

Dundee Western Villages

KEY INFORMATION

Ward Lochee

Address

Dykes of Gray, South Gray,
Dykes of Gray Road

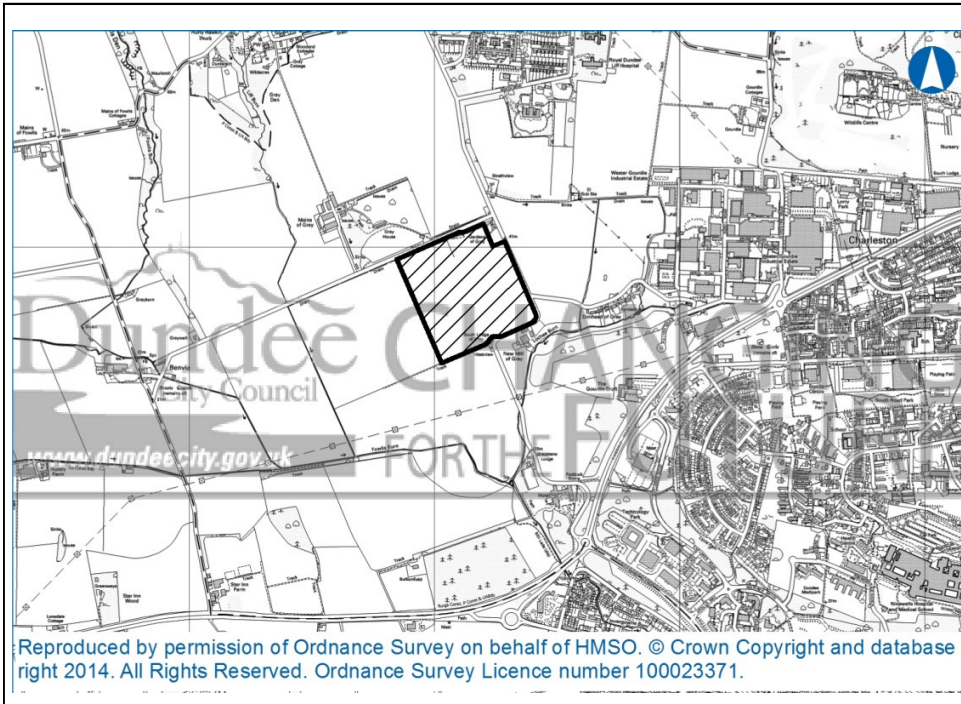
Applicant

Miss Sandra Lindsay
Springfield Properties Plc
Springfield House
3 Central Park Avenue
Larbert
Fife
KY5 4RX

Agent

Registered 24 July 2014

Case Officer Beverley Knox



SUMMARY OF REPORT

- The proposal complies with the requirements of Policy 9 of the Dundee Local Development Plan 2014 with the exception of 15 properties that are unable to provide the minimum garden ground required and that a small number of flats are proposed. It is also contrary to Policies 24 and 27 as it is unable to meet the sequential tests required by these.
- There have been 5 objections to the proposals. The concerns relate to, amongst other things, transportation, education, drainage and flooding and concerns regarding the provision of community facilities.
- The principle of the development of a village in this area is long established through previous Development Plan allocations and planning permissions and the proposals, in conjunction with another application elsewhere on this agenda, will deliver a high quality housing choice with appropriate community facilities. Various works are proposed to alleviate the concerns of the objectors including the provision of upgrades to the existing Swallow roundabout and the provision of a range of community facilities including a village green and shops. Further facilities are proposed as part of an additional planning application relating to land to the south (14/00205/FULM elsewhere on this agenda).

RECOMMENDATION

The principle of the development of a village in this area is long established and the proposals, in conjunction with another application elsewhere on this agenda, will deliver a high quality housing choice with appropriate community facilities. The proposals do not fully comply with the Dundee Local Development Plan 2014 and there are material considerations to justify approval of the application. The application is therefore recommended for **APPROVAL** subject to conditions. A legal agreement relating to the provision of associated infrastructure and education will require to be concluded prior to the issuing of a decision.

1 DESCRIPTION OF PROPOSAL



Figure 1 – Site Layout

- 1.1 This application seeks planning permission for the development of 365 houses as part of the creation of a new village. Also included as part of the application is an associated village centre, play space, landscaping and infrastructure works. The village centre is proposed to include a commercial area incorporating Class 1 (retail), Class 2 (Financial, professional services), Class 3 (Food and Drink), Class 4 (Business) and Class 10 (non-residential institution).
- 1.2 There is a mixture of house type being proposed within this site and these can be described as follows:
 - 16 no lower/upper villa style flats;
 - 23 no 2 bed semi detached dwellings;
 - 91 no 3 bed semi detached/detached dwellings;
 - 166 no 4 bedroom detached dwellings;
 - 27 no 5 bedroom detached dwellings; and
 - 42 no 2 bedroom flats.
- 1.3 The site will be accessed from two main points. The site will utilise an existing access point at the south of the site and another existing access on the eastern edge of the site. The layout of the site allows for the provision of a bus stop to be provided at the village core area.
- 1.4 The applicants have provided a detailed schedule of materials proposed for the dwellings. This includes the use of natural slate in key locations and a high quality slate effect tile in other areas which allows for the colour to be varied. The wall finishes include a mixture of wet dash render, smooth render, timber cladding and reconstituted stone.

- 1.5 The layout proposes a variety of different street types to allow traffic speeds to be regulated and which will inform the landscaping styles and types used at different points throughout the development. As part of this, there will be linking streets, local streets, lanes and courtyards.
- 1.6 Whilst this application must be considered on its own merit, it is important to be aware that there is an accompanying planning application elsewhere on this agenda (14/00205/FULM refers) which is proposed to link to this site and provide additional open space and recreational facilities.



Figure 2 – 3D Model

1.7 As the area of the application site exceeds 2 hectares and the number of dwelling units proposed exceeds 50 the proposals fall within the meaning of a Major Planning Application as defined by Regulation 2(1) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2013. Accordingly, the applicant was required to undertake statutory pre-application consultation with the local community. As part of this, the applicants held a public event.

- 1.8 This is evidenced in the Pre-application Consultation Report submitted as part of this application. In addition to the pre-application consultation report, the applicant has also submitted a range of detailed supporting information including Design and Access Statement, Transport Statement, Contaminated Land Risk Assessment, Drainage Information including Landscape and Visual Assessment, Ecology Report and Archaeological information.
- 1.9 Although this report concludes that the development departs from the Development Plan in some respects the level of departure is not related to the achievement of any of the core objectives of any element of the Development Plan and the approval of the application would not in any way compromise the achievement of the Development Plans objectives or its other policies or proposals. For these reasons the application is not considered to be significantly contrary to the Development Plan and therefore does not require to be referred to the Scottish Government or be the subject of a pre determination hearing.

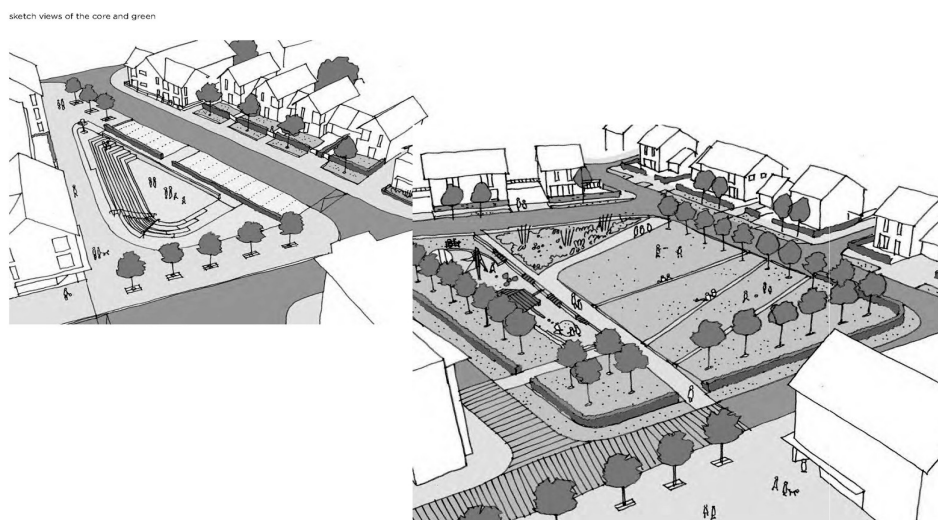


Figure 4 – Sketch View of Core Green

2 SITE DESCRIPTION

- 2.1 The application site is located on the western edge of the city, north of the Kingsway in a countryside location. The site is in the vicinity of the former Liff Hospital residential development. The site is bounded to the east by Dykes of Gray Road and Gray Walk to the north. There is an open field to the west and the land south of this site relates to the other planning application (14/00205/FULM).
- 2.2 There are residential properties at the south of the site, the north east corner of the site and to north in the vicinity of Gray Walk. There is Tree Preservation Order affecting land to the north of the site and this includes trees which line Gray Walk. House of Gray further north is a Category A Listed Building and this is largely screened by the above mentioned trees.

3 POLICY BACKGROUND

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

TAYPLAN STRATEGIC DEVELOPMENT PLAN 2012-2032

Policy 4: Strategic Development Areas

Policy 5: Housing

DUNDEE LOCAL DEVELOPMENT PLAN

Policy 7: High Quality Design

Policy 8: Housing Land Release

Policy 9: Design of New Housing

Policy 16: Small scale commercial uses within residential areas

Policy 17: Community facilities

Policy 18: Private Day Nurseries

Policy 19: Funding of On and Off Site Infrastructure Provision

Policy 24: Location of New Retail Developments

Policy 26: Local Shopping Provision

Policy 27: Class 2 Office Developments

Policy 28: Public Houses, Restaurants and Hot Food Takeaways Outwith the City Centre

Policy 29: Low and Zero Carbon Tech in New Development

Policy 38: Trees and Urban Woodland

Policy 40: Waste Management Requirements for Developments

Policy 42: Sustainable Urban Drainage Systems

Policy 45: Land Contamination

Policy 55: Accessibility of New Developments

SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS

The Policy states that the strategic development plan should identify the housing land requirements for city regions and local development plans should allocate land on a range of sites which is effective or capable of becoming effective up to year 10 from the predicted date of adoption.

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

4 SITE HISTORY

- 4.1 There have been previous applications relating to the creation of village development in the area. The applications were approved by Committee and the issuing of the planning permissions were subject to the concluding of legal agreements, mainly in respect of infrastructure issues. These did not progress.
- 4.2 03/00618/FUL - 270 houses, 60 bed nursing home and associated access and infrastructure.
- 4.3 07/00036/FUL - 230 houses, associated access and infrastructure.

5 PUBLIC PARTICIPATION

- 5.1 The Council has carried out statutory neighbour notification. This application was also advertised in the Dundee Evening Telegraph as a departure to the Development Plan.
- 5.2 In response, 5 letters of objection have been received. One of the 5 respondents advised that in principle they were in favour of the Western Gateway development but had objections regarding specific issues. The valid comments that have been received relate to the following issues:

Transportation and Access Issues

- 5.3 Existing congestion issues at the Swallow roundabout would need to be addressed.
- 5.4 General concerns regarding road safety and increased traffic.
- 5.5 There is no traffic assessment or environmental assessment to accompany the proposals.
- 5.6 The Kingsway roundabout will require signalisation due to increase in traffic.
- 5.7 Need for public transport.

Flooding and Drainage Issues

- 5.8 Concerns regarding drainage and general concerns with flooding as result of the development.

Trees and Wildlife Issues

- 5.9 Concerns regarding the effect upon trees/landscape.
- 5.10 Impact upon wildlife in the area requires to be properly assessed and appropriate landscaping provided to provide corridors for wildlife.

Impact Upon Surrounding Area

- 5.11 Adverse effect upon Listed Building.

Visual Impact and Form of Development

- 5.12 The development should retain the notion of high quality, village type residential environments, allowance for separate identifies of villages, provision of associated community facilities and avoiding coalescence.

Education Concerns

- 5.13 General concerns regarding lack of suitable educational provision within walking distance.

Community Facilities

- 5.14 The wording within the application regarding shops and facilities is vague and there is doubt they will actually be provided. These should be created first to ensure they are completed.
- 5.15 Too many houses compared to Local Plan and layout is too dense for level of amenities proposed.
- 5.16 Impact upon healthcare providers in the area.
- 5.17 Impact upon the already poor broadband provision in the area.

Other Issues

- 5.18 Diversion from the Local Plan allocation and the potential impact this may have on the style of development and precedent for future development.
- 5.19 Contrary to the Local Plan.
- 5.20 Members will have had access to these letters and the issues raised are considered in the Observations section below.

6 CONSULTATIONS

- 6.1 **SEPA** – SEPA have been consulted in relation to the development and following the submission of a range of information from the applicants, they have confirmed that they have no objections to the proposals provided that the recommended conditions are applied to any grant of planning permission.
- 6.2 **Transport Scotland** – Transport Scotland have advised that a condition should be attached to any grant of planning permission to require that development shall not commence until an appropriate mechanism for the upgrading of the A90 Swallow Roundabout has been submitted to and agreed in writing by the Planning Authority in consultation with Transport Scotland.
- 6.3 A suitable condition shall be attached in this regard if Members are minded to approve the application.
- 6.4 **BEAR** – no adverse comments have been received.
- 6.5 **Historic Scotland** – Historic Scotland have confirmed that they have no objections to the proposals. They have in their response made reference to their preference that the layout of the proposed housing should retain an open corridor through the site from north to south in line with House of Gray which would preserve at least a part of the important views out from the Category A listed building and help to retain a sense of the wider setting. They also advise that such views could be reinforced by planting belts eg avenues of trees and that planting along the northern boundary of the site should be carefully considered to minimise the impact on the setting of the category A Listed Building.
- 6.6 The proposed layout of this application includes a large green wedge in line from the House of Gray as suggested above and this is considered to preserve the views from and to the

House of Gray in a satisfactory manner. Full landscaping details will be agreed as part of the agreed conditions.

- 6.7 **Scottish Water** – no adverse comments were received.
- 6.8 **Angus Council** – they have confirmed that they have no objections to the proposals.
- 6.9 **Perth and Kinross Council** – no adverse comments were received.
- 6.10 **Head of Environment** – Contamination: The Environment Department have advised that the information submitted is satisfactory and that appropriate conditions shall be required to be attached to any grant of permission.
- 6.11 Comments regarding the maintenance of grounds within the site and best positions for the play provision and pitches were provided.
- 6.12 Comments regarding the proposed commercial centre associated with the development advised that conditions regarding deliveries and amplified music should be attached to any grant of planning permission.
- 6.13 **Archaeologist** - the quality and quantity of the archaeological remains have been tested by the applicant and are not such as to warrant their preservation in-situ. However, it is appropriate that the archaeological features and any associated material should be subject to a programme of archaeological mitigation to recover information in the event of their loss. This position is fully compliant with Element (b) of Policy 51 Scheduled Ancient Monuments and Archaeological Sites of the Adopted Local Development Plan. An appropriate condition will therefore be attached to the grant of planning permission.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.**

THE DEVELOPMENT PLAN

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

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TAYPLAN STRATEGIC DEVELOPMENT PLAN 2012-2032

- 7.2 **Policy 4:** allocates Dundee Western Gateway as a Strategic Development Area (including 750+ homes) with the intention that this will make a major contribution to the housing on offer within Dundee and will contribute to the economic success of the city. **The proposed development is therefore in accordance with Policy 4: Strategic Development Areas.**
- 7.3 **TAYplan Policy 5:** requires Dundee City Council to allocate a sufficient amount of effective housing land for an annual average build rate of 610 units. This site within the Western Gateway Strategic Development Area is allocated within the Dundee Local Development Plan 2014 for housing and will contribute to meeting the average build rates set out in Policy 5. **The proposed development is in accordance with Policy 5.**

DUNDEE LOCAL DEVELOPMENT PLAN

- 7.4 **Policy 8: Housing Land Release** – seeks to ensure that there is a 5 year effective supply of housing land maintained over the Plan Period. The housing strategy as set out in Policy 8 has been to give priority to brownfield land release within the existing urban area and to focus the limited greenfield land release at the Western Gateway Strategic Development Area.
- 7.5 The principle of development on this site for housing is established through its status in the DLDP 2014 as part of housing site HP01.



Figure 1 – Components of Core Area

- 7.6 The DLDP 2014 through Appendix 2 provides capacities for each of the housing sites to ensure that sufficient land is allocated. Whilst the capacities for each site are provided, it is still incumbent on any proposed development to demonstrate that the design and layout is in accordance with Policy 9 (Appendix 3). As part of this process it is accepted that the number of units that can actually be accommodated may increase or decrease from that identified for each of the allocated sites. The indicative capacity set out for the HP01 designation is 230 residential units. The current application proposes 365 residential units which in comparison to the indicative capacity and previous application is an increase to the number of proposed units. It should be noted that the associated application for development at the Western Gateway (14/00205/FULM) located on part of HP02 is for 230 units which is 40 units less than that allocated at 270 units. Across the two proposals the overall increase would be 95 units.

- 7.7 **It is considered that this increase in proposed units would not have a detrimental impact on the quality of the overall development and the proposal supports the housing strategy in Policy 8 that focuses the release of greenfield land development to the Western Gateway.**
- 7.8 **Policy 9 and Appendix 3 Design of New Housing** – the design and layout of new housing developments in Dundee should be of a high quality and contribute to creating places that build on and enhance the distinct character and identity of the different parts of the city. As part of this, Appendix 3 provides details regarding minimum requirements.
- 7.9 The range of house types provided on site includes a large variety. There are to be 2 and 3 bedroomed semi detached dwellings and 3, 4 and 5 bedroomed detached dwellings on site. In this instance, there are to be 23 dwellings which will provide only 2 bedrooms. This meets the requirement of the Plan in relation to house type which states that 75% of houses should provide 3 or more bedrooms.
- 7.10 The Policy also advises that in suburban locations flats may be acceptable through conversions of buildings of merit where conversion to houses is not suitable or achievable or where identified in a site planning brief. These factors do not apply to this site and therefore the proposals for the upper/lower villa style flats (16 in total) and flatted blocks (42) do not accord with this requirement of the plan.
- 7.11 Appendix 3 states that houses should benefit from no less than 120m² of private useable garden ground with an average private useable garden ground of 160m² in new developments. The level of private garden ground afforded to the proposed houses provides an average of over 173m² which exceeds the minimum requirements.
- 7.12 The Policy allows for a relaxation of the garden ground requirements in the cases of mid terraced properties and in this instance this relaxation is applicable to 3 mid terraced properties which are located around the more densely arranged village core and these provide garden grounds ranging from 47–81m². The denser urban form created with the grouping of this style of property in the village core area results in a visually appealing settlement and the relaxation of this Policy requirement is therefore considered to be acceptable. This is in accordance with the Policy.
- 7.13 However, there are 12 properties (5 semi detached and 7 end terraced properties) that fail to meet the minimum garden ground requirements. These properties will provide garden sizes ranging from 47 metres to 112 metres. Although this is an extremely minor shortfall this means that the application will be unable to fully fulfil the requirements of Appendix 3 in this regard.
- 7.14 The flatted blocks in the north east of the site are to be provided with communal garden areas. These areas meet the requirements of the Plan in this regard. In addition, the flatted villa style properties will be provided with a screened drying area for each block which will be separate from the amenity garden space and this fulfils the requirements of the Policy in this regard.
- 7.15 In relation to the storage of bikes, the flatted blocks are proposed to provide some of this within the ground floor of the blocks and the remaining requirements in the communal grounds by means of a secure external storage facility, details of which will be agreed by means of planning condition. The occupants of the upper and lower villa style flatted properties will have access to sufficient room within their amenity space to provide suitable bike storage.
- 7.16 In relation to the provision for bin storage, the site layout ensures that there is sufficient space within the curtilages of all dwellings and the upper/lower villas for the provision of

waste and recycling. The flatted blocks will utilise communal bin storage facilities, located at convenient locations within the grounds.

- 7.17 Furthermore, the applicant has provided details regarding the provision of two electric car charging points within the site. This is a positive contribution towards the development and achieves the aspirations of Policy 9 in creating a high quality housing layout.
- 7.18 It is concluded that the proposals are generally of a high standard but the fact that X of the gardens fall short of the minimum private useable garden requirements and that flats are proposed as part of the development means that the proposals **do not fully accord with Policy 9 of the Dundee Local Development Plan 2014.**
- 7.19 **Policy 7: High Quality Design** – the policy states that “all development must 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 and should create and improve links within the site and into the surrounding area beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.”
- 7.20 The applicant has submitted a design statement which advises that the design proposals and layout for the village has been influenced by existing connections and avenues in the surrounding farming land and the desire to connect with nearby urban conurbations, infrastructure, local services and facilities as well as core paths and active transport routes.
- 7.21 The Design Statement goes on to advise that there are several elements within the design which can be divided into the following groups:

Open Spaces and Landscaping

- 7.22 Full details regarding the landscaping intentions have been provided by the applicant in their Landscape and Visual Assessment submitted in support of the application. This includes further planting in the north of the site close to the existing band of trees to create a ‘tree wall’ around the historic walled garden area and allow for the creation of a discrete pocket of luxury dwellings.
- 7.23 The proposed planting will also help to screen the existing homes situated on Dykes of Gray Road and will alleviate concerns in relation to privacy.
- 7.24 Each different type and scale of street is to be provided with differing landscaping styles and the Design Statement notes that a typical street will have pockets of soft landscaping, trees and grass to either one or both sides with the aim of softening the impact of the houses.

Connections

- 7.25 The Design Statement advises that one of Springfield’s key principles is the creation of a sense of identity and they consider that part of the way to achieve this is via a number of different street conditions associated with the road hierarchy through the variety of street widths, surfaces and landscaping.
- 7.26 Such measures contribute to the overall success of the design and result in the creation of a vibrant place.

Built elements

- 7.27 Across the development there will be a variety of materials and treatments to the housing areas and other buildings. In this regard, these differing treatments and palettes have been chosen to attempt to reinforce the creation of different “character” areas. The materials have

been chosen to be appropriate for their function and location. For example, there will be more robust finishes to the village core area as it is likely to be more heavily trafficked.

- 7.28 Springfield consider that each of the above elements come together in a cohesive way and is a well-considered and comprehensive approach in creating a high quality community.
- 7.29 In addition, the Policy advises that all developments with construction costs over £1 million will be required to allocate costs for the inclusion of art projects in a publicly accessible or visible place within the development. The applicants have provided a statement of intent in this regard and the full details of the art projects will be agreed by an appropriate planning condition.
- 7.30 Taking the content of the Design Statement and the above information into consideration, it is concluded that the proposed village is of a high standard and will provide variation and interest with the use of the above measures.
- 7.31 **It is considered that the proposal satisfies the requirements of Policy 7.**
- 7.32 **Policy 45: Land Contamination** – the policy requires that:
- 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.”
- 7.33 Reports have been submitted and it is concluded that the development can address the issue of land contamination and these matters can be the subject of appropriate conditions.
- 7.34 **Subject to those conditions, it is concluded that the proposal satisfies the requirements of Policy 45.**
- 7.35 **Policy 40: Waste Management** – as discussed, the applicant has identified suitable locations within the site to provide communal bin storage facilities where appropriate. In addition, it is considered that the houses proposed as part of the village development will be capable of providing suitable and convenient access to bin storage within the private garden areas.
- 7.36 It is therefore considered that provision of the above this will fulfil the required bin stores to meet the Council’s waste strategy.
- 7.37 **The proposal satisfies the requirements of Policy 40.**
- 7.38 **Policy 42: Sustainable Urban Drainage Systems** – the applicant has provided details in relation to the proposed drainage strategy on site. The site has been laid out to accommodate SUDS provision. The range of submitted information has been reviewed and it is considered that the Flood Risk Assessment and associated drainage proposals are acceptable in principle provided that full details are submitted and agreed with the Council prior to the commencement of any work on site. Full details regarding a range of drainage and flooding information will be required to be agreed prior to the commencement of development on site.
- 7.39 **The proposal satisfies the requirements of Policy 42.**
- 7.40 **Policy 29: Low and Zero Carbon Technology in New Development** - the policy requires that, for specified developments, carbon emissions will be reduced by defined percentages

through the installation and operation of zero-carbon generating technologies. The submitted Design and Access Statement provides some information regarding the energy saving measures in the construction of the proposed flats.

- 7.41 Indeed, it is part of the applicant's approach to selling homes that provision of such technologies as solar panels will be available with the purchase of dwellings. The siting of these will be controlled by planning condition and an appropriate condition will ensure that a statement is submitted in accordance with the terms of Policy 29.

- 7.42 **The proposal satisfies the requirements of Policy 29.**

- 7.43 **Policy 55: Accessibility of New Developments** - the Design and Access Statement advises that new connections will be created with the surrounding area to allow for the provision of public transport within the site and to make sure that the village is walkable, safe and well integrated into the surrounding area. This will include the provision of footpaths, cycle ways and bridleways with the aim of creating as many links as possible. It is proposed to create a range of public routes to connect into the existing core path plan in the area.

- 7.44 The submitted Transport Statement discusses in detail a number of improvements and these are summarised as follows:

Pedestrian

- 7.45 Pedestrian linkages from the site will be provided to tie-in with the existing pedestrian network and how these will tie in with the existing Core Path network.

- 7.46 A new 2m wide footway will be provided on the eastern side of Dykes of Gray Road, from the point where the existing footway terminates to the Swallow roundabout on the A90(T) Kingsway. This footway will tie-in with the new pedestrian crossing point that will be incorporated as part of the future roundabout improvement works.

Cycle Network

- 7.47 Linkages from the site will be provided to tie-in with the existing cycle network and within the site itself a number of cycle routes are proposed providing access to and within Dykes of Gray. The applicants are currently investigating if the proposed new section of 2m wide footway can be extended in width to be a 3m wide shared cycleway/footway.

Public Transport Network

- 7.48 It is proposed that new bus stops be provided within the site which will result in the vast majority of the residential units being within a 400m walk of a bus stop. Allowance has been made within the layouts for buses. The exact locations of the bus stops to serve the development will be discussed and agreed.
- 7.49 Springfield will liaise with DCC public transport officers and local bus operators and discuss extending and rerouting services in order to serve Dykes of Gray based on the phasing and completion/occupation of residential units.

Road Network

- 7.50 An improvement scheme to the Swallow roundabout will be undertaken by the applicant. This improvement scheme will involve the signalisation of the roundabout which will provide additional capacity to accommodate the extra vehicles associated with the residential developments and also provide a controlled pedestrian crossing point across the A90(T) Kingsway.

- 7.51 Increasing the number of residential properties in the area will increase the demands placed upon the Swallow roundabout. The submitted Transport information advises of the measures above to take account of the need to improve the existing situation and provide additional capacity. It is concluded that the provision of the range of above improvements to the existing pedestrian, cycle, public transport and road networks will help to ensure that the development is designed to be well served by all modes of transport and meets the requirements of Policy 55 in this regard. Suitable conditions will be applied to any grant of planning permission to ensure that the above measures are implemented at the appropriate time.
- 7.52 **The proposal satisfies the requirements of Policy 55.**
- 7.53 **Policy 16: Small Scale Commercial Uses Within Residential Areas** – This Policy advises that the City Council will support the development of a range of small scale commercial services and facilities close to and within existing and proposed housing areas. As part of this approach, the DLDP takes account of the fact that in new residential developments there is a need to encourage proposals that include an appropriate range of facilities to serve the needs of the communities that will emerge. The creation of large areas in the City where housing is the sole use is to be avoided.
- 7.54 The Plan also confirms that there is a requirement for provision being known early in the planning process and sensitive design, in order that the long term benefits of such provision can be achieved. The applicants have provided details of a range of commercial uses within the development, grouped around a central core and village centre area which they intend to provide. This includes Class 2 (Financial, professional services) which could be uses such as a doctors or dentist, Class 4 (Business) and Class 10 (non-residential institution) which allows for uses such as a nursery, Church or crèche.
- 7.55 The design of the commercial buildings is considered to be attractive and includes a common style and palette of materials in order that they are visually different to the style and appearance of the dwellings. The buildings include zinc standing seam roofs, wet dash and timber cladding. The buildings therefore have a modern and simple appearance which will be sensitive to the style and setting of the surrounding area.
- 7.56 The layout of the buildings has taken account of proximity to nearby proposed residential property such that they have been grouped in the village core areas. Parking proposals have been provided to take account of each of the proposed uses and these are considered to be at an acceptable level.
- 7.57 Taking into consideration the nature of the proposed uses and their proposed locations, there are no concerns that they would lead to excessive or unacceptable noise or smell for the occupiers of the nearby proposed residential properties.
- 7.58 It is considered that the inclusion of a range of commercial uses as part of the village development meets the aspirations of the above Policy to create a residential area with diversity and create a vibrant urban fabric.
- 7.59 **The proposal satisfies the requirements of Policy 16.**
- 7.60 **Policy 17: Community Facilities** – as discussed in relation to Policy 16 in new residential developments there is a need to encourage proposals that include an appropriate range of facilities to serve the needs of the communities that will emerge. Provision for a range of facilities has been included within the development and includes the potential for a doctors/dentist surgery (Class 2), a village hall and potential for a private day nursery. The locations for these proposals will be grouped around a new village core area where there is provision for parking, electric vehicle charging points and public transport links. It is

therefore a convenient location to serve the new community and will allow for them to be readily accessible by a variety of methods.

7.61 The proposals satisfies the requirements of Policy 17.

7.62 Policy 18: Private Day Nurseries – The application details indicate that one of the units to be provided within the village centre area will be that of a Class 10 use. There are a range of end uses that might fall into this Use Class but it is considered that a likely use will be that of a private day nursery. Due to the intensive nature of such a use and given the requirements the DLDP has in relation to private day nurseries, it is considered to be relevant to assess the suitability of the property for this use.

7.63 Proposals for private day nurseries will be supported where they meet the following criteria:

- 1 Outdoor play space* of 100m² for up to 10 children and 5m² per additional child will be provided.

The nursery has been designed with a capacity of 50 children in mind split through the three recognised groups 0-2, 2-3 and 3-5. At this level of capacity, the outdoor play required would be in the region of minimum 300m². The drawings submitted show that the outdoor space provided for the nursery is over 390m². Further, the open space is provided as a secure, sheltered south facing area, immediately adjacent to the nursery building.

Adjacent to the north of the nursery building is the village green. Although not owned, controlled or operated by the nursery, this open space is an optional break out space for the nursery, as a change to the private open space within the site.

- 2 Staff parking of one dedicated space per 3 members of staff will be provided.

The staffing levels of the proposed nursery are difficult to determine at this time without the benefit of an operator. This is particularly as different levels of age group require different levels of care. Springfield have considered this issue and advise that the proposals provide 10 parking spaces specifically for the property. Taking into consideration the location within the development and proximity of lay-by and on street parking, this is considered to be acceptable.

- 3 Where on street parking restrictions exist, dropping off provision of 3 spaces for up to 25 children and 4 spaces for more than 25 children (up to a maximum of 50) will be accommodated within the curtilage of the premises, where a car can enter and leave in a forward gear.

There are unlikely to be any parking restrictions in the immediate area and as stated above, the plans indicate the proximity of additional lay-by parking in the vicinity of the site.

- 4 They are situated wholly or predominantly on the ground floor.

The drawings show that not only is there level access to the proposed nursery building, it is a single storey building which meets with this criteria.

7.64 The Policy also advises that proposals will not be supported where they are:

- 1 Within tenement buildings/flatted accommodation

This is not the case and the building is a standalone purpose built property that is not linked to any residential accommodation.

- 2 Accessed from a cul-de-sac or residential street of less than 4.8 metres width.

The proposed nursery is situated within a block which consists of several land uses including commercial space, potential bookable community space and a village green. This block is defined by 4 roads which create a ring around it in an elongated rectangular shape. The roads to the south east, south and south west of the block are 6.1m carriageways and the remaining routes around the block, north west, north and north east are 5.5m wide. None of these roads are cul-de-sacs therefore the proposal meets with this policy criteria.

- 3 Within a radius of 250m from an existing private nursery.

7.65 There are no other nurseries within 250m of this location so the proposed nursery is consistent with this criterion.

7.66 Lastly, the Policy confirms that in general proposals that provide for more than 50 full time places (or equivalent) will not be supported. The nursery proposal is for 50 children and meets with this criterion.

7.67 Should this come forward as the end use for the Class 10 unit on site, the application is capable of providing a private day nursery on the site of the proposed Class 10 use that is in accordance with the requirements of this Policy.

7.68 **The proposal satisfies the requirements of Policy 18.**

7.69 **Policy 24: Location of New Retail Developments** – the proposals include a small element of retailing and therefore Policy 24 is relevant to the consideration of the application. Proposals for new or expanded retail developments, not already identified in the Local Development Plan, will only be acceptable where it can be established that a range of requirements can be met.

- 1 no suitable site is available, in the first instance, within the City Centre or District Centres then, edge of centre and then, Commercial Centres identified in the Local Development Plan;
- 2 individually or cumulatively it would not prejudice the vitality or viability of the City Centre, District Centres or Commercial Centres; and
- 3 the proposal would address a deficiency in shopping provision which can not be met within or on the edge of these centres; and
- 4 the site is readily accessible by modes of transport other than the car.

7.70 As there is no existing settlement in this location, the proposals are unable to meet the sequential test as required by the Policy.

7.71 **The proposals are therefore contrary to Policy 24.**

7.72 **Policy 27: Class 2 Office Developments** – the application indicates that a Class 2 use will be situated within the village core area. The Policy advises that such uses will only be acceptable where it can be demonstrated that:

- 1 no suitable site is available, in the first instance, within and thereafter on the edge of the City Centre or District Centres; and
- 2 the site is readily accessible by modes of transport other than car.

Similar to the position in relation to retailing, as there is no existing settlement in this location, the proposals are unable to meet the sequential test as required by the Policy.

7.73 The proposals therefore satisfy the requirements of Policy 27.

7.74 Policy 28: Public Houses, Restaurants and Hot Food Takeaways Outwith the City Centre – The Policy advise that proposals for public houses, restaurants and hot food takeaways, including beer gardens and extensions to existing operations in locations such as this will only be supported where:

- 1 the proposal has a gross floor area up to 150m² and is more than 30m* from existing or proposed housing; or
- 2 the proposal has a gross floor area in excess of 150m² and is more than 45m²* from existing or proposed housing.

7.75 Hot food takeaways and sandwich shops/coffee shops/tea rooms which would not meet the above requirements may be permitted subject to:

- 1 the hours of operation being limited to between 7.00am and 7.00pm; and
- 2 the hot food only requiring heating by means of a microwave oven or other method which would not cause a nuisance to surrounding residential property by virtue of smell.

7.76 The proposed location for the Class 3 use (café/restaurant) sits on the ground floor of a flatted block. At this stage, the applicants have no details for the end user of this unit. It is considered that the use in this location will be acceptable provided that the above restrictions are met regarding opening hours and range of food and cooking. Therefore, a condition shall be attached to the planning permission to require that the above details are fully agreed prior to occupation of the Class 3 unit.

7.77 The proposals therefore satisfy the requirements of Policy 28.

7.78 Policy 19: Funding of On and Off Site Infrastructure Provision – substantial public and private investment in infrastructure provision has been put in place to remove constraints and facilitate the development of the housing sites at the Western Gateway. This has involved improvements to the surrounding road network and associated drainage infrastructure. In line with this Policy, the Council will seek to secure developer contributions towards to the cost of such infrastructure provision.

7.79 In relation to education provision, the existing catchment area schools have capacity to accommodate the pupils generated by the proposed development at this time. An appropriate developer contribution in relation to education shall be sought in order to ensure that, when required, a new primary school can be provided to deal with an increase in demand arising from the development.

7.80 The proposals therefore satisfy the requirements of Policy 19.

7.81 It is concluded from the foregoing that the proposal complies with the requirements of the Dundee Local Plan with the exception of Policy 9 in relation to 15 properties that are unable to provide the minimum garden ground required and that a small number of flats are proposed and Policies 24 and 27 in relation to the sequential test.

7.82 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997– Section 59 of the planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications that affect listed buildings, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which they possess.

- 7.83 The proposed layout of this application includes a large green wedge in line from the House of Gray as suggested by Historic Scotland and this is considered to preserve the views from and to the House of Gray in a satisfactory manner. Full landscaping details will be agreed as part of the agreed conditions. It is considered that these measures will preserve the views out from the A Listed House of Gray to the north of the site in a satisfactory manner. The above statutory duties are therefore discharged.

OTHER MATERIAL CONSIDERATIONS

A - SUPPORTING STATEMENTS

- 7.84 The applicant has submitted a Design and Access Statement, as required by statutory legislation. Whilst some minor details within those reports have been superseded by more recent changes to the layout, the general principles behind these documents are acceptable as material considerations in support of the application.
- a Justification For The Erection of Flats Within The Development (LDP Policy 9)
- 7.85 Springfield consider that the wider policy position advises that both the Strategic and Local Development Plan are intent on bringing housing development to the Western Gateway that will make a major contribution to the housing offer in the city.
- 7.86 They further suggest that the development of this scale with only standard housing would not provide a strategic response to the requirement for housing that is set out in the policy documents.
- 7.87 Further, Springfield advise that they are taking the view that development at Dykes of Gray should be an integrated community. As part of this approach, they advise that they have sought to ensure that the community has a range of opportunities to mix, through the provision of a range of facilities. As part of this they go on to say that "Communities function best when there is a mix of ages and lifestyles involved and this would not be achieved by a narrow range of housing. In order to create a sustainable community, a mix of housing types is needed."
- 7.88 Springfield advises that the introduction of flats offers alternative accommodation at a lower purchase price than conventional housing that appeals to a different social economic group and will also, due to size, appeal to downsizers and singles, young and old, as well as professional couples.
- 7.89 The document also makes reference to the housing mix across the development and that the inclusion of a variety of house types including upper / lower villas, terraced, semi detached and a wide range of sizes of detached properties, will ensure that there are properties for every stage of life. Upsizing and downsizing within one area is something that Springfield has set out to achieve.
- 7.90 Finally, the justification document makes reference to the design considerations and that they consider that sticking with a range of similar house types, could create an area of suburban sprawl with limited features and variety across the site.
- 7.91 The above points are considered to weigh in favour of supporting the erection of flats on site as part of delivering a vibrant community. In addition, the application site includes a village core and commercial area which has been laid out in such a manner that the inclusion of a flatted style building is of townscape importance.
- b Shortfall In Garden Grounds Affecting 15 Properties (Policy 9)

- 7.92 The applicants advise that they consider there to be design justification for the small number of varying garden sizes and that the vast amount of integrated and useable open amenity space within the associated development should compensate for these small deficits.

Response

- 7.93 The Council considers the above factors to be realistic and in general terms they are accepted. The inclusion of a variety of high quality house types will contribute towards the creation of a successful place. Therefore, the above supporting information provided by the applicant is considered to weight in favour of support of the application.

B – VIEWS OF OBJECTORS

a Transportation and Access Issues

Objection

- 7.94 Existing congestion issues at the Swallow roundabout would need to be addressed.
- 7.95 General concerns regarding road safety and increased traffic.
- 7.96 There is no traffic assessment or environmental assessment to accompany the proposals.
- 7.97 The Kingsway roundabout will require signalisation due to increase in traffic.
- 7.98 Need for public transport.

Response

- 7.99 The supporting Transport Statement considers the existing transport facilities and how these will serve the proposed development sites, including the site of this planning application. The Statement also highlights the off site transport facilities being proposed and how these will enhance the existing infrastructure that connects the site with the wider transport network. The main conclusions from this document relate to the following:
- a new footway will be provided along the east side of Dykes of Gray Rd on the approach to the Swallow Roundabout to improve the connectivity between the sites and local facilities/employment areas for pedestrians. This will ensure a continuous pedestrian link to the development sites from the Kingsway;
 - new bus stops will be provided within the site and an allowance has also been made in the site layout design for buses to enter and pass through the village;
 - Springfield will liaise with DCC public transport officers and local bus operators and discuss extending and rerouting services in order to serve Dykes of Gray;
 - an improvement scheme at the Swallow roundabout to increase the capacity of the junction and to provide controlled pedestrian crossing facilities, through the provision of traffic signals, is to be provided; and
 - a Travel Plan Framework has been prepared that provides a methodology to be employed in the future full Travel Plan that will be developed and implemented prior to occupation of the development.
- 7.100 Conditions shall be attached to any grant of planning permission to ensure that the above measures are carried out and it is considered that this will alleviate a number of the above concerns as noted above.

- 7.101 At this stage in a design/planning process it is not possible to get a bus company to agree any level of service to a new area. Therefore both the developer and the local authority have to ensure that there are facilities to cater for public transport within the new development site. Neither of these parties can do anything to say what the level of public transport service will be. However, in ensuring that the development can serve a bus service, there are new roads within the development that are being designed to allow buses to travel along them.
- 7.102 As discussed, there is an extensive level of both footpaths and cycle paths to link to existing facilities which aid the sustainability of the development.
- 7.103 The figures within the TA show that the majority of traffic generated by the development will leave the site and head south towards the Kingsway meaning that there is a minimal impact on the Dykes of Gray Road/Liff Road junction so no improvements have been agreed in those locations. It may be the case that traffic at this junction may increase during the period of roadworks but this should be dealt with as part of any temporary road signing and, as the roundabout works are to be carried out before any houses are occupied, the generated traffic will not be a factor.
- 7.104 The distribution of traffic from the development site has taken into account the locations of schools and their catchments and while every effort has been made to ensure that these figures are accurate, the situation will be monitored with the existing road network being assessed to ensure all traffic can use the road network safely once the development is complete.
- 7.105 It is therefore considered that the applicants have taken extensive measures in order to alleviate the concerns of the existing nearby residents in relation to transportation and access issues and the views of the objectors are not supported in this regard.

b Flooding and Drainage Issues

Objection

- 7.106 Concerns regarding drainage and general concerns with flooding as result of the development.

Response

- 7.107 A significant body of information has been submitted by the applicant in support of the proposals in respect of drainage and flooding issues. The information provided is acceptable in principle. A number of conditions will be attached to any grant of permission to agree details regarding the SUDS provision, maintenance regimes and the Flood Risk Assessment. This in accordance with the advice from SEPA.

c Trees and Wildlife Issues

Objection

- 7.108 Concerns regarding the effect upon trees/landscape.

Response

- 7.109 The submitted Tree Report provides detailed information as to the impact upon the surrounding area. It includes several recommendations, one of which relates to the installation of tree protection fencing to the north of the site in order to avoid any significant detrimental impact upon the nearby trees. The findings of the report are accepted and an appropriate condition will be attached to the planning permission to agree the full details.

Objection

- 7.110 Impact upon wildlife in the area requires to be properly assessed and appropriate landscaping provided to provide corridors for wildlife.

Response

- 7.111 An Ecology study has been carried out in relation to the site and there is no evidence of protected species that would preclude the granting of planning permission.

d Impact Upon Surrounding Area

Objection

- 7.112 Adverse effect upon Listed Building.

Response

- 7.113 The closest Listed Building to the site is that of disused House of Gray to the north. As discussed in relation to the recommendations of Historic Scotland, the proposed layout of the site includes a large green wedge in line from the House of Gray and this is considered to preserve the views from and to the House of Gray in a satisfactory manner. In accordance with the views of Historic Scotland, the layout will reinforce these views by planting belts eg avenues of trees. Additionally, the proposed planting along the northern boundary of the site shall minimise the impact on the setting of the Category A Listed Building. Full landscaping details will be agreed as part of the agreed conditions.

e Visual Concerns/Form of Development

Objection

- 7.114 The development should retain the notion of high quality, village type residential environments, allowance for separate identifies of villages, provision of associated community facilities and avoiding coalescence

Response

- 7.115 The Western Gateway concept was originally as a phased development comprising 3 villages. The village concept which was originally proposed continues to be identified in both the Dundee City Local Development Plan 2014 and the TAYplan Strategic Development Plan 2012.
- 7.116 The application boundary in relation to this application remains unaltered from previously. However, the boundary relating to the planning application to the south has altered from the HP02 boundary that is indicated in the DLDP 2014 as a result of flooding information.
- 7.117 This has the effect that the layout for the for the village integrates both current planning applications. This has been influenced by existing connections and avenues in the surrounding farming land and the desire to connect with nearby urban conurbations, infrastructure, local services and facilities as well as core paths and active transport routes. This approach has been carefully considered and is concluded to offer a realistic approach to the delivery of the Western Gateway village concept. There are significant community facilities proposed across both application areas including a games pitch, play areas, open space and a number of commercial facilities spread across Class 2 (Financial, professional services) which could be uses such as a doctors or dentist, Class 4 (Business) and Class 10 (non-residential institution) which allows for uses such as a nursery, Church or crèche. There is also provision for retailing within the site.

- 7.118 It is considered that whilst the form of development may have altered from previous planning applications for the vicinity, the development has retained an emphasis on high quality, village type residential environments with generous provision of associated community facilities.

f Education Concerns

Objection

- 7.119 General concerns regarding lack of suitable educational provision within walking distance.

Response

- 7.120 In relation to education provision, the existing catchment area schools of Ardler Primary School and Baldragon Academy have capacity at this time to accommodate the pupils generated by the proposed development. Transport arrangements to schools would be provided for by the Council.

g Community Facilities

Objection

- 7.121 The wording within the application regarding shops and facilities is vague and there is doubt they will actually be provided. These should be created first to ensure they are completed.
- 7.122 Too many houses compared to Local Plan and layout is too dense for level of amenities proposed.

Response

- 7.123 The application proposes a range of community facilities including a retailing, village hall space, commercial office space and space for a nursery. There is also a village green and play space being proposed. These facilities will enhance the living environment for the residents and offer a range of services and facilities that a development of this scale would normally provide.
- 7.124 The current application is intended to be the subject of an appropriate phasing condition to agree the implementation of the various aspects of the development. This will be progressed accordingly to ensure that the various facilities are provided at the appropriate point in time.
- 7.125 It is considered that with the above measure, the concerns of the objectors will be alleviated.

Objection

- 7.126 Impact upon healthcare providers in the area.

Response

- 7.127 Such an impact is difficult to assess since the total population of future occupants of the development may not all generate a demand for healthcare in the area. For example, occupants may be relocating from a nearby area or may wish to retain a healthcare provider to ensure continuity of care.

Objection

- 7.128 Impact upon the already poor broadband provision in the area.

Response

- 7.129 The development of this site relates to an allocation within both the previous and current Local Plan and therefore the principal of residential development on in this area is already established. It is possible that with the creation of a new residential development of this scale that the demand for broadband services will increase such as to stimulate an improvement in the service provision in this regard.

h Other Issues

Objection

- 7.130 Diversion from the Local Plan allocation and the potential impact this may have on the style of development and precedent for future development.

Response

- 7.131 The style and design of the development has already been discussed and it is considered to offer a high quality development delivering an attractive and viable community with benefits for existing residents in the area with the provision of extensive community facilities.

C - CONTRARY TO THE LOCAL PLAN POLICIES 24.

- 7.132 The proposals for retailing relate to a new residential development and the inclusion of a range of facilities, including retailing is considered to be integral to the success of the village.
- 7.133 The new retail provision will form part of the village core to this new residential development. They are of a scale appropriate for the level of new housing proposed. There are no existing facilities in the area at present and they will provide convenient access to services for new residents. Accordingly, the proposed retailing element is considered to be justified within the context of the proposals.

CONTRARY TO THE LOCAL PLAN POLICIES 27

- 7.134 The provision of a Class 2 use within the village core area is considered to be important to the success of the village. The scale of the proposed Class 2 use is small and will allow for the provision of local scale of facility only.
- 7.135 The location within the village core area means that it will be grouped with other commercial services and retailing uses. This location is convenient and will allow ease of access for all residents from within the new development and will be close to the proposed position for the bus stop within the development. Accordingly, their inclusion as part of the proposals is considered to be justified.
- 7.136 The departures from the Plan have been fully discussed and it is concluded that there are material considerations to justify approval of the application.
- 7.137 **It is concluded from the foregoing that the material considerations which weigh against the proposal are not of sufficient weight to support refusal of the application.**

8 CONCLUSION

- 8.1 The proposal with the Development Plan with the exception that there flats being proposed and that 15 number of garden grounds fall short of the minimum requirements in relation to Policy 9. It is also contrary to Policies 24 and 27 as it is unable to meet the sequential tests required by these.

- 8.2 There are material considerations that would justify the approval of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

Recommendation 1

- 9.1 A legal agreement will be required to be concluded prior to the issuing of planning permission to agree a contribution in relation an education contribution and the infrastructure works carried out by the Council and in relation to education.

Recommendation 2

- 9.2 It is recommended that consent be GRANTED subject to the following conditions:
- 1 Prior to the commencement of development on site, full details for the location and design for secure bike storage shall be submitted to the Council for approval in writing and thereafter implemented in full accordance with the agreed details.
 - 2 Prior to the commencement of development on site full details for the road surfacing materials shall be submitted to the Council for approval in writing and thereafter implemented in full accordance with the agreed details.
 - 3 Traffic calming measures will be required to be provided within the development and this shall be designed to ensure that the maximum road speeds are 20 mph.
 - 4 Prior to the commencement of development, details of the public art provision for the development, in accordance with Policy 7 of the Dundee Local Development Plan 2014, shall be submitted to the planning authority for written approval and subsequent approval of detailed designs. For the avoidance of doubt, the public art provision shall be completed in accordance with such approved details within a specified period of time that has been agreed in writing with the planning authority.
 - 5 Any variations to the approved housing types to incorporate sun rooms (as shown on Drawing SR 01) or solar panels (specifications to be confirmed) shall be submitted to the Council for written approval prior to the installation/construction of such adaptations.
 - 6 The landscaping of the site, including the timescale and provision for future maintenance shall be carried out only in full accordance with details to be submitted by the applicants and approved in writing by the Council prior to the commencement of development. In particular street trees in front gardens shall be planted prior to the occupation of the houses within whose curtilage the trees are planted. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five 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.
 - 7 The existing trees and shrubs, indicated on the approved plans to be retained, shall not be cut down, grubbed out topped, lopped, uprooted or root pruned without the written consent of the City Council. The protective fencing indicated on the approved plans shall be erected on site in consultation with the Council and its agreed location shall be confirmed in writing by the Council prior to the commencement of development, including site preparation and excavation works. Any trees or shrubs removed without such consent or dying, or being severely damaged or diseased, shall be replaced with trees and shrubs of such size and species as may be directed by the City Council and to the standard as approved by the City Council.

- 8 Development shall not commence until an appropriate mechanism for the upgrading of the A90 Swallow Roundabout, generally as illustrated on Arup Drawing 233958-00 Figure 1, has been submitted to and agreed in writing by the Planning Authority in consultation with Transport Scotland. The works shall thereafter be implemented in full accordance with the agreed details.
- 9 Prior to the commencement of development on site, full details including the timescales for implementation of the proposed improvements and findings set out in the approved Transport Statement (REP/001 Rev A 1 October 2014) shall be agreed in writing with the Council and thereafter implemented in full accordance with the agreed details.
- 10 The play area in the development shall be completed and ready for use prior to the occupation of any of the houses hereby approved. The play area shall be maintained for all time by the developers in accordance with a scheme of maintenance which has been submitted to and agreed in writing by the Council prior to the commencement of development. Full details of the play area shall be required to be agreed in writing with the Council prior to the commencement of development.
- 11 The recommendations laid out in the Ecological Appraisal (RSK Project No 855453) shall be fully implemented as part of the development. Any further investigations to be carried out as part of this shall be submitted to the Council for approval in writing prior to the commencement of development.
- 12 Prior to the commencement of any development, a construction method statement shall be submitted to the Council for approval in writing to include details of site huts and haulage roads used throughout the course of development. The development shall thereafter be implemented in accordance with the agreed details or otherwise agreed in writing.
- 13 No development shall take place within the development area until the applicant has secured the implementation of a staged programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant, agreed by the local Archaeology Service and approved by the Planning Authority.
- 14 Prior to the commencement of development further supporting information regarding the Contaminated Land Risk Assessment shall be submitted to the Council for written approval. For the avoidance of doubt this shall include details of a remediation strategy if required.
- 15 Prior to the commencement of development on site a detailed phasing plan shall be submitted to the Council for written approval. For the avoidance of doubt, this shall include full details for the construction of the village hall, retailing unit 3 (as shown on Drawing DW/CC/01/Rev A), village green and all footpaths not forming part of a Roads Construction Consent.
- 16 Prior to the commencement of any works on the development site, a Flood Risk Assessment shall be prepared in line with current guidance and submitted to Dundee City Council and SEPA for written approval. Any recommendations contained within the Flood Risk Assessment must be implemented thereafter prior to occupation of the development.
- 17 Prior to the commencement of any works on the development site a detailed surface water drainage/SUDS design including drawings, calculations, full modelling and simulation results shall be submitted to Dundee City Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to the occupation of the development.

- 18 Prior to the commencement of any works on site, maintenance responsibilities along with a Maintenance Schedule for the surface water drainage system/SUDS features is to be submitted to Dundee City Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to the occupation of the development.
- 19 Prior to commencement of any works on site A Design Risk Assessment must be submitted for written approval by Dundee City Council and must consider Health & Safety issues associated with construction, operation, maintenance and decommissioning of the surface water drainage system/SUDS features. Thereafter, all works approved by virtue of this condition shall be carried out prior to the occupation of the development.
- 20 Prior to commencement of any works on site a signed Dundee City Council Design and Check Certification shall be submitted by the Applicant confirming the design of the Drainage System is to current standards.
- 21 An assessment shall be submitted detailing the design, capacity and predicted flows of the drainage ditch which runs along the northern boundary of the site and submitted to the Council for approval in writing prior to the commencement of works. The development shall be implemented in full accordance with the agreed details.
- 22 Prior to the commencement of any works, a scheme for sustainable drainage (SUDS) surface water treatment shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C697) and should incorporate source control.
- 23 Before any unit is occupied the remediation strategy shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority
- 24 The total noise from all M & E services shall not exceed NR 35 during the night as measured 1 metre external to the facade of adjacent residential accommodation".

For the avoidance of doubt night time shall be 23.00 to 07.00 hours.
- 25 All deliveries to any of the hereby approved commercial facilities, including loading, unloading or lay-up shall be between 7.00 to 22.00 hours.
- 26 All amplified music and vocals associated with any of the hereby approved commercial uses shall be so controlled as to be inaudible within any adjacent residential property.
- 27 An effective ventilation system commensurate with the nature and scale of cooking associated with the hereby approved Class 3 use to be undertaken shall be installed, operated and maintained such that cooking odours are not exhausted into or escape into any nearby dwellings or premises, to the satisfaction of the Council as Planning Authority. Full details of which shall be submitted to the Council for approval in writing prior to the first use of the premises.
- 28 Prior to the first use of the Class 3 premises, full details regarding the proposed opening hours and the range of food to be provided shall be submitted to the Council for written approval. The use shall thereafter operate in accordance with the agreed details.

REASONS

- 1 In order to ensure a satisfactory standard of development.
- 2 In order to ensure the materials are of an acceptable standard.
- 3 In order to ensure the development is acceptable in road safety terms
- 4 In order to provide for public art in the interests of visual amenity and the appearance of the site
- 5 In order to allow for the provision of suitable alterations to the standard house type whilst ensuring there is no impact upon amenity.
- 6 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area
- 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 mitigate the adverse impact of the development on the safe and efficient operation of the trunk road network and to ensure that appropriate facilities are provided for pedestrians and cyclists to cross the trunk road.
- 9 To ensure that the improvements to the surrounding road network are carried out at the appropriate time.
- 10 In order to ensure a high standard of play space is available to use for occupants within the new dwellings.
- 11 In order to ensure the site is developed with due regard to any species on site.
- 12 In order to ensure that these are not detrimental to the amenity of the existing residents.
- 13 In accordance with the requirements of Policy 51 of the Dundee Local Development Plan 2014.
- 14 In order to ensure the site is fit for the purpose proposed
- 15 In order to ensure that an acceptable level of facilities is provided.
- 16 To ensure that the proposed development is not located within a flood plain and will not have an adverse effect, nor influence the existing watercourse, Reservoir, SUDS or Coastal Water to the detriment of existing properties and infrastructure adjacent to and downstream of the proposed development.
- 17 To ensure there is no increase to the discharge of surface water and potential pollutants to the public sewer or where applicable a nearby watercourse, to the detriment of existing and proposed properties, infrastructure, and the water quality of any watercourse. To ensure that any proposed SUDS features have a satisfactory visual appearance.
- 18 To ensure that future maintenance of the surface water drainage system/SUDS features is considered.
- 19 To ensure that Health & Safety matters are considered during the design of the surface water drainage system and any warning/protection measures which are required are put in place.

- 20 To ensure an independent design check has been carried out and certified in line with Dundee City Council Certification of SUDS guidance.
- 21 In accordance with the requirements of SEPA.
- 22 To ensure adequate protection of the water environment from surface water run-off.
- 23 In order to ensure the site is fit for the purpose proposed.
- 24 In order to ensure the amenity of nearby residents is protected.
- 25 In order to ensure the amenity of nearby residents is protected.
- 26 In order to ensure the amenity of nearby residents is protected.
- 27 In order to ensure the amenity of nearby residents is protected.
- 28 In order to ensure the amenity of nearby residents is protected.