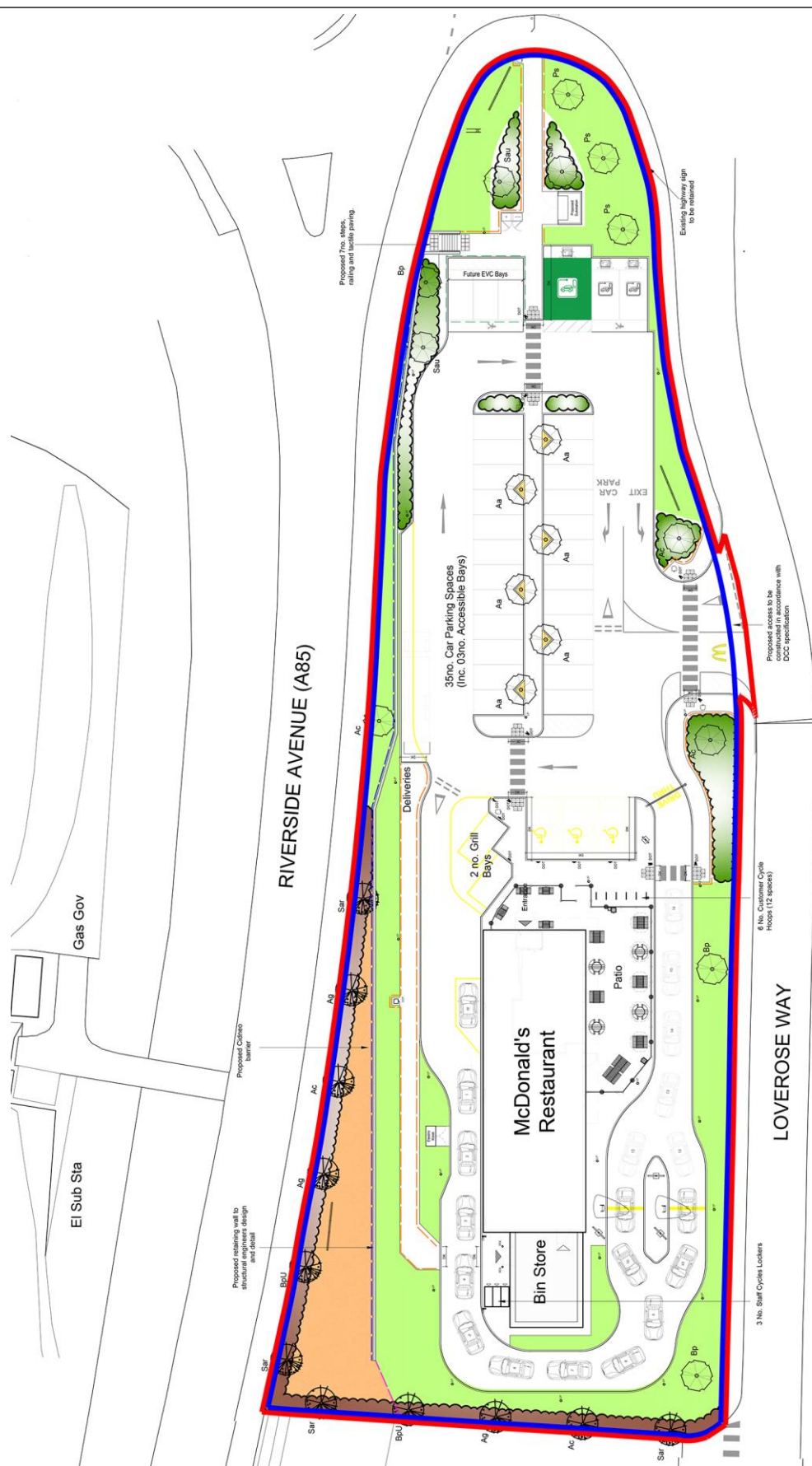


Figure 1 – Proposed Site Plan

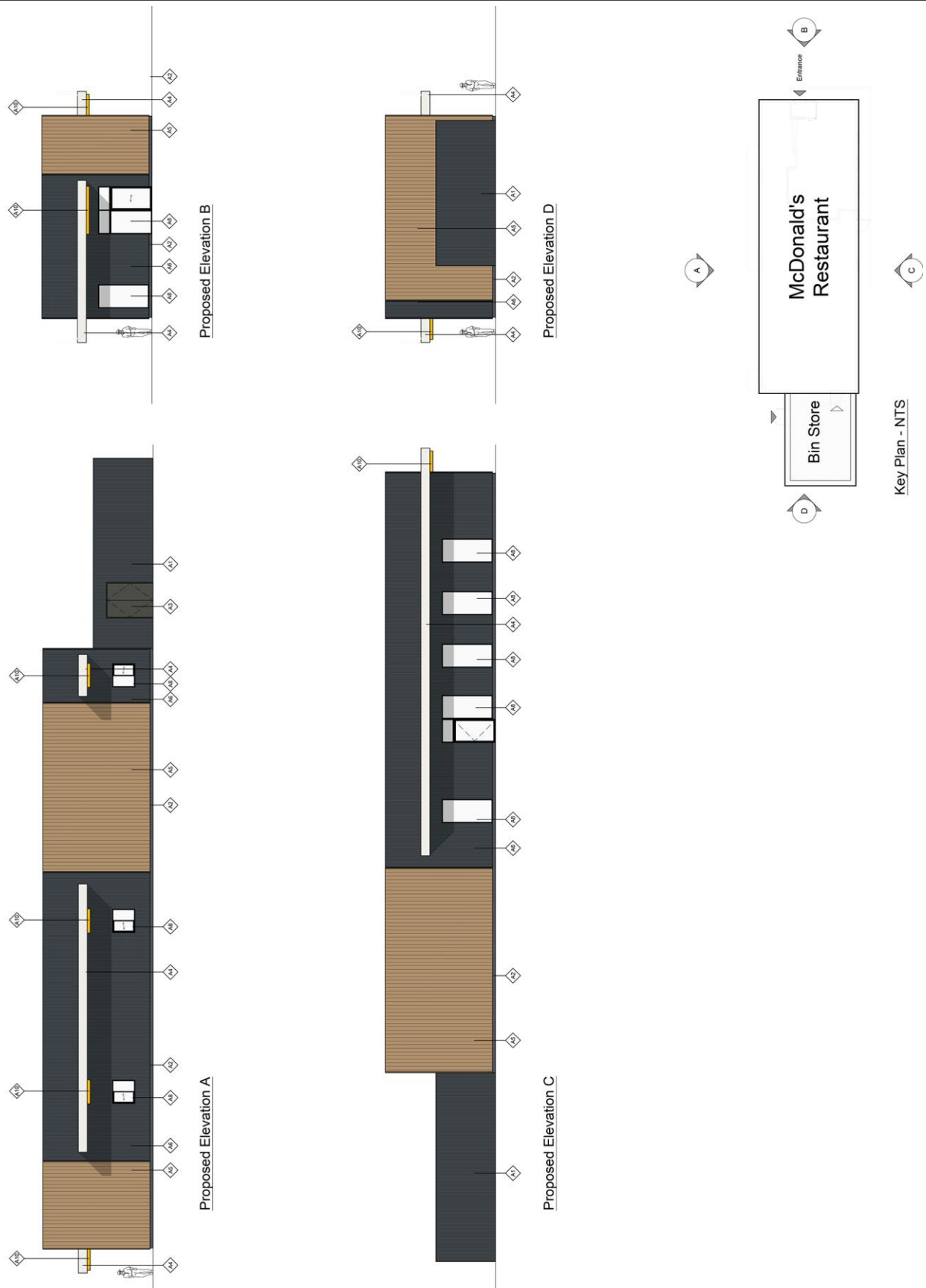


Figure 2 – Proposed Building Elevations

2 SITE DESCRIPTION

- 2.1 The application site relates to an area of land measuring 0.46 ha and is located to the west of Dundee City Centre on Riverside Avenue. The site is gently sloping north to south and is grassed, with shrubs interspersed throughout the site and a small number of young trees to the northern site boundary.
- 2.2 The site is oblong in shape and is positioned to the south of the A85 Riverside Avenue and to the north of Dundee Airport. The site is accessed from the roundabout at the junction with Riverside Drive and Loverose Way.
- 2.3 The Green Circular core path network runs along the northern site boundary, crossing Loverose Way to the immediate south of the roundabout. The Riverside - Ninewells link adjoins the Green Circular on Riverside Avenue. The Riverside Drive (West) wildlife corridor runs directly to the north of the site on the northern side of Riverside Avenue which is also designated open space.
- 2.4 The vehicle access to the site has been created on the southern site boundary, from Loverose Way. A stepped pedestrian access is proposed at the north of the site on Riverside Avenue and an additional pedestrian access to the east. A distribution warehouse is located to the west of the site, and the Riverside Inn is located to the east, both accessed from Loverose Way. Dundee Airport's runway is located on the area to the south of the application site. Riverside Drive leads on to Perth Road to the north of the application site. Other nearby land uses include Dundee University's Botanic Gardens and Riverside Nature Park.



Figure 3 – View of Site From the West at the Riverside Avenue Roundabout



Figure 4 – View of Site from Loverose Way to the South

3 POLICY BACKGROUND

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

NATIONAL PLANNING FRAMEWORK 4

Policy 1: Tackling the climate and nature crises

Policy 2: Climate mitigation and adaption

Policy 3: Biodiversity

Policy 6: Forestry, woodland and trees

Policy 9: Brownfield, vacant and derelict land and empty buildings

Policy 12: Zero waste

Policy 13: Sustainable transport

Policy 14: Design, quality and place

Policy 22: Flood risk and water management

Policy 23: Health and safety

Policy 26: Business and Industry

Policy 27: City, town, local and commercial centres

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 1: High Quality Design and Placemaking

Policy 3: Principal Economic Development Areas

Policy 6: Ancillary Services within Economic Development Areas

Policy 21: Town Centre First Principle

Policy 27: Public Houses, Restaurants and Hot Food Takeaways

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 48: Low and Zero Carbon Technology in New Development

Policy 54: Safe and Sustainable Transport

Policy 56: Parking

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

4 SITE HISTORY

- 4.1 Planning application ref: 06/01086/FUL for the erection of a 60-bed hotel with restaurant and car park was approved by planning committee in March 2007. An appeal to the DPEA against conditions imposed was allowed in September 2007.
- 4.2 Planning application ref: 10/00332/FULL for the erection of a 102-bed hotel with restaurant, car park and landscaping was refused by planning committee in December 2010. An appeal to the DPEA was dismissed in May 2011.
- 4.3 Planning application ref: 11/00552/FULL for a variation of condition 1 of planning permission 06/01086/FUL, to allow a further 3 years for development to begin, was refused under delegated powers in November 2011, but allowed at appeal by the Local Review Body in March 2012.

- 4.4 Planning application ref: 20/00031/FULL was refused under delegated powers in July 2020, for the erection of two Class 3 drive-through restaurants with parking. An appeal was allowed by the Local Review Body in February 2021.
- 4.5 Planning application 21/00830/FULL for the erection of two Class 3 drive-through restaurants with parking (amendment to 20/00031/FULL) was approved under delegated powers in March 2022.
- 4.6 Planning application 24/00509/FULL for the erection of one drive-through restaurant with associated access, parking, landscaping and infrastructure was withdrawn in October 2024.

5 PUBLIC PARTICIPATION

- 5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- 5.2 In total 28 letters of objection were received, raising the following material considerations:
- impact on local and independent business located on Perth Road within the district centre;
 - traffic congestion, impact at Swallow Roundabout, potentially queuing cars on Loverose Way, route along Riverside Avenue used by emergency vehicles;
 - no bus stop within 400 metres and no pedestrian crossing;
 - hindrance to green network users, cycle route passes the entrance to the site;
 - noise from deliveries, vehicles and customers;
 - anti-social behaviour and litter, impact for birds scavenging and potential bird strike at airport;
 - environmental impacts from removal of green space, impact on nature reserve, proximity to conservation area and botanic gardens;
 - visual amenity, affecting character of Ambassador Route, impacted on listed railway bridge, unsightly building;
 - the development contravenes the provisions of National Planning Framework 4 (NPF4) as it would not reduce the reliance on the private car, and NPF4 does not support drive-through development unless identified in a local development plan (LDP);
 - the development would be contrary to adopted LDP policies 17, 23, 40 and 54; and
 - impact on air quality.
- 5.3 Objections were also submitted in relation to healthy eating, an over-provision of McDonald's restaurants, low paid jobs, and McDonald's business ethics. These are not material planning considerations.
- 5.4 A total of 14 support comments were received which gave the following valid reasons:
- job creation;

- boost to the local economy;
- appropriate location;
- accessibility; and
- EV charging provision.

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

6 CONSULTATIONS

- 6.1 **NATS Safeguarding** – has no objection.
- 6.2 **HIAL** – has no objection subject to conditions, to include a Wildlife Hazard Management Plan and landscaping scheme.
- 6.3 **Civil Aviation Authority** – no comments have been received.
- 6.4 **The Head of Environment** – has no comments to make but observes that a greater biodiversity gain is illustrated than in the previous applications.
- 6.5 **The Head of Sustainable Transport and Roads** – is unable to support the application as the proposal goes against sustainable travel requirements. As the application is being recommended for approval conditions are recommended.
- 6.6 **West End Community Council** – has objected to the application, stating that planning policy does not support the development of a drive-through development at this location, and also in terms of traffic congestion, sustainable transport and an increase in litter.

7 DETERMINING ISSUES

- 7.1 Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission 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 (NPF4) and the adopted 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 **NPF4 Policy 27: City, town, local and commercial centres** - seeks to encourage, promote and facilitate development in city and town centres, by applying the Town Centre First approach, to help centres adapt positively to long-term economic, environmental and societal changes.

- 7.3 **NPF4 Policy 27b:** requires all development to be consistent with the town centre first approach, proposals outside the network of centres will not be supported unless a town centre first assessment can demonstrate that:
- all centre and edge of centre options have been discounted;
 - the scale of the development cannot be reduced in order that it can be accommodated in a centre; and
 - there would be no significant adverse effect on the vitality and viability of the centres.
- 7.4 The application is for a Class 3 restaurant and drive-through takeaway development. It is approximately 3.5km from the City Centre and 1.8km from Perth Road District Centre. The Planning Statement submitted with the application documents includes a Town Centre First Assessment.
- 7.5 The Planning Statement outlines the applicant's commercial site requirements, centred largely around the desire for a site in the west of Dundee. A number of sites within existing centres were discounted as they would be unable to accommodate a drive-through facility, are too big or too small, or are too close to an existing franchise.
- 7.6 **NPF4 Policy 27d:** states that drive-through developments will only be supported where they are specifically supported in an adopted LDP. The development of the site for a drive through is not supported within the Dundee LDP policies, or Proposals Map.
- 7.7 A Town Centre First Assessment has been undertaken, which firstly considers the commercial need of the applicant. The site chosen and forming this application site is considered by the applicant to be an ideal location, at the western gateway into the city. Other potential sites have been discounted as unsuitable in terms of location and physical capability. Discounted sites include:
- 1 the former Arnold Clark site on East Dock Street, which was considered too small;
 - 2 132-134 Seagate which was again considered too small and constrained in terms of a drive through provision, and also located in a Conservation Area;
 - 3 Meadowside, on the corner of Constitution Road, which was considered too big and constrained in that it cannot accommodate a drive through lane;
 - 4 land at Barrack Street, which would not accommodate a drive through lane and is also situated within the Central Conservation Area;
 - 5 land at South Ward Road which was considered too small and a drive through could not be accommodated within the surrounding road infrastructure;
 - 6 North Lindsay Street, which was larger than the site required but does not have sufficient scope for car parking or a drive through lane;
 - 7 West Marketgait, a previous petrol station, which is too small;
 - 8 49-65 Trades Lane, which is also too small;
 - 9 19-21 South Ward Road, again too small and within the Central Conservation Area;

- 10 Dundee Central Waterfront, a drive through restaurant would not comply with the strategy for the area and is unlikely to be supported; and
 - 11 Albert Street District Centre and Perth Road District Centre, where no suitable sites were identified. The sites at other District Centres were discounted as they do not meet the requirement for an additional restaurant on the western side of Dundee and did not provide a site large enough to accommodate the proposal.
- 7.8 As a drive through development, it would not be practical to reduce the size of the development to fit a smaller site, given the requirement for a drive through lane and parking.
- 7.9 The applicant has not provided an assessment to demonstrate that there would be no significant adverse effect on the vitality and viability of the network of centres. The introduction of a drive through facility may result in fewer people visiting the existing network of centres, lessening footfall to the other centres to the detriment of their vitality and viability.
- 7.10 While it has been demonstrated that there are no suitable sequentially preferable development sites available within any of the centres, it remains the case that there is no support within the adopted Dundee LDP for the development of a drive-through restaurant and takeaway at this location.
- 7.11 **The proposal does not comply with NPF4 Policies 27b or 27d.**
- 7.12 **LDP Policy 21: Town Centre First Principle** - states that all new or expanded uses that will generate significant footfall should be located in the City Centre or a District Centre. Proposals for such uses in other locations will only be acceptable where it can be established that:
- 1 no suitable site is available, in the first instance, within the City Centre or District Centres then, edge of town centre and then, Commercial Centres identified in the Local Development Plan, and then out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes;
 - 2 individually or cumulatively the proposal would not have a significant adverse effect on the vitality or viability of the City Centre, District Centres or Commercial Centres; and
 - 3 the proposal would address a deficiency in provision which cannot be met within or on the edge of these centres.
- 7.13 As discussed above, it has been demonstrated that there are no sequentially preferable development opportunities for the proposal within the network of centres or at the edge of these centres. However, the applicant has failed to demonstrate that the proposal would not have a significant adverse effect on the vitality or viability of the City Centre, District Centres, or Commercial Centres.
- 7.14 **The proposal does not comply with LDP Policy 21.**
- 7.15 **LDP Policy 27: Public Houses, Restaurants and Hot Food Takeaways** - supports the development of restaurants and hot food takeaways within a District Centre subject to opening hours restrictions. Outside a District Centre, proposals with a gross floor area in excess of 150m² will only be supported where they would be more than 45 metres from existing or proposed housing.
- 7.16 The proposed floor area is 286 square metres, and the curtilage of the application site is more than 100 metres from the façade of the nearest residential property. There is no proposed new housing within vicinity to the site.

- 7.17 **The proposal complies with LDP Policy 27.**
- 7.18 **NPF4 Policy 26: Business and industry** - seeks to encourage, promote and facilitate business and industry uses, and ensure that there is a suitable range of available sites that meet current market demand, location, size and quality in terms of accessibility and services.
- 7.19 **NPF4 Policy 26a:** states that development proposals for business and industry uses on sites allocated for those uses in the Local Development Plan will be supported.
- 7.20 **NPF4 Policy 26c:** states that proposals for business and industry uses will be supported where they are compatible with the primary business function of the area. Other employment uses will be supported where they will not prejudice the primary function of the area and are compatible with the business/industrial character of the area.
- 7.21 **LDP Policy 3: Principal Economic Development Areas** - safeguards land for Class 4 (Business), Class 5 (General Industry) and Class 6 (Storage and Distribution) uses. It states that other uses will be resisted.
- 7.22 The proposal is for a drive-through restaurant which would be located within the Dundee Airport Principal Economic Development Area. The Class 3 and sui generis use is not supported within the Principal Economic Development Area, and the drive-through restaurant use would not be compatible with the industrial character of the area.
- 7.23 **LDP Policy 6: Ancillary Services within Economic Development Areas** - supports small scale ancillary services which can be demonstrated to meet the needs of employees and complement existing businesses.
- 7.24 The proposed drive-through restaurant would not be ancillary to the Airport Principal Economic Development Area.
- 7.25 The proposed drive-through unit would be situated adjacent to Riverside Drive to maximise visibility to passing traffic. The nature of the drive-through use and the scale of the proposal indicates that the development is aimed at attracting visiting members of the public and not for the purpose of supporting local employees from within the Principal Economic Development Area.
- 7.26 **The proposal does not comply with NPF4 Policies 26a or 26c, or with LDP Policies 3 or 6.**

Sustainable Transport

- 7.27 **NPF4 Policy 13: Sustainable transport** - seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport.
- 7.28 **NPF4 Policy 13b:** supports development proposals where it can be demonstrated that the transport requirements generated have been considered in line with sustainable travel and investment hierarchies and where appropriate they should:
- i provide direct, easy segregated and safe links to local facilities via walking and cycling networks;
 - ii be accessible by public transport;
 - iii integrate transport modes;

- iv provide low or zero emission charging points in convenient locations;
- v supply safe, secure and convenient cycle parking;
- vi be designed to incorporate safety measures, including safe crossings, while reducing the number and speed of vehicles;
- vii take into account the transport needs of diverse groups to ensure safety, ease and the needs of all users; and
- viii adequately mitigate any impact on local public access routes.

7.29 In respect of NPF4 Policy 13b criteria:

- i the site is immediately adjacent to the Green Circular core path network.
- ii the site is more than 400 metres from a bus stop and is not readily accessible by public transport.
- iii the integration of transport modes is relevant to larger scale applications. However, the applicant proposes secure cycle parking to support active travel alongside access by private car.
- iv three EV charging spaces are proposed within the curtilage of the site, with additional capacity for another three.
- v cycle parking is proposed within the curtilage of the site for up to 15 bikes.
- vi it is proposed to incorporate safety measures with the provision of a pedestrian access into the site from the existing road network, and the provision of zebra crossings within the site across the vehicle access.
- vii accessible parking spaces are proposed.
- viii the proposal will not have a detrimental impact on local access routes.

7.30 **NPF4 Policy 13f:** states that development proposals for significant travel generating uses, or smaller scale uses where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a travel plan. A condition is recommended to secure this.

7.31 **LDP Policy 54: Safe and Sustainable Transport** - seeks that all development proposals which generate travel should be designed and well served by all modes of transport, and will be required to:

- 1 minimise the need to travel by private car;
- 2 provide on-site facilities and links for walking and cycling;
- 3 have access to public transport networks within 400 metres;
- 4 have no detrimental impact on the existing road or rail network;
- 5 ensure safe provision for freight and waste access and loading;

- 6 comply with national and Dundee City Council's road design standards; and
 - 7 be supported by a travel plan where significant travel would be generated.
- 7.32 For similar reasons to NPF4 Policy 13b, the proposal does not fully comply with Dundee LDP Policy 54 because the proposal does not minimise the need to travel by private car as required by Criterion 1.
- 7.33 The development does not comply with LDP Policy 54 as the proposed development is not located within 400 metres of a bus stop. The closest bus stops are located on Perth Road (travelling east and west) and are 560 metres from the pedestrian site access. As such, the application is contrary to Policy 54 of the LDP. Should the planning application be approved, it is recommended that a condition is attached to ensure that a Travel Plan is submitted within one year of opening, to ensure sustainable travel options are implemented and monitored and to ensure car use is reduced as far as practicably possible.
- 7.34 With regard to criterion 5 and provision for freight and waste access and loading, the Transport Statement includes a swept path analysis which demonstrates that there is sufficient space both within the site and on Loverose Way for HGVs to access and egress without having a detrimental impact on the local road network.
- 7.35 **LDP Policy 56: Parking** – requires that outside the City Centre, all new developments shall be required to comply with the Council's adopted guidance on road standards, and national standards. All new development should include cycle parking facilities in accordance with adopted guidance. All parking facilities at commercial developments should include changing facilities for employees and the provision of EV charging stations.
- 7.36 A total of 35 car parking spaces would be provided, including three disabled access spaces and three EV charging spaces, with capacity for a further three. Fifteen secure cycle storage spaces are proposed, with twelve for customers and three for staff.
- 7.37 The proposed parking layout complies with the required parking standards. A planning condition is proposed to ensure that the spaces and the parking layout are retained in perpetuity.
- 7.38 **The proposal would comply with NPF4 Policy 13f and LDP Policy 56 subject to condition but does not comply with NPF4 Policy 13b or LDP Policy 54.**

Drainage

- 7.39 **NPF4 Policy 22: Flood Risk and Water Management** - is intended to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.
- 7.40 **NPF4 Policy 22c:** relates to surface water drainage and seeks to ensure that development proposals:
- i do not increase the risk of surface water flooding;
 - ii manage all rain and surface water flooding through SUDS design, without presuming a surface water connection to the combined sewer; and
 - iii seek to minimise the area of impermeable surface.

- 7.41 **NPF4 Policy 22d:** states that development proposals will be supported if they can be connected to the public water mains. If this is not feasible then a demonstration is required that drinking water can be sourced from a sustainable water source.
- 7.42 **LDP Policy 37: Sustainable Drainage Systems** - requires that surface water discharging to the water environment from new development must be treated by a Sustainable Drainage System (SUDS), designed so that water levels remain 600mm below finished floor levels during a 1:200-year rainstorm event with allowance for climate change and future urban expansion. Proposals are encouraged to adopt an ecological approach.
- 7.43 A Drainage Statement and Drainage Maintenance Plan have been submitted with the application. The site is not within an identified flood risk area. The proposed surface water drainage strategy includes cellular infiltration attenuation tanks prior to run off via the existing sewers in Loverose Way.
- 7.44 The principles of the surface water drainage proposals in the Drainage Statement are acceptable, with the site being able to provide necessary surface water storage and treatment, and a surface water connection point. The applicant requires to obtain separate permission from the owner of the private surface water pipe prior to connecting any surface water generated from the development site to the pipe. Foul water would be pumped to the public drainage system at a rate and location to be agreed with Scottish Water through their separate application process. A connection is proposed to the public water supply network.
- 7.45 **The proposal complies with NPF4 Policies 22c and 22d and with LDP Policy 37 subject to conditions.**

Contaminated Land

- 7.46 **NPF4 Policy 9c: Brownfield, Vacant and Derelict Land and Empty Buildings** - requires that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land can be made safe and suitable for the proposed new use.
- 7.47 **LDP Policy 41: Land Contamination** - states that the development of potentially contaminated or statutorily identified contaminated land will be considered where:
- a a site investigation has been submitted and establishes the nature and extent of the contamination, and where the Council is satisfied that proposed remediation would adequately address contamination risks to all receptors and be suitable for the planned use; and
 - b proposals for an alternative use to that identified in the Local Development Plan will be considered where the above criteria are satisfied, and it is established that the site cannot be economically developed for the allocated use, and the proposed use would meet the requirements of other relevant Local Development Plan policies.
- 7.48 A Phase I Desk Study, Phase II Site Investigation and Risk Assessment Report, and a Remediation Strategy and Verification Plan have been submitted with the application. The documents conclude that no significant contamination has been identified, and a piled foundation is proposed for the new building.
- 7.49 The recommendations for a capping layer and gas protection measures are accepted, including full radon protection as proposed. It is recommended that a condition is applied to ensure that the remediation scheme is fully implemented and that a verification report is submitted for the prior approval of the planning authority.

7.50 There has been no appraisal to establish that the site cannot be economically developed for the allocated Class 4, 5 or 6 use due to the level or type of contamination, or that the proposed Class 3/sui generis use would meet the requirements of other relevant Local Development Plan policies as required by LDP Policy 41-part b.

7.51 **Subject to a condition, the proposal complies with NPF4 Policy 9c. The proposal does not fully comply with LDP Policy 41.**

Residential Amenity

7.52 **NPF4 Policy 23: Health and safety** - is intended to protect people and places from environmental harm, mitigate risks from safety hazards and promote development that improves wellbeing.

7.53 **NPF4 Policy 23e:** states that 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.

7.54 **LDP Policy 39: Environmental Protection** - requires that all new development that would generate noise, vibration, odour, emissions to air, dust or light pollution is required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance to the surrounding area. New development near existing sources of noise, vibration, odour, emissions to air, dust or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on the viability of existing businesses or uses.

7.55 The proposal has the potential to impact on the amenity of residents to the north of the application site as it would introduce additional noise and odour sources. Appropriate mitigation measures proposed includes the installation of high-level ventilation and a restriction on servicing and delivery times to protect the amenity of residential properties located within just over 100 metres of the application site, to the north of the A85, Riverside Avenue.

7.56 It is recommended that planning conditions are attached to any planning permission to secure further details of a high-level ventilation system; restrict deliveries to between 07:00 and 21:00 hours Monday to Saturday and 09:00 to 18:00 hours on a Sunday; and to restrict noise from mechanical and electrical plant/services.

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

Visual Amenity and Design

7.58 In relation to design, NPF4 Policy 14 Design, quality and place, and Dundee LDP Policy 1, High Quality Design and Placemaking, seek to encourage, promote and facilitate well designed development to deliver quality sustainable places and environments.

7.59 **NPF4 Policy 14a: Design, Quality and Place** - requires that development proposals will be designed to improve the quality of an area, regardless of scale.

7.60 **NPF4 Policy 14b:** supports development proposals where they are consistent with the six qualities of successful places, which are: healthy; pleasant; connected; distinctive; sustainable; and adaptable.

7.61 **NPF4 Policy 14c:** states that development proposals which are poorly designed, detrimental to amenity or inconsistent with the six qualities of successful places will not be supported.

- 7.62 **LDP Policy 1: High Quality Design and Placemaking** - requires all development proposals to follow a design-led approach to sustainable and high quality placemaking. Development should contribute positively to the quality of the surrounding built and natural environment and should be planned with reference to climate change mitigation and adaptation. The design and siting of development should respect the character and amenity of the place, creating a sense of community and identity, and enhancing connectivity, with creative approaches to urban design, landscaping and green infrastructure. New development is required to meet the six qualities of successful place, in accordance with Appendix 1 of the Dundee LDP creating development which would be distinctive, safe and pleasant, easy to move around and beyond, welcoming, adaptable, and resource efficient.
- 7.63 The site is located adjacent to one of the main gateway approaches into the city. Existing buildings along Riverside Avenue are, due to the nature of their use, of a predominantly industrial form and design and are generally screened from view or set back from the road. In contrast, the publicly accessible buildings such as The Riverside Inn opposite the application site and the Bridgeview Station restaurant and sports hub buildings further to the east are of a more traditional and less industrial design.
- 7.64 The drive through restaurant would be a corporate design and will be highly visible from Riverside Avenue when approaching from the east and west. The proposed building would be similar in terms of design to the two drive throughs which were approved on the proposed site under the permission which has been implemented on the site under 21/00830/FULL. The design is of a similar scale and design to those found elsewhere in Dundee. The number of buildings would be reduced from two to one, which would be less impactful on approach to the site from each direction on Riverside Drive as those which can currently be built on site under the permission which has been implemented on the site under 21/00830/FULL. The proposal could comply with the six qualities of successful places with a building designed to be distinctive, safe and pleasant, easy to access, welcoming, adaptable, and resource efficient. Any signage associated with the proposed development would be subject to a future application for advertisement consent and will require to respect the visual amenity of this important ambassador route into the city.
- 7.65 **The proposal complies with NPF4 Policies 14a, 14b and 14c and with LDP Policy 1.**

Biodiversity and Trees

- 7.66 **NPF4 Policy 3: Biodiversity** - seeks to protect biodiversity, reverse any biodiversity loss, encourage biodiversity through development and strengthen nature networks.
- 7.67 **NPF4 Policy 3c:** requires that proposals will include appropriate measures to conserve, restore, and enhance biodiversity, in accordance with national and local guidance.
- 7.68 **NPF4 Policy 3d:** requires that any potential adverse effects on biodiversity through development proposals are minimised through careful planning and design.
- 7.69 The application site is unkempt, grassed with some shrubbery and young trees to the north. There are no natural heritage designations within the site boundary. The landscape plan submitted with the application proposes new native hedgerow and trees adjacent to the boundary with Riverside Avenue to the northwest of the site. To the east of the site and at the site entrance, new low growing ornamental shrub beds are proposed with specimen feature tree planting. Species rich grass verges are also proposed with wildflowers for ecological enhancement.
- 7.70 The Inner Tay Estuary Local Nature Reserve and Riverside Nature Park lie to the west of the site, and the Riverside Drive (West) Wildlife Corridor lies to the north of the site. These

designated areas are at a considerable distance from the application site and separated by Riverside Drive and Dundee Airport's runway and would not be compromised by the proposed development.

- 7.71 A planning condition is proposed to secure the submission of further details for landscaping, including soft and water landscaping works. These require to be agreed by Highland and Islands Airport (HIAL) prior to implementation. A Wildlife Hazard Management Plan is also required, to minimise the attractiveness of the site to birds. This is to ensure aircraft safety by preventing an increase in the bird hazard risk of the application site. The landscaping plan will also be required to show biodiversity net gain, in compliance with NPF4 Policy 3. Appropriate planning conditions are proposed.
- 7.72 **NPF4 Policy 6: Forestry, woodland and trees** - seeks to protect and expand forests, woodland and trees, ensuring that woodland and trees on development sites are sustainably managed.
- 7.73 **NPF4 Policy 6a:** supports development proposals that enhance, expand and improve woodland and tree cover.
- 7.74 **NPF4 Policy 6b:** states that development proposals will not be supported where they will result in any loss of or damage to ancient woodlands, ancient and veteran trees, have an adverse impact on native woodlands and hedgerows and any protected individual trees of high biodiversity value, fragmenting woodland habitats, or conflict with any remediation or restocking.
- 7.75 **LDP Policy 35: Trees and Urban Woodland** - requires that new development must ensure the survival of existing healthy mature trees through sensitive site layout both during and after construction, unless removal has been agreed in advance by the council. Where appropriate, development proposals must be accompanied by a tree planting and landscape scheme.
- 7.76 The new planting would be adequate compensation for the loss of trees on the site. A pre-commencement breeding bird survey would be required prior to the removal of any vegetation during the bird breeding season (March to September inclusive). A condition is proposed to require this.
- 7.77 **The proposal complies with NPF4 Policies 3c, 3d, 6a and 6b and with LDP Policy 35 subject to conditions.**

Climate and Nature Crises

- 7.78 **NPF4 Policy 1: Tackling the climate and nature crisis** - encourages and promotes development that will address the climate emergency and nature crisis, to achieve zero carbon and nature positive places. When considering development proposals, sufficient weight will be given to the global climate and nature crisis.
- 7.79 **NPF4 Policy 2: Climate mitigation and adaption** - seeks to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.
- 7.80 By their very nature, drive-through developments do not encourage or promote addressing the climate emergency or nature crisis; nor do they seek to encourage, promote or facilitate development that minimises emissions. Largely, they result in increased vehicle trips and reliance on the private car. As such, the proposed drive-through is not designed to tackle the climate and nature crisis, or promote climate mitigation and adaption.

- 7.81 **The proposal does not comply with NPF4 Policies 1 and 2.**
- 7.82 **LDP Policy 48: Low and Zero Carbon Technology in New Development** - states that 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.
- 7.83 A Sustainability Statement has been submitted which includes a low carbon report. This demonstrates the proposals would comply with Scottish Building Standards.
- 7.84 **The proposal complies with LDP Policy 48.**

Waste Management

- 7.85 **NPF4 Policy 12: Zero Waste** - encourages and promotes development that is consistent with the waste hierarchy to facilitate the reduction and reuse of materials and create an infrastructure for zero waste.
- 7.86 **NPF4 Policy 12a:** states development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.
- 7.87 **NPF4 Policy 12c:** 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 including:
- i provision to maximise waste reduction and waste separation at source, and
 - ii measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.
- 7.88 **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 be prepared and used during the construction of major developments.
- 7.89 The Planning Statement submitted with the application includes a section which highlights waste and the use of recycled material in construction. A high proportion of recycled materials are proposed for the finishes to the building, combined with durability to ensure that repair and replacement would be kept to a minimum.
- 7.90 The proposed site layout illustrates a suitably sized bin store area. A planning condition seeks the submission of details for a waste management strategy for prior approval.
- 7.91 **The proposal complies with NPF4 Policies 12a and 12c and with LDP Policy 44, subject to conditions.**
- 7.92 **It is concluded that the proposal does not fully accord with the Development Plan.**

MATERIAL CONSIDERATIONS

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

A – APPLICANT’S CASE

- 7.94 The applicant has submitted a legal opinion for the application which contends that the implemented permission, 21/00830/FULL, is a ‘very material consideration’.
- 7.95 Planning permission 21/00830/FULL could be implemented further, and the more fully implemented it becomes, the more weight would be given to it.
- 7.96 It was reiterated that the planning statement informs that the applicant could operate two drive through units from the site, and that there is no reason to doubt that this is the case.
- 7.97 The applicant concludes that there are no material differences between the approved development and the proposed development which should prejudice against the grant of planning permission for this application.

B – JUSTIFICATION FOR DEPARTURE FROM PLANNING POLICY

- 7.98 Planning application reference 20/00031/FULL for the development of two drive-through units was granted by Dundee City Council’s Local Review Body. Planning permission 21/00830/FULL sought minor changes to this approved development and was approved in March 2022. This permission has been implemented and remains extant.
- 7.99 The principle of a drive-through development at the site was established under planning permission 20/00031/FULL, thereafter amended by 21/00830/FULL. The planning history on site must be given considerable weight as a material consideration in the assessment of this current application. Planning permission 21/00830/FULL has been implemented through the formation of the site access, as shown in the photographs above. Planning permission for two drive through units therefore remains extant in perpetuity.
- 7.100 The applicant contends that the single drive-through restaurant now proposed would in effect be an amendment to the existing planning permission for two units. The characteristics of the development would be the same. However, the provision of one unit would result in a scaled down proposal in terms of building footprint, parking and traffic.
- 7.101 The current proposal for one drive-through unit represents an improvement to the extant permission as it could generate less traffic and less footfall. One unit instead of two would have a lesser impact on visual amenity, and more biodiversity enhancement can be delivered within the site. The principle of the use of the site as a drive through facility is established by the extant permission which has lawfully commenced and can be built and made operational any time.
- 7.102 The above matters are of a sufficient weight to justify a departure from NPF4 Policies 1, 2, 13, 26 and 27 and LDP Policies 3, 6, 41 part b and 54. In order to secure the betterment relating to one drive-through instead of two, it is proposed to attach conditions to prevent a second drive-through being constructed at the site, should this application be approved and implemented.
- 7.103 **It is concluded that there are material considerations of sufficient weight to justify approval of planning permission.**

C - WEST END COMMUNITY COUNCIL COMMENTS

- 7.104 The objection raised the following material planning considerations, which are summarised and responded to as follows:
- 7.105 **Objection** – planning policy does not support the development of a new drive-through development and there would be an impact on the existing provision of drive through facilities, of which there is considered to be an over provision.
- 7.106 **Response** – the provision of the drive through restaurant has been assessed in detail within the main body of this report. The development is not in accordance with the development plan.
- 7.107 **Objection** – traffic congestion, lack of a transport assessment and sustainable transport in terms of proximity to bus stop.
- 7.108 **Response** - there is capacity within the surrounding road network to accommodate the proposal. A transport statement and an interim travel plan have been submitted with the application documents and accepted. While the proposal would be located more than 400m from a bus stop, there is an extant permission on site for two drive throughs which can be built. In addition, provision of one drive through instead of two would have a lesser impact on traffic generation.
- 7.109 **Objection** - increase in litter.
- 7.110 **Response** - a planning condition is recommended to secure a waste management strategy.

D – REPRESENTATIONS

- 7.111 A total of 28 letters were received objecting to the proposal in addition to the objections raised by the West End Community Council. 14 letters of support were received. The representations raised the following valid material grounds:
- 7.112 **Objection** - impact on local and independent business located on Perth Road within the district centre.
- 7.113 **Response** – the application site is located almost 2km from the Perth Road District Centre. There has been no demonstration that the development would not affect the vitality and viability of the district centre.
- 7.114 **Objection** - traffic congestion, impact at Swallow Roundabout, potentially queuing cars on Loverose Way, route along Riverside Avenue used by emergency vehicles.
- 7.115 **Response** – there is capacity within the surrounding road network to accommodate the proposal.
- 7.116 **Objection** - no bus stop within 400 metres and no pedestrian crossing.
- 7.117 **Response** – as assessed within the report, the development does not meet sustainable transport requirements as it would be located more than 400 metres from a bus stop.
- 7.118 **Objection** - hindrance to green network users, cycle route passes the entrance to the site.
- 7.119 **Response** - there will be an increase in pedestrians across the Green Circular core path route however the development will not impact access to this. Vehicular access is remote from the

Green Circular, taken from the south, and Loverose Way. There will be no significant impact on network users.

- 7.120 **Objection** - noise from deliveries, vehicles and customers.
- 7.121 **Response** - planning conditions are proposed to restrict delivery hours. Behavioural noise cannot be controlled through the planning system.
- 7.122 **Objection** - anti-social behaviour and litter, impact for birds scavenging and potential bird strike at airport.
- 7.123 **Response** – a planning condition is recommended to secure a waste management strategy. Anti-social behaviour cannot be controlled through the planning system. Appropriate landscaping and wildlife management would be secured by condition to ensure the safe movement of aircraft.
- 7.124 **Objection** - environmental impacts from removal of green space, impact on nature reserve, proximity to conservation area and botanic gardens
- 7.125 **Response** - the existing greenspace is of little ecological value and landscape plans illustrate an overall biodiversity gain. There is suitable separation distance from the Wildlife Corridor to the north, botanic gardens and the Riverside Nature Reserve.
- 7.126 **Objection** - visual amenity, affecting character of Ambassador Route (Green Circular), impact on listed railway bridge, unsightly building.
- 7.127 **Response** - as addressed within the assessment above, the building would be a standard corporate design, positioned in a highly visible location. The design presents a less impactful development to the two drive-through units which could now be lawfully constructed at the site.
- 7.128 **Objection** - the development contravenes the provisions of National Planning Framework 4 as it would not reduce the reliance on the private car, and NPF4 does not support drive-through development unless identified in a Local Development Plan.
- 7.129 **Response** – the proposal is not supported by NPF4 Policy 27d as the site is not identified in the LDP for the development of a drive-through restaurant.
- 7.130 **Objection** - the development would be contrary to adopted LDP policies 17, 23, 40 and 54.
- 7.131 **Response** - Policies 17 and 23 relate to commercial uses within residential areas and district centre retail frontages and are not relevant to this proposal. Policy 40 relates to air quality and development which could significantly increase air pollution. The scale and location of the proposed development would not have a significant adverse effect on local air quality. Policy 54 relates to transport, which has been addressed earlier in the report.
- 7.132 **Objection** – impact on air quality.
- 7.133 **Response** – a high-level ventilation system would be sought by planning condition. The increase in traffic as a result of the development would not result in a significant impact in terms of air pollution.
- 7.134 **Support Comment** – job creation.

- 7.135 **Response** – the creation of additional jobs would be welcome. However, there is no detail on jobs creation or any assessment of displacement from elsewhere in the city.
- 7.136 **Support Comment** – boost to the local economy.
- 7.137 **Response** – there is potential for additional jobs to be created which is welcome.
- 7.138 **Support Comment** – appropriate location.
- 7.139 **Response** – while the location may be seen as accessible and convenient, it is not supported by the development plan.
- 7.140 **Support Comment** – accessibility.
- 7.141 **Response** – the application site is accessible by private car and is adjacent to the Green Circular pedestrian and cycle route but is not readily accessible by public transport.
- 7.142 **Support Comment** - EV charging provision.
- 7.143 **Response** – EV charging points are a requirement for development proposals, as appropriate, in support of sustainable travel and low carbon.
- 7.144 **The matters raised in the representations are not in themselves of sufficient weight to justify approval of the application contrary to the development plan.**
- 7.145 **However, there are material considerations of sufficient weight to justify approval of the application. Specifically, there is an extant planning permission for two drive-throughs on the site.**

8 CONCLUSION

- 8.1 The application fails to fully comply with the requirements of the Development Plan. However, there are material considerations of sufficient weight that justify approval of planning permission. It is therefore recommended that planning permission be granted, subject to conditions.

9 RECOMMENDATION

- 9.1 It is recommended that planning permission be GRANTED subject to the following condition(s):
- 1 **Condition** - the development hereby permitted shall be commenced within three years from the date of this permission.

Reason - to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.
 - 2 **Condition** – prior to the commencement of any works on site, a Wildlife Hazard Management Plan shall be submitted to and approved in writing by the Planning Authority with the agreement of the Highlands and Islands Airport (HIAL). The submitted plan shall include details of:
 - monitoring of any standing water within the site temporary or permanent;

- sustainable urban drainage schemes (SUDS) – Such schemes shall comply with Advice Note 3 ‘Wildlife Hazards’ (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>);
- management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and “loafing” birds. The management plan shall comply with Advice Note 3 ‘Wildlife Hazards’;
- reinstatement of grass areas;
- maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow;
- which waste materials can be brought on to the site/what if any exceptions e.g. green waste;
- monitoring of waste imports (although this may be covered by the site licence);
- physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste; and
- signs deterring people from feeding the birds.

The Wildlife Hazard Management Plan shall thereafter be implemented as approved, on completion of the development, and shall remain in force for the lifetime of the building. No subsequent alterations to the plan shall take place unless first submitted to and approved in writing by HIAL.

Reason – in order to manage the development; to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of the airport.

- 3 **Condition** – prior to the first use of the development, the parking spaces and layout as hereby approved shall be formed. The parking spaces shall thereafter be maintained as per the approved layout in perpetuity, unless otherwise agreed in writing by the planning authority.

Reason – to comply with parking standards and in the interests of promoting sustainable transport.

- 4 **Condition** - a Travel Plan shall be submitted for the prior approval of the planning authority, and in place within one year of the development opening.

Reason - in the interests of promoting sustainable transport.

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

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

- 6 **Condition** - prior to the commencement of any works on site, a detailed surface water drainage/SUDS design including drawings, calculations, full modelling, simulation results, design risk assessment, signed Dundee City Council Design Compliance and Independent Check Certification, evidence of compliance with the Simple Index Approach as described in Section 26.7.1 of the CIRIA SUDS Manual (C753), and where appropriate SEPA comments shall be submitted for the prior approval of the planning authority. Thereafter, all works approved by virtue of this condition shall be carried out prior to the first occupation of the development hereby approved.

Reason - in the interests of flood protection.

- 7 **Condition** - prior to the commencement of any works on site, details of measures proposed to manage surface water run-off from the site during construction shall be submitted for the prior approval of the planning authority. Thereafter, all works approved by virtue of this condition shall be carried out prior to construction works commencing on any part of the development hereby approved.

Reason - in the interests of flood protection.

- 8 **Condition** – prior to the commencement of any works on site, maintenance responsibilities along with a maintenance schedule for the surface water drainage system/SUDS features shall be submitted for the prior approval of the planning authority. Thereafter, all works approved by virtue of this condition shall be carried out in perpetuity.

Reason - in the interests of flood protection.

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

Reason - in the interests of providing a site suitable for development.

- 10 **Condition** – prior to the commencement of any work on site, details of the proposed extraction and ventilation system discharging at a high level and a maintenance schedule for the proposed ventilation and extraction system shall be submitted for the prior approval of the Planning Authority. Thereafter, the approved extraction and ventilation system shall be installed prior to the kitchen becoming operational and maintained in accordance with the details approved by this condition. Thereafter, the kitchen extraction and ventilation system shall operate whenever food is being cooked within the application premises.

Reason – in the interests of residential amenity.

- 11 **Condition** – the total noise from mechanical and electrical plant/services shall not exceed NR45 during the day and shall not exceed NR35 during night-time, as measured 1 metre external to the facade of adjacent residential property. For the avoidance of doubt night time shall be 2300 to 0700 hours.

Reason - in the interests of residential amenity.

- 12 **Condition** – all servicing and deliveries, including loading, unloading or lay-up shall be between 07:00 to 21:00 hours Monday to Saturday and 09:00 to 18:00 hours Sunday.

Reason - in the interests of residential amenity.

- 13 **Condition** – prior to occupation of the development, a waste management strategy shall be developed for the prior approval of the planning authority.

Reason – in the interests of environmental protection.

- 14 **Condition** – prior to the commencement of any works on site, full details of soft and water landscaping shall be submitted to and approved in writing by the planning authority with the agreement of Highlands and Islands Airport (HIAL). These details shall include:

- any earthworks;
- grassed areas;
- the species, number and spacing of trees and shrubs;
- details of any water features; and
- drainage details including SUDS.

The scheme shall be thereafter implemented as approved. No subsequent alterations to the approved landscaping scheme shall take place unless submitted to and approved in writing by HIAL and the planning authority.

Reason - to enhance biodiversity, in accordance with national and local guidance, while avoiding endangering the safe movement of aircraft and the operation of the airport through the attraction of birds and an increase in the bird hazard risk of the application site, and to ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

- 15 **Condition** - there shall be no removal of vegetation within the breeding bird season (March to Sept inclusive in any given year) unless a breeding bird survey is carried out by an appropriately qualified professional. The survey shall be submitted to and approved in writing by the Planning Authority prior to any site clearance/vegetation removal taking place. Thereafter, the development shall progress in accordance with the approved details.

Reason – to comply with the Wildlife and Countryside Act 1981.

- 16 **Condition** – only one Class 3 restaurant/drive-through unit shall be implemented on the application site hereby approved.

Reason – in order that the planning authority retains effective control over the use and development of the site.

Informative(s)

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

A Minor Footway Works (MW) application (found via the following link on DCC website: <http://www.dundee.gov.uk/citydevelopment/vehicularaccess>) shall be submitted to Dundee City Council as Roads Authority for work on the adjacent public road or footway and consent for this must be obtained prior to the commencement of any work on the public road or footway. For further details please contact 01382 433341 or developmentroads@dundee.gov.uk.

1 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks planning permission for a residential development of 205 dwellings, comprising a mix of detached and semi-detached private houses on land to the east of Dykes of Gray Road. The proposal is an amendment of planning permission 18/01056/FULM which was approved at planning committee in February 2025.
- 1.2 The proposed houses include 3 and 4 bedroom dwellings, each with front and rear gardens. The houses are a mix of sizes and designs, with thirteen different house types proposed.
- 1.3 The proposal comprises a range of house sizes and finishes, including houses which feature white render to external walls and sections of stone to frontages. Roofs are to be finished in concrete tiles and windows, doors and garage doors are to be finished in white. The front gardens would include areas of lawn and hardstanding and the rear garden ground would be defined by timber fencing. All houses would front onto the access roads within the site, and include off street car parking.
- 1.4 With regard to site layout, the main vehicle and pedestrian entrances to the development would be from Dykes of Gray Road, close to the higher density part of the existing housing development. Internal streets of varying widths provide access through the development and through to a widened Denhead of Gray Road to the south. The north of the site would contain a range of houses, with areas of open space to be formed with connections to an existing path beyond the north boundary. The centre, south and east of the site would contain further houses, with associated access roads, footpaths and landscaping. The landscaped public open spaces are to include planting, footpaths and play equipment. Along the south boundary of the site, a SUDS basin is proposed which would serve the development.
- 1.5 Towards Dykes of Gray Road, footpaths and open spaces form the pedestrian entrance to the development, and create connections with existing footpaths on Dykes of Gray Road and the existing housing development to the west. The site boundaries are to be defined by a mixture of new and retained planting. This will include trees to the east boundary, trees and shrubs to the north and west boundaries and a mixture of planting around the proposed SUDS basin.
- 1.6 The site plan also shows a 2.1 hectare area of land to the south west of the application site as a location for a school. This does not form part of this current planning application.
- 1.7 As the proposal is for more than 50 houses and the site area 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.
- 1.8 The applicant has submitted the following in support of the application:
 - Pre-application Consultation Report;
 - Planning Statement;
 - Statement of Community Benefit;
 - Low and Zero Carbon Building Report
 - Site Investigation Report; and
 - Flood Risk Assessment.



Figure 1 – Proposed Site Layout

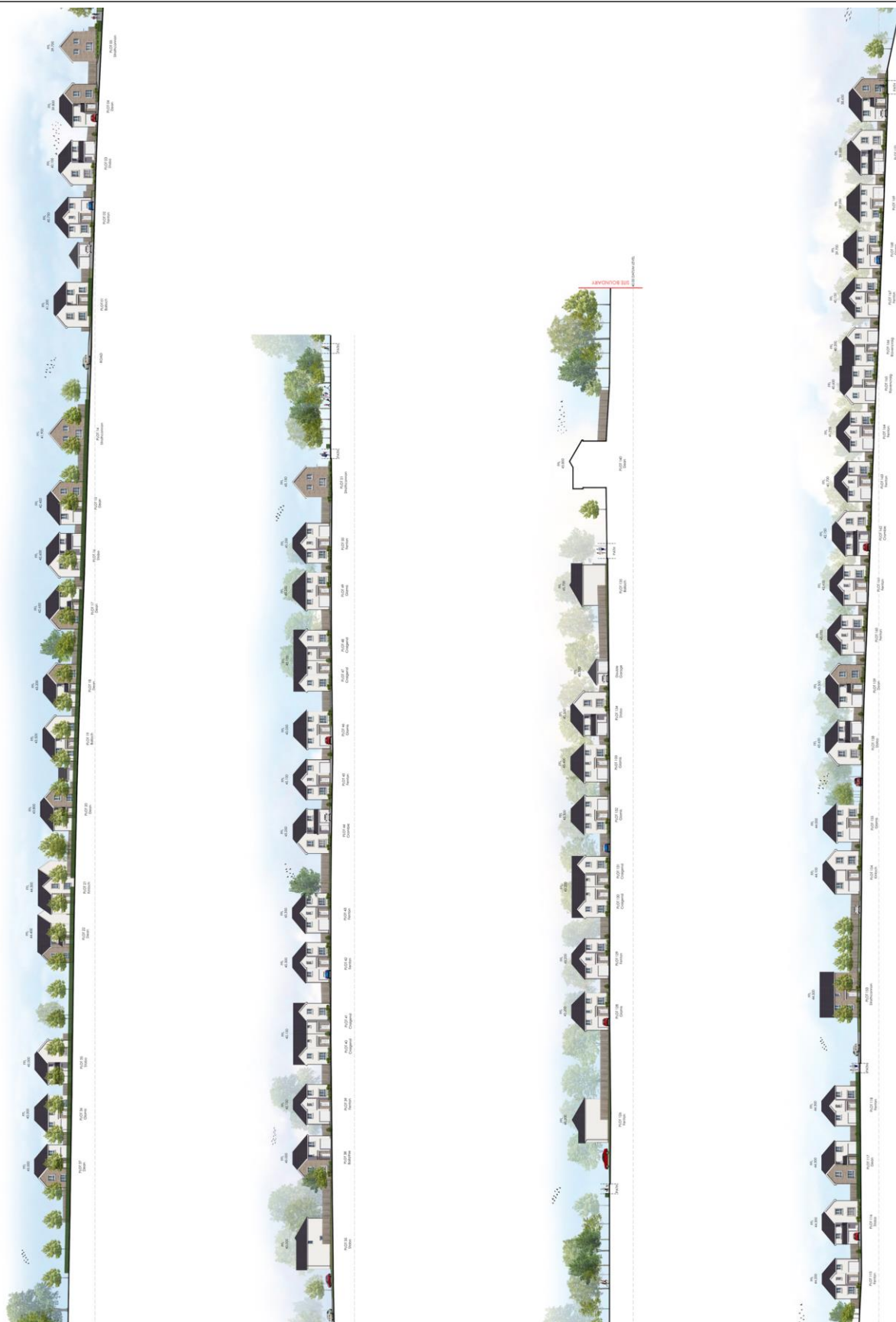


Figure 2 – Proposed Street Elevations









2 SITE DESCRIPTION

- 2.1 The application site relates to a gently sloping area of land on the east side of Dykes of Gray Road and north of Denhead of Gray. The site is rectangular and comprises 13.3 hectares of agricultural land with roads to the south and west, a burn to the east and an access track to the north. To the west of the site, the residential developments at Dykes of Gray are well established, with the higher density “village centre” containing flats, convenience store and public amenity space all located immediately west of the application site. The land to the north of the site has planning permission for 100 houses. To the south and east are areas of agricultural land. The housing at Denhead of Gray is located to the south east along the Denhead of Gray Road with pedestrian and cycle connections through to Wester Gourdie.
- 2.2 The land which is the subject of this application is an allocated greenfield housing site H43 Dykes of Gray, North East as designated by the Dundee Local Development Plan 2019.



Figure 7 – View of Site From North Boundary



Figure 8 – View of Site From South Boundary

3 POLICY BACKGROUND

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

NATIONAL PLANNING FRAMEWORK 4

Policy 1: Tackling the climate and nature crises
Policy 2: Climate mitigation and adaptation
Policy 3: Biodiversity
Policy 4: Natural places
Policy 5: Soils
Policy 6: Forestry, woodland and trees
Policy 7: Historic assets and places
Policy 9: Brownfield, vacant and derelict land and empty buildings
Policy 12: Zero waste
Policy 13: Sustainable transport
Policy 14: Design, quality and place
Policy 15: Local living and 20-minute neighbourhoods
Policy 16: Quality homes
Policy 18: Infrastructure first
Policy 19: Heating and cooling
Policy 20: Blue and green infrastructure
Policy 21: Play, recreation and sport
Policy 22: Flood risk and water management
Policy 23: Health and safety

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 1: High Quality Design and Placemaking
Policy 2: Public Art Contribution
Policy 9: Housing Land Release
Policy 10: Design of New Housing
Policy 20: Funding of On and Off Site Infrastructure Provision
Policy 30: Green Infrastructure Maintenance
Policy 34: Protected Species
Policy 35: Trees and Urban Woodland
Policy 36: Flood Risk Management
Policy 37: Sustainable Drainage Systems
Policy 39: Environmental Protection
Policy 41: Land Contamination
Policy 44: Waste Management Requirements for Development
Policy 46: Delivery of Heat Networks
Policy 48: Low and Zero Carbon Technology in New Development
Policy 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

NON-STATUTORY PLANNING GUIDANCE

Dundee Western Gateway Development Framework 2019.

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 A proposal of application notice for residential development within the application site (reference 18/00580/PAN) was submitted to Dundee City Council in August 2018.
- 4.2 A planning application for 215 dwellings, comprising 165 houses and 50 flats within the site (reference 18/01056/FULM) was approved subject to conditions and a legal agreement in February 2025.
- 4.3 A proposal of application notice for residential development within the application site (reference 25/00184/PAN) was submitted to Dundee City Council in June 2025.
- 4.4 An EIA Screening Request for a proposed residential development (reference 25/00005/EIASCR) was submitted in August 2025. EIA was not required.

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 Seven letters of support were received, raising the following matters:
- the development will support progress on development at Western Gateway, both in terms of residential development and the provision of services which can be sustained by a growing population.
 - comments received also highlighted support for the provision of a school at Western Gateway. This is however not a matter which is subject of this planning application which relates to a residential development only.
- 5.4 Three letters of objection were received, raising the following material considerations:
- use of the existing public road network, including Dykes of Gray Road and Denhead of Gray do not have capacity for the proposed development.
 - the proposed development would have a detrimental impact on wildlife in the local area, and would result in the loss of prime agricultural land;
 - the developer shall require to demonstrate they will undertake post occupancy evaluation and building performance evaluation, and that the development is design to adapt to changes in the local area in relation to climate change.
 - there is not sufficient services, such as shops and education provision, to support further development at the Western Gateway. Services such as a school are critical to the future of development in the area;
 - the proposed houses would not meet Passivhaus standard, and few dwellings are orientated to maximise solar gain.

- the development form and layout results in car parking to the front and side of houses dominating plots. Parking should be provided within the houses, underground or to the rear.
- Developers who lodge proposals within neighbouring local authorities that are near to Dundee City Councils boundary should also submit proposals to Dundee City Council to support a collaborative approach to development; and
- there is a lack of house type and tenure mix within the development; a denser mix of housing and three/four storey flatted developments would be more acceptable. The development also fails to provide a range of house designs and does not include smaller homes such as 2-bedroom units.

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

6 CONSULTATIONS

6.1 **Angus Council** – No comments provided.

6.2 **Archaeological Consultant** – the proposed development site was subject to a full and comprehensive archaeological evaluation in 2013. To consider the significance of the archaeological discoveries made during these excavations, a programme of post-excavation analysis is required. It is recommended progression of this analysis is controlled by condition.

6.3 **The Head of Environment** - has commented on the following matters:

Greenspace – there has been no change to the site since the approval of the existing planning application. Planning conditions as 18/01056/FULM are recommended in relation to the provision of wildlife protection and tree protection measures during construction and the provision of biodiversity enhancements as part of the development.

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

6.5 **The Head of Sustainable Transport and Roads** – has no objection to the proposal, subject to recommended conditions.

6.6 **Transport Scotland** – has no objection to the proposals.

6.7 **The Head of Design and Property Services** – has no objection to the proposal in terms of flooding and drainage matters, 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 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 (NPF4) 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 **NPF4 Policy 9b: Brownfield, Vacant and Derelict Land and Empty Buildings** – states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.
- 7.3 **NPF4 Policy 16a: Quality Homes** - states development proposals for new homes on land allocated for housing in LDPs will be supported.
- 7.4 **LDP Policy 9: Housing Land Release** - states that priority will be given to the development of the allocated brownfield and greenfield sites. To ensure that an effective 5 year supply of housing land is maintained over the plan period the sites allocated in Appendix 3 shall not be developed for other uses.
- 7.5 The proposed development would occupy the allocated greenfield housing site H43 of the Dundee Local Development Plan 2019.
- 7.6 **The proposal complies with NPF4 Policies 9b and 16a, and LDP Policy 9.**
- 7.7 **NPF4 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.
- 7.8 The applicant has provided a Statement of Community Benefit with the application. Regarding affordable housing the Statement notes there is currently no requirement within the Development Plan for the provision of affordable housing or developer contributions towards affordable housing. The development relates to an allocated housing site and through the provision of a range of dwelling types would complement the existing residential developments at Western Gateway. The statement notes the site is allocated as H43 and is identified as an important part of the supply over the coming 10 years, with completions expected from 2025/2026 through to 2031/2032. The granting of planning permission will assist in meeting the delivery targets set by the Planning Authority.
- 7.9 In relation to providing or enhancing local infrastructure, the Statement notes that the development forms a further phase of the Western Gateway and would create new homes, supporting employment and development of infrastructure including road upgrades through developer contributions. The site layout includes measures such as road and footpath connections which support direct and easy access between the site and the adjacent village core. The layout ensures high-quality connections between the site and the surrounding area, including the provision of future crossings on Dykes of Gray Road. With the upgrade of Swallow Roundabout completed, further connections have been established between the site and surrounding road and footpath network. Provision is also made for connections to the bus service which currently serves the area.
- 7.10 In relation to improving residential amenity the Statement notes that proposals will include high quality public spaces. The development has been designed to integrate with the layout, housing mix and built form densities of the adjacent developments. Through consultation with

the local community the site layout seeks to support the delivery of a school to serve the area which will be of major benefit to residents. The development seeks to protect valuable ecological features and provides enhancements through new landscaping on the site that will have a positive benefit to biodiversity and the ability for residents to enjoy in the surrounding area.

7.11 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.

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

7.13 **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.

7.14 The Dundee Local Development Plan 2019 Developer Contributions Supplementary Guidance is a statutory document 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.

7.15 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.

7.16 As there is no requirement in the Dundee Local Development Plan 2019 or the Supplementary Guidance 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.

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

Design of New Housing

7.18 **NPF4 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.

7.19 **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 places in accordance with the guidance provided in Appendix 1.

- 7.20 **LDP Policy 10: Design of New Housing** - states the design and layout of new housing developments in Dundee should be of a high quality and contribute to creating places that respect and enhance the distinct character and identity of the different parts of the city. All new housing developments should meet the six qualities of a successful place, as set out in Policy 1 and should provide a balanced choice and type of housing. All new housing developments will be required to conform to the guidance on the Design of New Housing set out in Appendix 4. All new housing developments will need to ensure that the design and layout respects and enhances the character of adjoining properties and the surrounding area and does not have a detrimental impact on residential amenity and parking.
- 7.21 The built environment within the surrounding area is a mixture of modern residential development and traditional rural development. To the west of the site, houses and flats of varying scale and density form part of earlier phases of the Western Gateway development. The land to the north has planning permission for 100 houses. To the south and east is agricultural land and a group of dwellings at Denhead of Gray.
- 7.22 In response to this context, the proposed development respects the height and appearance of established housing adjacent to the site. The layout of the site and location of open spaces has been designed to form a welcoming entrance to the development from the established village core to the west of the site. The proposed layout includes denser areas of development towards the west and centre of the site, and lower density development towards the site boundaries. This reflects the layout and density of existing development to the west of the site and creates a sense of hierarchy. Through the layout of the site, the range of proposed house types and provision of road and footpath connections, the development will integrate with the wider development of housing at Western Gateway whilst being harmonious with the semi-rural character and setting of the area.
- 7.23 By virtue of the above, the height, scale and massing of the proposed development is appropriate to this semi-rural location and would be in keeping with that of the neighbouring development on the west side of Dykes of Gray Road. With regard to character and amenity, the design, scale and form of the proposed houses and provision of planting are such that the proposal will integrate into the existing landscape setting.
- 7.24 The provision of high-quality materials on a development which is in a prominent location is essential to ensure the proposals contribute positively to the local streetscape and integrate with the character of this semi-rural area. The proposed development would be of modern design, with a simple, cohesive palette of materials which will ensure the development creates a sense of place and complements the existing built environment. Through the provision of different house types and forms, where finishes include white renders, facing stone and concrete tiles as the primary materials, the buildings within the development will be complementary to both houses within the site and buildings within the neighbouring developments. In addition to building designs and finishes, various open spaces, footpaths and planting areas are proposed to ensure the development is permeable, of high quality and in keeping with the semi-rural character of the wider area. Full details and samples of the proposed finish materials, as well as submission and approval of a detailed landscaping plan will be controlled by condition to ensure the development contributes to the character and quality of the local area.

- 7.25 The development has been carefully planned to allocate a significant portion of space to landscaping and open space, ensuring a generous amount of maintained attractive greenspace throughout. The proposal includes various landscaped areas, including informal public spaces and engaging focal points towards the site entrance and north boundary. The open spaces include a mix of soft and hardscaped finishes, and boundary treatments such as hedging are proposed at play areas and shared spaces. The proposal positively promotes wayfinding and a sense of orientation.
- 7.26 The proposal would be well connected to the existing road and path network linking the development to the surrounding area. Through design, the development creates a safe environment for a variety of users and considers how people will move through those spaces. New and existing footpaths and active travel links will provide access to amenities within the local area, including within the Western Gateway village core to the west. The village core currently contains a shop and bus stop, with planning permission granted for further developments including retail and commercial uses. The proposed connections ensure there is provision of public transport within walking distance of the site and connections are to be formed with the core path network which runs to the north, south and west boundaries of the site.
- 7.27 The site is an allocated housing site; the proposal will make a positive contribution to the continuing development at Western Gateway and provision of housing within the city. The proposal seeks to introduce a modern high-quality development which respects the areas 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 west, whilst respecting the rural character and setting of the site.
- 7.28 For these reasons the proposed development demonstrates compliance with the six qualities of successful places as required by Policy 14 of NPF4 and Policy 1 of the LDP, subject to conditions.
- 7.29 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 guidance on the Design of New Housing set out in Appendix 4.
- 7.30 The proposed layout responds to changes in the level across the site and ensures the proposal would integrate with the existing residential development to the west of the site. The layout and position of the proposed houses creates a development which positively addresses the existing and proposed roads within the site and wider area ensuring a cohesive streetscape. 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 thirteen house types proposed, which will assist in bringing variety to the streetscape. Overall, the design of the proposed development is of a high quality.
- 7.31 The proposal also requires to comply with the Appendix 4 – Design of New Housing Standards within the Dundee LDP, as a site located out with the Inner-City boundary, Suburban Design (sites of 5 or more units) standards apply. Addressing each point in turn:
- i in general, 75% of houses should have 3 or more bedrooms or a minimum gross internal floor area of 100m².
- 7.32 **Response** - all houses 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.

7.33 **Response** - parking is largely located at either the front or side of the houses. Four of the proposed house types feature integrated garages. At 10 proposed plots situated on corner sites, parking provision is located at the rear of the garden areas resulting in a short walk to the houses. This arrangement is acceptable in this instance as it ensures the proposed dwellings address the public road, provide a strong frontage and contribute positively to the character of the development. Overall, each house has 2 or 3 spaces depending on 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.

7.34 **Response** - cycle storage will be provided either within garages or external cycle stores at each house. The proposal complies with criterion iii.

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

7.35 **Response** - the site plan shows that all houses will have a minimum private garden ground of 120m² to the rear of the properties. The average useable garden ground is 160m². The proposal complies with criterion iv.

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

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

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

7.38 **Response** - an area for storage of bins is to be provided within rear/side garden ground at all houses. This provides ample space for storage of bins to accommodate waste and recycling. EV charging provision has not been shown but there is scope for this to be provided at each property in line with the Building Regulations.

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

7.40 For the reasons set out above, the proposed layout and design of the development 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 Western Gateway.

7.41 **The proposal complies with NPF4 Policy 14b, LDP Policy 1 and LDP Policy 10 Appendix 4.**

7.42 **NPF4 Policy 12a: Zero Waste** - states development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy. **NPF4 Policy 12c** states that 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 including:

- i provision to maximise waste reduction and waste separation at source, and
- ii measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.

7.43 **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 be prepared and used during the construction of major developments.

7.44 The development has been designed to allow for safe access by vehicles including refuse, emergency and large delivery vehicles. All houses would include bin storage spaces within the rear garden. All bin storage areas can be accessed from adjacent roads and paths allowing bins to be presented on street on collection days.

7.45 There is space at each proposed dwelling for bins to be accommodated as required by Dundee City Council's waste strategy. The proposal will support waste separation, recycling and reduction in line with the waste hierarchy.

7.46 It is recommended that the provision of a site waste management plan and its implementation during construction be controlled by condition.

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

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

7.49 The proposals will require to provide public art as part of the development. 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.

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

Developer Contributions

7.51 **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.

7.52 **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.

7.53 The Council's Developer Contributions Supplementary Guidance 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 Dundee Western Gateway.

7.54 The Supplementary Guidance states that all greenfield residential developments in this area will be required to contribute towards provision of: flood protection and drainage facilities; the construction of junction improvements at Swallow Junction; the improvement works undertaken at Dykes of Gray Road; provide connections for cycling and walking routes to the wider Dundee Core Path Network and green infrastructure; and a contribution towards enhancing education provision, the nature of which is currently being considered.

7.55 In relation to flood protection and drainage, the proposed development will include on site sustainable drainage provision with capacity to accommodate surface water from the site, including additional rainfall associated with climate change. The submitted flood risk assessment includes recommendations which will ensure the development is not at risk of flooding, nor will it increase the flood risk within the surrounding area. With regard to road works, upgrades to Dykes of Gray Road to improve safety, provide a footpath and improve connections to the wider path network have been completed. The upgrade of Swallow Roundabout to a signal-controlled roundabout has also been completed. As considered further below, the completion of these upgrades ensures the road network has the capacity for the proposed development.

Dykes of Gray Road Improvements

7.56 The Council has already front funded and undertaken the required improvements to Dykes of Gray Road to facilitate the development of housing in this area. The Council will recover the costs of these works as development progresses by requiring the developer to make financial contributions in accordance with the provisions of the Supplementary Guidance.

Education

7.57 The Supplementary Guidance states that within the Western Gateway there is a requirement to enhance primary school provision and options for this are currently being considered.

7.58 As with other housing developments in the Western Gateway area the developer is required to make a financial contribution towards the costs of enhancing primary school provision. Contributions made by the applicant will be held by the Council and used towards funding that enhanced provision. The timing and location of any new provision will be determined by Dundee City Council.

7.59 As with previous developments in the Western Gateway, developer contributions for education provision and for the Dykes of Gray Road improvements are to be secured through a Section 75 Planning Obligation. The existing planning permission 18/001056/FULM was approved subject to a legal agreement in February 2025. That legal agreement applies to both the

existing planning permission 18/01056/FULM and any subsequent planning permission within the land subject of that planning permission.

- 7.60 This planning application 25/00426/FULM is within the same site as that existing planning permission. Therefore, should planning permission be approved for this application which is an amended design the proposal will be subject to the requirements of the existing legal agreement. This will ensure the development is subject to developer contributions regarding Dykes of Gray Road improvements and education provision should members be minded to approve the application.
- 7.61 **The proposal complies with NPF4 Policy 18b and LDP Policy 20, and would be subject to an existing Planning Obligation.**

Transportation and Local Living

- 7.62 **NPF4 Policy 13b: Sustainable Transport** - states development proposals will be supported 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 The main road and pedestrian accesses are proposed within the south and west boundaries of the site, with a further pedestrian only access proposed to the north boundary. The development will connect to Dykes of Gray Road which gives access to Swallow Roundabout to the south and Liff Road to the north. Within the site, main access roads with associated footpaths will connect the main entrances to the development, with further paths, roads and shared surfaces providing access to houses and open spaces within the site. All of the proposed roads and footpaths will be designed to DCC specifications ensuring safe access for walking, wheeling, cycling and road vehicles. The site also connects to the footpath network on Dykes of Gray Road and to the north of the site, as well as landscaped open spaces within the development. The proposal complies with criterion i.
- 7.64 The development will connect to the existing footpath on Dykes of Gray Road, which provides access to an existing bus stop at Braes of Gray Place. As the population at Western Gateway

has grown in recent years and the number of bus services using this bus stop has grown. The bus stop is currently served by 8 buses a day connecting the site to the city centre, Ninewells Hospital, Liff and Fowls. The site would therefore be served by public transport, and as development at Western Gateway progresses there is scope for additional bus services to operate. The proposal supports parking, cycle parking, walking and accessibility to bus services and is therefore in compliance with criterion ii and iii.

- 7.65 The development is capable of providing EV charging points to serve each house, this can be secured through the building standards process. The proposal complies with criterion iv.
- 7.66 Where garages are not proposed, cycle storage is to be provided within rear garden ground. However, full details of the form of external cycle storage have not been provided. It is recommended the provision of details of cycle storage and its implementation prior to the occupation of each dwelling be secured through a planning condition. The proposal complies with criterion v.
- 7.67 The layout of roads and footpaths within the site will provide safe access to vehicles, pedestrians and cyclists. All surfaces shall be formed to DCC specifications and crossing points have been considered, including the position of future crossing points on Dykes of Gray Road. Planning conditions are recommended in relation to the full details of the roads and footpaths within the site being agreed with DCC.
- 7.68 The nature and scale of the proposed road layouts are such that vehicles cannot travel at significant speed. The proposal complies with criterion vi.
- 7.69 As discussed above the development will be accessible and promote ease of movement through the site for residents. Planning conditions are recommended in relation to matters including the provision of street lighting and works to enhance the junction between Denhead of Gray Road and Dykes of Gray Road. Finalised details regarding issues such as dropped kerbs and junctions being designed to DCC specifications will be part of a Road Construction Consent application. The proposal complies with criterion viii.
- 7.70 **The proposal complies with NPF4 Policy 13b.**
- 7.71 **NPF4 Policy 13c: Sustainable Transport** – states that where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.
- 7.72 A transport assessment (TA) was undertaken for planning application 18/01056/FULM. This current planning application seeks to amend that existing permission, removing flats from the proposals and changing house types. The proposed road access locations and site layout remains in line with the existing planning permission; however, the number of proposed residential dwellings is reduced from 215 to 205.
- 7.73 The TA noted the proposed site layout for 18/01056/FULM included vehicular access to the development being provided by a new junction onto Dykes of Gray Road, and a secondary junction with Denhead of Gray. Vehicular and cycle parking was to be provided within the development as required by the Development Plan. The layout of the site has been designed to meet the six qualities of a successful place, and to prioritise pedestrians and cyclists through the promotion of low vehicle speeds.
- 7.74 The proposed site layout continues to address these elements, with vehicle access and widening of Denhead of Gray as approved under 18/01056/FULM. The site layout and proposed dwellings ensure vehicle and cycle parking can be provided as required by the Development Plan, and the six qualities of a successful place are addressed.

- 7.75 The TA assesses the impact of the development on future traffic flows within the local road network. The Swallow Roundabout has been upgraded, as required by planning permission 18/00149/FULL. The TA finds that the development would have no detrimental impact on Dykes of Gray Road, and subject to the upgrade of the roundabout, the proposed development would have no significant detrimental impact on traffic flows within the wider area during weekday AM and PM periods.
- 7.76 With regard to the upgrade of Swallow Roundabout, works have now been completed. There is therefore capacity within the existing road network for traffic associated the proposed 205 houses to be accommodated. Following consultation, Transport Scotland has advised they have no objections to the application.
- 7.77 **The proposal complies with NPF4 Policy 13c, subject to a condition.**
- 7.78 **NPF4 Policy 13f** – states development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.
- 7.79 The Transport Assessment submitted with planning application 18/01056/FULM includes outline details for a travel plan. The travel plan will provide travel information for all modes of transport, raise awareness of travel options, reflect input from local transport operators and provide information on safe routes to facilities including schools. The travel plan will support the use of non-car travel modes and encourage the use of sustainable transport options such as walking, cycling and use of public transport networks.
- 7.80 The outline proposals are acceptable and would address the requirements of Policy 13f if progressed to a detailed travel plan. The provision of a detailed travel plan, and information on how it is to be distributed to residents can be controlled by condition.
- 7.81 **The proposal complies with NPF4 Policy 13f, subject to a condition.**
- 7.82 **LDP Policy 54: Safe and Sustainable Transport** – states all development proposals that generate travel should be designed to be well served by all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be afforded priority and provide for easy access to local amenities, education facilities and other services. Development proposals will be required to:
- 1 minimise the need to travel by private car;
 - 2 provide facilities on-site (and/or off-site through developer contributions or by direct delivery) for walking, cycling and public transport networks, including road/ junction improvements and cycle parking. Developments without high quality, safe and convenient links to adjacent walking and cycling networks will not be supported;
 - 3 incorporate measures to permit access to public transport networks within a walking distance of no more than 400 metres from all parts of the development;
 - 4 have no detrimental effect on the capacity or safe functioning of the existing road or rail networks;
 - 5 ensure that safe and adequate provision is made for road freight and waste access, loading and unloading;

- 6 comply with the National Roads Development Guide and any local variations within Dundee City Council's roads design standards; and
- 7 be supported by a Travel Plan to mitigate transport impacts and improve the accessibility of developments where the council considers that the development will generate significant travel.

Walking and cycling routes should be fully useable prior to the first occupation of a new development.

- 7.83 A variety of options for transportation are available to the site given the proximity to a bus stop, and walking and cycling routes. The proposal complies with criterion 1.
- 7.84 As considered under NPF4 Policy 13 above, the proposal incorporates opportunities for cycling and walking. The proposal complies with criterion 2.
- 7.85 There is a bus stop within 400m of all parts of the site which complies with criterion 3.
- 7.86 The transport assessment considers the future impacts of residential development within this site. The assessment demonstrates a residential development of this size would have no detrimental impact on the local road network or road safety, and subject to the upgrade of Swallow Roundabout, would have no detrimental impact on the wider road network. As discussed under the NPF4 Policy 13c assessment above, the upgrade of Swallow Roundabout has been completed ensuring the proposal would be in compliance with criterion 4.
- 7.87 For this type of development, criterion 5 would mainly be concerned with waste access. Refuse vehicles will be able to enter and exit the site. The proposal complies with criterion 5.
- 7.88 The provision of details of finalised details will be subject to a Road Construction Consent to ensure compliance with criterion 6.
- 7.89 It is recommended that the implementation of a Travel Plan is secured by condition in order to comply with criterion 7.
- 7.90 **The proposal complies with NPF4 Policy 13b and LDP Policy 54, subject to conditions.**
- 7.91 **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.
- 7.92 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. The development can provide EV charging points to serve the houses and this will be secured through the building standards process. Cycle parking is proposed within garages or cycle stores within the curtilage of each property, and this provision will be secured through a planning condition.
- 7.93 **The proposal complies with LDP Policy 56, subject to a condition.**

- 7.94 **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.
- 7.95 The principle of residential development within this site is established through its allocation as a housing site. The application site could accommodate a residential development of a scale, form and density which contributes positively to the settlement pattern, connectivity and character of the Western Gateway.
- 7.96 Footpaths are provided on Dykes of Gray Road, which provide connections between the site and earlier phases of residential development to the west. There are also footpath connections to Myrekirk Industrial Estate to the east of the site. Through the provision of footpath and cycle connections, the development would fit in with the existing settlement pattern and there is interconnectivity with surrounding residential development and amenities including shops, bus stops and open spaces.
- 7.97 There are existing play spaces within the surrounding area including a play park to the west of the proposed development on Braes of Gray Road. Open spaces are also proposed as part of this development. There is an existing shop and planning permission for further services and amenities including a nursery and commercial units within the core of the Western Gateway on the west side of Dykes of Gray Road. It is expected that these services will develop as the population within the Western Gateway grows.
- 7.98 Through the provision of private houses within an allocated housing site the development would contribute to the range and availability of housing in the city and help meet demand.
- 7.99 Overall, the proposed development is well connected to surrounding facilities and services by new and existing footpaths and roads. The development forms part of the wider Western Gateway development and would have access to shops and services in support of the principles of local living.
- 7.100 **The proposal is in accordance with NPF4 Policy 15a.**
- 7.101 **NPF4 Policy 21: Play, recreation and sport** – seeks to encourage, promote and facilitate spaces and opportunities for play, recreation and sport. Part d states development proposals

likely to be occupied or used by children and young people will be supported where they incorporate well-designed, good quality provision for play, recreation, and relaxation that is proportionate to the scale and nature of the development and existing provision in the area. Part e states development proposals that include new streets and public realm should be inclusive and enable children and young people to play and move around safely and independently, maximising opportunities for informal and incidental play in the neighbourhood.

- 7.102 The proposed site layout includes a play area within the west of the site, and public open spaces towards the centre and north of the site. The proposed play area would be well connected to both houses within the proposed development, and footpaths which connect the site to existing houses in the surrounding area. The play space would be within a pedestrian corridor between Dykes of Gray Road and the centre of the proposed development, ensuring it is visible, accessible and includes areas of planting and landscaping which contribute to the character and amenity of the space. The play area is of a size which is proportionate to the development, and there will be no barriers to access. Footpaths also connect the proposed development to play areas within earlier phases of residential development to the west of the site. Overall, the development would include and have access to good quality, well-designed play and recreation spaces.
- 7.103 Streets and public realm within the development are designed to ensure safe and inclusive access. Public roads and footpaths within the development, including those which connect open spaces, will feature street lighting and be constructed to Dundee City Council specifications. The layout and form of the development will ensure children and young people have access to play facilities and can move around safely and independently.

- 7.104 **The proposal is in accordance with NPF4 Policy 21d and 21e.**

Biodiversity and Soils

- 7.105 **NPF4 Policy 3a: Biodiversity** - states that development proposals will contribute to the enhancement of biodiversity including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- 7.106 A Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment was undertaken for planning application 18/01056/FULM. The present planning application seeks to amend the house types previously approved and alter areas of the site layout.
- 7.107 Whilst presently unkempt and overgrown the site was historically, primarily agricultural land containing crops including barley and potatoes. In the north and north-west of the site is a strip of neutral grassland, and towards the north and east boundaries are a small number of trees. Beyond the north and east boundaries are small watercourses. As the existing site has been farmed for a significant period it makes no significant contribution to local biodiversity.
- 7.108 The reports consider the addition of planting within the site, including a mix of native tree and shrub species towards the north and east site boundaries will enhance existing nature corridors along watercourses.
- 7.109 With regard to wildlife, surveys undertaken within the site found no evidence of protected species being present. However, it was noted species including otters and breeding birds are present within the wider area. To enhance biodiversity and support wildlife the appraisal recommends a range of measures including bat and bird boxes, providing hedgehog spaces within any fencing and ensuring a sustainable drainage system is established.

- 7.110 Following assessment of the reports and the findings of the surveys, the recommended biodiversity enhancement measures are supported. Through the provision of new planting which strengthens nature networks, and measures to support wildlife the biodiversity value of the site can be enhanced by the proposed development. However, as the surveys were undertaken over a year ago, it is recommended the completion of an updated Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment, and the implementation of biodiversity enhancement measures are controlled by condition.
- 7.111 **The proposal complies with NPF4 Policy 3a, subject to a condition.**
- 7.112 **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.
- 7.113 The reports, as submitted with 18/01056/FULM, considers that there are no habitats within the application site which are notable for their rarity, quality, or extent. The grassland is species-poor being established for agricultural purposes, and the rest of the field has contained crops for several years including potatoes and barley. Some of the trees along the northern and eastern boundaries of the application site are considered to be trees worthy of retention. The development of the land within the site for residential development would therefore not result in the loss of any high-quality habitat, and trees towards the site's boundaries are to be retained.
- 7.114 The proposed development would enhance biodiversity more than if it was left in its current state. The ecological characteristics of the site are not of any local, regional or international importance and there are no irreplaceable habitats. There are statutory designated sites present within 5km, including Den of Fowls SSSI and Firth of Tay and Eden Estuary. Whilst the development would be connected to Den of Fowls SSSI via a line of trees, due to the nature of these features, no direct adverse impact to the SSSI will arise due to the proposed development. The site is 1.9km from Firth of Tay and Eden Estuary. Due to the nature of the proposed development and distance from surrounding designated sites, it is unlikely the proposal will have any impact on designated areas or habitats. The application has demonstrated it complies with point i) of Policy 3b.

- 7.115 The development will be landscaped and makes use of nature-based solutions both in terms of the built elements of the development and external landscaping and tree planting. Furthermore, measures to support wildlife including the provision of artificial hedgehog nests, bird and bat boxes and log piles within wooded areas at the site boundary are proposed. These elements will contribute to a significant biodiversity net gain within the site compared to the existing use. The proposal meets with the requirements of points ii – iv of Policy 3b.
- 7.116 With regard to the final point v) the development of the site will have 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.
- 7.117 **The proposal complies with NPF4 Policy 3b.**
- 7.118 **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.
- 7.119 **LDP Policy 34: Protected Species** - of the Local Development Plan 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.
- 7.120 A Habitat Survey and Preliminary Ecological Appraisal with Biodiversity Net Gain Assessment have been undertaken for the application site. These reports consider existing site conditions, planting and wildlife within the site.
- 7.121 With regard to animal species within the site, there was no evidence of protected species being present. The survey found no evidence of bats, otters, badgers or water voles within the site area. However, it is noted otters are known to be present in the wider area, as are breeding birds. In the interest of protecting these species the report makes recommendations including providing construction contractors with information on otters, securing any compounds and trenches overnight, provision of escape ramps and following SEPA guidelines to avoid any water pollution during construction works.
- 7.122 Further to the proposed mitigation measures, the appraisal includes a range of recommended measures to mitigate the loss of habitat and enhance biodiversity within the site. These

include the provision of planting such as hedgerows, native trees and shrubs and measures including bat and bird boxes, hedgehog spaces within fencing and a sustainable drainage system which will be a biodiversity feature.

- 7.123 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. However, as the report was prepared over 12 months ago, an updated ecology survey will be required prior to any works being progressed on site. This would identify any new ecological issues and recommend further mitigation measures. The completion of the updated survey and the implementation of biodiversity enhancement and mitigation measures can be controlled by condition.
- 7.124 Subject to the implementation of measures to protect wildlife and enhance biodiversity, the proposed development would have no detrimental impact on any protected species and ensure nature-based solutions and biodiversity enhancements are provided as part of the residential development.
- 7.125 **The proposal complies with NPF4 Policy 4f LDP Policy 34, subject to conditions.**
- 7.126 **NPF4 Policy 6a: Forestry, Woodland and Trees** - states development proposals that enhance, expand and improve woodland and tree cover will be supported.
- 7.127 **LDP Policy 35: Trees and Urban Woodland** - states the Council will support the establishment and enhancement of woodland, tree belts and corridors. New development must ensure the survival of woodland, hedgerows and individual trees, especially healthy mature trees, of nature conservation or landscape value through sensitive site layout both during and after construction, unless removal has been approved in advance by the council. Where appropriate, development proposals must be accompanied by maintenance arrangements and justification for the removal of any trees or hedgerows.
- 7.128 There are a small number of existing trees and shrubs towards the site's north and east boundaries which contribute positively to the appearance and biodiversity of the local area. These trees are to be retained and integrated with further planting which is proposed as part of the development.
- 7.129 With regard to new planting, the landscaping proposals remain as previously approved under planning permission 18/01056/FULM. Towards the north boundary trees and shrubs would be provided, comprising a mix of native species such as Scots pine, Oak and Cherry trees. Towards the centre of the north boundary, an area of open space with smaller trees is to be provided.
- 7.130 The planting of native trees is proposed for the full length of the east boundary, between the proposed houses and an existing watercourse. The land around the SUDS basin within the south of the site is to contain further tree planting, and a range of trees and hedging are proposed towards the west boundary of the site. Open spaces located within the site and the pedestrian entrance towards Dykes of Gray Road will also contain a mixture of trees, shrubs and planting beds.
- 7.131 The proposed planting and landscaping are acceptable in principle, as they will ensure a significant increase in the number of trees within the site and provide the development with a high quality public realm and open spaces. The provision of native trees, particularly towards the site boundaries will enhance biodiversity and integrate with existing planting in these locations.

- 7.132 To ensure all planting and landscaping is progressed as proposed and existing trees protected during construction, it is recommended the implementation of landscaping within the site, and its long-term maintenance, be controlled by condition. Subject to such conditions, the proposals would ensure the survival of existing trees and hedgerows and support the provision of new planting, to the enhancement of biodiversity and landscape value.
- 7.133 **The proposal complies with NPF4 Policy 6a and LDP Policy 35, subject to a condition.**
- 7.134 **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.
- 7.135 **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
- 7.136 Surface water from the proposed development would be conveyed to a sustainable drainage basin within the south east of the application site. The provision of full details of the proposed drainage system and its long term maintenance are to be controlled by condition.
- 7.137 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 a condition is attached to any planning permission granted.
- 7.138 **The proposal complies with NPF4 Policy 20e and LDP Policy 30, subject to a condition.**
- 7.139 **NPF4 Policy 5b: 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.

7.140 Land within the site is identified as being Class 2 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.

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

Climate Change and Low Carbon Technologies

7.142 **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.

7.143 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, flooding and drainage considers the local level effects of the development.

7.144 The proposal includes the erection of residential dwellings within an area of agricultural land to the west of the city. The site is allocated for housing and would support the continued growth of residential accommodation at Western Gateway. The proposed 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. The proposal will integrate with existing residential developments at Western Gateway, and not result in any accumulative impact on the wider environment.

7.145 The proposals include biodiversity enhancements. The development would be constructed to modern building standard requirements and is in an accessible location.

7.146 **The proposal complies with NPF4 Policy 1.**

7.147 **NPF4 Policy 2a: Climate Mitigation and Adaptation** - states that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.

7.148 **NPF4 Policy 2b:** states that development proposals will be sited and designed to adapt to current and future risks from climate change.

7.149 **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.

7.150 A Low and Zero Carbon Building Report has been submitted with the application. The statement outlines proposals for the use of sustainable and energy efficient materials within the buildings. This is to include materials such as timber and energy efficient windows and doors along with low carbon technologies such as air source heat pumps and solar panels. The proposal seeks to ensure the development provides viable, sustainable, low carbon solutions to heating and energy provision.

- 7.151 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 LDP Policy 48 and would minimise greenhouse gas emissions. It is recommended the provision of a detailed energy statement demonstrating the proposal meets standards set out in Scottish Building Standards is submitted for prior approval.
- 7.152 In respect of part b) of NPF4 Policy 2 and adapting to climate change risks, a flood risk assessment and drainage proposals have been submitted with the application. These reports consider future flood risks and the impacts of climate change. Through the provision of flood mitigation measures and a sustainable drainage system it is demonstrated that the proposals can adapt to current and future risks from climate change.
- 7.153 **The proposal complies with NPF4 Policy 2 and LDP Policy 48, subject to a condition.**
- 7.154 **LDP Policy 46: Delivery of Heat Networks** - requires new development to consider the feasibility of meeting their heat demand through heat networks. A statement requires 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.
- 7.155 The application site is towards the north west edge of the city, out with any existing heat network. The applicant has provided a Planning Statement which includes assessment of heat networks within the city and feasibility for the development to connect into an existing network.
- 7.156 The statement notes that the site is not within proximity of any existing heat networks, and the applicant considers the provision of a system for the proposed development would be unviable. It then notes that whilst a heat network connection is not proposed, the development would include air source heat pumps, and all houses will be designed to current Building Regulations. As low carbon technologies will be provided as part of the development, energy demand for space heating in new homes will be very low, therefore no heat network is proposed.
- 7.157 The findings of the statement are supported. However, it would be possible to provide heat network supply routes if a wider district heating network is developed in the fullness of time to allow this development to then connect into a network. Whilst a viable connection to an existing heat network is not available at present, the development could connect to a heat network in the future. It is therefore recommended that details of safeguarding future connections to a network are secured through a planning condition.
- 7.158 **The proposal complies with LDP Policy 46, subject to a condition.**
- 7.159 **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.
- 7.160 The sustainability statement submitted with the application advises that consideration has been given to construction materials and low carbon technologies which maximise the energy efficiency of the development.

- 7.161 All the dwellings will be constructed to current building standards, and solar panels and air source heat pumps will be incorporated into the development supporting long term sustainability and the use of low carbon technologies in heating and cooling systems.
- 7.162 **The proposal complies with NPF4 Policy 19f.**

Sustainable Drainage Provision and Flood Risk

- 7.163 **NPF4 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.
- 7.164 **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.
- 7.165 The applicant has provided a flood risk assessment and drainage layouts with the application.
- 7.166 The applicant proposes that surface water within the site from areas including dwelling roofs and access roads enter a new drainage system, which conveys the water to a SUDS basin within the south east of the site. The run-off water will be treated in the basin prior to discharge to the burn. The forward flow to the burn will be controlled by the inclusion of a hydrobrake flow control device. Through the appropriate sizing of the SUDS basin, along with the provision of water storage within pipes and filter trenches, the drainage system will be able to meet the required attenuation volumes and ensures there is no flood risk.
- 7.167 The submitted information demonstrates that an acceptable drainage solution can be achieved. Conditions are recommended to ensure that the full technical details of the drainage system are agreed with Dundee City Council and thereafter implemented on site in the interest of flood protection.
- 7.168 **The proposal complies with NPF4 Policy 20b and LDP Policy 37, subject to conditions.**
- 7.169 **NPF4 Policy 22c: Flood risk and water management** - states 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.

- 7.170 **LDP Policy 36: Flood Risk Management** - Low to Medium Risk Areas of the Local Development states areas with a 1 in 1000 to 1 in 200 year annual probability of flooding will be suitable for most development. A flood risk assessment may be required at the upper end of the probability range or where the nature of the development or local circumstances indicates heightened risk. These areas are generally not suitable for essential civil infrastructure. Where such infrastructure must be located in these areas, it should be capable of remaining operational and accessible during extreme flooding event.
- 7.171 The applicant has submitted a flood risk assessment and drainage information with the application. The site relates to a sloping area of land within a semi-rural location. The potential for flood risk was considered as part of the LDP housing site allocation process, and it was concluded that the site could be developed.
- 7.172 There are however flood risks within the surrounding area including run-off from agricultural land and watercourses to the site's north and east boundaries. The development is required to demonstrate surface water will be managed on site and that there will be no increased flood risk within the site or downstream of the proposed development.
- 7.173 To protect the proposed development and development downstream of the site from flood risk, the mitigation measures recommended include controlling the flow rate of water within the drainage system, de-culverting the watercourse to the north east of the site to mitigate flood risk from backup flows and providing a finished floor level at each property of 0.6m above the maximum modelled flood levels.
- 7.174 Through the implementation of the recommendations outlined in the Flood Risk Assessment, the development will not be at risk from flooding nor increase the flood risk elsewhere, either upstream or downstream.
- 7.175 The SUDS basin has been sized based on the contributing impermeable catchment areas and the discharge restrictions. The drainage and flood risk mitigation measures proposed would ensure that there would be no flooding of any properties within the site, or elsewhere outside the site boundary, for the 1 in 200-year event plus climate change.
- 7.176 Overall, the submitted flood risk assessment demonstrates that any flood risk can be managed through the provision of mitigation measures and on-site sustainable drainage systems. The implementation of mitigation measures outlined in the flood risk assessment and the provision of full technical details of the drainage system can be dealt with by condition should Members be minded to approve the application.
- 7.177 **The proposal can satisfy NPF4 Policy 22c and LDP Policy 36, subject to conditions.**

Environmental Health and Ground Contamination

- 7.178 **NPF4 Policy 23e: Health and Safety** - states that 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.
- 7.179 **LDP Policy 39: Environmental Protection** - states 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. New development or an extension to an existing development in close proximity to existing sources of noise, vibration, odour, emissions to air, dust or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on viability of existing businesses or uses.

- 7.180 The proposed development would be located within a semi-rural location, with sources of noise within the surrounding area including industrial operations within Myrekirk Industrial Estate to the east, and road traffic from the A90 trunk road to the south. A noise impact assessment (NIA) was submitted with 18/01056/FULM which considered these noise sources. The NIA concluded that noise from the wider area would have no significant impact on residential amenity during daytime or night time hours.
- 7.181 With regard to noise sources within the proposed development, air source heat pumps are proposed at each dwelling. Accordingly, an updated NIA is required which assess the cumulative impact of all noise sources, including road traffic, industrial operations, sub-stations and heat pumps on background noise levels. The NIA will require to identify any mitigation measures necessary to achieve target noise criteria. It is recommended the submission of an NIA, implementation of any required noise mitigation measures and setting of maximum noise levels from plant and machinery be controlled by condition.
- 7.182 **The proposal complies with NPF4 Policy 23e and LDP Policy 39, subject to conditions.**
- 7.183 **NPF4 Policy 9c: Brownfield, Vacant and Derelict Land and Empty Buildings** - 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.
- 7.184 **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.
- 7.185 The greenfield site is presently open agricultural land, bound by public roads, planting and a water course. The applicant has submitted a Site Investigation Report which considers the application site and scope for contamination to be present.
- 7.186 The report concludes there are no significant contamination issues within the site. However, it is recommended that vigilance be maintained during site preparation and clearance works, particularly during clearance of a small area of hardstanding within the north of the site.
- 7.187 The findings and conclusions of the submitted report are accepted, and the implementation of the recommended measures within the report can be controlled by condition.
- 7.188 **The proposal complies with NPF4 Policy 9c and LDP Policy 41, subject to a condition.**

Archaeology

- 7.189 **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.
- 7.190 **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.

- 7.191 The proposed development site was subject to a comprehensive archaeological evaluation in 2013. Some archaeological remains were identified within the southern portion of the site, likely of later prehistoric date. Further investigations were completed and all archaeological features found across the site were fully exposed and recorded. No further on site fieldwork is required.
- 7.192 To fully assess the significance of the archaeological discoveries made during 2013 excavations, a programme of post-excavation analysis is required. This will involve the publication of a full record of the work undertaken and the discoveries made. An archaeological condition is therefore recommended to ensure that the applicant undertakes further analysis and reporting. Subject to the completion of further reporting and submission to the Council, the archaeological significance of the remains will be confirmed.
- 7.193 **The proposal complies with NPF Policy 7o and LDP Policy 52, subject to a condition.**
- 7.194 It is concluded that the proposal does not fully accord with the Development Plan.

MATERIAL CONSIDERATIONS

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

A – DEPARTURE FROM DEVELOPMENT PLAN POLICY

NPF4 POLICY 5b - SOILS

- 7.196 The proposed development would occupy an area of prime agricultural land, contrary to Policy 5b Soils of National Planning Framework 4. The proposal does not meet any of the exceptions to the policy.
- 7.197 The policy assessment within this report confirms that the principle of housing development on this land is accepted. This is due to the site being an allocated greenfield housing site within the Dundee Local Development Plan 2019, there being an existing planning permission reference 18/01056/FULM for a residential development of 215 units within the site, and the site is also within the Dundee Housing Land Audit 2023 as Dykes of Gray, North East.
- 7.198 The allocation of this site for housing, and the other greenfield housing sites at Western Gateway, are a key part of the planned release of housing land across the city to provide flexibility and choice in Dundee's housing market for house builders and occupiers. Through

the preparation of the local development plan, it was recognised that brownfield land alone could not deliver the volume of new homes required to be built in the city over the plan period. To ensure that there is an effective and generous supply of land for housing available and to provide for a balance and choice in the type, size, tenure and location of housing within the city the adopted strategy includes a managed release of greenfield land in the east and west of the city. Site H43 is the first of two larger sites at Western Gateway that will support the continued delivery of that strategic development area.

- 7.199 These are material considerations which support the approval of the proposal contrary to the requirements of NPF4 Policy 5b.

B – REPRESENTATIONS

- 7.200 A total of 10 representations were received, including 7 letters of support and 3 objections.

The 7 letters of support raised the following matters:

- 7.201 **Comment** - the development will support progress on development at Western Gateway, both in terms of residential development and the provision of services which can be sustained by a growing population.
- 7.202 **Response** – it is acknowledged that the proposed development would introduce a number of houses into the site, increasing the population within the Western Gateway area. To the west of the site within the village core are a shop and bus stop, with planning permission granted for further developments including retail and commercial uses.
- 7.203 **Comment** - There is considered to be significant demand for education provision within walking distance of the site. This development would be a positive step towards the provision of a school, a matter which is of significant importance to the community.
- 7.204 **Response** – as considered within the report, there is a requirement for greenfield development at Western Gateway to be subject of education contributions. The contributions are required to support the enhancement of primary school provision. Contributions shall be secured through a legal agreement.

The proposed site layout of the residential development retains an area of land towards Dykes of Gray Road which is noted on the submitted plans as a potential site for a primary school. Dundee City Council and partners continue to work on the delivery of a primary school within the Western Gateway. Any proposals for a school within this location would be subject of a separate planning application.

- 7.205 In total three letters of objection were received, raising the following material considerations:
- 7.206 **Objection** - there is a lack of house type and tenure mix within the development, a denser mix of housing and three/four storey flatted developments would be more acceptable. The development also fails to provide a range of house designs and does not include smaller homes such as 2 bedroom units.
- 7.207 **Response** – as assessed under NPF4 Policy 14 and LDP Policy 1, the design and layout of the development is in keeping with the semi-rural character of the area. The proposals meet the requirements of LDP Policy 10, Appendix 4. The site is allocated for housing within the Dundee Local Development Plan 2019 as part of a long standing strategy to integrate with the wider development of a village type development at Western Gateway.

- 7.208 **Objection** - use of the existing public road network, including Dykes of Gray Road and Denhead of Gray do not have capacity for the proposed development.
- 7.209 **Response** – the proposed development has been fully considered by the Head of Roads and Sustainable Transport. There is capacity on the existing road network for traffic generated by the proposal. The proposal includes alterations to the access road to the south of the site, with road widened and footpath formed to Dykes of Gray Road. Works to upgrade Swallow Roundabout have been completed which has increased capacity within the surrounding road network to accommodate the proposals.
- 7.210 **Objection** - the proposed development would have a detrimental impact on wildlife in the local area, and would result in the loss of prime agricultural land.
- 7.211 **Response** – wildlife and habitat are assessed under NPF4 Policies 3 and 4, and LDP Policy 34. It is considered the existing site does not contain any habitats of significant value, and through the provision of new planting and features such as bird and bat boxes, the biodiversity value of the site can be enhanced. It is acknowledged the proposal would result in the loss of prime agricultural land, however as considered above the site is an allocated housing site with live planning permission in place. This is a material consideration of sufficient weight to support the development.
- 7.212 **Objection** - there is not sufficient services, such as shops and education provision, to support further development at the Western Gateway. Services such as a school are critical to the future of development in the area.
- 7.213 **Response** – as discussed under the assessment against NPF4 Policy 18b and LDP Policy 20, as with other housing developments in the Western Gateway area the developer is required to make a financial contribution towards the costs of enhancing primary school provision. Education contributions made by the applicant will be held by the Council until the enhanced provision is required and then used towards funding enhanced provision. There is planning permission for shops and services within the existing development on the west side of Dykes of Gray Road. At present a local shop is open and operating, with further businesses able to open and operate as the population within western gateway grows.
- 7.214 **Objection** – the development form and layout results in car parking to the front and side of houses dominating plots. Parking should be provided within the houses, underground or to the rear.
- 7.215 **Response** – the submitted site layout and roads hierarchy plans demonstrate a range of road types, including main access roads with carriageway and footpaths, linking streets and local streets along with proposed footpaths. All plots include parking spaces, with a range of forms and positions proposed including integrated and detached garages and in curtilage parking to the front and side of houses. It is not considered parking would be over dominant, with the proposed positions ensuring safe and accessible parking is provided.
- 7.216 **Objection** - the proposed houses would not meet Passivhaus standard, and few dwellings are orientated to maximise solar gain. The developer shall require to demonstrate they will undertake post occupancy evaluation and building performance evaluation, and that the development is design to adapt to changes in the local area in relation to climate change.
- 7.217 **Response** - A range of dwelling orientations are proposed, whilst a number of the proposed houses face east-west there will be scope for low carbon technologies such as solar panels to work effectively. The density and form of development ensures plots would get sunlight for much of the day with no significant overshadowing. The development will require to meet current building standards with regard to energy efficiency and the use of low carbon

technologies. The provision of a detailed sustainability statement will be controlled by condition.

7.218 **Objection** – Developers who lodge proposals within neighbouring local authorities that are near to Dundee City Councils boundary should also submit proposals to Dundee City Council to support a collaborative approach to development.

7.219 **Response** – Any planning application within Dundee or neighbouring authorities will be validated and consultations issued in line with statutory legislation. Where proposals within a planning application may have a cross-boundary impact, local authorities do consult with neighbouring authorities. This was undertaken with this development, and no objections were received.

7.220 **It is concluded that there are material considerations of weight which support the approval of planning permission.**

8 CONCLUSION

8.1 The application fails to fully comply with the requirements of the Development Plan. However, there are material considerations of sufficient weight that justify approval of planning permission. It is therefore recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

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

- 1 **Condition** - the development hereby permitted shall be commenced within three years from the date of this permission.

Reason - to comply with Section 58 of the Town & Country Planning (Scotland) Act 1997.

- 2 **Condition** – before any unit is occupied work shall proceed in accordance with the recommendations of the submitted Site Investigation Report with vigilance maintained during groundworks for conditions that are materially different from anticipated. The council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council Planning Authority. The scheme shall include a full timetable for the remediation measures proposed. Verification shall be provided by the applicant or his agent, on completion, that remediation has been undertaken in accordance with, and to the standard specified in, the agreed remediation scheme. Should conditions be as anticipated, confirmation of this should be submitted to and approved in writing by the planning authority.

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

- 3 **Condition** - prior to the commencement of any development, details of a scheme of public art to be provided within the development hereby approved shall be submitted to the Council for written approval. This scheme shall include a programme for the installation of the public art and the works shall be completed in accordance with the agreed programme.

Reason - in the interests of enhancing the visual amenity and environmental quality of the development.

- 4 **Condition** - prior to the commencement of development, a scheme of features or measures to conserve, restore and enhance biodiversity, such as those measures set out in the NatureScot Developing with Nature guidance shall be submitted to and agreed in writing by the Council. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

Reason - to ensure that a satisfactory biodiversity enhancement scheme is proposed and implemented, mitigating the biodiversity impact that development has on the site.

- 5 **Condition** – prior to commencement of development, a detailed landscaping plan shall be submitted for approval. Thereafter, the agreed landscaping shall be implemented in full prior to first occupation of the residential development hereby approved. An Arboricultural Consultant shall inspect all nursery stock and provide a report to the Council confirming that it complies with the landscape plans hereby approved prior to it being planted. All tree planting is to be carried out as per BS:8545:2014. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.

Reason - to ensure that a satisfactory biodiversity enhancement scheme is proposed and implemented, mitigating the biodiversity impact that development has on the site.

- 6 **Condition** - prior to the commencement of any development, any site scraping or entry of construction traffic, full details of tree protection fencing in accordance with BS5837:2012 shall be submitted to the council for approval. Thereafter, the agreed fencing shall be erected on site in the agreed positions under the supervision of the applicant's arboricultural consultant and to the satisfaction of the City Council. Such fencing shall be retained in place throughout the construction period and relocation of any fencing shall be agreed with the Council prior to any movement of the fencing.

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

- 7 **Condition** - prior to the commencement of any development, an updated “Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment” shall be submitted to the Council for written approval. Thereafter, any recommended mitigation measures shall be implemented in full as part of the development.

Reason – in order to ensure the site is developed with due regard to any species on site and to ensure a satisfactory scheme of biodiversity enhancement is proposed.

- 8 **Condition** – prior to the commencement of any development, a detailed surface water drainage/SUDS design including drawings, calculations, full modelling, simulation results, design risk assessment, signed Dundee City Council Design Compliance and Independent Check Certification, evidence of compliance with the Simple Index Approach as described in section 26.7.1 of the CIRIA SUDS Manual (C753), and where appropriate SEPA comments shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to the first occupation of the development hereby approved.

Reason - in the interests of sustainable drainage provision and flood protection.

- 9 **Condition** – prior to the commencement of any development, maintenance responsibilities along with a maintenance schedule for the surface water drainage system/SUDS features shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out in perpetuity.

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

- 10 **Condition** – the recommended mitigation measures contained within the submitted Flood Risk Assessment by Envirocentre 'J5839 – Stark, Dundee Housing Development' dated July 2025 must be implemented within the development hereby approved.

Reason - in the interests of flood protection.

- 11 **Condition** – prior to the commencement of any development, details of measures proposed to manage surface water run-off from the site during construction shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to construction works commencing on any part of the development hereby approved.

Reason - in the interests of sustainable drainage provision and flood protection

- 12 **Condition** – prior to the commencement of development, an amended Noise Impact Assessment shall be submitted for prior approval. Thereafter, any required mitigation measures identified by the noise impact assessment must be implemented prior to the first occupation of any of the residential dwellings hereby approved.

Reason - in the interests of protecting residential amenity.

- 13 **Condition** – the total noise from the mechanical and electrical plant/services shall not exceed NR35 as measured 1 metre external to the facade of adjacent residential property. Furthermore, it shall not exceed NR25 within any adjoining residential property.

Reason - in the interests of protecting residential amenity.

- 14 **Condition** – prior to the commencement of development, a site waste management plan shall be submitted to and approved by the Council. The waste management plan shall contain details of how site waste will be controlled during the construction and operation of the development.

Reason – in the interest of sustainable waste management.

- 15 **Condition** - prior to any works on site details of the proposed roads including proposed road markings must be agreed and the roads must be formed and constructed to Dundee City Council standards and specifications.

Reason - in the interests of vehicle and pedestrian safety.

- 16 **Condition** - the junction of Dykes of Gray Road/Denhead of Gray shall be improved to DCC specifications and the works constructed to the agreed standard prior to occupation of the first property.

Reason - to ensure the access meets current standards.

- 17 **Condition** - a footway must be provided to Dundee City Council specifications ex adverso the site on Dykes of Gray Road and Denhead of Gray. Details of the footway must be agreed prior to any works on site.

Reason - in the interests of vehicle and pedestrian safety.

- 18 **Condition** - any existing accesses that are no longer required as part of the proposed development must be made good as footway to Dundee City Council specifications. Details of these alterations must be agreed prior to any works on site

Reason - in the interests of vehicle and pedestrian safety.

- 19 **Condition** - prior to the commencement of any development, full details and samples of all of the proposed finishing materials of the development hereby approved shall be submitted to the Council for written approval. Thereafter, the proposed development shall be finished in strict accordance with the details approved by this condition.

Reason – in the interests of visual amenity.

- 20 **Condition** - prior to occupation of the first property, a Residential Travel Plan shall be submitted to and agreed in writing by the Planning Authority. The residential travel pack shall identify details of different travel options available in the area in order to discourage the use of the private car. The approved travel pack shall be supplied to the occupants of every residential unit on occupation.

Reason - in the interests of promoting sustainable transport.

- 21 **Condition** – prior to the commencement of any development, a phasing plan for the provision of a Street Lighting system within the development shall be submitted to the Council for written approval. Thereafter, the Street Lighting System shall be provided in strict accordance with the details approved by this condition.

Reason - in the interests of vehicle and pedestrian safety.

- 22 **Condition** – prior to the commencement of any development, details of secure and covered cycle parking shall be agreed.

Reason - in the interests of promoting sustainable transport.

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

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

- 24 **Condition** - electric car charging points shall be provided at a location and number to be approved prior to opening of the development.

Reason - in the interests of sustainable travel measures

- 25 **Condition** - an Energy Statement demonstrating the extent to which the new build elements of the development will meet the requirements of Policy 48 of the Dundee Local Development Plan shall be submitted for the approval of the planning authority and the works shall be completed in accordance with the approved Statement.

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

- 26 **Condition** - prior to the commencement of any development, full details shall be shown on plan of a reservation strip or area(s) within the site to be safeguarded from development to support the delivery or connection to a heat network. These details shall be submitted for the approval of the planning authority and thereafter the agreed strip or areas shall be safeguarded from development.

Reason - to demonstrate that the development would be capable of connecting to a heat network as future demand dictates.

- 27 **Condition** - prior to the commencement of any development, the developer shall implement a programme of post-excavation research and publication in accordance with a detailed written scheme of investigation which has been submitted to and approved in writing by the Planning Authority.

Reason - in order to safeguard the archaeological heritage of the site and to ensure that the developer resources the investigation, recording and publication of the archaeological excavations already undertaken on this site.

- 28 **Condition** – prior to the commencement of any development, maintenance responsibilities along with a maintenance schedule for all communal/shared areas shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out in perpetuity.

Reason - to ensure that the proposed development has a satisfactory external appearance in the interests of the environmental quality and visual amenities of the area.

Informatives

Dundee City Council as Roads Authority: a Road Construction Consent (RCC) application (found via the following link on DCC website:

<http://www.dundee.gov.uk/a2z/constructionconsent>

must be submitted to Dundee City Council as Roads Authority for work on any proposed roads or the adjacent public road or footway and consent for this must be obtained prior to the commencement of any works on new roads or the public road or footway.

For further details please contact 07985 873758 or developmentroads@dundee.gov.uk