

City Chambers
DUNDEE
DD1 3BY

2nd February, 2024

Dear Colleague

You are requested to attend a MEETING of the **PLANNING COMMITTEE** to be held remotely on Monday, 12th February, 2024 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, 9th February, 2024.

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) 23-00519-FULL – PURPOSE BUILT STUDENT ACCOMODATION, 10 DOUGLAS STREET, DUNDEE – FOR GLENMORE STUDENT PROPERTY (DOUGLAS STREET) 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) 23-00617-PPPM – PROPOSED RESIDENTIAL DEVELOPMENT, LAND TO THE SOUTH OF WEST GREEN PARK AND EAST OF DYKES OF GREY ROAD, DUNDEE – FOR NHS TAYSIDE

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.

3 PLANNING APPLICATIONS

(Copy attached).

4 PLANNING APPEAL DECISION – PLANNING APPLICATION 23-00204-FULL - 26 THORTER ROW (AN5-2024)

Planning application 23/00204/FULL sought planning permission to change the use of a flat into a short term let. The application was refused by the Planning Committee, at its meeting on 14th August, 2023 for the following reason:

the application is contrary to Policy 30(e) of National Planning Framework 4 as the proposed short-term let would have an unacceptable impact on the amenity of the area and would result in the loss of residential accommodation where such loss is not outweighed by demonstrable economic benefits. There are no material considerations of sufficient weight to justify approval of the application.

Planning appeal reference PPA-180-2071 was submitted and the Reporter appointed by Scottish Ministers issued a decision on 10th January, 2024. The Reporter's decision was to **DISMISS the appeal and REFUSE** planning permission.

The full appeal decision can be accessed via:

<https://idoxwam.dundeecity.gov.uk/idoxpa-web/applicationDetails.do?keyVal=RSLAQEGCIZZ00&activeTab=summary>.

The determining issues in the appeal were the effects of the development on residential amenity, safety and security.

The Reporter considered that the proposal would give rise to unacceptable effects on the amenity and sense of security of neighbouring properties in a shared stairwell that is not overly spacious, particularly the other property sharing the first floor, and to some extent, residents sharing the communal courtyard. This was found to be contrary to NPF4 policy 30(e)(i).

In reaching that conclusion the Reporter noted that the comings and goings of groups of up to 6 unrelated individuals would, when compared to occupation of the current flat by a couple or 2 unrelated individuals, create some disturbance for neighbouring residents. Similarly, the existing sense of security and privacy in the communal courtyard could feel compromised by the use of it by those unknown to the existing residents.

When considering the loss of residential accommodation the Reporter did not find that there is currently a proliferation of short term lets in this area, nor is there any evidence that this is having an adverse effect on the supply of housing at present.

The Reporter noted that allowing a short term let at the appeal site could set a precedent for other short term lets that are similarly located which could lead to further loss of residential properties and a change in the character of the area. While the proposed use would be used by visitors to the city who may use facilities and businesses during their stay, the Reporter concluded that economic benefits from this small scale proposal are likely to be negligible and not of a demonstrable benefit. These points were found to be contrary to NPF policy 30e(ii).

Although Local Development Plan 2019 Policy 8: Tourism Accommodation was not a reason for refusal the Reporter did consider the proposal under this policy. That policy restricts new tourism accommodation to the City Centre or Central Broughty Ferry areas only with exceptions for small scale B&B and guesthouse accommodation. The Reporter noted that these exceptions are facilities where the property or business owner is present on the site providing services to guests, rather than self-catering facilities such as the proposed use. Therefore, the proposed use is not classed as an exception to the policy and is not in line with Local Development Plan 2019 Policy 8.

Planning Applications

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

Item No	Case No/Ward	Location	Page
1	23/00519/FULL W03-West End	10 Douglas Street, Dundee	1
2	23/00617/PPPM W02-Lochee	Land to South of West Green Park and East of Dykes of Gray Road, Dundee	34

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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Proposed Purpose Built Student Accommodation

KEY INFORMATION

Ward West End

Address

10 Douglas Street

Applicant

Glenmore Student Property
(Douglas Street) Limited

Agent

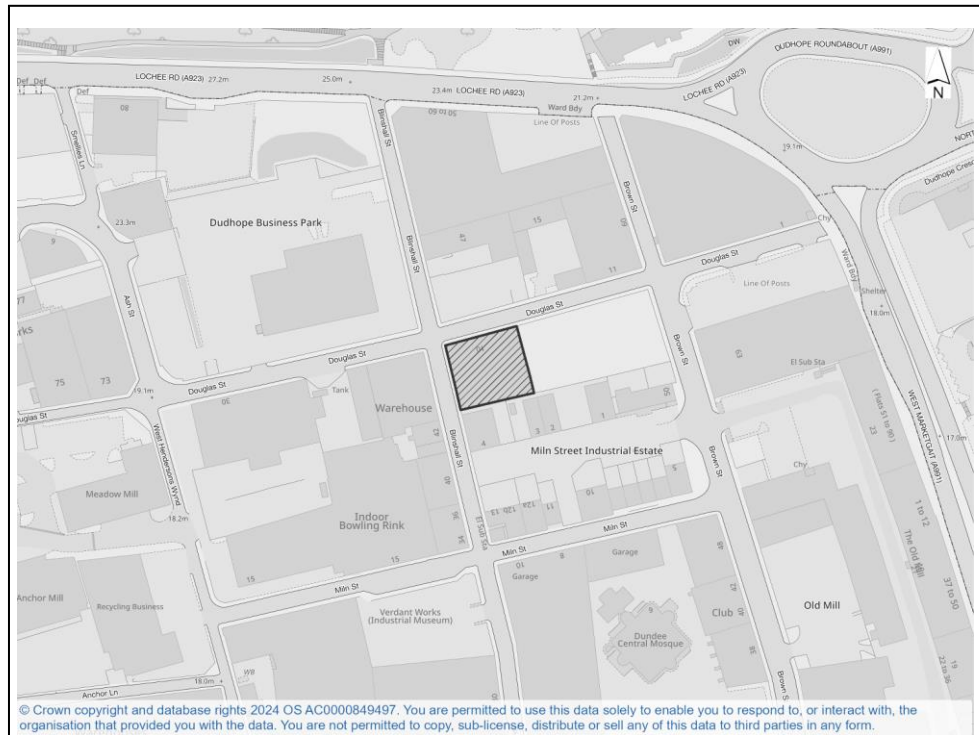
Scott Hobbs Planning

Registered

15 August 2023

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

Contact: Craig Swankie



SUMMARY OF REPORT

- Planning permission is sought to replace an existing building with a block of purpose-built student accommodation, comprising 98 bedrooms with associated amenity space, landscaping and access.
- The application does not fully accord with the requirements of the Development Plan.
- In total, 15 letters were received objecting to the proposal. The letters of objection raise concerns with the proposal's impacts on the operation of surrounding businesses which generate noise, local parking pressures, design and impact on the conservation area and compliance with the Blackness Business Place Plan. One letter of neutral representation was received which supports the principle of the development, but raises concerns with elements including low provision of student amenity space.
- Supporting information including a Planning Statement, Design and Access Statement, Noise Impact Assessments and an Air Quality and Odour Assessment have been provided with the application.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as more than 6 objections have been received and the application is recommended for approval.
- More details can be found at <https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=RZ4HESGCM0600>

RECOMMENDATION

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

1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission is sought for the erection of purpose-built student accommodation (PBSA) together with associated access, amenity spaces and infrastructure. The proposal would provide 98 studio apartments, including 5 accessible apartments across the ground and upper floors. As part of the development, internal amenity spaces are to be provided for residents within the ground floor towards Brown Street, along with a plant room and bin store. To the rear (south east) of the proposed building external amenity space is to be proposed.
- 1.2 The proposed building would be located immediately to the west of a development of student accommodation which is nearing completion. The proposed development would be associated with the neighbouring student accommodation, and reflects the scale, form and design of that building. The design of the building would be based on a "L" shaped plan form, with the main body of the building fronting on to Douglas Street and Blinshall Street. The form of the building would provide an enclosed south east facing amenity space within the site, and would reflect the layout of the neighbouring student accommodation.
- 1.3 The building, which would be up to five storeys in height, has been designed to provide an active frontage, with the main entrance and reception on the north elevation onto Douglas Street. External finishes primarily comprise of dark grey brick at ground floor level with buff brick to upper floors and areas of glazing.
- 1.4 Within the ground floor, an amenity space is proposed towards Douglas Street along with plant room and refuse storage space. Towards Blinshall Street and within the centre of the building 15 studio rooms are proposed. The upper floors contain a further 83 studio apartments which are accessed by a stair and lift at the centre of the building. Each studio will include a bed, kitchen facilities, study area, bathroom and storage space. To the rear of the building (south east) an external amenity space is to be formed providing residents with 180m² of useable outdoor space. Towards the south of the amenity space a cycle storage area is proposed with capacity for 49 cycles.
- 1.5 The applicant and developer for the proposed development is the same as for the development of student accommodation immediately to the east of the site at 56 Brown Street. That development, as planning permission 21/00478/FULL, is nearing completion. The development subject of this application would operate as an extension of 56 Brown Street, sharing facilities and amenities. The building layout, form and design has been developed to integrate both developments.
- 1.6 The applicant has submitted the following in support of the application:
 - Planning Statement;
 - Energy Strategy Report
 - Design Statement;
 - Noise Reports; and
 - Air Quality Report.

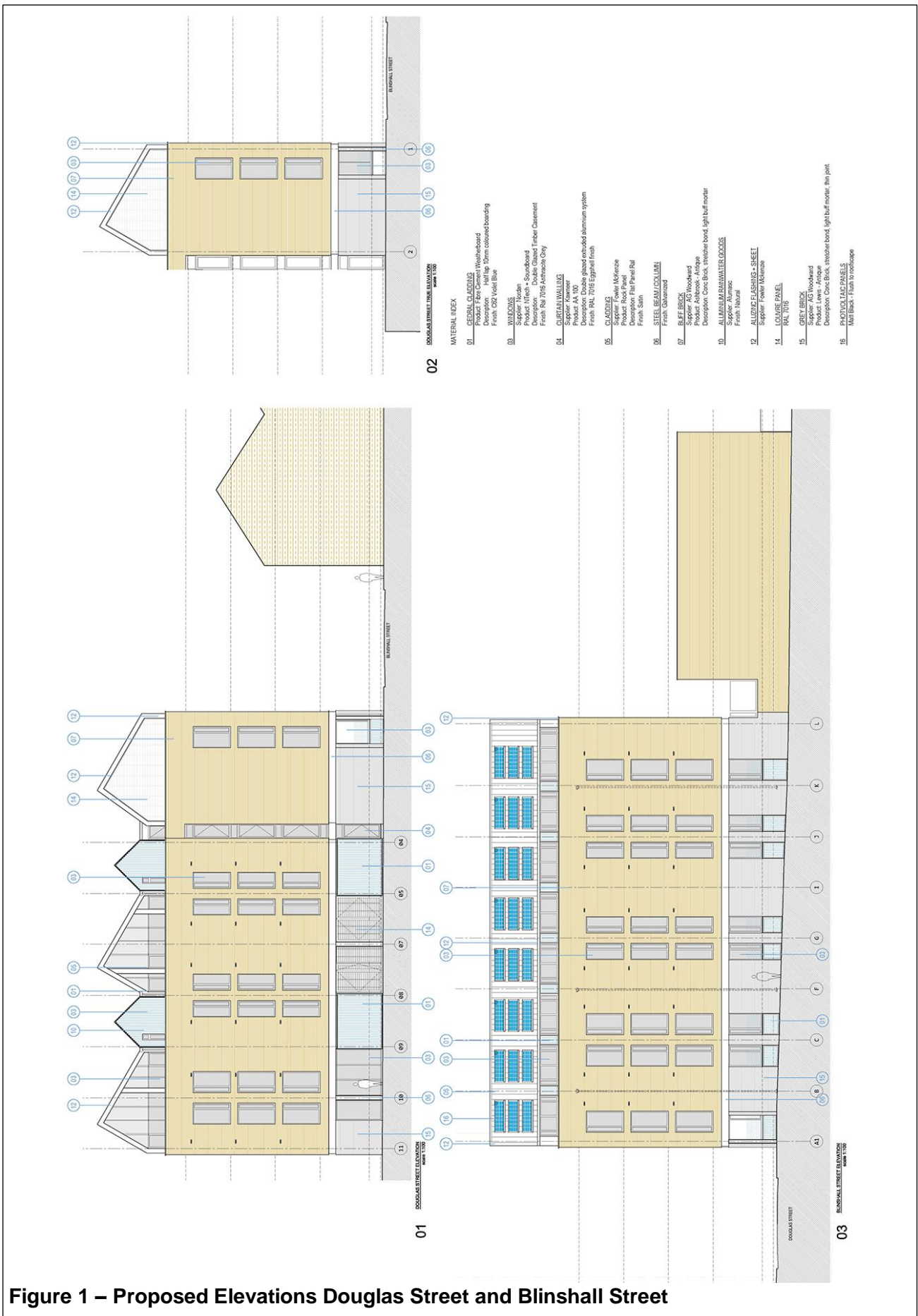


Figure 1 – Proposed Elevations Douglas Street and Blinshall Street

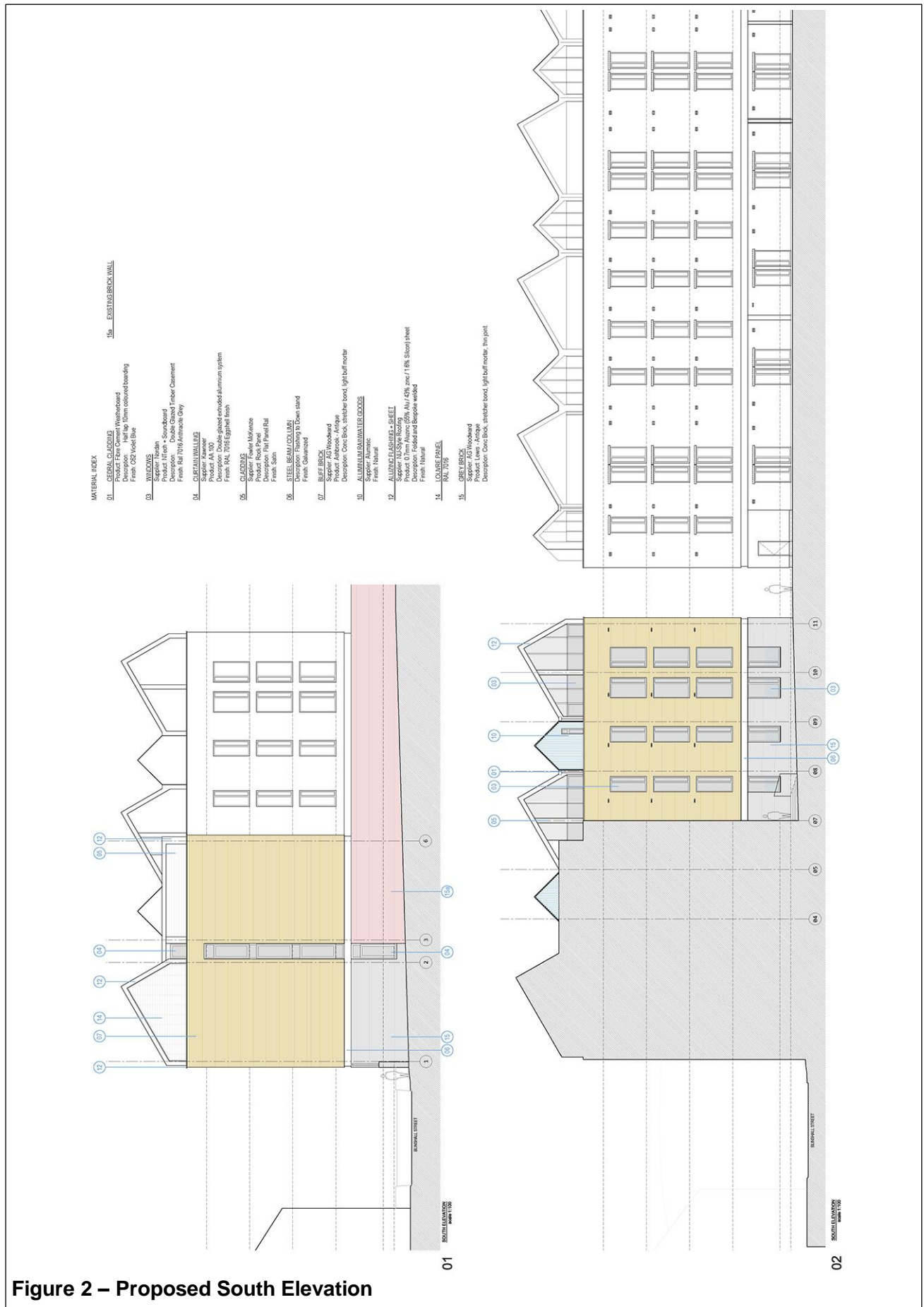


Figure 2 – Proposed South Elevation

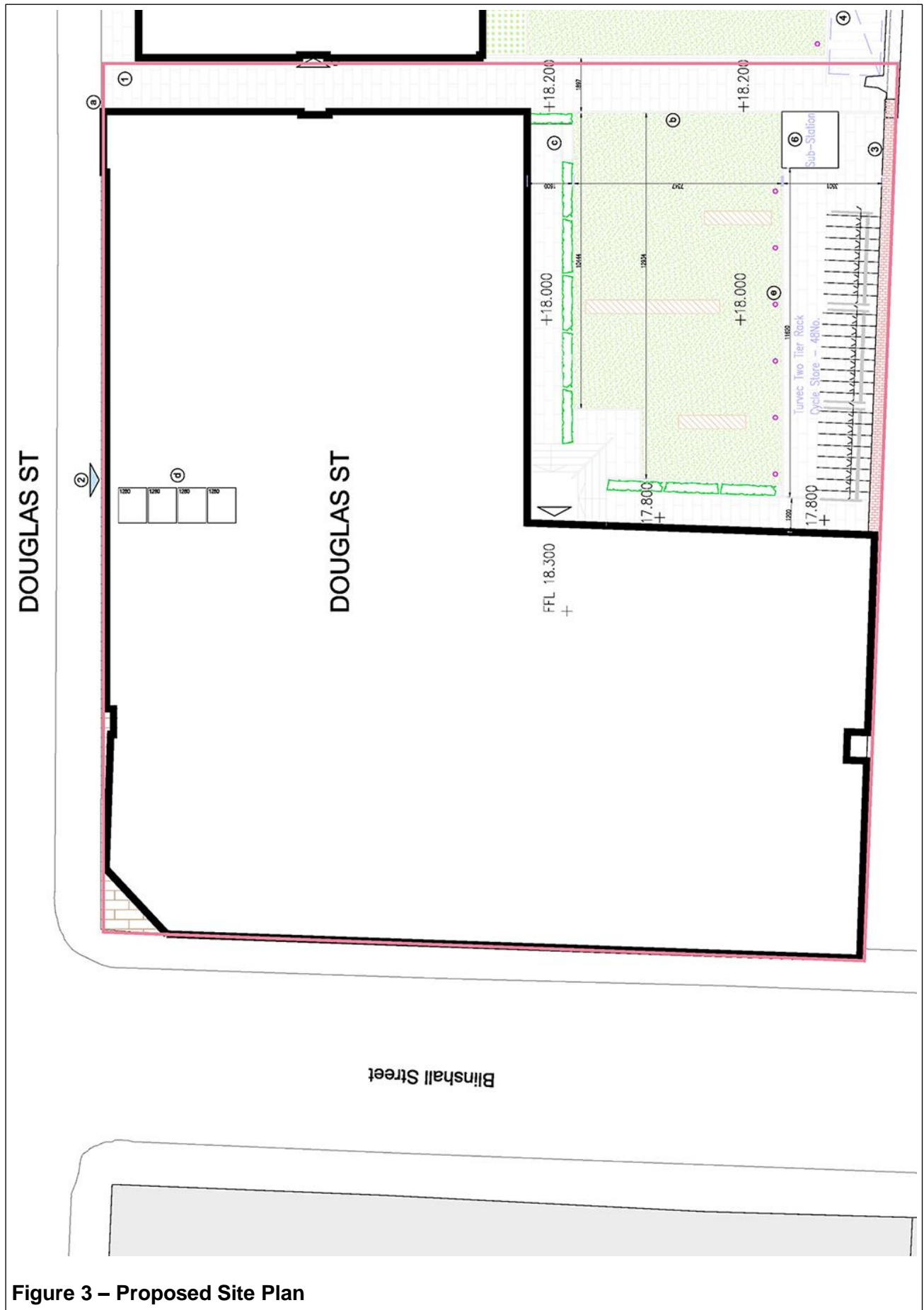


Figure 3 – Proposed Site Plan



Figure 4 – Images of Proposed Development With Under Construction Student Accommodation To East

2 SITE DESCRIPTION

- 2.1 The application site contains a two storey industrial building, located to the south east of the junction between Douglas Street and Blinshall Street. The building, which is finished in brick and render, is currently vacant.
- 2.2 The wider area contains a mix of modern and historic buildings, primarily occupied by a range of industrial and business uses. To the north west and south west of the site are both modern industrial buildings and traditional stone buildings containing businesses including a vehicle repair centre, storage, joinery workshop and music studios. Immediately to the east of the site a development of purpose built student accommodation is nearing completion at 56 Brown Street.
- 2.3 The wider area contains further industrial and business uses within Blackness General Economic Development Area and Blackness Conservation Area. The site is within 300 metres of the city centre and Dudhope Park.

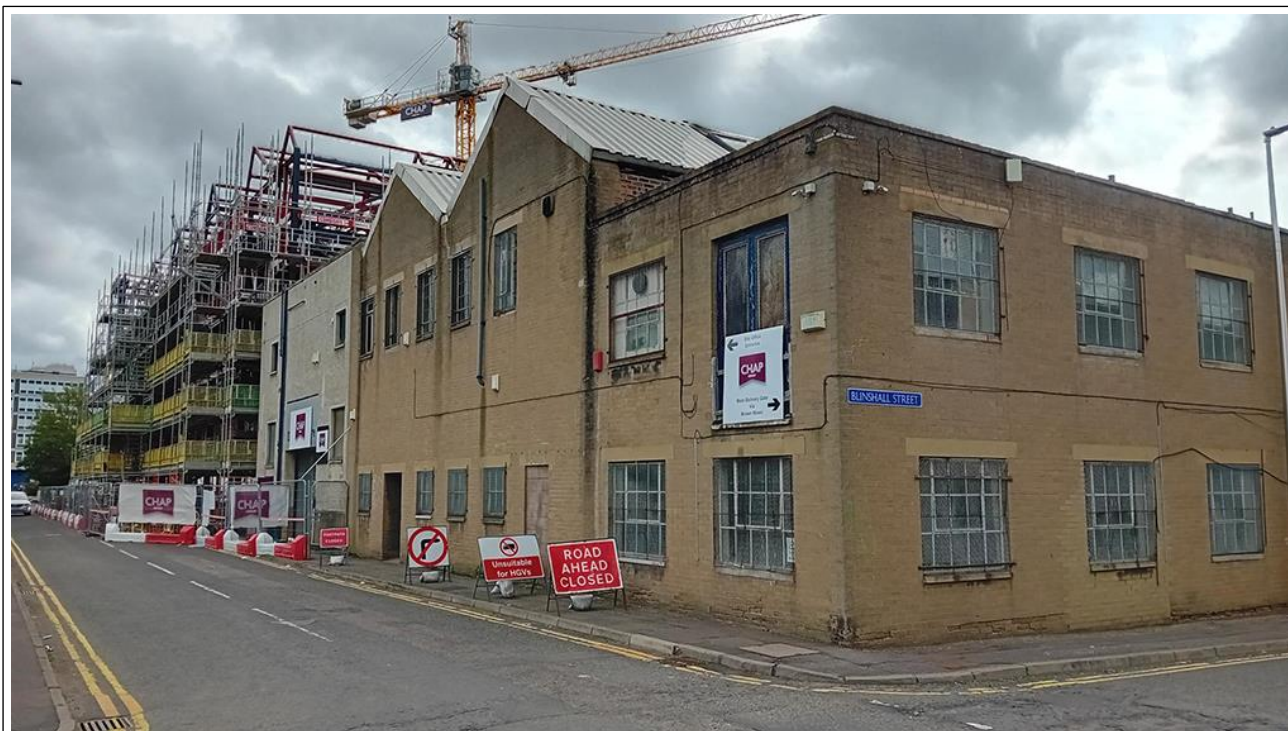


Figure 5 – View of Site From Douglas Street



Figure 6 – View of Site From Blinshall Street

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 3a, c: Biodiversity

Policy 4f: Natural Places

Policy 7d, e, f, g: Historical Assets and Places

Policy 9a, c: Brownfield, Vacant And Derelict Land and Empty Buildings

Policy 12a: Zero Waste

Policy 13b, e: Sustainable Transport

Policy 14b: Design, quality and place

Policy 15a: Local Living and 20-minute Neighbourhoods

Policy 16c: Quality Homes

Policy 20b: Blue and Green Infrastructure

Policy 23d, e: Health and safety

Policy 26a: Business and Industry

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 1: High Quality Design and Placemaking

Policy 2: Public Art Contribution

Policy 5: General Economic Development Areas

Proposal 1: Blackness Regeneration Area

Policy 15: Student Accommodation

Policy 34: Protected Species

Policy 37: Sustainable Drainage Systems

Policy 39: Environmental Protection

Policy 40: Air Quality

Policy 41: Land Contamination

Policy 44: Waste Management Requirements for Development

Policy 48: Low and Zero Carbon Technology in New Development

Policy 51: Development in Conservation Areas

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 22/00862/FULL for the demolition of the existing building and erection of a mixed-use building to form commercial, live/work units and flatted dwellings with associated works was withdrawn in March 2023.

4.2 Conservation Area Consent application 23/00520/CON for the demolition of 10 Douglas Street is currently under consideration.

4.3 Immediately to the east of the present application site, planning permission reference 21/00478/FULL for the erection of a mixed use building including ground floor live and work units (class 2 and class 4) and student accommodation was approved in November 2021. This development, which is currently under construction, will be associated with the development currently being considered.

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 15 letters of objection were received, raising the following material considerations:
- The design and scale of the proposed development will have a detrimental impact on the character of the conservation area, and result in overshadowing.
 - The provision of residential accommodation within the ground floor of the building, and lack of workshop space within the proposed building is contrary to the Blackness Business Place Plan.
 - The development would be within an established industrial area and close to uses including a music studio. There are significant concerns that noise complaints may arise from future residents of the student accommodation in relation to noise from established businesses.
 - As the proposed development is not served by any dedicated parking provision, the proposals will increase parking pressures on surrounding streets.
- 5.3 One neutral representation was submitted, which supported the principle of the proposed student accommodation and notes elements including cycle storage and low carbon technologies are to be provided. However, the representation raises concerns with elements including the size and form of amenity spaces being provided for students, and that the buildings form may not be optimal for the use of solar panels or natural light entering the building.
- 5.4 The valid grounds of representation are taken into account in the material considerations section of this report.

6 CONSULTATIONS

- 6.1 **The Head of Community Safety and Protection** - has commented on the following matters:
- Air Quality** – the submitted reporting has been reviewed and the conclusions are accepted.
- Contaminated Land** – planning conditions are recommended requiring a contaminated land risk assessment be submitted for approval, and thereafter any identified remediation measures implemented as part of the development.
- Noise** – the submitted noise reports consider noise sources from existing uses within the surrounding area, and from within the development. The reports identify a requirement for mitigation measures including acoustic glazing and ventilation requirements to ensure residents are provided with a satisfactory level of amenity. Following review of the reports, the Head of Community Safety and Protection is able to support the recommended mitigation measures, and planning conditions are recommended to ensure all required works are fully implemented.

The Head of Sustainable Transport and Roads - has commented on the following matters:

A Planning Statement with information on sustainable transport and cycle storage has been provided with the application. The proposals are supported, subject to a recommended condition requiring details of cycle storage to be submitted for agreement.

7 DETERMINING ISSUES

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

THE DEVELOPMENT PLAN

The provisions of the National Planning Framework 4 relevant to the determination of this application are specified in the Policy Background section above.

Principle of Development

- 7.2 **NPF4 Policy 9a: Brownfield, Vacant and Derelict Land and Empty Buildings** – states development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
- 7.3 The proposal would replace a vacant industrial building within Blackness. The proposal would support the long-term use and occupation of the site, generating footfall into the area and providing residential accommodation within an accessible location. The existing building does not contribute positively to the character or appearance of the surrounding area. The provision of a modern building of high-quality design would contribute positively to the character of Douglas Street and wider Blackness area.
- 7.4 As the site contains a building it has little biodiversity value.
- 7.5 **The proposal is supported by NPF4 Policy 9a.**
- 7.6 **NPF4 Policy 26a: Business and Industry** -supports development proposals for business and industry uses on sites allocated for those uses in the LDP. Similarly **LDP Policy 5: General Economic Development Areas** supports proposals for Class 4, 5 and 6 developments in areas designated as General Economic Development Areas. Some uses of a wider industrial nature such as car showrooms, wholesaling and scrap yards are also supported subject to several criteria, but other uses within these areas will not be supported.
- 7.7 The proposal is for a development of student accommodation within the Blackness General Economic Development Area. Therefore, the use is not supported by these policies.
- 7.8 **The proposal fails to accord with Policy 26a of NPF4 and Policy 5 of the LDP.**
- 7.9 **LDP Proposal 1: Blackness Regeneration's** purpose is to highlight the potential to reuse vacant land and buildings within the Blackness General Economic Development Area and set a framework for physical improvements. The City Council will prepare a design framework. This will identify and support the development of appropriate complementary uses within the

Blackness area. A design framework has been prepared – the Blackness Business Place Plan (BBPP).

- 7.10 The vision for the future of Blackness is to create a vibrant mixed-use area, consisting of compatible and complementary uses that create a successful place to invest, work, live and visit. All proposals for development in Blackness require to be considered against the BBPP, and must demonstrate how the development will support the regeneration of Blackness. Whilst the BBPP encourages new development within the Blackness area this must not prevent the operation or expansion of the existing employment uses.
- 7.11 The BBPP identifies the existing building within the site as being vacant, and located within an area where there is scope for uses out with industrial developments to be supported. Developments including flats and live-work units will be supported, however only where above ground level and as part of a development with a suitable level of ground floor working space.
- 7.12 Whilst purpose built student accommodation is not a use directly supported within the Framework, other types of residential development such as flats at upper floor levels is supported. The type and nature of student accommodation proposed is of a similar character to flatted accommodation and would be appropriate in this location, being within close proximity to existing student accommodation of a similar nature and within proximity to the university campuses. The increased footfall within the area would support the use of surrounding services leading to further footfall and development within the wider area, including the city centre.
- 7.13 Whilst the provision of student accommodation within upper floors is acceptable, the proposal also includes residential accommodation within the ground floor, and no live/work or business units would be provided. This element is therefore not supported by the Blackness Business Place Plan.
- 7.14 In this instance, the provision of purpose-built student accommodation is acceptable, however the provision of residential accommodation within the ground floor of the building is not supported by the Blackness Business Place Plan.
- 7.15 **As residential accommodation is proposed within the ground floor, the proposal does not fully accord with Proposal 1 of the LDP.**
- 7.16 **NPF4 Policy 16c: Quality Homes** - supports development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision. This could include homes for people undertaking further and higher education.
- 7.17 At present, student accommodation within the city comprises University halls of residence, other private halls of residence, rented accommodation/HMO and at home/living with parent accommodation. The proposed development would support the provision of a range and type of student accommodation within the city.
- 7.18 The applicant has submitted information in support of the application which considers there is demand for student accommodation within the city, and that the proposed 98 bedroom development would complement and improve the existing offer. The proposal would be directly related to a development of student accommodation immediately to the east of the application site which is nearing completion, and both developments would share amenity spaces and resident facilities.
- 7.19 The proposed development would result in the redevelopment of a largely vacant industrial premises which makes a limited contribution to the character and appearance of the local

streetscape and conservation area. The proposal would integrate with the character and appearance of modern development within this part of the city, whilst ensuring students are provided with appropriate high-quality amenities and facilities.

- 7.20 In relation to gaps in provision, the proposed development with 98 bedrooms is of a scale which would contribute to the level and availability of student accommodation within the city. The development is located within an accessible location, within walking distance of higher education institutions. The proposal would contribute positively to the type and range of student accommodation within the city, and enhance the existing supply.
- 7.21 **The proposal is in accordance with Policy 16c of NPF4.**
- 7.22 **NPF4 Policy 16c: Quality Homes** - supports development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision. This could include homes for people undertaking further and higher education. **LDP Policy 15: Student Accommodation** supports student accommodation only where:
- it can be suitably demonstrated that a demand exists within the particular area for the level and type of student accommodation proposed;
 - it is within convenient walking distance of the higher education institution to which a need exists and is well connected to local services and facilities; and
 - the design and layout of the proposed development is of a high quality and provides an appropriate level of amenity space, car parking provision, refuse/recycling storage space and secure bike storage facilities.
- 7.23 The supporting text in the LDP notes that following development of new and replacement purpose-built student accommodation over the past ten years, it is considered unlikely that there will be the need over the short to medium term for significant additions to the existing supply. To ensure that there is not an oversupply of this type of accommodation, proposals will need to demonstrate that there is a need in the area for the accommodation proposed.
- 7.24 The applicant has submitted a Planning Statement which considers the demand for student accommodation within the city, and notes the proposal is to be associated with a development of purpose-built student accommodation which is currently under construction.
- 7.25 At present, student accommodation within the city comprises University halls of residence, other private halls of residence, rented accommodation/HMO and at home/living with parent accommodation. The submitted report refers to studies which note the full-time student population within the city has grown in recent years to over 17,930 in 2021/2022. Whilst there has been growth in the city's student population, resulting in increased demand for purpose-built student accommodation, this demand is not being met.
- 7.26 In addition to a lack of new of purpose-built student accommodation, many traditional flats typically rented to students have been taken out of the letting market. This is partly due to a number of landlords of traditional flatted accommodation taking advantage of recently high house prices and selling their properties to owner occupiers. This has resulted in less rental stock available to full-time students in Dundee.
- 7.27 Following a combination of factors as above, there is considered to be a shortage of purpose-built student accommodation. As such, the submitted report considers there to be a clear need for the delivery, in the short and medium term, of purpose-built student accommodation to rectify the under provision facing Dundee. The proposed development would deliver

purpose-built student accommodation to address short to medium-term supply issues and would be provided by a developer who has progressed a development immediately to the east of the application site. The site is accessible to both university campuses and benefits from ready access to the wider services and amenities available in the city centre.

- 7.28 The proposals will include the demolition of a largely vacant building, and redevelopment of a brownfield site. With regard to unmet demand, the submitted report considers there to be up to 14,570 students who require accommodation within the city and that existing PBSA accommodation and pipeline developments would provide 5,026 bed spaces. The Report also suggests that there is a potential unmet demand pool of 9,544 students.
- 7.29 The report highlights that the city's student population is growing, and that this has resulted in a demand being created for student accommodation as proposed. It considers there to be sufficient demand for the proposed 98-bedroom development to provide new build, accessible purpose-built student accommodation within the city.
- 7.30 Officers are in regular dialogue with the city's educational institutions and are aware that there is a current unmet demand for student accommodation of all types and rental levels and that the universities are forecasting growth in student numbers, particularly from overseas. From those discussions it is acknowledged that it is unlikely that this demand is solely for purpose built studio type accommodation. In this case, it is considered that allowing this scale of development will not result in an oversupply of that type of accommodation. The proposals would integrate with the neighbouring development which is nearing completion, and provide the type and quality of accommodation required in a highly accessible location
- 7.31 To ensure the development does not change into mainstream residential accommodation without full assessment, and to retain control over the use of the proposed purpose-built student accommodation it is recommended that a condition is attached to control the duration of occupancy of the accommodation.
- 7.32 The site is within walking distance of higher education institutes, with University of Abertay Campus 400 metres walk to the east of the site and University of Dundee Campus 380 metres to the south of the site. The site is connected to each Campus by existing public footpaths.
- 7.33 As the proposed student accommodation is located within walking distance of the city centre, residents would have access to a range of shops and services. The site is also within walking distance of bus stops on surrounding roads including Lochee Road and Marketgait which provide access to services across the city.
- 7.34 The design of the proposed development is assessed under NPF4 Policy 14 and LDP Policy 1. It is considered the development is of a high-quality design and layout which provide residents with an acceptable standard of residential amenity and access to open spaces and surrounding services as part of the proposed development. The level of amenity space, cycle parking and waste storage space are appropriate for the number of bedrooms proposed.
- 7.35 Eight planning applications for purpose-built student accommodation have been approved since April 2021 creating a live pipeline of 1,633 beds. There are two other live planning applications for up to 517 student beds and the Council has received Proposal of Application Notices for 1,574 further purpose-built student beds across three other sites. This creates a potential pipeline of between 3,000 and 4,000 beds. This is significantly less than the potential unmet demand pool of 9,544 students noted in the applicant's own report and those similar figures in the reports supporting other recent applications for student accommodation. If the development proposed in this application were developed it would not result in an oversupply of student accommodation.

- 7.36 The current proposal is for a development of student accommodation within Blackness which would create a 98 bedroom development. Should planning permission be granted for purpose-built student accommodation on this site, and at other sites, there is potential for these competing developments to stall for several years until developers can attract funding. This could lead to long-term vacant sites continuing to remain vacant and undeveloped. To avoid this situation, and to encourage the early implementation of planning permission it is proposed to reduce the normal time limit for implementation of a planning permission from 3 years to 18 months. This allows a reasonable period for pre-commencement planning conditions to be agreed and should encourage timely development. This approach was taken when planning permission was granted for other PBSA schemes within the city in recent years.
- 7.37 With regard to supply, as considered above the present application has demonstrated there is demand for the type and scale of purpose-built student accommodation proposed. Whilst there is a sizeable pipeline of approved beds and potential for further planning applications to be submitted, allowing this current proposal is not considered to result in oversupply. Any further applications will, in accordance with Policy 15, require to demonstrate that there is demand for the level and type of accommodation proposed, and will be considered on their own merits. Officers will also continue to meet with the institutions to discuss the forecast growth in student numbers and the demand for accommodation.
- 7.38 **The proposal is in accordance with Policy 16c of NPF4 and Policy 15 of the LDP, subject to a condition.**

Design

- 7.39 **NPF4 Policy 14 b: Design, Quality and Place** - states development proposals will be supported where they are consistent with the six qualities of successful places: Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable.
- 7.40 **LDP Policy 1: High Quality Design and Placemaking** - states all development proposals should follow a design-led approach to sustainable, high quality placemaking. Development should contribute positively to the quality of the surrounding built and natural environment and should be planned and designed with reference to climate change mitigation and adaptation. The design and siting of development should respect the character and amenity of the place, create a sense of community and identity, enhance connectivity and incorporate creative approaches to urban design, landscaping and green infrastructure, appropriate to the local context and the scale and nature of the development. New development will be required to meet the six qualities of successful place in accordance with the guidance provided in Appendix 1.
- 7.41 With regard to the character and amenity of Douglas Street and surrounding buildings, the scale, massing and design of the proposed development is such that the proposal will integrate into the existing streetscape. The height, form and finish materials of the proposed building has been carefully considered to ensure the proposals integrates with both existing buildings in the surrounding area and a development of student accommodation immediately to the east of the site which is currently under construction. The proposed external elevations and roof design ensure the development will contribute positively to the range of building designs in Blackness and provide a high-quality frontage.
- 7.42 The proposed building would maintain the height and form of the new build student accommodation at 56 Brown Street, ensuring the proposals integrate with the established character of Douglas Street. The building would extend above the height of buildings to the north, south and west including existing buildings on Blinshall Street by up to 7.4 metres. To reduce the massing of the building, the proposal includes pitched elements to the roof and a design which reflects that of 56 Brown Street. The design of the proposed building is in

keeping with the appearance and scale of development to the east including developments at 56 Brown Street and 60 Brown Street which are under construction. Whilst the building is taller than buildings to the north, south and west it is an acceptable scale which reflects the general height of buildings within this part of the city, and towards Marketgait. Views of the building from surrounding streets would not be significant, and the development would integrate with the established form of development on Douglas Street.

- 7.43 The impact of the proposal on the existing buildings has been considered within the submitted Design and Access Statement and supporting information. The building would result in overshadowing and alter the outlook from buildings around the site. However, at surrounding buildings, overshadowing at lower floor levels would not be significantly greater than it is at present. Neighbouring buildings are commercial in nature and would not be significantly impact by virtue of the scale or massing of the proposed development. There is sufficient separation between the existing and proposed building to ensure there is no significant loss of natural light within surrounding buildings. The proposed building is of a height and form which is appropriate within Blackness, with compact urban development in the surrounding area. Through the provision of high-quality materials and external amenity space, the development would contribute positively to the character and visual amenity of the site and surrounding area.
- 7.44 The proposal would result in a distinctive development which respects the existing building lines and street pattern. The provision of an external amenity area towards the rear elevation of the building at ground floor level would provide visual interest and useable amenity space for residents. The location of the amenity space would not result in any overlooking of private amenity spaces within the surrounding area.
- 7.45 The provision of high-quality materials within the development which is within Blackness Conservation Area is essential to ensure the proposals contribute positively to the local streetscape and maintain the character of Blackness. The applicant has proposed materials including buff brick to external walls and aluminium windows and door which are acceptable and would create a development which maintains the character and quality of development in the local area, including the neighbouring development at 56 Brown Street. The proposed design and finish materials ensure the proposal will be of a high quality and create a development which maintains and contributes to the character and quality of Blackness.
- 7.46 The proposed ground floor would contain the main entrance, amenity area and access to the upper floors. To ensure an active street frontage is provided, the main entrance and amenity spaces feature glazing affording views onto Douglas Street. Towards the rear of the building external amenity space and cycle storage areas are proposed.
- 7.47 Safe pedestrian access is provided from the surrounding streets and there is provision of public transport in the surrounding area with bus stops on Lochee Road and West Marketgait. Dundee railway station is 0.7 miles to the south east of the site. The proposal would therefore support ease of movement and the use of sustainable transport.
- 7.48 The site is presently occupied by an industrial premises. The building would be demolished. The building is presently providing welfare facilities for staff progressing construction of a development of student accommodation immediately to the east of the building. The building has only been partially occupied for several years and does not make a significant contribution to the character or amenity of surrounding conservation area. The site is in an accessible location, and its redevelopment could contribute positively to the overall character and appearance of Douglas Street and Blinshall Street. The proposed building would reflect the established building line, and includes design elements such as section of pitched roof which reflect the character of traditional buildings within the wider area. The proposed student accommodation would create a building which fully integrates with the height and form of the

student accommodation under construction to the east of the site and through the provision of high-quality materials will ensure the building complements neighbouring traditional and industrial development. Overall, the design and form of the development ensures it would contribute positively to the local streetscape.

- 7.49 Overall, the proposed development will provide a well-connected, high quality modern development of purpose-built student accommodation within a brownfield site. Residents will be within walking distance of a range of shops, services and higher education institutions and the site is served by a range of sustainable transport options. The development would contribute positively to the character and appearance of Brown Street and supports the regeneration of Blackness.
- 7.50 For the reasons considered above, the proposal is consistent with the six qualities of successful places. The development will be distinctive and well connected, and contribute positively to the appearance of Blackness.
- 7.51 **The proposal is in accordance with Policy 14b of NPF4 and Policy 1 of the LDP.**
- 7.52 **LDP Policy 2: Public Art Contribution** - requires all developments in Dundee with construction costs of £1 million or over to allocate at least 1% of construction costs for the inclusion of art projects in a publicly accessible/visible place or places within the development.
- 7.53 The proposed residential development will require to provide public art in an accessible/visible location within the site. Details of the public art have not been confirmed as part of this application. Therefore, it is recommended that full details of public art provision, and its completion as part of the development be secured by condition.
- 7.54 **Subject to a condition, the proposal is in accordance with Policy 2 of the LDP.**
- 7.55 **NPF4 Policy 12 a: Zero Waste** - states development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy. **NPF4 Policy 12 c: 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:
- 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.
- 7.56 **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.
- 7.57 As required by these policy, there is sufficient provision for waste reduction and waste separation within the proposed bin storage area within the ground floor of the development. The proposed bin store includes direct access onto Douglas Street for waste uplift. The proposal would support waste separation, recycling and reduction in line with the waste hierarchy.

7.58 **The proposal is in accordance with Policy 12a and 12c of NPF4 and Policy 44 of the LDP.**

Historic Environment

7.59 **NPF4 Policy 7d: Historic assets and places** – states development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:

- i architectural and historic character of the area;
- ii existing density, built form and layout; and
- iii context and siting, quality of design and suitable materials.

7.60 **NPF4 Policy 7e: Historic assets and places** - states development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.

7.61 **LDP Policy 51: Development in Conservation Areas** - states within conservation areas all development proposals will be expected to preserve or enhance the character of the surrounding area. This will require the retention of all features that contribute to the character and appearance of the Conservation Area.

7.62 The site is located within Blackness Conservation Area. Conservation areas provide opportunities to introduce good quality modern design and bring together old and new to create an attractive evolving urban landscape.

7.63 The proposed development is of a high-quality design and would be appropriate to this site which is presently occupied by an industrial building of limited architectural or historic merit. The proposal is of a greater scale and massing than the existing building. However, the building is of a design and form which provides a modern development which reflects the character and form of historic buildings in the surrounding area and a development of student accommodation which is under construction to the east of the site. The high quality design of the proposed building ensures the development would enhance the character of Douglas Street and the surrounding Conservation Area.

7.64 In this instance, the proposed development would have no detrimental impact upon the historic character of Blackness Conservation Area.

7.65 **The proposal is in accordance with Policies 7d and 7e of NPF4 and Policy 51 of the LDP.**

7.66 **NPF4 Policy 7f: Historic assets and places** - states demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:

- i reasonable efforts have been made to retain, repair and reuse the building;
- ii the building is of little townscape value;
- iii the structural condition of the building prevents its retention at a reasonable cost; or
- iv the form or location of the building makes its reuse extremely difficult.

- 7.67 **NPF4 Policy 7g: Historic assets and places** - states where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.
- 7.68 The existing building within the site comprises an industrial building of limited historical significance or architectural merit. The building, located within a mixed use area containing industrial developments and purpose built student accommodation, is of limited significant townscape value and does not provide any significant contribution to the appearance of Blackness. The building is not suitable for redevelopment to student accommodation with window locations and floor heights which would be not suitable for the proposed use. The proposals meet criteria ii and iv of Policy 7f.
- 7.69 The design of the building is considered in detail under Policy 14 of NPF4. The proposed building has been designed to reflect the form and scale of historic buildings in the surrounding area, whilst introducing a modern development into the site. The proposal would contribute positively to the local streetscape and reflects the design and massing of student accommodation which is presently under construction immediately to the east of the application site. The development will integrate positively with both modern and traditional developments on Douglas Street and Brown Street. In this instance, the proposed development would have no detrimental impact upon the historic character of Blackness Conservation Area.
- 7.70 The existing building which is to be demolished is of not of merit, and redevelopment would contribute to the regeneration of Blackness. Overall, the proposal is of high quality design as required by Policy 7g which would ensure the development enhances the character of Brown Street and the surrounding Conservation Area.
- 7.71 **The proposal is in accordance with Policies 7f and 7g of NPF4.**

Transportation and Local Living

- 7.72 **NPF4 Policy 13 b: 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.

7.73 **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.

7.74 The applicant has provided a planning statement and supporting information which considers sustainable transport options and accessibility. This information has been reviewed by Dundee City Council's Head of Sustainable Transport and Roads and is supported.

7.75 With regard to the criteria of Policy 13b of NPF4:

7.76 **Criterion i** – the development proposal includes direct connections to existing footpaths and streets which would provide safe and convenient access to local facilities within the surrounding area. Staff and residents would have access to secure bicycle storage.

7.77 **Criteria ii and iii** – bus stops within 400 metres of the site on Lochee Road and Marketgait are served by frequent services into the City Centre and towards Camperdown and Douglas. City centre bus services enable integrated journeys through Dundee Railway Station and Dundee Bus Station.

7.78 **Criteria iv** – the proposed development would not include any on-site parking provision or electric vehicle charging infrastructure. As the site is within the densely developed area and within walking distance of the city centre, the provision of no dedicated parking is acceptable. The development includes cycle storage and is served by the surrounding footpath network which provides access to a range of sustainable transport options. There are electric vehicle

charging spaces within the wider area, including city centre, which are located in safe and convenient locations.

- 7.79 **Criterion v** - the applicant proposes to create a secure cycle storage area with space for 49 cycles within the south of the external amenity area. It is proposed to provide shelters above the storage area. However, full details have not been confirmed. The applicant states further cycle spaces can be provided within covered locations should there be demand upon opening of the development. The initial provision of 49 spaces exceeds Dundee City Council Streets Ahead guidance for student accommodation, which requires a minimum of 14 spaces to be provided for a development of this size. In the interest of supporting sustainable transport, it is recommended that full details of the proposed cycle storage and associated shelters are submitted for prior approval, and thereafter cycle storage is installed and made available to staff and residents prior to first occupation of the development.
- 7.80 **Criterion vi** – the proposal would utilise existing footways on Douglas Street and Blinshall Street, with direct access on surrounding streets. The existing footways and road crossing over West Marketgait ensure that safe and adequate provision is made for walking and wheeling. There is safe access to the site for road vehicles including delivery and refuse vehicles. No alterations are proposed to public roads surrounding the site.
- 7.81 **Criterion vii** – pedestrian access locations are towards the front of the site with connections onto Douglas Street. The access would be level in nature ensuring the development is accessible to all users/residents.
- 7.82 **Criterion viii** – the proposals include direct pedestrian access onto surrounding public footpaths. No vehicle accesses are proposed. The development would have no impact on public access routes.
- 7.83 **Subject to a condition, the proposal can comply with Policy 13b of NPF4 and Policy 54 of the LDP.**
- 7.84 **NPF4 Policy 13 e: Sustainable Transport** - states development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people. **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. 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.
- 7.85 The proposal does not include provision for resident or visitor parking. Student accommodation does not generate a significant parking demand, with car ownership lower than mainstream residential accommodation. The site is in an accessible location, within walking distance of the universities and shops and services within the surrounding area. Residents would have access to a range of transport options including walking and cycling. The proposed development would be accessible to residents of all abilities and there would be no barriers to access by disabled people.
- 7.86 The proposal would include 49 cycle spaces, within a secure location. The provision of 49 spaces exceeds Dundee City Council's road standards which require a minimum of 14 spaces. It is recommended that a condition be attached to any permission granted requiring full details of the secure and covered cycle storage to be provided, and the provision installed prior to first occupation.

- 7.87 As considered under Policy 13b, due to the site's location within proximity of public transport routes and walking distance of car parks within the surrounding area, the provision of no onsite parking is acceptable.
- 7.88 **Subject to a condition, the proposal can comply with Policy 13e of NPF4 and Policy 56 of the LDP.**
- 7.89 **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.
- 7.90 The proposal is for the erection of purpose-built student accommodation with 98 bedrooms. The site is in a highly accessible location, within walking distance of a range of shops, services and amenities. The site is connected to the surrounding area by existing footpaths, and within 20 minutes walking distance of facilities including higher education institutions, public open space, places of employment and health and social care facilities.
- 7.91 The site is connected by public footpaths to open spaces within the wider area, including Dudhope Park to the north. There are playgrounds and sports facilities within the local area.
- 7.92 The proposal would provide accommodation for students studying in the city, contributing to the availability of student accommodation within Dundee. The proposal would contribute to the range and availability of purpose-built student accommodation in the city and help meet demand.
- 7.93 Overall, the proposed development is well connected to surrounding facilities and services by existing footpaths and roads. The site is within an area where residents would have access to a wide range of services, supporting the provision of 20-minute neighbourhoods.
- 7.94 **The proposal is in accordance with Policy 15a of NPF4.**

Environmental Health and Ground Contamination

- 7.95 **NPF4 Policy 23 e: Health and Safety** - states development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to

noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely. Similarly **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.

- 7.96 The proposed development would be located within an allocated general economic development area, and plant equipment will be required within the proposed student accommodation. There is therefore potential for noise to impact on residential amenity from that plant and from existing commercial uses including a joinery workshop and a music studio.
- 7.97 The applicant has submitted three noise reports, which consider noise from road traffic, neighbouring commercial uses – including a music studio, car repair garage and joinery workshop, plant equipment including a substation, and air source heat pumps. The reporting identifies a requirement for mitigation measures to be implemented to ensure residents are afforded a satisfactory level of amenity. These include the provision of closed windows with acoustic glazing and alternative ventilation on the south and west elevations of the building, and windows with acoustic ventilation on the north elevation. The reports consider subject to mitigation measures, the development would meet target noise criteria and residents would be afforded an acceptable level of amenity.
- 7.98 The Head of Community Safety and Protection has reviewed the proposed development and submitted reports. The recommendations within the noise reports are accepted and would ensure residents are protected from noise associated with road traffic, air source heat pumps and neighbouring commercial uses including a music studio. Planning conditions are recommended requiring that all mitigation measures identified within the noise reports are implemented as part of the development, and to control noise from mechanical/plant equipment and a proposed substation within the site.
- 7.99 Subject to the provision of mitigation measures and control of noise from mechanical/plant equipment and a substation within the site, the development would achieve a satisfactory level of residential amenity for occupiers and, in accordance with the agent of change principle, have no detrimental impact on the operation of existing commercial uses within Blackness.
- 7.100 **Subject to conditions, the proposal can comply with Policy 23e of NPF4 and Policy 39 of the LDP.**
- 7.101 **NPF4 Policy 23d: Health and Safety** - states development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely. **LDP Policy 40: Air Quality** states there is a general presumption against development proposals that could significantly increase air pollution or introduce people into areas of elevated pollution concentrations unless mitigation measures are adopted to reduce the impact to levels acceptable to the Council.
- 7.102 An air quality and odour assessment was submitted with the application, which considers the impacts of construction and operation of the proposed student accommodation on air quality. The report concludes the construction phase of development would have no significant impact on air quality, with measures to be implemented to control dust emissions. With regard to operation of the development, it is considered the student accommodation would not generate

any significant travel demand and no central heating plant is proposed. Accordingly the report concludes the development would also have no significant impact on air quality during operation and no mitigation measures are required.

- 7.103 The Head of Community Safety and Protection has reviewed the report and accepts the findings and conclusions. As the report is acceptable and no centralised combustion plant is proposed, the Head of Community Safety and Protection has no objection to the proposed development.
- 7.104 The proposed development can be constructed and operate without any detrimental impact on local air quality.
- 7.105 **The proposal complies with Policy 23d of NPF4 and Policy 40 of the LDP.**
- 7.106 **NPF4 Policy 9 c: 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. **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.
- 7.107 The site contains an industrial building located within a part of the city which has historically contained a range of industrial uses. The applicant is progressing a geo-environmental report however this has not been submitted as part of the application.
- 7.108 The Head of Community Safety and Protection has reviewed the proposals and recommends planning conditions requiring a site investigation be submitted for approval, and thereafter any required mitigation measures implemented as part of the development. Subject to the completion of a satisfactory site investigation and provision of any required remediation measures, the site can be made safe and suitable for the proposed use.
- 7.109 **Subject to conditions, the proposal can comply with Policy 9c of NPF4 and Policy 41 of the LDP.**

Climate Change and Low Carbon Technologies

- 7.110 **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
- 7.111 Through the assessment of this planning application consideration has been given to the global climate and nature crises. The assessment of the proposal against policies relating to biodiversity, transport, waste, air quality, flooding and drainage considers the local level effects of development, which can collectively with other developments have an impact on the global climate and nature crises.
- 7.112 The proposal includes the demolition of an existing industrial premises and erection of a multi storey residential building within a brownfield site. The building which presently occupies the site is not of a high quality and of limited architectural or historic merit. The proposed development would support the provision of a modern residential accommodation within a

highly accessible location. The proposed building will include insulation and low carbon technologies to current building standards. The site is not at risk from flooding, and full details of a sustainable drainage system which discharges into the existing public network can be controlled by condition as considered under Policy 20b of NPF4. The location of the site is appropriate for the proposed development, with links to surrounding road and footpath networks which support the use of active travel. The site is within walking distance of higher education institutions, shops and services minimising the need to travel by car.

- 7.113 The proposal would support the provision of a footfall generating use within a brownfield site. The development would be constructed to modern building standard requirements and is in a highly accessible location.
- 7.114 **The proposal is in accordance with Policy 1 of NPF4.**
- 7.115 **LDP Policy 48: Low and Zero Carbon Technology in New Development** - requires proposals for all new buildings to demonstrate that a proportion of the carbon emissions reduction standard set by Scottish Building Standards to 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.
- 7.116 An Energy Strategy Report has been submitted with the application. The statement considers that the development has been designed to include energy efficiency measures to reduce energy consumption.
- 7.117 At this stage, full details of plant and any low or zero carbon generating technologies which are to be included within the development are not yet confirmed. It is not therefore possible for the applicant to provide a detailed Energy Statement. The provision of a detailed energy statement which demonstrates compliance with the required standards can be controlled by condition.
- 7.118 **Subject to a condition, the proposal would be in accordance with Policy 48 of the LDP.**

Biodiversity and Wildlife

- 7.119 **NPF4 Policy 3a: Biodiversity** - states that development proposals will contribute to the enhancement of biodiversity in line with the mitigation hierarchy. The supporting text to the policy states that proposals should also promote nature recovery and nature restoration across the development plan area, including by: facilitating the creation of nature networks and strengthening connections between them to support improved ecological connectivity; restoring degraded habitats or creating new habitats; and incorporating measures to increase biodiversity, including populations of priority species. Similarly, **NPF4 Policy 3c** requires proposals for local development to 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.
- 7.120 **NPF4 Policy 4f: Natural Places** - states 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.

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

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

Development proposals which would be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range will not be supported.

Development proposals that would be likely to have an adverse effect on a species protected under the Wildlife and Countryside Act 1981 (as amended) will not be supported unless the development is required for preserving public health or public safety. For development affecting a species of bird protected under the 1981 Act there must also be no other satisfactory solution.

7.122 The applicant has submitted a Bat Survey which concludes that following survey of the interior and exterior of the building, whilst there are a small number of potential roost features within the existing building, they are suboptimal locations affected by changing external temperatures. No evidence of any past or present use by roosting bats was found and it is highly unlikely that the site would have been used for roosting at all.

7.123 Overall bat roost potential within the building is considered negligible, and no bats were recorded within the site. Accordingly, the proposed demolition of the existing building and new build development would have no adverse effect on protected species.

7.124 The site is presently occupied by an existing building with no planting, greenspaces or measures to support biodiversity. The site is within a densely developed area, surrounded by buildings and public roads with limited opportunities for nature. The proposal includes the provision of outdoor amenity space where there is scope for planting and measures to support biodiversity such as wildflowers and native tree species. Within the building, including around the roof, there is scope to incorporate features such as bat and bird boxes.

7.125 The proposal includes outdoor amenity space within the south east of the site. A landscaping plan has been provided, however it does not include full details of all hard and soft landscaping. It is recommended the provision of full details of landscaping within the site, including plant species and measures to support biodiversity are controlled by condition.

7.126 The existing building within the site does not contribute to biodiversity and is of no ecological value. There is scope for the proposed new build development to contribute positively to and enhance biodiversity in this densely developed location. Subject to conditions requiring full details of measures to enhance biodiversity being submitted to and agreed with the Council, the proposal would make a positive contributions to biodiversity within the site.

7.127 **Subject to conditions, the proposal is in accordance with Policies 3a, 3c and 4f of NPF4 and Policy 34 of the LDP.**

Sustainable Drainage Provision and Flood Risk

7.128 **NPF4 Policy 20 b: 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. **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.

- 7.129 A detailed Drainage Layout has been submitted with the application and information provided with the planning statement. The proposal includes the addition of permeable areas within the site and filter trenches which will drain into an attenuation sewer below the proposed external amenity space before discharge at a controlled rate into the existing public drainage network.
- 7.130 The provision of an underground surface water storage system is acceptable in this densely developed part of the city, where the size of the site and proximity of neighbouring development significantly reduces the scope for green infrastructure to be provided. The proposals would reduce the overall area of hardstanding within the site compared to the existing situation, and it is demonstrated that an acceptable drainage solution can be achieved. Planning conditions are recommended to ensure full details of the drainage system are submitted to the Council for agreement and implementation.
- 7.131 **Subject to conditions, the proposal can comply with Policy 20b of NPF4 and Policy 37 of the LDP.**
- 7.132 **It is concluded that the proposal does not fully accord with the Development Plan.**

MATERIAL CONSIDERATIONS

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

A – REPRESENTATIONS

- 7.134 In total 15 letters were received objecting to the proposal. The objections raised the following valid material grounds:
- i The design and scale of the proposed development will have a detrimental impact on the character of the conservation area, and result in overshadowing.
 - ii The provision of residential accommodation within the ground floor of the building, and lack of workshop space within the proposed building is contrary to the Blackness Business Place Plan.
 - iii The development would be within an established industrial area and close to uses including a music studio. There are significant concerns that noise complaints may arise

from future residents of the student accommodation in relation to noise from established businesses.

- iv As the proposed development is not served by any dedicated parking provision, the proposals will increase parking pressures on surrounding streets.

7.135 The grounds of objection are considered and assessed as follows:

7.136 **Objection** - The design and scale of the proposed development will have a detrimental impact on the character of the conservation area, and result in overshadowing.

7.137 **Response** – The scale and design of the building is considered under Policy 14 of NPF4 and Policy 1 of the LDP. The building is of a greater height than the building which it is to replace. However, the form of the building has been carefully considered to both align with the scale, design and form of student accommodation immediately to the east of the site, and to reflect the strong frontages and pitched roofs of traditional developments within Blackness. Whilst the building is taller than buildings to the north and west of the site, there are multi-storey buildings in the surrounding area. The proposals would not result in any significant additional overshadowing on Douglas Street/Blinshall Street and there would be no direct overlooking or privacy impacts on premises within the surrounding area. Overall, the scale of building proposed is considered appropriate in this densely developed part of the city and would have no significant impacts on the surrounding area.

7.138 **Objection** – The provision of residential accommodation within the ground floor of the building, and lack of workshop space within the proposed building is contrary to the Blackness Business Place Plan.

7.139 **Response** – As considered under the policy assessment above, the development fails to meet the requirements of Policy 26 of NPF4 and Policy 5 and Proposal 1 of the LDP. However, the applicant has demonstrated that residential accommodation within the ground floor can achieve an acceptable level of residential amenity. The proposals would be associated with a neighbouring development of student accommodation which includes workshop spaces, and the proposed development is of a scale, form and design which would contribute positively to the application site and meets the wider aspirations of the Blackness Business Place Plan. There are considered to be material considerations which support the approval of planning permission, contrary to the above policy requirements, and are assessed under Material Considerations part B below.

7.140 **Objection** – The development would be within an established industrial area and close to uses including a music studio. There are significant concerns that noise complaints may arise from future residents of the student accommodation in relation to noise from established businesses, particularly from the late night use of the music studios.

7.141 **Response** – these are valid concerns given that the proposal would introduce new residents into an area where commercial uses including the music studio have operated for several years. The applicant has submitted noise reports which consider noise from a range of sources including neighbouring commercial premises. As part of the reporting, noise measurements were taken at a time when the music studio was in operation.

7.142 The noise reporting identifies mitigation measures including acoustic glazing and ventilation requirements will need to be implemented as part of the development to achieve target internal noise levels whilst neighbouring commercial and business premises are in operation. The Head of Community Safety and Protection has reviewed the noise reports and supports the recommendations. Planning conditions are recommended requiring the mitigation measures

be implemented as part of the development, and noise from plant equipment within the site is controlled.

- 7.143 The submitted noise reports demonstrates that through the provision of mitigation measures target internal noise levels will be achieved and residents will be afforded an acceptable level of residential amenity. Through achieving these target internal noise levels, businesses within the surrounding area will be able to operate as existing without any impact on the amenity of student residents.
- 7.144 **Objection** – As the proposed development is not served by any dedicated parking provision, the proposals will increase parking pressures on surrounding streets.
- 7.145 **Response** – The proposed development would not include any dedicated onsite parking provision. However, the development is to be associated with student accommodation to the east of the application site which includes 6 parking spaces. There is limited on street parking available within Blackness and the site is within walking distance of public car parks, including Dudhope Castle and Bell Street.
- 7.146 Car ownership within the student population is low, and the site is within walking distance of the universities and the city centre. The proposals support and encourage use of sustainable modes of transport including cycling, and supports the re-development of a vacant premises in a highly accessible location. Overall, the proposed development would not result in any significant increase in parking demand, and will support the use of sustainable transport options.
- 7.147 The matters raised in the representations have been fully considered. Matters regarding design and parking are addressed by the application. Matters regarding noise have been assessed and the applicant has demonstrated mitigation measures can be provided to ensure target internal noise levels are achieved. The provisions of the Blackness Business Place Plan are considered under material consideration B below.
- 7.148 One neutral representation was submitted, which supported the principle of the proposed student accommodation and notes elements including cycle storage and low carbon technologies are to be provided. However, the representation raises concerns with elements including the size and form of amenity spaces being provided for students, and that the buildings form may not be optimal for the use of solar panels or natural light entering the building.
- 7.149 As considered within the policy assessment, the application has demonstrated compliance with policies related to student accommodation and subject to the submission of full details being controlled by condition cycle storage and low carbon technologies can be provided as required by the Development Plan.
- 7.150 The proposal includes internal and external amenity spaces which will be accessible to residents, which will provide spaces to socialise and be outdoors. As the development is associated with the neighbouring development of student accommodation residents will have access to further areas of amenity space. The site is also within walking distance of public open spaces including Dudhope Park. With regard to the design of the building, the roof form is designed to reflect that of traditional buildings within Blackness. Whilst the pitched roof form may not be south facing which is optimal for solar PV, panels could still be provided along with a range of alternative low carbon technologies such as heat pumps. With regard to natural light, all studios will benefit from windows, and windows will also serve the access corridors. Whilst some windows on the north and side elevations may not benefit from direct sunlight, natural light will enter all areas of the building.

B – Departure from Policy 26a of NPF4 and Policy 5 and Proposal 1 of the Dundee Local Development Plan, and the Blackness Business Place Plan.

- 7.151 The proposed development of student accommodation is not a use of an industrial nature and is not supported by Policy 26a of NPF4 or Policy 5 of the LDP. With regard to Proposal 1, the Blackness Business Place Plan (BBPP) identifies the application site as being within an area of Blackness which contains a lower concentration of industrial practices. There is therefore considered to be scope for uses including residential accommodation to be supported, where criteria outlined within section 3.4 of the BBPP are met. This includes residential accommodation being above ground level with a suitable level of working space at ground level.
- 7.152 The provision of residential accommodation within upper floors of the proposed student accommodation accords with the BBPP. However, the development includes residential accommodation at ground floor level and no work spaces are proposed. These elements are therefore contrary to Proposal 1.
- 7.153 The purpose of requiring workshops and similar employment uses at ground floor level is to generate economic activity at street level to help make the Blackness GEDA a more welcoming, safe, vibrant and active place.
- 7.154 The street block containing the application site and the emerging student accommodation would have a large element of ground floor active uses in the form of the workshop units, amenity spaces and resident's facilities. The form and level of ground floor uses across the street block is considered to be sufficient in this case to support the aims of the BBPP.
- 7.155 With regard to the provision of studio bedrooms on the ground floor, this is only supported by the BBPP where it is within a secluded or enclosed area. Seven of the proposed studios would meet this criteria, with windows facing towards the amenity space within the site. However, eight of the proposed studios would front towards Blinshall Street. Whilst these rooms do not meet the criteria of BBPP, they would be provided with outlooks onto surrounding public roads and through the provision of mitigation measures as outlined within the submitted noise reports, residents would be afforded an acceptable level of amenity.
- 7.156 Overall, the proposed development would form part of a wider development of student and economic accommodation on Douglas Street. The combined student accommodation development will provide residents with a range of services and facilities. The developments meet the aspirations of the BBPP including regeneration of vacant and under-used sites and increasing footfall into Blackness. The building is of a design and form which will contribute positively to the character of Douglas Street and reflect the character of development within Blackness. It is considered there are material considerations which support approval of planning permission, contrary to the requirements of Policy 26a of NPF4 and Policy 5 of the LDP.
- 7.157 **It is concluded that there are material considerations of sufficient weight which would justify approval of planning permission.**

8 CONCLUSION

- 8.1 The application fails to full 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 18 months of the date of this permission.

Reason - to ensure the timeous commencement of development and in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

- 2 **Condition** – prior to the commencement of any construction works, a Preliminary Risk Assessment for contaminated land shall be completed, if required, an Intrusive Investigation and a scheme to deal with contamination at the site be submitted to and approved in writing by the planning authority. The scheme shall contain details of proposals to deal with contamination to include:

- i assessment of the risks associated with contaminant sources, pathways and receptors specific to the proposed use of the site, and if necessary;
- ii a remediation Implementation Plan detailing measures to treat/remove contamination and mitigate risks to ensure the site is fit for the proposed use;
- iii measures to deal with contamination during construction works; and
- iv verification of the condition of the site on completion of decontamination measures.

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

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

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

- 4 **Condition** - prior to the commencement of any construction works, details of a scheme of public art to be provided within the development hereby approved shall be submitted to the Planning Authority for written approval. Thereafter, the approved scheme of public art shall be installed prior to the completion of the development hereby approved.

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

- 5 **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 and Section 6 of document 07 – Bat Roost Survey dated May 2023, shall be submitted to and agreed in writing by the Planning Authority. 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.

- 6 **Condition** – prior to the commencement of development, a detailed hard and soft landscaping plan shall be submitted to the Planning Authority for written approval. Thereafter, landscaping shall be provided on site in accordance with the agreed details prior to first occupation of the development hereby approved. 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 the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local streetscape in the interests of the visual amenity of the area.

- 7 **Condition** – prior to the commencement of any construction works, 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 Planning Authority 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.

- 8 **Condition** – prior to the commencement of any construction works, maintenance responsibilities along with a maintenance schedule for the surface water drainage system/SUDS features shall be submitted to the Planning Authority 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.

- 9 **Condition** - prior to first occupation the enhanced window glazing specifications, acoustically attenuated trickle ventilators and mechanical ventilation with heat recovery (MVHR) systems recommended in Sections 6.5, 6.11 and 14.21 of the Noise Impact Assessment "Report on Road Traffic, Commercial and Plant Sound for Glenmore Student Property (Douglas Street) Limited at Hessian 2, Douglas Street" by Charlie Fleming Associates, document 3901λ48λR, dated 10th January 2024, shall be implemented in full for flats with windows on the elevations referred to in sections 6.5, 6.11 and 14.21.

Reason – to ensure adequate noise mitigation measures are implemented in the interests of protecting surrounding land uses and residential amenity.

- 10 **Condition** - the total noise from the mechanical and electrical plant/services plant other than the proposed substation shall not exceed NR45, during daytime, and shall not exceed NR35 during night-time, as measured 1 metre external to the facade of adjacent residential property. Furthermore, it shall not exceed NR25 within any adjoining residential property. NR45 is applicable for the period 0700 to 2300 hours and NR35 and NR25 are applicable for 2300 to 0700 hours.

Reason - in the interests of protecting residential amenity.

- 11 **Condition** – the received noise from the proposed electrical substation(s) shall not exceed NR30 as measured 1 metre external to the facade of adjacent residential property and shall not exceed NR20 within any adjoining residential property at all times.

Reason - in the interests of protecting residential amenity.

- 12 **Condition** – full details of secure and covered cycle storage within the site shall be submitted to the Planning Authority for approval. Thereafter, the cycle storage shall be installed as the agreed details prior to first occupation of the development.

Reason – in the interest of ensuring that provision is made for sustainable transport measures.

- 13 **Condition** - the development hereby approved shall be used solely for the purposes of providing student accommodation and ancillary facilities associated with their needs, other than from 1 June to 31 August annually when it may be used as short term holiday accommodation, unless otherwise agreed in writing by the Planning Authority.

Reason - to retain control of use of the building.

- 14 **Condition** - a Sustainability Statement demonstrating the extent to which 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.

Informative(s)

Any damage caused to the existing adopted footway or carriageway ex adverso the site as a result of development works must be made good by the applicant at their expense. All related works must be to Dundee City Council standards and specifications.

Proposed Residential Development

KEY INFORMATION

Ward Lochee

Address

Land to South of West Green Park and East of Dykes Of Gray Road, Dundee

Applicant

NHS Tayside

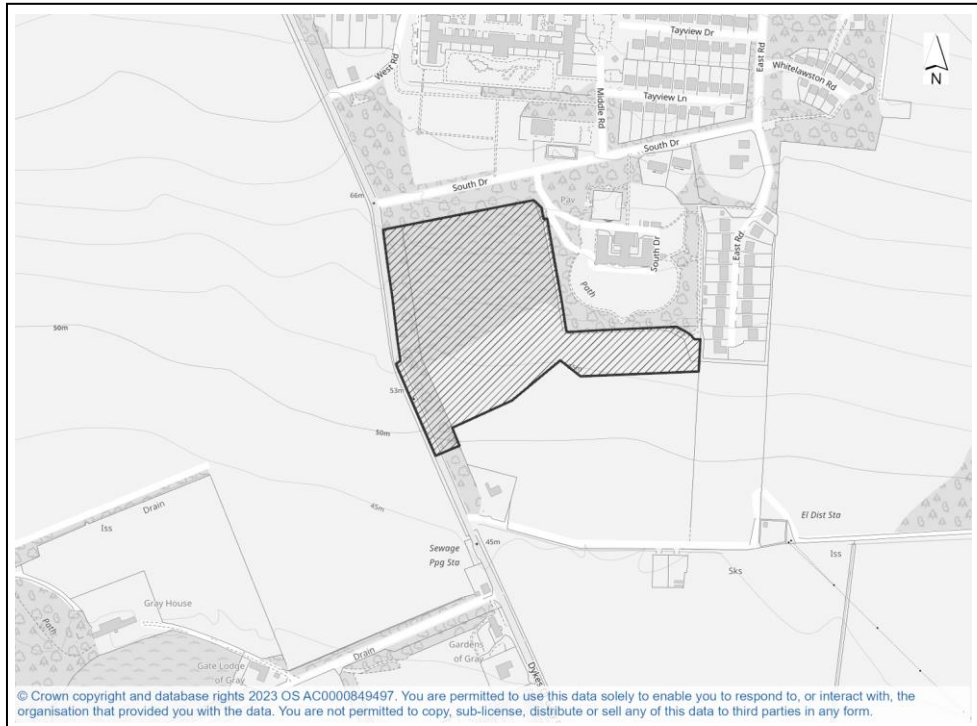
Agent

Adam McConaghy
Iceni Projects

Registered 13 April 2023

Report by Head of Planning & Economic Development

Contact: Craig Swankie



SUMMARY OF REPORT

- Planning Permission in Principle is sought for a residential development with associated landscaping, open space, access, infrastructure, and other associated works.
- The application site is largely within allocated housing site H42 as contained within the Dundee Local Development Plan 2019.
- An indicative layout plan has been submitted along with a detailed drainage layout. Landscaping, open space and access details are set out within the Design and Access Statement.
- The application is not fully in accordance with the requirements of the Development Plan.
- In total, 15 letters were received objecting to the proposal. The letters of objection raise concerns with the design, layout and impacts on the surrounding area, detrimental impact on the road and footpath network, lack of school provision and concerns regarding drainage and flood risk.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as, due to the site area, it is a Major development as identified in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.
- More details can be found at <https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=summary&keyVal=S0ZDRVGC MJ00>

RECOMMENDATION

The proposal does not fully comply with the Development Plan. There are material considerations of sufficient weight to support approval of planning permission in principle. It is therefore recommended that planning permission in principle be APPROVED subject to conditions and the completion of a Section 75 Planning Obligation. The legal agreement will relate to the provision of contributions towards education provision and road upgrades in accordance with the Development Plan.

1 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks planning permission in principle for residential development on land to the east of Dykes of Gray Road.
- 1.2 If this application is approved, a further planning application seeking approval of matters specified in conditions would require to be submitted for approval.
- 1.3 The site which was formerly agricultural land is currently unkempt grassland bound by trees and shrubs to the north, east and west. The site's south boundary is open in nature and leads onto land which forms part of a previously approved residential development 15/00410/FULM (later amended by 18/00992/FULL). Development on that neighbouring site has commenced but it has been stalled for several years.
- 1.4 The applicant has provided an indicative site layout, a drainage layout and limited landscaping and access information illustrating the development of up to 58 new houses on the site in addition to 11 houses that form part of the approvals for housing on the site to the south. The access to the site would be taken from roads within the residential development to the south, which includes a vehicle access onto Dykes of Gray Road. However no further design details are to be agreed at this Planning Permission in Principle stage.
- 1.5 As the area of the application site exceeds two hectares the proposal constitutes a Major development as defined by Regulation 2(1) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.
- 1.6 The applicant has submitted the following in support of the application:
 - Pre-application Consultation Report;
 - Indicative Site Layout;
 - Drainage Layout;
 - Planning Statement;
 - Arboricultural Report;
 - Design and Access Statement;
 - Preliminary Ecological Assessment;
 - Site Investigation;
 - Flood Risk Assessment; and
 - Transport Statement.



Figure 1 – Indicative Site Layout

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 south of West Green Park. It previously formed part of the grounds of Royal Liff Hospital and is allocated housing site H42 as designated by the Local Development Plan 2019. The allocation has an indicative capacity of 30 units.
- 2.2 The site is L shaped in form and comprises 5.52 hectares of unkempt grassland bound to the north, east and west by trees and shrubs. The wider area contains a mixture of agricultural land and residential development. To the north and north-east are completed residential developments within West Green Park and Gowrie House. To the west of the site across Dykes of Gray Road are areas of agricultural land. To the south the site immediately adjoins land where site works have taken place related to the implementation of a planning permission for residential development (references 15/00410/FULM and 18/00992/FULL). Development on that neighbouring site has commenced but it has been stalled for several years. Beyond the housing development to the south is another allocated housing site (H43), which is the subject of a planning application for further residential development (18/01056/FULM).



Figure 2 – View of Site from South



Figure 3 – View of Site from North Boundary

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 3a, 3b: Biodiversity

Policy 5b: Soils

Policy 6a: Forestry, Woodland and Trees

Policy 7o: Historic Assets and Places

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

Policy 12 a, c: Zero Waste

Policy 13b: Sustainable Transport

Policy 14 b: Design, quality and place

Policy 15 a: Local Living and 20-minute Neighbourhoods

Policy 16 a, b, e: Quality Homes

Policy 18b: Infrastructure

Policy 20b: Blue and Green Infrastructure

Policy 22c: Flood Risk and Water Management

Policy 23 d, e: Health and safety

DUNDEE LOCAL DEVELOPMENT PLAN 2019 (LDP)

Policy 1: High Quality Design and Placemaking

Policy 2: Public Art Contribution

Policy 9: Housing Land Release

Policy 10: Design of New Housing

Policy 20: Funding of On and Off-Site Infrastructure Provision

Policy 34: Protected Species

Policy 35: Trees and Urban Woodland

Policy 36: Flood Risk Management

Policy 37: Sustainable Drainage Systems

Policy 39: Environmental Protection

Policy 40: Air Quality

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

Supplementary Guidance on Developer Contributions

NON-STATUTORY PLANNING GUIDANCE

Dundee Western Gateway Development Framework 2019.

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

4 SITE HISTORY

4.1 Proposal of application notice 20/00833/PAN for a proposed residential development was submitted on 21 December 2020.

- 4.2 Small areas of the following planning application site boundaries extend into the application site boundary and are relevant to the assessment of the application:
- 4.3 Planning application ref: 15/00410/FULM sought planning permission for a residential development with associated landscaping, open space and infrastructure works. This application was approved on 15 December 2015, subject to a legal agreement and decision issued in June 2016.
- 4.4 Planning application ref: 18/00992/FULL for the erection of 44 houses (change of house types and minor changes to site layout of planning application 15/00410/FULM) was approved in February 2019.
- 4.5 Planning application ref: 19/00450/FULL sought planning permission for the formation of two drainage trenches (associated with planning permission 15/00410/FULM and 18/00992/FULL). This application was approved on 24 June 2020.

5 PUBLIC PARTICIPATION

- 5.1 The applicant has undertaken the necessary pre-application community consultation as required for planning applications for Major development. The Pre-application Consultation Report sets out what consultation took place and how it has influenced the application.
- 5.2 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- 5.3 In total 15 letters of objection were received, raising the following material considerations:
- The design and layout of the proposed development raises a range of concerns with regard to overdevelopment, road and footpath access into surrounding area, impacts on the setting of the site and neighbouring buildings, site boundaries are not clearly defined, lack of open spaces and the development would not provide a range of house types or create a sustainable development.
 - The development would have a detrimental impact on the surrounding road and footpath network by virtue of additional traffic and associated impacts on Swallow Roundabout, lack of access to public transport and directing residents through private estates.
 - The proposed development would exacerbate existing capacity issues at schools which would serve the proposed development.
 - The site is at risk from flooding and there are existing drainage issues in this area.
- 5.4 The valid grounds of representation are taken into account in the material considerations section of this report.

6 CONSULTATIONS

- 6.1 **Archaeological Consultant** – the proposed development site has good potential to contain buried archaeological deposits of likely later prehistoric date. It is recommended the implementation of a programme of archaeological work is controlled by condition.

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

Contaminated Land – the submitted reporting has been reviewed and the conclusions are supported. It is recommended the completion of the proposed investigations and risk assessment, and implementation of any required remediation measures, are controlled by condition.

Noise – there is considered to be scope for sources of noise and odour within the development, such as heat pumps or wood burning stoves. As the application seeks planning permission in principle for a residential development, full details of proposed heating systems and sources of noise are not confirmed. Planning conditions are recommended requiring full details of such systems be submitted for approval. An air quality assessment or noise impact assessment may be required.

6.1 **The Head of Environment** –commented on the following matters:

Greenspace – has reviewed the submitted Arboricultural and Ecological Reports. The Ecological report sets out positive mitigation measures and biodiversity enhancements. It is requested measures to incorporate biodiversity enhancements, landscaping proposals and tree protection measures are incorporated into detailed proposals. It is noted that updated Arboricultural and Ecological Reports will be required to ensure recommendations are accurate when any development progresses. These matters can be controlled by condition.

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

6.3 **The Head of Sustainable Transport and Roads** - has no objection, subject to conditions.

6.4 **Transport Scotland** – has no objection to the proposals, subject to a condition requiring the upgrade works to the Swallow Roundabout junction in accordance with planning permission 18/00149/FULL to be completed prior to the commencement of development.

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

7 DETERMINING ISSUES

7.1 Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission (other than for a national development) shall be determined in accordance with the Development Plan unless material considerations indicate otherwise.

THE DEVELOPMENT PLAN

The development plan consists of the National Planning Framework 4 (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 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. **LDP Policy 9: Housing Land Release** states 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.

- 7.3 The proposed development would occupy allocated greenfield housing site H42 of the Dundee Local Development Plan 2019, and a small area of greenfield land to the east. The allocation has an indicative capacity of 30 units.
- 7.4 The principle of developing the allocated housing site H42 for housing is supported by both policies.
- 7.5 The small part of the site that falls outside of the H42 site boundary falls within the site boundary of the housing development being built under planning permission 15/00410/FULM. This small area of land is not allocated as open countryside on the Local Development Plan proposals map. Given the size of this piece of land and its adjacency to the allocated site and existing housing developments, its development is not considered to be significantly at odds with these policies. The development would also align with the Dundee Western Gateway Development Framework 2019.
- 7.6 Therefore, the proposal is acceptable in principle provided it complies with other development plan policies.
- 7.7 **The proposal is supported by NPF4 Policy 9b and LDP Policy 9.**
- 7.8 **NPF4 Policy 16a: Quality Homes** - states development proposals for new homes on land allocated for housing in LDPs will be supported.
- 7.9 The Dundee Local Development Plan 2019 allocates housing sites, comprising deliverable land to meet the 10 year Local Housing Land Requirement in locations that create quality places for people to live.
- 7.10 The application site contains allocated housing site H42 within the Dundee Local Development Plan 2019. The proposed development would support the delivery of new housing within an allocated housing site.
- 7.11 **The proposal is supported by NPF4 Policy 16a.**
- 7.12 **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.
- 7.13 As the site is likely to be developed for more than 50 homes it should be accompanied by a Statement of Community Benefit. None has been submitted. The applicant has failed to demonstrate compliance with Policy 16b.
- 7.14 **The proposal does not comply with Policy 16b of NPF4.**
- 7.15 **NPF4 Policy 16e: Quality Homes** – supports proposals for new homes 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.

- 7.16 In this case the applicant has not indicated whether the housing would be affordable housing or mainstream market housing. With regard to affordable housing, there is no requirement within the Dundee Local Development Plan 2019 or Developer Contributions Supplementary Guidance for housing developments 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 without impacting on the viability of private housing development.
- 7.17 As there is no current requirement in the Dundee Local Development Plan 2019 for housing developments to provide or contribute towards the provision of affordable homes it is not necessary in this case to require this development to include any element of affordable homes or contribute towards provision.

- 7.18 **The proposal complies with NPF4 Policy 16e.**

Design of New Housing

- 7.19 **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.
- 7.20 **LDP Policy 1: High Quality Design and Placemaking** - states all development proposals should follow a design-led approach to sustainable, high quality placemaking. Development should contribute positively to the quality of the surrounding built and natural environment and should be planned and designed with reference to climate change mitigation and adaptation. The design and siting of development should respect the character and amenity of the place, create a sense of community and identity, enhance connectivity and incorporate creative approaches to urban design, landscaping and green infrastructure, appropriate to the local context and the scale and nature of the development. New development will be required to meet the six qualities of successful place in accordance with the guidance provided in Appendix 1.
- 7.21 **LDP Policy 10: Design of New Housing** - requires the design and layout of new housing developments in Dundee to be of a high quality and contribute to creating places that respect and enhance the distinct character and identity of the different parts of the city. All new housing developments should meet the six qualities of successful 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.

- 7.22 This application is for planning permission in principle for residential development. The indicative site layout framework shows a built environment of up to 58 units. However, it is recommended that all design matters are reserved except for principle of residential development on this site.
- 7.23 If permission is granted, design matters including number of units, layout, scale, height, levels, form and materials, mix and density should be covered by condition requiring these matters to be the subject of a further application for the approval of matters specified in conditions.
- 7.24 **Subject to a planning condition requiring the submission of further details the proposal can satisfy Policy 14b of NPF4 and Policies 1 and 10 and Appendix 4 of the LDP.**
- 7.25 **NPF4 Policy 15a: Local Living and 20-minute neighbourhoods** - requires development proposals to contribute to local living including, where relevant, 20 minute neighbourhoods.
- 7.26 The allocation of housing sites within the Western Gateway area was part of the Dundee Local Development Plan 2019 strategy to encourage housing development in areas that would in effect create places as proposed by the recently published Policy 15a. The continuing development of allocated housing sites at Western Gateway will ultimately see the creation of a well-designed neighbourhood that contains or provides access to services, amenities and employment opportunities.
- 7.27 The application site can accommodate a residential development of a scale, form and density which contributes positively to the settlement pattern, connectivity and character of the Western Gateway. The development could support the use of sustainable modes of transport through the provision of measures including charging infrastructure and cycle storage within the site, and connections to roads and footpaths within the surrounding area. If permission is granted these detailed design matters should be covered by condition requiring these matters to be the subject of a further application for the approval of matters specified in conditions.
- 7.28 **Subject to a planning condition requiring the submission of further details the proposal can satisfy Policy 15a of the NPF4.**
- 7.29 **LDP Policy 2: Public Art Contribution** - requires all developments in Dundee with construction costs of £1 million or over to allocate at least 1% of construction costs for the inclusion of art projects in a publicly accessible/visible place or places within the development.
- 7.30 The proposed residential development will require to provide public art in an accessible/visible location within the site. If permission is granted this matter should be covered by condition requiring this to be the subject of a further application for the approval of matters specified in conditions.
- 7.31 **Subject to a planning condition requiring the submission of further details the proposal can satisfy Policy 2 of the LDP.**

Transportation and Local Living

- 7.32 **NPF4 Policy 13 b: Sustainable Transport** supports development proposals where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:
- i provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
 - ii will be accessible by public transport, ideally supporting the use of existing services;

- iii integrate transport modes;
- iv provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
- v supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
- vi are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
- vii have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
- viii adequately mitigate any impact on local public access routes.

7.33 **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.

7.34 As this is a planning permission in principle the detailed layout has not been agreed. However, the site needs to provide suitable access and linkages into surrounding areas which need to be included within the detailed site layout including a safe vehicle access into the site; and direct and safe links to local facilities by sustainable modes.

- 7.35 The proposals relate to an allocated housing site, and would adjoin approved residential development 15/00410/FULM. There is scope for the development to be designed to ensure it will meet the requirements of these policies, including connections to the surrounding road and footpath networks and including measures to support the use of sustainable transport options.
- 7.36 As the proposed development would be accessed via Dykes of Gray Road, there is potential for cumulative transport impacts at the Swallow Roundabout. To ensure any increase in vehicles using the roundabout has no impact on road safety, Transport Scotland has requested any permission granted is subject to a planning condition which does not allow development to commence until the upgrade of Swallow Roundabout is completed in accordance with planning application 18/00149/FULL. Subject to the proposed condition, the commencement of the development only after the roundabout is upgraded will ensure traffic to the site from the A90 and Riverside Avenue has no impact on road safety or increased congestion.
- 7.37 Subject to securing matters through conditions, detailed design at approval of matters specified in condition stage and informatives as appropriate, the proposal can satisfy these transport related policies.
- 7.38 **Subject to a planning condition requiring the submission of further details the proposal can satisfy Policy 13b of NPF4 and Policy 54 of the LDP.**

Climate Change

- 7.39 **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.
- 7.40 Through the assessment of this planning application consideration has been given to the global climate and nature crises. The assessment of the proposal against policies relating to biodiversity, transport, waste, air quality, flooding and drainage considers the local level effects of development, which can collectively with other developments have an impact on the global climate and nature crises.
- 7.41 The site is within an area of largely agricultural land to the west of the city. The site is allocated for housing and would support the provision of residential accommodation at Western Gateway. The dwellings would include insulation and low carbon technologies to current building standards. The development would be connected to the surrounding area by existing roads and the footpath networks which support the use of active travel.
- 7.42 The proposals would be required to include biodiversity enhancements and have no detrimental impact on local air quality. The development would be constructed to modern building standard requirements and is in an accessible location.
- 7.43 **Subject to a planning condition requiring the submission of further details the proposal can satisfy NPF4 Policy 1.**
- 7.44 **NPF4 Policy 12 a: Zero Waste** - states development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy. **Policy 12c: Zero Waste** states development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed.
- 7.45 **LDP Policy 44: Waste Management Requirements for Development** - states development proposals should demonstrate that they adequately address the Scottish Government's Zero

Waste Policy and that sufficient provisions are made to maximise opportunities for waste reduction and waste separation at source and enable the separate collection of recyclable material as outlined in the Waste (Scotland) Regulations 2012. The policy also requires site waste management plans to be prepared and used during the construction of major developments.

- 7.46 Subject to details being submitted as part of any application for the approval of matters specified in conditions, the development can support waste separation, recycling and reduction in line with the waste hierarchy.
- 7.47 **Subject to a planning condition requiring the submission of further details the proposal can satisfy Policy 12a of NPF4 and Policy 44 of the LDP.**
- 7.48 **LDP Policy 46: Delivery of Heat Networks** - requires new development to consider the feasibility of meeting their heat demand through heat networks. A statement is required to be submitted with applications that are Major planning applications or are within locations identified within the Scotland's Heat Map or the City's Heat Strategy as close to significant heat supply or a planned heat network. Development layouts should be designed to be capable of connecting to a heat network or heat source and areas for pipe runs within the development should be safeguarded to enable future connectivity.
- 7.49 The application site is towards the north-west edge of the city, out with any existing heat networks.
- 7.50 The applicant considers the development could be designed to connect to heat network in future should a feasible connection become available.
- 7.51 Whilst a viable connection to an existing heat network is not available at present, the proposed development can accommodate infrastructure and therefore has potential to connect into a heat network. The provision of full details of the site layout and any associated heat network infrastructure should be covered by condition requiring these matters to be the subject of a further application for the approval of matters specified in conditions.
- 7.52 **Subject to a planning condition requiring the submission of further details the proposal can satisfy Policy 46 of the LDP.**
- 7.53 **LDP Policy 48: Low and Zero Carbon Technology in New Development** - requires proposals for all new buildings 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.
- 7.54 An Energy and Sustainability Statement has been submitted with the application. The statement considers the development would be designed to include energy efficiency measures to reduce energy consumption.
- 7.55 As this is an application for planning permission in principle, details of the low carbon technologies which will be included within the development are not confirmed. The provision of a more detailed energy statement should be covered by condition requiring these matters to be the subject of a further application for the approval of matters specified in conditions.
- 7.56 **Subject to a planning condition requiring the submission of further details the proposal can satisfy Policy 48 of the LDP.**

Biodiversity and Soils

- 7.57 **NPF4 Policy 3a: Biodiversity** - states that development proposals will contribute to the enhancement of biodiversity in line with the mitigation hierarchy. The supporting text to the policy states that proposals should promote nature recovery and nature restoration across the development plan area, including by: facilitating the creation of nature networks and strengthening connections between them to support improved ecological connectivity; restoring degraded habitats or creating new habitats; and incorporating measures to increase biodiversity, including populations of priority species.
- 7.58 **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.
- 7.59 **LDP Policy 34: Protected Species** - states proposals which are likely to have a significant effect on a European protected species will not be supported unless:
- 1 there is no satisfactory alternative; and
 - 2 the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature or which have beneficial consequences of primary importance for the environment.

Development proposals which would be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range will not be supported.

Development proposals that would be likely to have an adverse effect on a species protected under the Wildlife and Countryside Act 1981 (as amended) will not be supported unless the development is required for preserving public health or public safety. For development affecting a species of bird protected under the 1981 Act there must also be no other satisfactory solution.

- 7.60 The applicant has provided a Preliminary Ecological Appraisal which considers existing wildlife and planting within the site. The Appraisal notes the site provides a potential habitat for species including Otters and Badgers. To ensure the proposal has no significant impact on species within the site or surrounding area the report identifies a range of mitigation measures including pre-work checks for protected species, control of lighting and covering of any trenches or pits during construction. Further to the proposed mitigation measures, the appraisal includes a range of recommended measures to mitigate for the loss of habitat and to significantly 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.
- 7.61 The submitted Preliminary Ecological Appraisal has been reviewed by the Head of Environment. 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, Preliminary Ecological Appraisals and wildlife surveys require to be up undertaken within 12 months of any development progressing on site. It is recommended that an updated Ecological Appraisal and associated surveys is provided prior to any works on site. These further studies and the implementation of any mitigation measures and biodiversity enhancement measures can be secured conditions requiring these matters to be the subject of a further application for the approval of matters specified in conditions.
- 7.62 **Subject to a planning condition requiring the submission of further details the proposal can satisfy Policies 3a and 3b of NPF4 and Policy 34 of the LDP.**
- 7.63 **NPF4 Policy 6a: Forestry, Woodland and Trees** - states development proposals that enhance, expand and improve woodland and tree cover will be supported. **LDP Policy 35: Trees and Urban Woodland** supports the establishment and enhancement of woodland, tree belts and corridors. New development must ensure the survival of woodland, hedgerows and individual trees, especially healthy mature trees, of nature conservation or landscape value through sensitive site layout both during and after construction, unless removal has been approved in advance by the council. Where appropriate, development proposals must be accompanied by maintenance arrangements and justification for the removal of any trees or hedgerows.
- 7.64 Existing trees and shrubs towards the site boundary contribute positively to the biodiversity of the local area and are subject of Tree Preservation Order 06/03. The protection of these trees is important to both the biodiversity value and amenity of the proposed development and surrounding area.
- 7.65 The applicant has provided an Arboricultural Report with the application. The report assesses trees at the application site and recommends tree protection measures are implemented during construction works. Following review of the submitted report, The Head of Environment notes the recommendations including removal of dead or dying trees, protection measures for trees which are being retained and provision of replacement planting. It is highlighted any trees being felled will require to be assessed for potential bat roosts prior to works progressing.
- 7.66 To ensure all proposed tree works are based on updated information, a new Arboricultural report and full details of landscaping and tree protection measures will require to be provided within 12 months of any development progressing on site. As the application is for permission in principle the layout of the development is not confirmed. The provision of an updated report and associated plans along with the implementation of tree protection measures during construction can be controlled by condition requiring these matters to be the subject of a further application for the approval of matters specified in conditions.

7.67 **Subject to a planning condition requiring the submission of further details the proposal can satisfy Policy 6a of NPF4 and Policy 35 of the LDP.**

7.68 **NPF4 Policy 5 b: Soils** states development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:

- i essential infrastructure and there is a specific locational need and no other suitable site;
- ii small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;
- iii the development of production and processing facilities associated with the land produce where no other local site is suitable; and
- iv the generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration.

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

7.69 Land within the centre and south of the site is classified on the National Soil Map of Scotland as “brown soils within land capability for agricultural Class 3.1”, which is defined by NPF4 as prime agricultural land. The proposals would result in the development of the area of prime agricultural land and does not meet any of the exceptions to the policy.

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

Sustainable Drainage Provision and Flood Risk

7.71 **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.

7.72 **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 in 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.

7.73 **NPF4 Policy 22c: Flood Risk and Water Management** - states development proposals for or incorporating new or development proposals will:

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

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

- 7.74 **LDP Policy 36: Flood Risk Management** - states that 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.
- 7.75 Scottish Water has confirmed that there is capacity in its network for this development.
- 7.76 The potential for flood risk was considered as part of the local development plan housing site allocation process and it was concluded that the site could be developed without risk to or from flooding. As part of the application a proposed drainage layout and calculations have been provided. The applicant states the proposals would be able to address the requirements of Policy 20b through the provision of a SUDS pond within the south of the site and associated infrastructure.
- 7.77 Further information is required at the detailed design stage in terms of how the final detailed housing development will affect overland drainage flows; how surface water will be diverted into existing watercourses; further assessment of the water course; and details of proposed SUDS features. This information can be required by condition requiring these matters to be the subject of a further application for the approval of matters specified in conditions. Therefore, the proposals can comply with these policies.
- 7.78 **Subject to a planning condition requiring the submission of further details the proposal can satisfy Policies 20b and 22c of NPF4 and Policies 36 and 37 of the LDP.**

Environmental Health and Ground Contamination

- 7.79 **NPF4 Policy 23e: Health and Safety** - states development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely. **LDP Policy 39: Environmental Protection** states that all new development or an extension to an existing development that would generate noise, vibration, odour, emissions to air, dust or light pollution will be required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area. 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.
- 7.80 The proposed development would be located within a semi-rural location, with no significant noise sources in the surrounding area.
- 7.81 The Head of Community Safety and Protection has reviewed the proposed development and raised no objection. However, it is noted that as the application is for planning permission in principle, details of equipment including any air source heat pumps have not been confirmed.

As a number of dwellings are proposed there is potential for accumulative noise impacts should such equipment be included within the development.

- 7.82 Subject to a condition requiring full details of noise sources and an assessment of potential impacts as part of a future application, the development can achieve an acceptable level of residential amenity.
- 7.83 **Subject to a planning condition requiring the submission of further details the proposal can satisfy Policy 23e of NPF4 and Policy 39 of the LDP.**
- 7.84 **NPF4 Policy 23d: Health and Safety** - does not support development proposals that are likely to have significant adverse effects on air quality. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely. **LDP Policy 40: Air Quality** states there is a general presumption against development proposals that could significantly increase air pollution or introduce people into areas of elevated pollution concentrations unless mitigation measures are adopted to reduce the impact to levels acceptable to the Council.
- 7.85 The proposed residential development would introduce residential dwelling to this semi-rural location. A residential development would not introduce any significant sources of pollution and there are no developments within the surrounding area which impact on air quality.
- 7.86 The Head of Community Safety and Protection has reviewed the proposed development and raised no objection. However, it is noted that as the application is for planning permission in principle, details of the proposed heating systems and any associated flues have not been confirmed. As a number of dwellings are proposed there is potential for accumulative impacts on air quality depending on the heating system used. A planning condition is recommended which requires details of the proposed means of heating be confirmed, and if required an air quality report submitted for approval, to ensure the proposals have no detrimental impact on air quality.
- 7.87 Subject to a condition requiring full details of the proposed heating systems are submitted for approval as part of a future application, the development would have no detrimental impact on air quality.
- 7.88 **Subject to a planning condition requiring the submission of further details the proposal can satisfy Policy 23d of NPF4 and Policy 40 of the LDP.**
- 7.89 **NPF4 Policy 9c: Brownfield, Vacant and Derelict Land and Empty Buildings** - states that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use. **LDP Policy 41: Land Contamination** states development of potentially contaminated or statutorily identified contaminated land will be considered where:
- 1 a site investigation is submitted establishing the nature and extent of contamination; and
 - 2 the Council is satisfied that remediation measures proposed for the development, adequately address contamination risks to all receptors, such that the land demonstrably does not meet the statutory definition of contaminated land and is suitable for the planned use.
- 7.90 The greenfield site has presently unkempt grassland with trees and shrubs towards the north, east and west boundaries. The applicant has submitted a desk study which considers the site's history and scope for contamination to be present.

7.91 The submitted study has been reviewed by The Head of Community Safety and Protection. The conclusions and recommendations within the report are supported, and it is requested that the further investigations and assessments proposed in the desk study are progressed. It is recommended this matter, and the implementation of any required remediation measures are controlled by condition requiring these matters to be the subject of a further application for the approval of matters specified in conditions.

7.92 **Subject to a planning condition requiring the submission of further details the proposal can satisfy Policy 9c of NPF4 and Policy 41 of the LDP.**

Archaeology

7.93 **NPF4 Policy 7o: Historic assets and places** – states non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment. **LDP Policy 52: Scheduled Monuments and Archaeological Sites part b) Archaeological Sites** states where any proposal could affect a site of known archaeological importance or potential, the applicant will be required to provide an assessment of the archaeological value of the site and the likely impact of the proposal on the archaeological resource. Such an assessment will require a field evaluation to be carried out to the reasonable satisfaction of the Council, to determine:

- 1 the character and extent of the archaeological remains;
- 2 the likely impact of the proposal on the features of archaeological interest; and
- 3 the ways in which the development proposal can be amended or designed in order to mitigate its impact on the archaeological remains.

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

7.94 Previous programmes of archaeological research and fieldwork in advance of development across allocated housing site H42 has indicated potential for unrecorded archaeological sites, monuments and deposits to exist. There is therefore good reason to believe that archaeological deposits will exist on site.

7.95 To identify and recorded any archaeological deposits within the present application site, a written scheme of investigation requires to be prepared and implemented prior to any works on site. An archaeological condition is recommended to ensure that the applicant undertakes a suitable programme of archaeological investigation prior to any development.

7.96 **Subject to a planning condition requiring the submission of further details the proposal can satisfy NPF4 Policy 7o.**

Developer Contributions

7.97 **NPF4 Policy 18b: Infrastructure First** - states the impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Where

planning conditions, planning obligations, or other legal agreements are to be used, the relevant tests will apply. **LDP Policy 20: Funding of On and Off Site Infrastructure Provision** states the City Council, where necessary and appropriate, will seek to secure developer contributions towards the cost of infrastructure provision both on and off site. The principles that guide the requirement for contributions and the preparation of the Developer Contributions Supplementary Guidance are:

- 1 fair and proportionate developer contributions for all developments on sites allocated in either the Dundee Local Development Plan or in terms of windfall development;
- 2 developer contributions will be sought where a need for new or improved services, facilities or infrastructure has been demonstrated that relates directly to the requirements or impacts of a proposed development;
- 3 flexibility in approach to ensure that development can be brought forward in varied economic circumstances while ensuring that the development has no net detriment; and
- 4 facilitate informed decision making by those involved in the development process, allowing potential financial implications to be factored into development appraisals prior to commercial decisions and actions being undertaken.

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

7.99 The Supplementary Guidance states that greenfield residential developments will require to contribute towards infrastructure improvements within the local area, including contributions for school provision and road upgrades.

Education Provision

7.100 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.

7.101 The proposed development is therefore required to make a financial contribution towards the costs of enhancing primary school provision based on the contribution requirements set out in the Supplementary Guidance.

Dykes of Gray Road Improvements

7.102 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. In line with the Supplementary Guidance for Developer Contributions, the Council will recover the costs of these works from developers. The applicant is therefore required to make a financial contribution towards the road improvements in accordance with the provisions of the Supplementary Guidance.

7.103 The developer contributions for both the Dykes of Gray Road Improvements and education provision can be secured through a Section 75 Planning Obligation. Planning permission would not be granted until that legal agreement was completed.

7.104 **Subject to the completion of a planning obligation the proposals can satisfy Policy 18b of NPF4 and Policy 20 of the LDP**

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

MATERIAL CONSIDERATIONS

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

A – DEPARTURE FROM POLICY 5b AND 16b of NPF4

7.107 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.

7.108 The site is owned by NHS Tayside and it is understood that it has not been actively used for agriculture for several years. It is currently covered in rough unkept grassland.

7.109 The policy assessment within this report confirms that the principle of housing development on this land is accepted, subject to further approval of detailed design matters. This is due to the main part of the site being an allocated greenfield housing site within the Dundee Local Development Plan 2019. The small part of the site that falls outside of the allocated site boundary is due to the adjoining site to the south being developed for housing under 15/00410/FULM relatively detached from any other agricultural land and is unlikely to be practical to bring back into agricultural use.

7.110 The development of a site of this size would not have any significant impact on the availability of prime agricultural land within the local area.

7.111 These are material considerations which support the approval of the proposal contrary to the requirements of NPF4 Policy 9b.

7.112 With regard to Policy 16b, this application for planning permission in principle has not been accompanied by a Statement of Community Benefit. The statement is required to 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.

7.113 Again, it is noted that the principle of housing development on this land is accepted, subject to further approval of detailed design matters. The allocated housing site forms part of the Dundee Local Development Plan 2019 strategy to encourage housing development of mixed type and tenure across the city and in areas that would create well designed, new and enhanced neighbourhoods that contain or provide access to services, amenities and employment opportunities.

7.114 Although no statement has been submitted, it is considered in this case that the development can meet local housing requirements; through the proposed planning obligation secure financial contributions towards local infrastructure; and through subsequent applications for matters specified in conditions ensure that the development does not detract from the residential amenity of the surrounding area. These outcomes are broadly in line with the requirements of Policy 16b.

7.115 These are material considerations which support the approval of the proposal contrary to the requirements of NPF4 Policy 16b.

7.116 **It is concluded that there are material considerations which would justify approval of planning permission.**

B – REPRESENTATIONS

7.117 In total 15 letters were received objecting to the proposal. The objections raised the following valid material grounds:

- i the design and layout of the proposed development raises a range of concerns with regard to overdevelopment, road and footpath access into surrounding area, impacts on the setting of the site and neighbouring buildings, site boundaries are not clearly defined, lack of open spaces and the development would not provide a range of house types or create a sustainable development;
- ii the development would have a detrimental impact on the surrounding road and footpath network by virtue of additional traffic and associated impacts on Swallow Roundabout, lack of access to public transport and directing residents through private estates;
- iii the proposed development would exacerbate existing capacity issues at schools which would serve the proposed development; and
- iv the site is at risk from flooding and there are existing drainage issues in this area.

7.118 The grounds of objection are considered and assessed as follows:

7.119 **Objection** - the design and layout of the proposed development raises a range of concerns with regard to overdevelopment, road and footpath access into surrounding area, impacts on the setting of the site and neighbouring buildings, site boundaries are not clearly defined, lack of open spaces and the development would not provide a range of house types or create a sustainable development.

7.120 **Response** – the applicant has provided an indicative site layout drawing with the application, showing a development of detached houses with access roads and footpath connections to the surrounding area. Whilst an indicative plan has been provided, as the application is for planning permission in principle it is the acceptability of the principle of a residential development which is to be considered and not the detailed layout or design of any development. Such details will be considered under a future application for matters specified by condition.

7.121 As part of any future application, full details of the location, design and form of all dwellings, associated access roads, footpaths, greenspaces and infrastructure will require to be confirmed. There is scope for footpaths to be formed in locations which connect the site to surrounding footpaths without impacting on residential amenity or biodiversity. Concerns related to residents accessing private land and facilities are a legal matter which cannot be controlled through a planning permission. The form, appearance and location of each dwelling along with matters including overlooking, overbearing and overshadowing impacts will also be considered under a future application.

7.122 **Objection** - the development would have a detrimental impact on the surrounding road and footpath network by virtue of additional traffic and associated impacts on Swallow Roundabout, lack of access to public transport and directing residents through private estates.

7.123 **Response** - the layout of roads and footpaths within the site will be considered as part of a future application. A major residential development as proposed will introduce a number of residents to the area, with associated footfall and traffic generation. Traffic associated with

the development will take access from Dykes of Gray Road, which was upgraded to accommodate traffic generated by the planned house building in the Western Gateway area. There is therefore sufficient capacity on Dykes of Gray Road to accommodate the proposed development. Planning permission has been granted for the upgrade of Swallow Roundabout to the south of the site, including alterations to increase capacity and introduce traffic management. The proposed development will result in increased traffic movements at the roundabout. To ensure there is no increase in traffic congestion or road safety impacts, a condition will be attached to any consent granted requiring that development is not commenced until the upgrade works are completed.

- 7.124 With regard to public transport, the site is in a semi-rural location with new build residential development to the south-west, and residential developments within West Green Park. There are bus stops within the surrounding area providing services into Dundee. Whilst current bus services are limited in number and frequency, it is expected that the public transport network will expand as demand for the services grows.
- 7.125 In relation to supporting the use of sustainable transport options, provision of cycle storage and EV chargers will be considered as part of any future application for matters specified by condition. The principle of a residential development within this allocated housing site is established, and measures can be included within any future application to enable and support use of active and sustainable transport travel measures.
- 7.126 **Objection** – the proposed development would exacerbate existing capacity issues at schools which would serve the proposed development.
- 7.127 **Response** – as discussed under the assessment against Policies 18b of NPF4 and Policy 20 of the LDP 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.
- 7.128 **Objection** – the site is at risk from flooding and there are existing drainage issues in this area.
- 7.129 **Response** – the applicant has submitted a flood risk assessment with the application, which highlights a risk of flooding from water run-off to the north of the site. To address the risk from flooding the development will require to ensure sufficient mitigation measures are provided to redirect water away from any dwellings and direct it into a sustainable drainage system within the site. The drainage system will require to have capacity for surface water associated with the proposed development and any run-off which enters the site. The applicant has provided a detailed drainage layout and calculations to demonstrate a drainage solution can be implemented.
- 7.130 As this is an application for planning permission in principle, full details of the layout and drainage proposals cannot be confirmed at this stage. Drainage information submitted with the application demonstrates that site is of a scale and form which could accommodate mitigation measures and a drainage system to address the risk of flooding. The provision of a detailed flood risk and assessment and drainage proposals as part of a future application can be controlled by condition. Subject to the provision of a satisfactory flood mitigation measures and sustainable drainage system, the proposed development would reduce the risk of flooding within the site and surrounding area.
- 7.131 **The matters raised in the representations are not considered to support refusal of planning permission in principle.**
- 7.132 **It is concluded that there are material considerations of sufficient weight which would justify approval of planning permission.**

8 CONCLUSION

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

9 RECOMMENDATION

Recommendation 1

- 9.1 This planning permission in principle shall not be issued unless and until an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997, between the Council and parties with appropriate interests in the land, has been recorded. This obligation will relate to the provision of financial contributions towards Education Provision and Road Upgrades in accordance with the Development Plan.

Recommendation 2

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

- 1 **Condition** - the development to which this planning permission in principle relates must be begun not later than the expiration of 5 years beginning with the date on which this planning permission is granted. If development has not begun at the expiration of the 5 year period, the planning permission in principle lapses.

Reason - to ensure the timeous commencement of development and in compliance with Section 59 of the Town and Country Planning (Scotland) Act 1997.

- 2 **Condition** - no development shall take place unless there has been submitted to and approved by the Planning Authority a Matters Specified in Conditions application, including the detailed layout and design of access points, roads, parking, buildings and other structures, has been submitted to and approved in writing by the Planning Authority, which shall include:
- a a plan of all the site to be developed to a scale of not less than 1:1250, showing the site, any existing trees, hedges, walls (or other boundary markers) and the position of any structures;
 - b a detailed site plan to a scale of not less than 1:200 showing the siting of the proposed dwelling houses; proposed useable garden ground; all proposed roads, footways and accesses; parking provision; cycle storage; and provision for waste and recycling storage and collection;
 - c detailed plans, sections and elevations of the proposed buildings, including details of the colour and type of materials to be used externally on walls, roofs and boundary treatment;
 - d details of proposed boundary enclosures, drainage and means of access; and
 - e details of the existing and proposed ground levels as well as the finished floor levels all related to a fixed datum point.

Reason – to ensure that the matters referred to are given full consideration and to accord with Section 59 of the Town and Country Planning (Scotland) Act 1997.

- 3 **Condition** - no development shall take place unless there has been submitted to and approved in writing by the Planning Authority a Matters Specified in Conditions application including a scheme of hard and soft landscaping covering all areas of public and private open space. The scheme shall include details of:
- 1 existing and proposed finished ground levels;
 - 2 existing landscape features, trees, woodland and vegetation to be retained or removed and a scheme for the protection of all trees to be retained within and immediately adjacent to the site;
 - 3 existing and proposed services and utilities including cables and pipelines;
 - 4 proposed tree and shrub numbers, densities, locations, species, sizes and stage of maturity at planting;
 - 5 location, design and materials of walls, fences, gates and street furniture;
 - 6 arrangements for the management and maintenance of existing and proposed open space, and landscaped areas; and
 - 7 proposed hard surface finishing materials.

The scheme shall be supported by an updated Arboricultural Report.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of each respective phase of the development or such other date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of each phase of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason – in order to integrate the development into the surrounding landscape, increasing the biodiversity and recreational value of the site and creating a suitable living environment for future residents.

- 4 **Condition** – no development shall take place unless there has been submitted to and approved in writing by the Planning Authority a Matters Specified in Conditions application including a Preliminary Ecological Assessment and associated surveys. The Assessment shall include 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.

Reason - to ensure that a satisfactory biodiversity enhancement scheme is proposed to mitigate the biodiversity impact that development has on the site.

- 5 **Condition** - no development shall take place unless there has been submitted to and approved in writing by the Planning Authority a Matters Specified in Conditions application detailing the investigation and risk assessment proposed in the submitted Stage I Desk

Study. If necessary these details shall include a remediation scheme to deal with any contamination at the site. The scheme shall contain proposals to deal with contamination to include:

- a the nature, extent and type(s) of contamination on the site;
- b measures to treat/remove contamination to ensure the site is fit for the use proposed and does not contain any significant pollution linkages;
- c measures to deal with contamination during construction works; and
- d verification of the condition of the site on completion of decontamination measures.

Reason - in order to minimise the risk of land contamination.

- 6 **Condition** - no development shall take place unless there has been submitted to and approved in writing by the Planning Authority a Matters Specified in Conditions application containing details of a scheme of public art, to be provided within the development.

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

- 7 **Condition** – no development shall take place unless there has been submitted to and approved in writing by the Planning Authority a Matters Specified in Conditions application including 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.

That submission shall be supported by an updated flood risk assessment which will identify any required mitigation measures.

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

- 8 **Condition** – no development shall take place unless there has been submitted to and approved in writing by the Planning Authority a Matters Specified in Conditions application including full details of maintenance responsibilities along with a maintenance schedule for the surface water drainage system/ SUDS features.

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

- 9 **Condition** - no development shall take place unless there has been submitted to and approved in writing by the Planning Authority a Matters Specified in Conditions application including details of any noise generating sources (e.g. air source heat pumps) to be introduced onto the site. A noise impact assessment (NIA) may require to be submitted for approval by the planning authority.

Reason - in the interests of protecting residential amenity.

- 10 **Condition** - no development shall take place unless there has been submitted to and approved in writing by the Planning Authority a Matters Specified in Conditions application providing full details of the proposed means of providing heating, including details of any flues or extracts or similar related works. An air quality assessment may be needed depending on the size, location and fuel type of any combustion appliances.

Reason – in the interest of air quality and protecting residential amenity.

- 11 **Condition** – no development shall take place unless there has been submitted to and approved in writing by the Planning Authority a Matters Specified in Conditions application providing a Sustainability Statement demonstrating the extent to which the development will meet the requirements of Policy 48 of the Dundee Local Development Plan.

Reason – in the interests of reducing carbon emissions associated with the proposed development, to comply with Policy 48 of the Dundee Local Development Plan.

- 12 **Condition** - no development shall take place unless there has been submitted to and approved in writing by the Planning Authority a Matters Specified in Conditions application including a Heat Network Statement. The Statement shall assess heat network opportunities within the Western Gateway area and how the development could integrate with any such network.

Reason – in the interest of air quality and reducing carbon emissions.

- 13 **Condition** - no development shall take place unless there has been submitted to and approved in writing by the Planning Authority a Matters Specified in Conditions application containing details of the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

Reason - in order to safeguard the archaeological heritage of the site and to ensure that the developer provides for the investigation, recording and rescue excavation of any remains on the site in advance of their loss to development.

- 14 **Condition** - no development shall take place unless there has been submitted to and approved in writing by the Planning Authority a Matters Specified in Conditions application containing a site waste management plan. The waste management plan shall contain details of how site waste will be controlled during construction of the development.

Reason - in the interest of sustainable waste management.

- 15 **Condition** – no development shall take place until the proposed upgrade of the A90 Swallow Roundabout junction, including widened approaches, signal control and footway/cycleway, generally as covered by planning permission 18/00149/FULL, has been implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason – to ensure that the standard of infrastructure modification proposed to the trunk road complies with the current standards; that the safety and free flow of traffic on the trunk road is not diminished; and that the development is well served by all modes of transport.

- 16 **Condition** - no development shall take place unless there has been submitted to and approved in writing by the Planning Authority a Matters Specified in Conditions application including a residential travel pack. 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.

Informative(s)

- 1 The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Roads Directorate. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal.
- 2 Trunk Road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.
- 3 Trunk Road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.
- 4 The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.
- 5 Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.