

KEY INFORMATION

Ward Camperdown

Proposal

Proposed development of 270 dwellings and a residential retirement home with associated landscaping, servicing and access

Address

Land to North of A90 and Northwest of Swallow Roundabout Kingsway West, Dundee

Applicant

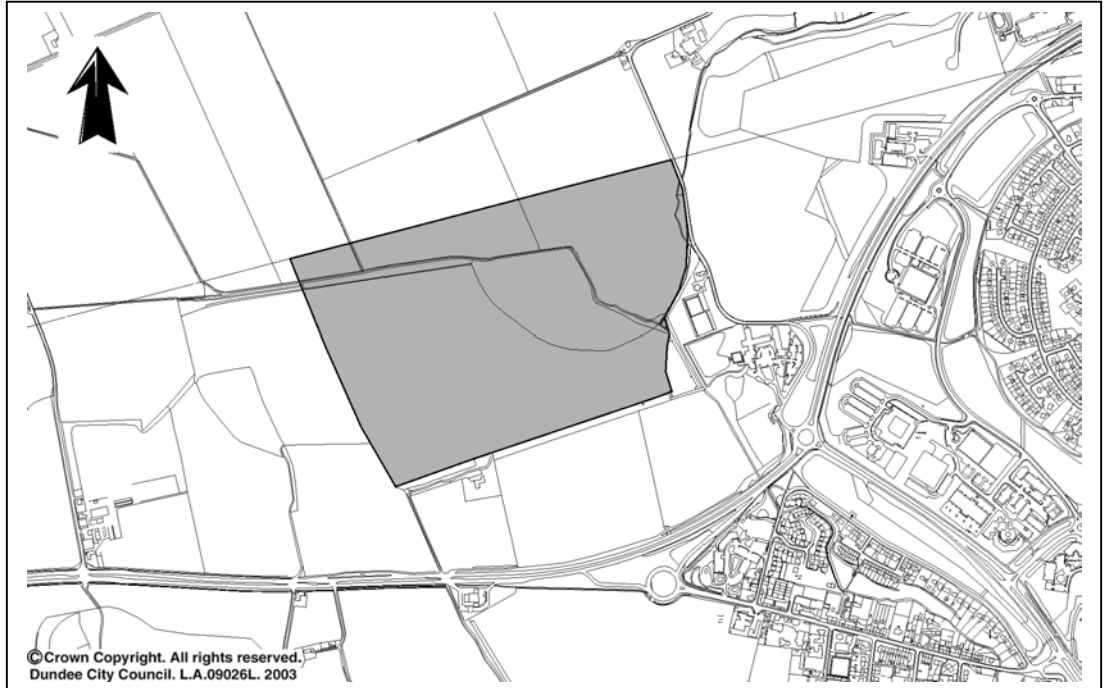
Bett Homes Ltd/Cala Management Ltd
C/o Farningham McCreddie Partnership Ltd
65 York Place
Edinburgh

Agent

Farningham McCreddie Partnership Ltd
65 York Place
Edinburgh

Registered 5 Aug 2003

Case Officer



The Erection of 270 houses, 60 bed residential retirement home, associated access, services and landscaping is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is in accordance with the strategy of the Structure Plan and the Finalised Draft Local Plan and there is justification for approving the development in advance of the public inquiry on the Finalised Plan. If members are minded to approve, the application must be referred to the Scottish Ministers following an objection from SEPA. The application is recommended for **APPROVAL SUBJECT TO CONDITIONS**.

SUMMARY OF REPORT

- Planning permission is sought for the development of a "village" of 270 houses, a 60 bed retirement home and associated access, services and landscaping. The design and layout of the village broadly follows the indicative proposals in the Finalised Local Plan and provides large family houses on generous plots. The village will be screened by structure landscaping. Off site road improvements will be part of the phased development.
- It comprises the first village in the Western Gateway which is the proposed mixed use development identified in the Dundee and Angus Structure Plan and the Finalised Dundee Local Plan Review to capitalise on the unique strategic advantages of the site to the west of the City. The strategy seeks to improve the quality and choice of housing opportunity and address the issue of housing related out migration of population from Dundee.
- The proposal contravenes the current Dundee Local Plan but complies with both the Structure Plan and the Finalised Dundee Local Plan. It is considered that there is a case for the approval of this application in advance of the public inquiry on the Finalised Plan given the current shortage of housing land.
- One individual objection has been received and the Menzieshill, Balgay and Carse of Gowrie Community Council has objected on grounds of transport, design and layout, flooding management and archaeology. Historic Scotland, Dundee Civic Trust and Perth and Kinross Council all consider the application to be premature. The Scottish Environment Protection Agency (SEPA) object to the proposal on grounds of flood risk and any proposed planning permission must be referred to the Scottish Ministers.
- A Section 75 agreement is proposed to cover off site road and junction improvements and compensatory flood storage areas; links to future adjoining development sites; future use and maintenance of woodland and open space; and developer contributions to education and recreation park provision.

DESCRIPTION OF PROPOSAL

The planning application is for the development of 270 dwellings, a 60 bed residential retirement home and associated access, services and landscaping. The development is to be carried out in three phases. Details of large family sized houses have been submitted providing a range of accommodation. The access road leads into a central village street with individually designed houses forming an enclosed space with informal public spaces and central tree planting. The roads to the north and south which serve the main housing will be subject to traffic calming. The retirement home will be located at the west end of the main village street. There is extensive open space within the eastern part of the site and structured landscaping around the perimeter. Two ponds within the open space will provide capacity for the sustainable urban drainage system serving the development but will also create an attractive landscape setting.

SITE DESCRIPTION

The site lies to the north west of the Swallow Hotel. It is a broadly rectangular area of 36.93 hectares bounded by Dykes of Gray Road to the east, the grounds of the hotel to the south east, a wooded shelterbelt to the south, open fields to the west and a line of electricity pylons to the north. The site is currently open land in agricultural use. The Fowlis Burn runs west to east across the northern part of the site before turning southwards to skirt the grounds of the hotel. The majority of the site is gently sloping northwards down to the valley of the burn.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

A key objective of the approved Dundee and Angus Structure Plan is "provision for integrated mixed use development west of Dundee capitalising on unique locational strategic advantages and linked

brownfield/greenfield opportunities". (Paragraph 2.22)

The Plan aims to "improve the quality and choice of housing opportunity available in Dundee as part of an integrated approach to tackling the issue of housing related out migration which is a major contributor to population decline in the City." In order to facilitate this reversal of out-migration, "an allowance for additional housing land release over the Structure Plan period is required." (Paragraph 3.26 Report of Survey)

In this regard, Paragraph 2.27 recognises the strategic opportunity provided by the Dundee Western Gateway to create a high quality mixed use development stating that:

- "this general location offers potential for a range of housing opportunities and environments including the sensitive reuse of significant redundant premises;



- it affords good access to the City Centre enabling the development of public transport provision; and
- it secures the opening up of a prime area of employment land, accessible to the Central Belt and competitive at an international level."

In accordance with the development strategy outlined above, Housing Policy 2 states that "the Dundee Western Gateway provides a focus for planned integrated development, including greenfield housing land release." Furthermore, Housing Policy 3 states that "within the Dundee Western Gateway the scale and phasing of allocations should be in accordance with Schedule 1, with priority afforded to securing the appropriate reuse of land and buildings within the Liff Hospital Estate." This

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application site lies within the identified Dundee Western Gateway.

In this regard, Schedule 1 provides for an additional 1150 dwellings in the Dundee Western Gateway during the period 2001-2016. This allocation provides for 750 dwellings between 2001-2011 and 400 dwellings between 2011-2016 (subject to review).

Transport Policy 4: Development Location

Environmental Resources Policy 4: Flooding and Development

Environmental Resources Policy 7: Agricultural Land

Report of Survey Appendix 1: Dundee Western Gateway Concept Plan.

Dundee Local Plan 1998

The following policies are of relevance:

Most of the site is specifically identified as an area of search for future Business Use under Policy EU18 and Policies RD 2-15 cover development in open countryside.

Policy H5 presumes against further greenfield land release beyond that required to meet the Structure Plan requirements. However, this policy framework is essentially superseded by the terms of the approved Dundee and Angus Structure Plan 2001-2016.

Policy H10 establishes guidelines for the design and layout of new housing and the proposals comply with the policy.

Policy H12 relates to residential and nursing homes.

Policies BE 25 - 28 relate to the protection of sites of archaeological importance.

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application as the site lies outwith the area covered by the Plan.

Finalised Dundee Local Plan Review

The strategy of the Finalised Plan seeks to "focus additional greenfield

housing land release in the Dundee Western Gateway Area".

With respect to housing land release, although the Plan places a priority on the re-use of brownfield land, it also states that "in order to improve the range and choice of housing opportunity that exists in the City, the Dundee and Angus Structure Plan also advocates modest greenfield land release. Dundee Western Gateway is a focus for this investment". (Paragraph 8.3) In this regard, the Dundee Western Gateway is regarded as an opportunity "to create a high quality, village type residential environment". (Paragraph 9.3)

The Plan identifies four areas for Housing Investment Focus under Policy 3, including inter alia the Dundee Western Gateway, and states that "the west of Dundee presents a major opportunity to create a high quality, village type residential environment at the upper end of the housing market".

The location of the proposed village closely follows the site indicated on the Proposals Map and in Appendix 3 - Greenfield Housing Development Proposals as H70 - Dundee Western Villages. Significantly, the Map suggests an indicative capacity of 270 units for Swallow Village.

With respect to the design of new housing, "promoting good quality new housing development is a key objective of this Local Plan" (Paragraph 11.1) In this regard, quantitative standards are set out in Appendix 1 with qualitative guidance provided in the Dundee Urban Design Guide. Policy 4 requires new housing development to conform to the standards and guidance set out therein.

The development should accord with the requirements of Policy 8 regarding provision of facilities and non-mainstream residential uses fall to be considered under Policy 10. On and off site facilities and infrastructure will be in accordance with Policy 20 regarding funding. The Council will seek new public art within the development in accordance with Policy 56.

In terms of open space provision, Policy 7 articulates the Council's support for "the creation of a new village Recreation Park within the Western Gateway" and that,

"developer contributions will be sought as part of housing development consents within the Western Gateway area to assist implementation of the new Park and its ongoing maintenance." (Policy 7)

Section 71 of the Plan addresses Scheduled Monuments and Sites of Archaeological Interest. Policies 64 and 65 set out criteria with respect to the assessment of proposals with implications for such features.

Policy 70 states that "development proposals must not adversely affect the nature conservation qualities of Sites of Importance for Nature Conservation or Local Nature Reserves.

Policy 75 requires that all "development proposals must be accompanied by a Sustainable Drainage Scheme".

Policy 76 Flood risk (as modified) The revised policy states that there will be a general presumption against development in high risk areas and that a Flood Risk Assessment will require to be submitted to accompany all development proposals in high and medium flood risk areas.

With respect to accessibility and transportation matters, Policies 81, 82 and 83 seek to promote ease of access by pedestrians, cyclists and public transport users and to enhance facilities and infrastructure for these sustainable modes of travel. With regard to roads matters, the Plan seeks to reduce the dominance of the private car and promote the use of alternative modes.

Policy 86 states that Dundee City Council will inter alia:

"promote the establishment of walking, cycling and public transport priority measures on or adjacent to all arterial routes.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

SPP1: The Planning System

SPP3: Planning for Housing

The SPP states that "in meeting the requirements of housing markets across Scotland, planning authorities

and housing providers should work more closely together to:

- Create more quality residential environments;
- Guide new housing developments to the right place; and,
- Deliver housing land...." (Summary)

SPP7: Planning and Flooding

NPPG5: Planning and Archaeology

NPPG5 "sets out the Government's planning policy on how archaeological remains and discoveries should be handled under the development plan and development control systems, including the weight to be given to them in planning decisions and the use of planning conditions." (Paragraph 1)

NPPG7: Planning and Flooding

This guidance note recognises that "the susceptibility of land to flooding is a material consideration in planning decisions (Paragraph 3) and that, "development in an area which is exposed to frequent or extensive flooding is likely to be unsustainable and should be avoided." (Paragraph 19) However, the guidance articulates that it is for planning authorities to determine whether the appropriate policy response to a proposal affected by flood risk is either "avoidance or managing the threat". (Paragraph 43)

NPPG11: Sport, Physical Recreation and Open Space

Government policy on open space as detailed in NPPG11 recognises the importance of both recreational and amenity open space and, "its contribution to the quality of urban life". (Paragraph 34)

NPPG14: Natural Heritage

With reference to natural heritage considerations outwith sites subject to statutory designation, the guidelines state that "planning authorities should seek to protect trees, groups of trees and areas of woodland where they..... contribute to the character or amenity of a particular locality" (Paragraph 51) and that, "opportunities should be taken to secure new woodland planting in development schemes." (Paragraph 51)

NPPG17: Transport and Planning

Within the context of sustainable development, NPPG17 promotes an

integrated approach to land use, economic development, transport and the environment.

PAN33: Development of Contaminated Land. The document states that risk need to be assessed on a site by site basis and sites should be suitable for the proposed use. Investigation should be followed by appropriate remediation where necessary.

PAN38: Housing Land (Revised 2003)

The principal aim of the recently revised PAN is "to promote greater consistency and transparency in method" in assessing housing land requirements. (Paragraph 2) Paragraph 29 details a number of constraints which land must be free from during the plan period under consideration. The proposals are considered to compare very favourably in that the site is: under the control of the Consortium; free from physical or contamination constraints; marketable; infrastructure constraints can be resolved; and, housing is the preferred land use.

PAN44: Fitting New Housing Development into the Landscape

Planning Advice Note 44 provides further Government advice relating to successfully absorbing new development into settlements. The Advice Note recommends ways in which developers can "achieve residential developments which are in harmony with their landscape setting and which make a more positive contribution to the character of existing settlements." (Paragraph 2)

PAN56: Planning and Noise

The PAN "advocates a positive approach towards dealing with noise issues" (Paragraph 67) and explains how the development potential of sites can be unlocked through the implementation of mitigation measures.

PAN61: Planning and Sustainable Urban Drainage Systems

The PAN states that planning policy should set the framework for the provision of Sustainable Urban Drainage Systems (SUDS) in Local and Structure Plans and in masterplanning exercises.

PAN60: Planning for Natural Heritage

In accordance with the guiding principles advocated by NPPG14, this document "encourages developers and planning authorities to be positive and creative in addressing natural heritage issues." (Paragraph 2)

PAN 67: Housing Quality

The Scottish Executive's 'Designing Places' A Policy Statement for Scotland 2001

SPP1 clearly states that design is a material consideration in determining planning applications. In this regard, Designing Places sets out the policy context for important areas of planning policy, design guidance and professional practice and acknowledges that "successful design is a matter of balancing interests and opportunities in the way that is right for the particular place" (Page 33)

Circular 18/1987: Development Affecting Prime Agricultural Land

The land is classified by the Macaulay Land Use Research Institute as being a mixture of Class 2 and Class 3.1. It is therefore of "prime" agricultural quality. The Scottish Executive recently published a consultation paper which proposes removing the special protection afforded to prime quality agricultural land in favour of allowing local authorities flexibility to determine whether such land should be utilised for new development.

Non Statutory Statements of Council Policy

The Council's Urban Design Guide is of relevance.

LOCAL AGENDA 21

The Council's Agenda 21 policies seek to ensure that Key Theme 13 - Places, spaces and objects combine meaning and beauty with utility; Key Theme 14 - Settlements are human in scale and form.

SITE HISTORY

D23641 Outline application for 243 houses on part of this application site and additional land to the north. Application withdrawn 22/01/2003.

D2364 Full application for 54 houses as Phase 1 of the above outlines, on part of this application site. Application withdrawn 22/01/2003.

D23971 Outline application for residential development on land to the north of this application site. Application withdrawn 10/02/2003.

01/30367/OUT Outline application for residential, business and industrial development and land to the south and east of Liff Hospital. Application withdrawn 09/07/2002.

02/00791/OUT Outline application for residential and business development, land to north of A90 Swallow Hotel, withdrawn unregistered 05/11/2002.

02/00792/OUT Outline application for residential redevelopment of Liff Hospital, withdrawn unregistered, 05/11/2002.

02/00820/OUT Outline application for residential and business development on larger site which includes this application for Swallow Village. Application yet to be determined.

03/00111/OUT Outline application for residential, business and industrial development and land to the south and east of Liff Hospital. Application yet to be determined.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised as a development contrary to the Dundee Local Plan 1998. One letter of objection was received from a local resident who objects to the impact that any development will have on the local environment and on existing traffic problems.

CONSULTATIONS

The application was the subject of the following consultations.

Scottish Executive Development Department, Road Network Management and Maintenance Division: Detailed comments have not been received in respect of Swallow Village. However initial comments in respect of the outline application for the larger site indicate that a cumulative Transport Assessment has been commissioned to consider the impact of all developments currently proposed at Dundee West, including the proposed development south of the A90(T) at the Scottish Crop Research Institute.

Historic Scotland: has responded to both the outline application for the larger Western Gateway site which has yet to be determined and this detailed application for Swallow Village. The response is only in respect of archaeological issues. They are of the view that the Environmental Statement is flawed as it has failed to adequately research archaeological sites. As a result, they believe that the conclusions it reaches are unacceptable. With regard to Swallow Village, they are of the opinion that a detailed mitigation strategy for the whole area is required. Historic Scotland cannot support either planning application in its current form and considers both to be premature pending a revised Environmental Statement which addresses the detailed concerns.

Scottish Environment Protection Agency (SEPA): SEPA has objected to this application on the following grounds:

- 1 it includes greenfield flood-plain development, and
- 2 the housing bounding the Fowlis Burn has curtilage right up to the river giving concern in respect of the potential for the unauthorised alteration of the river channel within these garden grounds, and
- 3 the ecological impact of the flood management proposals are not adequately managed, and
- 4 the flood risk implications for downstream users has not been examined in the context of the proposed loss of flood plain and compensatory storage and how this might affect flood flows.

Discussions between the Council, the applicants and SEPA are ongoing. Should SEPA not withdraw its objection prior to the determination of the application, the application must be referred to Scottish Ministers under the provisions of Article 14 of Schedule 1 of The Town and Country Planning (Notification of Applications) (Scotland) Direction 1997.

Scottish Natural Heritage (SNH): no comments to make on this application.

Scottish Gas: no comments to date

Scottish and Southern Energy: has no objections to the proposals and notes the proximity of the

development to the overhead transmission line in particular. The layout must take account of this infrastructure and all construction works in proximity to overhead lines must be carried out in accordance with Health and Safety Guidance Note GS6.

Scottish Water: no comments to date

Angus Council: The Council requested information with regard to the provision of public transport to serve the development but otherwise had no comments to make.

Perth and Kinross Council: The Council advises that it has no comments to make on the general detail of the planning application but has concerns relating to access arrangements, landscaping and potential flooding. The access and landscaping issues relate to the larger development site. It is noted that the Fowlis Burn runs through the application site for Swallow Village and then joins the Invergowrie Burn. Concern is expressed about the potential for flooding downstream, within the area administered by Perth and Kinross.

Perth and Kinross Council considers the application to be premature and reserves the right to comment on this application and the outline application for the larger site following receipt of the joint Transport Assessment being undertaken for developments on both sides of the A90(T) and the Environmental Statement for the larger site.

Menzieshill, Balgay and Carse of Gowrie Community Council: The Community Council objects on the following grounds:

- 1 Transport. A Transport Assessment has been submitted for the outline application for the larger development site which contains information relating to the Swallow Village. The Community Council challenges the validity of information used, the subsequent reliability of the outcome of the traffic analysis, the assumptions which underpin the transport philosophy and the failure to guarantee the necessary bus service. It concludes that the Transport Assessment does not include sufficient information to allow meaningful analysis; the subsequent traffic flow

assessment for the Swallow Roundabout is over cautious; there is no indication of how public transport provision can be guaranteed and no provision for consortium responsibility for the long term traffic reduction of the development.

- 2 Design and Layout. They are of the view that the 270 houses are all of a similar height and finish which results in uniformity and design blandness. Panmuirfield Village is cited as an example of poor design. The designs are suburban and are not sufficiently different to produce a rural village feel. The design and choice of materials is suburban contrary to guidance in the Structure Plan, Local Plan, NPPG and PAN advice to the contrary. No community facilities or recreational open space. No play provision for children. No mix of facilities, including a shop, as indicated in the Local Plan. This results in use of services in Dundee or surrounding areas which is not energy efficient or sustainable. The village green is next to the flood attenuation ponds, not central and potentially dangerous. Location of Nursing Home requires all service vehicles and visitors to drive through the village resulting in increased traffic causing noise, pollution and safety concerns.
- 3 Flooding Management. They feel that the proposed SUDS ponds (of the size and depth indicated) raise serious concerns in regard to safety. There is no indication that the safety issues have been addressed.
- 4 Archaeology. They believe that the submitted information with regard to sites which may potentially be of local or national interest has not been submitted and the planning application has failed to demonstrate what exceptional circumstances exist to support development in these area contrary to NPPG 5 and PAN 42. The need to identify land for business does not support the development of the villages.

A copy of the objection is available in Members Lounges.

West End Community Council: no comments to date.

Invergowrie Community Council: no comments to date.

Fowlis, Liff and Balruddery Community Council: no comments to date.

Dundee Civic Trust: The Trust considers that the proposals appear to be wholly in keeping with the Approved Structure Plan and the Finalised Local Plan. Subject to there being a satisfactory Transport Assessment, the Trust would support the proposals in principle but would make the following points:

- 1 the materials should be appropriate to residential units in a rural village rather than a suburban setting as required by Appendix 1 of the Finalised Local Plan.
- 2 Any outline consent should include shopping and other community facilities in accordance with Policy 8 of the Finalised Local Plan.
- 3 Whilst the Trust has always been supportive of these proposals, as there have been objections in the context of the Finalised Local Plan from other parties, the Trust contend that it would be unreasonable to determine this application prior to the forthcoming inquiry into the Local Plan.

The Trust concludes by contending that all greenfield housing developments of significant scale elsewhere in the City should be supported by a similar level of detailed analysis and justification to ensure that they accord with the principles of PAN 44, the meet the requirements of NPPG 17 and are not wholly or mainly dependent on car access and they are not subject to adverse noise nuisance.

National Playing Fields Association: The Association does not object to the planning application. However they register a concern with regard to the density of housing and population in the western part of the village as the developer has not provided informal recreation space and play areas as specified in the "6 Acre Standard".

The Head of Environmental Health and Trading Standards advises that

appropriate conditions can be imposed to ensure that adequate noise control measures are applied to the mechanical and electrical services associated with the retirement home, the proposed electrical sub station and sewage pumping station. In addition the developers will be required to demonstrate that appropriate measures have been taken to protect houses in Phase 1 from the impact of traffic noise on Liff Road.

The Forestry Officer from Dundee Contract Services advises that further information is required with regard to protection of existing trees, structure planting around the development, landscaping within the site and landscaping and management of open space. However such matters can be the subject of appropriate conditions and on-going supervision of the development.

The Director of Leisure and Arts: no comment to date

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations.

The Development Plan

The development plan in the context of this application comprises the Dundee and Angus Structure Plan 2001-2016 approved by Scottish Ministers in October 2002; and the Dundee Local Plan approved by the Council in April 1998. (The Urban Nature Conservation Subject Local Plan 1995 covers an area outwith the application site).

The provisions of the development plan relevant to the determination of this application are specified in the Policy Background section above.

In terms of the Structure Plan, it is considered that the development of 270 houses on this site is in accordance with the Plan's settlement strategy (Paras. 2.20-2.32). The strategy seeks to redress the imbalance which has developed in recent years

between the east and west sectors of the city in terms of the distribution of housing and employment land uses. The strategy will also achieve a better equilibrium in the operation of the city in terms of road network and traffic flows.

The Plan recognises (Para. 2.27) the strategic opportunity which exists in this location to create a high quality mixed use development. This housing proposal is a key first element in the provision of an integrated mixed use development which will capitalise on the unique locational and environmental advantages of the Western Gateway area.

This strategy is given particular expression in Housing Policies 2 and 3 and Schedule 1, backed up in greater detail in Appendix 1 of the Structure Plan Report of Survey. In promoting housing development for the Western Gateway, the Plan evaluated options and favoured an approach, which does not concentrate development in a single location but which accommodates development in "pockets" (or discrete villages) within a landscaped setting. These housing areas would be supported by appropriate community facilities, accessible by a range of means of transport and linked to nearby employment areas to ensure the creation of sustainable communities compatible with Structure Plan Transport Policy 4.

Environmental Resources Policy 4 recognises the importance of flood risk and the need for the adoption of Sustainable Urban Drainage Systems to minimise the impact on peak flow levels in watercourses as detailed in the relevant policies of the Finalised Local Plan Review. Measures will be required to ensure that this policy is complied with.

Environmental Resources Policy 5A provides a broad framework for the safeguarding and enhancement of features of historic interest as detailed within the more detailed policies of the Finalised Draft Local plan (See below)

Environmental Resources Policy 7 is also of relevance. This states that development, which would result in the loss of prime agricultural land, will not normally be permitted except where such land is identified as essential for the implementation of the Structure Plan strategy. The

achievement of the structure plan strategy at the Western Gateway will inevitably result in the loss of agricultural land and as this proposal furthers the Structure Plan strategy it is considered that there is no conflict with the Plan in this respect.

In conclusion, the application proposals are consistent with the Structure Plan strategy and seek to implement the principles which it advocates.

The Dundee Local Plan 1998 predates the approved Structure Plan and therefore does not incorporate its provisions. The application site is located within a wider countryside area subject to Policies RD2-15 which seek to limit and control residential development. Nevertheless the Plan, in Policy EU18, recognises the potential which exists at the Western Gateway for high amenity business development, in furtherance of the Structure Plan policies in force at the time of the local plan's adoption.

Policy H5 presumes against greenfield land release beyond that required to meet the Structure Plan requirements at the time of the Plan's adoption. To this extent the proposals do not comply with this policy.

Policy H10 establishes guidelines for the design and layout of new housing. The proposals comply with this policy.

Policy H12 identifies criteria for acceptable developments of residential and nursing homes which include scale, access, garden ground, parking and general location. The development complies with the policy.

Policies BE25-28 relate to the protection of scheduled ancient monuments and other sites of archaeological interest and for the recording of archaeological finds. The proposals recognise these issues as discussed later in this report.

Although the application complies with many of the relevant policies of the adopted Dundee Local Plan 1998, it does not comply with the terms of the plan for the reasons outlined above.

Other Material Considerations

1 The Finalised Dundee Local Plan Review

In this Plan the application site incorporates specific housing allocation H70 for approximately 270 houses and a surrounding area where open countryside Policy 74 applies. Appendix 3 of the plan gives an indication as to how the Structure Plan strategy, outlined above, is to be implemented in the form of discrete villages, the first of which is the application site, "Swallow Village".

Appendix 3 of the plan also offers guidance as to the expectations of the Council in respect of Swallow Village as follows :

- High quality housing design and layout
- High quality landscape framework providing containment, shelter and an attractive setting
- Suitable provision for community facilities
- Developer contributions required to ensure primary education provision, improvements to off site roads infrastructure, open space and drainage.
- Comprehensive provision for public transport requirements and the needs of pedestrians and cyclists

The proposals have been assessed against these requirements and each topic is assessed with reference to the development and the relevant policies.

Design and Layout

It will be noted that the outline of the built form of the proposals does not precisely accord to the boundary of local plan village allocation nor to the suggested layout in the diagram in Appendix 3. These were intended to be indicative only and as an illustration of principles to be adopted in planning the village. This issue has been clarified in the approved pre inquiry changes to the Finalised Dundee Local Plan Review. The proposed layout of the development is considered to be of a very high standard which reflects the character of existing villages in the area and is therefore totally satisfactory in this regard. The principle of the location of the proposed retirement home as a focal point at the end of the main street is considered to be acceptable in accordance with Policy 10 subject to details of design. The developer

proposes various public art features in accordance with Policy 56 and full details will be confirmed at a later date.

Policy 4 and Appendix 1 of the plan provides definitive standards for village planning and include the promotion of secured by design, low vehicle speeds and the principles contained in the Council's Urban Design Guide (ref. Policy 55). The proposals meet all of these standards in full.

Landscaping

The protection and appropriate landscaping of open spaces is a feature of the village plan in compliance with Policy 5 and specifically in relation to Policy 7, as proposed to be modified. In accordance with Policy 67, it is proposed to impose a condition committing the applicant to arrangements for maintaining open spaces and landscaped areas. Conditions will ensure that the Council approves a detailed, phased tree protection and planting strategy in accordance with Policy 72.

Community Facilities/Infrastructure

Policy 8 (community facilities provision) will be implemented either on a village by village basis for non shared facilities or by the means of legal agreement where facilities are shared between two or more villages. Policy 20 (developer's contributions to infrastructure provision) is applicable to this development. Developer contributions will be achieved by means of legal agreement. The concept plan prepared by the applicants in respect of the outline application indicates that a site for a primary school is identified within the design of the second village to the north. It is proposed that a legal agreement be entered into by appropriate parties to ensure that adequate financial contributions from the developers are secured to allow an appropriate standard of school to be provided when it is required. Secondary schooling will be provided at Menzieshill Secondary School within available capacity.

Transport

Proposals for accessing the development including off site alterations to the approach road have been agreed in principle and are

subject to ongoing detailed discussions regarding the final design. These details will be covered by appropriate suspensive conditions.

The internal road layout is acceptable in broad terms, and it has been agreed that provision for pedestrians and cyclists must be provided through the site with the capability of links into a wider network as further village development takes place. The road layout has also been designed to accommodate public transport. The details must be acceptable to the City Council in accordance with Policies 81-83 and accordingly these issues will be dealt with by suspensive condition.

The proposed alterations to the Swallow junction submitted as part of the Transport Assessment for the larger site with have to be acceptable to both Dundee City Council and the Scottish Executive as Trunk Road Authority. The final layout and phasing of any alterations will therefore be dealt with by a suspensive condition.

Other Issues

Policies 64 and 65 provide similar safeguards for archaeological sites to those included in the adopted local plan. From the information provided by the applicant and provided appropriate conditions are attached it is considered that the terms of these policies will be satisfied.

Policies 75 and 76 impose requirements in respect of developments in flood sensitive areas and where Sustainable Urban Drainage Systems are required. The application site is located in such an area. Conditions and a legal agreement will guide the implementation of the detail of the works required.

Conclusions

In conclusion it is considered that the application is broadly consistent with the Finalised Dundee Local Plan Review and, subject to compliance with a range of conditions and the conclusion of a Section 75 legal agreement, the proposals are capable of meeting the above criteria.

Material Weight

The question of what weight should be attached to the adopted Local Plan and to the Finalised Plan, particularly in

circumstances where the Finalised Plan has not been tested at a Public Local Inquiry, must now be considered. It also needs to be considered whether sufficient weight can be placed on the Finalised Plan so as to justify a departure from the provisions of the Development Plan.

Preparation on the adopted Local Plan commenced in 1994 and a Public Local Inquiry was held in 1995/6. The intervention of Local Government Reorganisation delayed the process so that the Plan was not finally adopted until April 1998. Thus while many policies are still of relevance, many of its land allocations have been taken up. The Plan itself states that firm proposals have been put forward until 2001. It is therefore inevitable that the adopted Local Plan does not now make sufficient allocation of land for housing. As discussed above, the Structure Plan now provides an updated strategy on land for housing and the Finalised Plan makes allocations on the basis of that strategy. The Finalised Plan has been through its consultation period but has not yet been tested at a Public Inquiry.

In the short term the supply of effective greenfield land for housing is limited for the whole of the Dundee City Council area. The majority of the remaining capacity of 450 houses at June 2003 is concentrated on sites at Emmock Woods (127), Ballumbie (138) and Panmuirfield (100). The limited extent of the greenfield housing land supply is addressed by the provisions of the Finalised Dundee Local Plan Review. Objections to those housing land allocations have been received and will require to be considered at a Public Local Inquiry likely to be commenced in March 2004. It is expected that the findings of the Inquiry will be available in late 2004. Thereafter there remains various statutory processes before the Local Plan can be adopted, including the possibility of a second Public Inquiry. The achievement of an up to date Statutory Development Plan is still some way off, despite the Council's best efforts.

There are 78 objectors, mainly local residents, to development proposals in Dundee Western Gateway. The objections have been considered and some pre inquiry changes to the Finalised Plan have been approved by the Council.

The main objections with regard to this application site are; greenfield land allocations appear to be developer driven; a full traffic impact assessment should be carried out and any road improvements completed before any development commences; the development will encourage increased car use; the scale and character of the villages will have a significant negative effect on surrounding settlements; the impact of the development on the environment should be studied and sensitive sites protected; the area is prone to flooding; viability of surrounding farm land will be adversely affected; possible coalescence of settlements. The issues raised by the objectors have been considered but no changes are proposed in the Local Plan. The release of land for development in this area has been identified in the approved Structure Plan. The other matters can be the subject of detailed consideration of a planning application.

Historic Scotland states that the Swallow Village site contains recorded scheduled monuments and other recorded remains. The former must be protected from development and the latter requires to be further assessed before the extent and details of land allocations is determined. An amendment to the Finalised Local Plan is therefore proposed which recognises the archaeological sensitivity of the area around Swallow Village and recommends that all development proposals should have full regard to the provisions of Policy 64 and Policy 65.

Failure to release greenfield land in advance of the Inquiry will lead to further reduction in the housing land supply in Dundee to the detriment of achievement of the strategy of the approved Dundee and Angus Structure Plan. It is therefore concluded that there is a justifiable case for a limited release of greenfield land to the west of the city in accordance with the strategy of the Structure Plan and the allocations of the Finalised Draft Local Plan.

It is further considered that the fact that the adopted Local Plan is now out of date in terms of land allocation and the fact that the proposed development accords with the Structure Plan strategy and the allocation in the Finalised Draft Local Plan provides a

justification for approving additional housing at this location contrary to the adopted Local Plan.

2 National Planning Policies

The Policy Background section above outlines the national planning policy material to the determination of this application. The application is considered against the relevant policy and guidance as follows:

Scottish Planning Policy (SPP1) The Planning System concludes in Paragraph 89 that, "the planning system should be responsive to social and economic changes and ensure that a policy framework is established to inform decision making in the public interest". In this regard, "planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so".

As is noted in the Planning History section above the same applicants have submitted an outline planning application for a mixed residential and business park development in respect of a larger site which nevertheless encompasses the site the subject of this detailed application. In respect of that application the Council invoked the provisions of The Environmental Impact Assessment (Scotland) Regulations 1999 requiring the provision of an Environmental Statement (ES). This has been provided. The assessment covers the environmental issues discussed below. In addition the applicants have provided a separate Supporting Statement (SS) which applies the findings of the ES to the detailed application. In addition a Transport Assessment (TA) has been provided which relates to both applications. These submissions are referred to below as appropriate;

Visual Impact and Landscape: The applicants have acknowledged the importance of ensuring that the urban form is set within an appropriately designed landscape setting in accordance with the provisions of; SPP3 "Planning for Housing"; PAN44, "Designing Places"; PAN 67 and the guidelines for the development of the site set out under Proposal H70 of the local plan review. The Supporting Statement confirm that impacts on the existing vegetation structure will be minimised, new woodland shelter belts using native species, will be provided to the north and west of the

site, existing hedgerows and dykes will be retained, ground remodelled and new specimen street trees provided. The applicants have indicated an intention to undertake advanced structure woodland planting and to enter into contractual arrangements satisfactory to the Council in respect of onward maintenance liabilities. Open space within the village will be landscaped to provide informal recreation opportunities and together with the surrounding woodlands will accord with NPPG 11.

Appropriate conditions are recommended in respect of the detailing and phasing of specific proposals.

Ecology: A detailed ecological analysis has been submitted as part of the Environmental Statement and an extract is in the Supporting Statement. The findings indicate support for the proposed landscaping strategy outlined above in order to protect and enhance existing habitats in accordance with NPPG 14 and PAN 60.

Archaeology: NPPG 5 indicates that in considering planning applications the preservation of ancient monuments, whether they are scheduled or not, is a material consideration. The Supporting Statement acknowledges the importance of ensuring that the proposals do not adversely impact on the two scheduled sites located within the application site but outwith the area to be developed for housing. As a statutory requirement Historic Scotland have been consulted and has advised that it cannot support the application which it considers to be premature. It is proposed that appropriate conditions be attached to any permission concerning further detailed archaeological evaluation and for excavation and recording of any artefacts on a phased basis as development progresses.

Noise: PAN 56. The potential impact of noise from various sources is recognised and can be addressed by specific conditions.

Flood Risk, Drainage and Sustainable Urban Drainage System: The applicants recognise that a small portion of the proposed development is taking place within an area that is at risk from flooding, that particular mitigation measures are required and that SUDS measures require to be integrated into the

development. NPPG 7 and SPP7 (subject to consultation) place obligations on planning authorities to ensure that new developments in these areas do not take place unless they are satisfied that it would not be at significant risk from flooding or where there was a probability of increased flooding elsewhere.

Although much of the proposed village is to be located outwith the identified floodplain, a portion of the first phase of the development will require the provision of compensatory flood water storage elsewhere in the catchment area outwith the application site.

Although the applicant's consultant engineers have indicated a strategy for both flood risk management and complementary SUDS in accordance with PAN 61, SEPA are of the view that the robustness of the proposals have yet to be fully justified. Accordingly, SEPA has lodged a formal objection to the proposals. Discussions between the Council, the applicants and SEPA are ongoing. Should SEPA not withdraw its objection prior to the determination of the application, the application must be referred to Scottish Ministers under the provisions of Article 14 of Schedule 1 of The Town and Country Planning (Notification of Applications) (Scotland) Direction 1997.

It is nevertheless considered that these discussions are sufficiently far advanced that the probability is that an acceptable technical solution to all drainage matters can be found prior to development commencing. Accordingly, appropriate conditions are proposed.

Land Quality and the protection of prime quality agricultural land: The land has a prolonged history of rural land use with no evidence of any landfill or contamination as a result of previous uses. However agricultural use itself may have left behind residues of pesticides or herbicides and it is therefore appropriate to impose a precautionary condition, in accordance with PAN 33, requiring the submission of additional information and remediation where required. Government policy on the protection of prime agricultural land is set out in Circular 18/1987. However it is of significance that the Scottish Executive recently published a consultation paper which proposes

removing the special protection afforded to prime quality agricultural land in favour of allowing local authorities flexibility to determine whether such land should be utilised for new development.

3 Objections

A local resident objects to the development in the area in general terms on grounds of impact on the natural environment and on existing traffic problems. The principle of development in this area has been confirmed in the Structure Plan and in the Finalised Dundee Local Plan Review.

Menzieshill, Balgay and Carse of Gowrie Community Council objects on the following grounds:

- 1 Transport: The Community Council challenges the validity of information used in the Transport Assessment. It concludes that the Transport Assessment does not include sufficient information to allow meaningful analysis; the subsequent traffic flow assessment for the Swallow Roundabout is over cautious; there is no indication of how public transport provision can be guaranteed and no provision for consortium responsibility for the long term traffic reduction of the development.

The Transport Assessment has been considered in the light of this objection and it is concluded that the TRICS database contains survey material from similar types of developments which are robust resulting in acceptable assessments of traffic generation. The provision of public transport will be addressed by the developer and is the subject of appropriate conditions.

- 2 Design and Layout: They believe that 270 houses are all of a similar height and finish which results in uniformity and design blandness. Panmuirfield Village is cited as an example of poor design. They also feel that the designs are suburban, are not sufficiently different to produce a rural village feel and the design and choice of materials is suburban contrary to guidance.

However, the development actually includes 26 house types with individual detailing proposed to give variety and a range of materials to be used to avoid uniformity. The developer has amended the palette of materials to comply with the requirements of the Council's design policies. The central village street will provide a focus for the development using traditional urban design methods to create a sense of place. The layout, which has a considerable degree of traffic calming, will most certainly not result in a conventional suburban housing development.

- 3 The Community Council believe that there are no community facilities or recreational open space, no play provision for children and no mix of facilities, including a shop, as indicated in the Local Plan. They feel that this results in use of services in Dundee or surrounding areas which is not energy efficient or sustainable.

However, the required Community facilities will actually be located in Village 2 as this is a more central location for the wider Western Gateway development which also includes Liff Hospital site. The park will also be located between Village 1 and Village 2 to form a buffer between the two villages but accessible to both. The size of Village 1 at 270 houses is not large enough to sustain a shop by itself.

- 4 The Community Council are of the view that the location of the Nursing Home requires all service vehicles and visitors to drive through the village resulting in increased traffic causing noise, pollution and safety concerns.

However, as detailed above, this part of the development is considered to comply with the relevant Council policy in both the adopted and finalised local plan. The location will provide residents with attractive vistas to open countryside and down the main street and will not result in any significant increase in traffic levels.

- 5 The Community Council feels that the proposed SUDS ponds (of the

size and depth indicated) raise serious concerns with regard to safety and that there is no indication that the safety issues have been addressed.

However, the ponds will not be of the depth indicated, the developer has been advised that the maximum permissible depth in flood conditions is 1.5 metres. The margins of the ponds will be landscaped to ensure they are attractive features and to prevent access to the water's edge. SUDS ponds are a feature of developments throughout the country and there is considerable expertise and experience in their construction and management.

- 6 The Community Council believes that the submitted archaeological information with regard to sites which may potentially be of local or national interest has not been submitted and the planning application has failed to demonstrate what exceptional circumstances exist to support development in these areas contrary to NPPG 5 and PAN 42.

However, development of the site will be carried out in accordance with planning conditions requiring further detailed archaeological investigation and an agreed programme of excavation and recording in consultation with Historic Scotland.

It is therefore considered that the terms of the objection are not of sufficient strength to justify refusal of the application. There is considered to be sufficient justification for the approval of the application within this report. The issues raised have been carefully considered and where necessary will be the subject of detailed conditions or will be included in the legal agreement.

CONCLUSION

Although it is considered that the proposals comply with the approved Structure Plan strategy, the application does not fully accord with the adopted Local Plan and therefore it does not comply with the Development Plan. The proposals therefore fall to be determined in terms of other material considerations. The Finalised Local Plan Review is at an advanced stage of preparation and contains policies and

proposals which give effect to the Structure Plan strategy for the Western Gateway and therefore represent a material consideration of significant weight. For the reasons outlined above, it is considered that the Swallow Village proposals are consistent with the strategy of the emerging plan and can comply with all of its policies.

The applicants submitted a statement in support of their proposals drawn from a more comprehensive overarching Environmental Statement relating to the wider Western Gateway area. In addition a Transport Assessment was submitted which specified an approach to ensuring that the proposals were accessible to those using a variety of modes of transport, including cyclists and pedestrians. The TA also specified essential off site road improvements particularly the phased alteration to the Swallow roundabout.

Having considered the contents of these submissions and the views of consultees and the public, it is considered that planning permission for the proposals be granted. Further negotiations with the developers on detailed implementation matters can be pursued via the discharging of the proposed conditions.

It is also recommended that planning permission be granted be subject to the conclusion of a Section 75 Agreement between the Council, the developers and other relevant parties.

RECOMMENDATION

Recommendation 1

This planning permission shall not be issued unless and until an agreement 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. The agreement will relate to:

- 1 The off site works to provide the necessary road improvements to Dykes of Gray road and the Swallow junction.
- 2 The footway linkages and provision of an emergency vehicle access to future development sites adjoining the site.

- 3 The provision of off site flood storage compensation areas.
- 4 The payment by the developer of contributions for improved educational provision in the area necessitated by the proposed development.
- 5 The payment by the developer of contributions for the creation of the proposed new Village Recreation Park within the Western Gateway.
- 6 The future use and maintenance of the open space and woodland around the development within the application site.

Recommendation 2

In terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction of 1997, if members are minded to grant planning permission, then the application requires to be referred to Scottish Ministers because SEPA has formally objected to the proposals following formal consultation on the grounds of flood risk.

Recommendation 3

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

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.
- 2 Prior to the commencement of any construction on site, the road access to the Dykes of Gray Road shall be constructed in accordance with full details to be submitted to and approved by Dundee City Council and if approved, the works shall be carried out only in accordance with such approved details.
- 3 Prior to the commencement of construction of any of the dwellings hereby approved, full details of the footpath network including provision for cyclists shall be submitted to Dundee City Council for approval and if approved, the works shall be completed in accordance with the approved phases of construction on the site as defined elsewhere in this permission.

- 4 Prior to the occupation of any of the dwellings hereby approved, full details of the proposals for the provision of public transport into the site shall be submitted to Dundee City Council for approval and if approved, the services shall be provided in accordance with the approved phases of construction on the site as defined elsewhere in this permission.
- 5 Details of the design of street lighting and the surfacing of roads and footways shall be submitted to the Council for approval before the commencement of any construction and if approved the development shall be carried out only in full accordance with such approved details.
- 6 Prior to the commencement of any construction works on the site, details of all trees and hedges to be retained shall be submitted to Dundee City Council for approval.
- 7 Trees and hedges to be retained shall be protected by fences in accordance with BS 5837: 1991 "Trees in relation to Construction". Full details of such fencing shall be submitted to and approved by Dundee City Council and shall be installed and maintained on site prior to the commencement of each phase of construction works on the site as defined elsewhere in this permission.
- 8 Prior to the commencement of construction of any of the dwellings hereby approved, full details of the proposed structure landscaping shall be submitted to Dundee City Council for approval and if approved, the works shall be completed in accordance with the approved phases of construction on the site as defined elsewhere in this permission.
- 9 Prior to the commencement of construction of any of the dwellings hereby approved, full details of the proposed landscaping within the development shall be submitted to Dundee City Council for approval and if approved, the works shall be completed in

- accordance with the approved phases of construction on the site as defined elsewhere in this permission.
- 10 Prior to the commencement of construction of any of the dwellings hereby approved, full details of the proposed woodland planting and the proposed improvements to the habitat and ecology of the site shall be submitted to Dundee City Council for approval and if approved, the works shall be completed in accordance with the approved details. Such details shall include clearance and burning on site of Himalayan Balsam and its growing medium, on going control of Balsam regrowth, replanting with native plant communities, woodland management proposals and creation of species rich grassland.
- 11 Prior to the commencement of any construction works on the site, full details of the Sustainable Urban Drainage System to be installed on site shall be submitted to the City Council for approval and if approved, the works shall be carried out only in accordance with such approved details.
- 12 Details shall be submitted of the proposed landscape treatment of the regional ponds which form part of the SUDS as required by condition 11. Such details shall include shrub planting around the perimeter of the feature, emergent and reedswamp communities around the margins of the open water in the inundation zone and proposals to ensure reedbed does not establish in the water bodies.
- 13 Prior to the commencement of any construction works on the site, the Scheduled Ancient Monuments Ref 14 and 46 shall be protected in accordance with detailed proposals which have previously been submitted to Dundee City Council for approval. Such details shall include protection during construction and future use following completion of construction.
- 14 Prior to the commencement of any construction works on the site, a detailed archaeological evaluation shall be carried out in accordance with procedures which have previously been submitted to and agreed by the City Council in consultation with Historic Scotland.
- 15 Following receipt of the evaluation as required by condition 14 any excavation and recording of findings shall be carried out in accordance with agreed procedures which have been submitted to and approved by the City Council in consultation with Historic Scotland, prior to the commencement of any of the works.
- 16 Prior to the commencement of any construction works on the site, a full method statement of measures for the prevention of contamination of watercourses during construction shall be submitted to and approved by the City Council and if approved, the works shall be carried out only in accordance with such approved measures.
- 17 Prior to the commencement of any construction works on the site, a detailed evaluation of the site shall be carried out in accordance with PAN 33 Development of Contaminated Land shall be submitted to and approved by the City Council.
- 18 Any remedial measures identified in the PAN 33 report as detailed in condition 17 shall be fully implemented in accordance with the findings of the report prior to the occupation of any dwelling within the approved phases of construction as defined elsewhere in this permission.
- 19 Total noise from all mechanical and electrical services associated with the retirement home shall not exceed NR35 as measured 1 metre external to the façade of the nearest residential accommodation.
- 20 Total noise from the proposed electricity sub-station shall not exceed NR30 as measured 1 metre external to the façade of the nearest residential accommodation.
- 21 Total noise from the proposed sewage pumping station and any ancillary mechanical and electrical services shall not exceed NR30 as measured 1 metre external to the façade of the nearest residential accommodation.
- 22 In the dwellings fronting Dykes of Gray road or the A90, internal noise levels within individual living apartments shall not exceed 45Db(A) daytime and 35 db(A) nighttime; for the avoidance of doubt, daytime shall be 0700-2300 hrs.
- 23 Prior to the commencement of any construction works on the site, full details of the proposed phasing of development, including completion of landscaping and street works shall be submitted to Dundee City Council for approval and if approved, the works shall be completed in accordance with the approved details.
- 24 Prior to the commencement of any construction works on the site, full details of the proposed house types shall be submitted to Dundee City Council for approval and if approved, the works shall be completed in accordance with the approved details.
- 25 Prior to the commencement of any construction works on the site, samples of the proposed finishing materials shall be submitted to Dundee City Council for approval and if approved, the works shall be completed in accordance with the approved details. For the avoidance of doubt, the materials shall comprise natural stone, wet dash harl and slate.
- 26 Prior to the commencement of any construction works on the site, full details of the proposed boundary treatments shall be submitted to Dundee City Council for approval and if approved, the works shall be completed in accordance with the approved details. In particular, boundaries to street elevations shall comprise natural stone walls and hedges.

- 27 Prior to the commencement of construction of any dwellings within Phase 2, full details of the garden boundary treatments of all houses adjoining the Fowlis Burn shall be submitted to the City Council for approval and if approved development shall be carried out only in accordance with such approved details.
- 28 The retirement home hereby approved shall be no larger than 60 bed spaces and shall have parking and amenity ground in accordance with the requirements of the City Council.
- 29 Full details of the elevations, proposed materials, landscaping and boundary treatments of the proposed retirement home shall be submitted to the City Council prior to the commencement of construction and if approved, the works shall be carried out only in accordance with such approved details. For the avoidance of doubt, the materials shall comprise natural stone, wet dash harl and slate.
- 30 Details of the provision of public art within the application site shall be submitted to the Council for approval prior to the commencement of the construction of any of the houses hereby approved and if approved the development shall be carried out only in full accordance with such approved details.
- 31 The proposed retirement home shall operate in accordance with Class 8 (Residential Institutions) of the Town & Country Planning (Use Classes) (Scotland) Order 1997.

Reasons:

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In order to ensure the safe movement of vehicular traffic onto the public highway.
- 3 To ensure the provision of integrated and safe footpath links within the development and to adjoining sites in the interest of the amenities of future residents.
- 4 To ensure the satisfactory provision of access to public

transport in accordance with NPPG 17 Transport and Planning.

- 5 In the interests of highway safety and the amenities of the occupiers of nearby properties.
- 6 To protect those landscape features which are of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development.
- 7 To protect those landscape features which are of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development.
- 8 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 9 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 10 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 11 To ensure that the site is adequately drained and the development does not increase the risk of flooding to downstream properties.
- 12 In order to ensure that access to the water areas is restricted in the interests of the amenities of the future residents.
- 13 In order to protect the Scheduled Ancient Monuments.
- 14 The site potentially contains archaeological remains and it is important to ensure the acceptable identification of any such features.
- 15 The site potentially contains archaeological remains and it is important to ensure the acceptable excavation and recording of any such features.
- 16 In order to ensure that the watercourses flowing through the site are not contaminated by the construction process in the interests of the ecology of the area and the downstream site of

Local Nature Conservation Importance.

- 17 In order to ensure the site is suitable for future residential use.
- 18 In order to ensure the site is suitable for future residential use.
- 19 To protect the amenities of the occupiers/owners of nearby adjacent properties in the locality.
- 20 To protect the amenities of the occupiers/owners of nearby adjacent properties in the locality.
- 21 To protect the amenities of the occupiers/owners of nearby adjacent properties in the locality.
- 22 To protect the amenities of the occupiers/owners of nearby adjacent properties in the locality.
- 23 To ensure that the development meets with the aspirations for a village character as set out in Proposal H70 of the Finalised Dundee Local Plan review and in the interests of the visual amenities of the area.
- 24 To ensure that the development meets with the aspirations for a village character as set out in Proposal H70 of the Finalised Dundee Local Plan review and in the interests of the visual amenities of the area.
- 25 To ensure that the development meets with the aspirations for a village character as set out in Proposal H70 of the Finalised Dundee Local Plan review and in the interests of the visual amenities of the area.
- 26 To ensure that the development meets with the aspirations for a village character as set out in Proposal H70 of the Finalised Dundee Local Plan review and in the interests of the visual amenities of the area.
- 27 In order to ensure that the boundary treatments do not affect the natural flow of the Fowlis Burn in the interests of the amenities of the surrounding neighbours.
- 28 In order to define the terms of this permission.
- 29 To ensure the proposed development has a satisfactory external appearance in the

interests of the visual appearance of the area.

- 30 In the interests of the visual appearance of the area and in order to meet the requirements of Policy 56 of the Finalised Dundee Local Plan review and the adopted policies of the Council.
- 31 In order to clarify the use hereby approved and for the avoidance of doubt.