

# Village Development

## KEY INFORMATION

**Ward** Lochee

### Address

Dykes of Gray  
South Gray  
Dykes of Gray Road

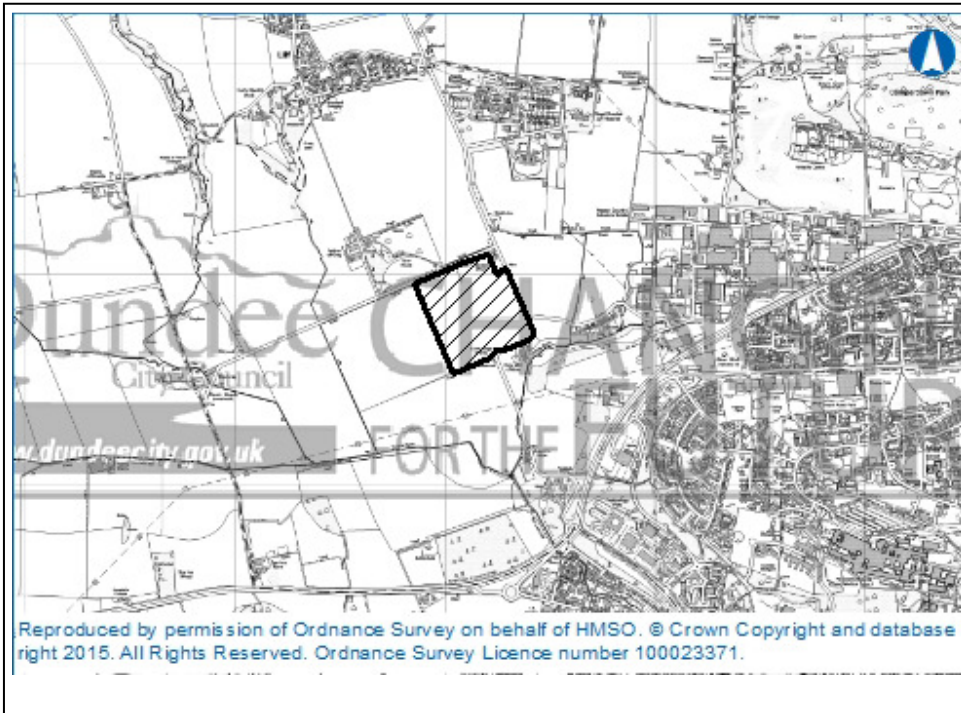
### Applicant

Springfield Properties Plc  
FAO Miss Sandra Lindsay  
Springfield House  
3 Central Park Avenue  
Larbert  
FK5 4RX

### Agent

**Registered** 20 Feb 2015

**Case Officer** Beverley Knox



## SUMMARY OF REPORT

- The 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 applications 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). The current application is a resubmission of application 14/00514/FULM that was refused by the Development Management Committee in December 2014.
- Although the layout of the proposed development is unchanged, the applicant has provided further supporting information on the proposed commercial uses located within the village centre and a detailed education statement, outlining the extent of the developer contributions and possible locations for a new primary school.
- There has been 1 objection to the proposals, taking the form of two letters from one property. The concerns relate to, amongst other things, education and drainage and flooding concerns.

## RECOMMENDATION

The principle of the development of a village in this area is long established and the proposals will deliver a high quality housing choice with appropriate community facilities. Whilst the proposals do not fully comply with the Dundee Local Development Plan 2014, there are material considerations that 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 contributions will require to be concluded prior to the issuing of a decision.

# 1 DESCRIPTION OF PROPOSAL



**Figure 1 – Proposed Site Layout Plan**

- 1.1 Application 15/00121/FULM for the proposed village at South Gray, Dykes of Gray Road is a resubmission of application 14/00514/FULM that was refused by the Development Management Committee in December 2014.
- 1.2 In support of the current application, further information on the proposed commercial uses located within the village centre has been provided. Furthermore the applicant has provided an education statement that details the existing capacity within the catchment schools and sets out the education contributions that the developer is to pay the Council towards the provision of a new primary school within the area if and when required.
- 1.3 The application therefore seeks planning permission for the development of 365 houses as part of the creation of a new village. Also included as part of the applications 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).
- 1.4 The application therefore seeks planning permission for the development of 365 houses as part of the creation of a new village. Also included as part of the applications 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).

- 1.5 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.
- 1.6 Vehicular access to the site will be from 2 existing access points at the south and the east. The layout of the site allows for the provision of a bus stop to be provided at the village core area.
- 1.7 The applicant has 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 roof colour to be varied. The wall finishes include a mixture of wet dash render, smooth render, timber cladding and reconstituted stone.
- 1.8 The layout proposes a hierarchy 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.
- 1.9 As the area of the application site exceeds 2 hectares and the number of dwelling units proposed exceeds 50 the proposal falls 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 applicant held a public event.
- 1.10 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.

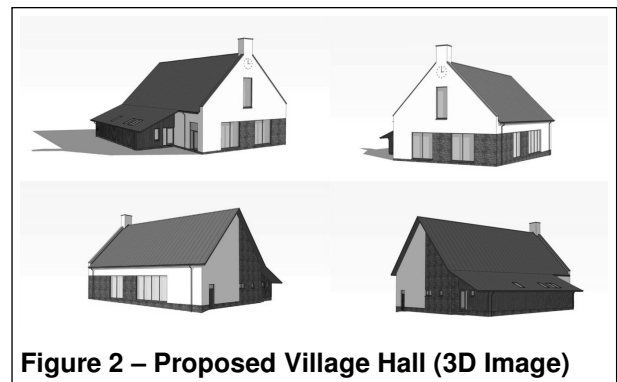


Figure 2 – Proposed Village Hall (3D Image)

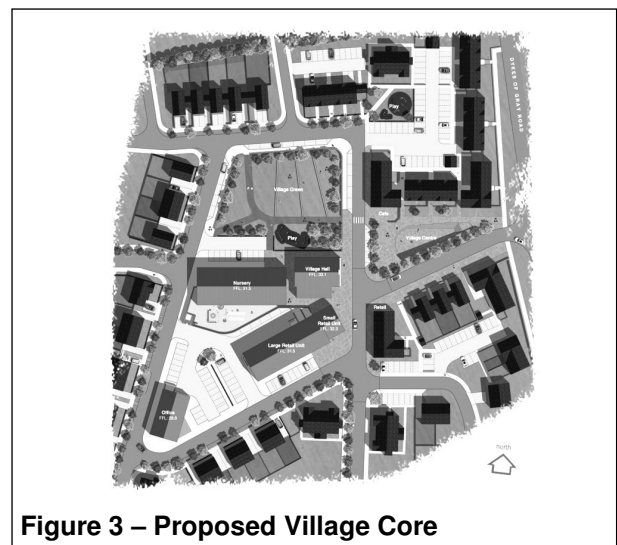


Figure 3 – Proposed Village Core

- 1.11 Although this report concludes that the development does not fully accord with the Development Plan, it does not undermine the achievement of any of the core objectives, policies or proposals of the Development Plan. 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.

---

## 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 land which was the subject of a previous planning application, 14/00205/FULM (see Site History section for further details).



**Figure 4 – House Type Sample (3D Image)**

- 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**

TAYplan Policy 4: Strategic Development Areas

TAYplan 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 (Supplementary Guidance on Development Contributions)

Policy 24: Location of New Retail Developments

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**

Scottish Planning 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.

**NON STATUTORY STATEMENTS OF COUNCIL POLICY**

- 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.
- 4.4 Two further planning applications were submitted in 2014 for the creation of a village development. One of these (14/00514/FULM) was refused whilst approval of the other application (14/00205/FULM) was agreed by Members, subject to the conclusion of a Planning Obligation regarding various matters.
- 4.5 The current application is a resubmission of application 14/00514/FULM that was refused by the Development Management Committee in December 2014. Although the layout of the proposed development is unchanged, the applicant has provided further supporting information on the proposed commercial uses located within the village centre and a detailed education statement.

---

**5 PUBLIC PARTICIPATION**

---

- 5.1 The Council has carried out the statutory neighbour notification procedure detailed in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. This application was also advertised in the Dundee Evening Telegraph as a departure from the Development Plan.
- 5.2 In response, one objection has been received, taking the form of two letters, both from the same property adjoining the south boundary of the application site. In addition, one letter of support was received. The detailed concerns raised by the objection relate to the following issues:
- 5.3 Education Concerns - the revised application is vague and indecisive in relation to primary education provision. It makes no attempt to address what a community can reasonably expect. There is no provision of land within the development. Building of a school would therefore have to be on agricultural land outwith the control of the developer. No provision of secondary education has been considered.

- 5.4 Flooding/Drainage Issues - the proposed development is on land considered to be flood risk. SUDS provision is high risk to lower-lying property. The SUDS to the west of South Lodge of Gray have flooded that property twice since their installation.
- 5.5 Wildlife Issues - the development will have a negative environmental impact. Disturbance will be caused to nesting/breeding/roosting/feeding of various wildlife, ie bats, swallows, buzzards, jays, deer.
- 5.6 The letter of support from Dundee Civic Trust advises that they consider the current proposal to be well designed and laid out, but is all the more important in that it includes elements crucial to the creation of a community rather than simply a housing estate, and is thus deserving of the Council's wholehearted approval.
- 5.7 In addition, it refers to the issue of education provision where they submit that the developer has done everything possible to meet the schooling requirements and that it is for the Council in the future to make a decision on that matter. The Civic Trust considers that this should be dealt with quite separately from the consideration of this application as it is outwith the developer's control.
- 5.8 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 have 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 In response to this it is noted that 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 of conditions.

- 6.7 **Scottish Water** - no adverse comments were received.
- 6.8 **Angus Council** - no adverse comments have been received.
- 6.9 **Perth and Kinross Council** - they have confirmed that they have no objections to the proposals.
- 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 proposed commercial centre associated with the development advised that conditions regarding deliveries and amplified music should be attached to any 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.

### 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 **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: Housing.

### 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.
- 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 approved 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 120m<sup>2</sup> of private useable garden ground with an average private useable garden ground of 160m<sup>2</sup> in new developments. The level of private garden ground afforded to the proposed houses provides an average of over 173m<sup>2</sup> 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. 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.
- 7.13 However, there are 12 properties (5 semi detached and 7 end terraced properties) that do not meet the minimum garden ground requirements. 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 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 12 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 states that the design proposals and layout for the village have been influenced by existing connections and avenues in the surrounding farming land and the desire to connect with the nearby urban area, infrastructure, local services and facilities as well as core paths and active transport routes.
- 7.21 The Design Statement goes on to state that there are several elements within the design which can be divided into the following groups:
- 7.22 Open Spaces and Landscaping - 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.
- 7.25 Connections - the Design Statement states 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.
- 7.27 Built Elements - across the development there will be a variety of materials and treatments to the housing areas and other buildings. 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 The applicant considers 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 applicant has 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. Therefore, the proposal satisfies the requirements of Policy 7.**
- 7.31 **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.”
- 7.32 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.
- 7.33 **Subject to those conditions, it is concluded that the proposal satisfies the requirements of Policy 45.**
- 7.34 **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.
- 7.35 It is therefore considered that provision of the above this will fulfil the required bin stores to meet the Council's waste strategy.
- 7.36 **The proposal satisfies Policy 40.**
- 7.37 **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.

7.38 **The proposal satisfies the requirements of Policy 42.**

7.39 **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.

7.40 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.

7.41 **The proposal satisfies the requirements of Policy 29.**

7.42 **Policy 55: Accessibility of New Developments** - the Design and Access Statement states 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.

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

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

7.45 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.

7.46 Cycle Network - 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 applicant is currently investigating if the proposed new section of 2m wide footway can be extended in width to be a 3m wide shared cycleway/footway.

7.47 Public Transport Network - 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.

7.48 The applicant 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.

7.49 Road Network - 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.

- 7.50 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. Suitable conditions will be applied to any grant of planning permission to ensure that the above measures are implemented at the appropriate time. A planning application has now been submitted by the applicant for the implementation of several of the elements discussed above.
- 7.51 **The proposal satisfies the requirements of Policy 55.**
- 7.52 **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.
- 7.53 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 applicant has 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.
- 7.54 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.
- 7.55 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 is provided to serve each of the proposed uses and these are considered to be at an acceptable level. In addition, the position of these buildings around the central core area is considered to be logical and takes account of the potential of traffic movement issues.
- 7.56 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.
- 7.57 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.
- 7.58 **The proposal satisfies the requirements of Policy 16.**

- 7.59 **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 Class 10 Use eg 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.
- 7.60 The applicants have provided a detailed supporting document regarding the provision of a community hall within this village core area. Within this document, the applicants have advised that they have:
- considered the value that community facilities will bring to home owners within the proposed development;
  - balanced this with the time required to build and sell a sufficient number of homes in order to create a community of active users; and
  - considered the need for the hall to be properly managed and maintained so that the community benefits from relevant activities and uses.
- 7.61 The above information submitted by the applicants is considered to be acceptable, and the details surrounding implementation and timings for the delivery of this hall shall be the subject of a condition.
- 7.62 **The proposals satisfies the requirements of Policy 17.**
- 7.63 **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 the applicant has indicated that the 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.
- 7.64 Proposals for private day nurseries will be supported where they meet the following criteria:
- 1 Outdoor play space\* of 100m<sup>2</sup> for up to 10 children and 5m<sup>2</sup> 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 300m<sup>2</sup>. The drawings submitted show that the outdoor space provided for the nursery is over 390m<sup>2</sup>. 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 the case as different levels of age group require different levels of care. The applicant has considered this issue and advises that the proposals provides 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.

- 7.65 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 it 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, village hall 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.

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.

7.73 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.

7.74 **The proposals therefore fail to satisfy the requirements of Policy 27.**

7.75 **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 150m<sup>2</sup> and is more than 30m\* from existing or proposed housing; or
- 2 the proposal has a gross floor area in excess of 150m<sup>2</sup> and is more than 45m<sup>2</sup>\* from existing or proposed housing.

7.76 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.

- 7.77 The proposed location for the Class 3 use (café/restaurant) sits on the ground floor of a flatted block. At this stage, the applicants does not have 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.
- 7.78 **The proposals therefore satisfy the requirements of Policy 28.**
- 7.79 **Policy 19: Funding of On and Off Site Infrastructure Provision and Supplementary Guidance on Development Contributions** - the Council's Supplementary Guidance on Developer Contributions was adopted in September 2014 and offers guidance to land owners and developers on the likely level and nature of developer contributions that may be required in respect of development. As part of this, the guidance sets out what is expected of development in the Western Gateway.
- 7.80 The Supplementary Guidance states that all greenfield residential developments in this area are required to contribute towards the enhancement of school provision; the improvement works undertaken at Dykes of Gray Road; the provision of flood protection and drainage facilities; the future construction of junction improvements at the Swallow Junction; and Green Infrastructure/Open space provision.
- 7.81 Through the details of the planning application the applicant has provided the required open space provision, the links to green infrastructure and the provision of flood protection and drainage facilities. A separate planning application has been submitted for the improvements to the Swallow junction. The applicant has also advised that they intend to carry out the improvement works to the Swallow junction upon approval.
- 7.82 Dykes of Gray Road Improvements - the Council has already front funded and undertaken the required improvements to Dykes of Gray Road to facilitate the development of housing in this area. In line with Policy 19 and the Supplementary Guidance for Developer Contributions, the Council is seeking to recover the costs of these works as development progresses. The applicant has agreed to make the required contributions towards the improvements of Dykes of Gray Road in accordance with the provisions of the Supplementary Guidance. It is proposed that this contribution will be made annually to the Council reflecting the number of dwellings that have been completed in the previous year.
- 7.83 Education - the Supplementary Guidance states that 'within the Western Gateway there is a requirement to enhance primary school provision and options for this are currently being considered.'
- 7.84 The applicant has submitted an Education Statement in support of the proposed development.
- 7.85 Within this document the applicants notes that in line with the Supplementary Guidance, it is estimated that it is possible for a total of 128 pupils to arise from the application site and that based on current information, there is sufficient existing capacity within the current catchment school. Notwithstanding this, the applicant is aware that a primary school within the Western Gateway area is desirable.
- 7.86 It is also noted by the applicant that depending on the level of growth the Western Gateway generates in the long term, a new primary school may required. The applicant in their Education Statement has stated that they are willing to make the education contribution required in accordance with Policy 19 of the LDP and the adopted Supplementary Guidance



on Developer Contributions. The timing for a new school will be determined by Dundee City Council, as will the location.

- 7.87 In addition, the applicant has provided details of possible locations for a school in sites close to the application site and existing settlements. This indicative map drawing includes both greenfield and brownfield sites which would be within suitable walking distance in relation to the proposed development and existing settlement patterns in the area.
- 7.88 From the above it is clear that whilst there is already existing capacity, the applicant is committed to the development of a new high quality village with an appropriate school provision.
- 7.89 It is proposed that this contribution (£4680 per unit to be index linked) will be made annually to the Council reflecting the number of dwellings that have been completed in the previous year. The contributions will be held by the Council until the provision of a new school is required and then used towards funding the building of the new school. The developer is agreeable to this forming part of the developer contributions in this case.
- 7.90 The developer contributions sought for the improvements carried out to Dykes of Gray Road and for the future provision of a new primary school will be the subject of a Section 75 Obligation.
- 7.91 **The proposals are therefore in accordance with Policy 19 of the Dundee Local Development Plan 2014.**
- 7.92 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 12 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.
- 7.93 **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.
- 7.94 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**

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

### **A - SUPPORTING STATEMENTS**

- 7.95 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)

- 7.96 The applicant recognises that both the Strategic and Local Development Plan support housing development in the Western Gateway and that this will contribute to the housing offer in the city.
- 7.97 However, the applicant considers that development at Dykes of Gray should provide for an integrated community. As part of this approach, the applicant has 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.”
- 7.98 The applicant 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 down sizers and singles, young and old, as well as professional couples.
- 7.99 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, allowing upsizing and downsizing within one area.
- 7.100 Finally, the justification document makes reference to the design considerations that have been incorporated to ensure that suburban sprawl with limited features and variety across the site is avoided.
- 7.101 **Response** - 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 Properties (Policy 9)

- 7.102 The applicant considers that there is design justification for the small number of garden sizes not meeting the Local Development Plan standards. In particular, the significant amount of integrated and useable communal open space within the associated development compensates for these small deficits.
- 7.103 **Response** - 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 - EDUCATION INFORMATION**

- 7.104 The applicants have provided a detailed document regarding the education provision associated with the construction of a new village as discussed in detail in relation to Policy 19.
- 7.105 From the information it is clear that whilst there is already existing capacity, the applicant is committed to the development of a new high quality village with an appropriate school provision. Appropriate contributions will be paid to the Council as part of a legal agreement and in accordance with Policy 19 and the associated Supplementary Guidance on Developer Contributions.

**C - VIEWS OF OBJECTORS**

- 7.106 **Education Concerns** - the revised application is vague and indecisive in relation to primary education provision. It makes no attempt to address what a community can reasonably expect. There is no provision of land within the development. Building of a school would therefore have to be on agricultural land outwith the control of the developer. No provision of secondary education has been considered.
- 7.107 **Response** - the issue of education provision has been discussed in relation to Policy guidance and the supporting information provided by the applicant. The applicant is agreeable to the requirement for an education contribution. This will allow the Council to consider the provision and location of a future primary school as and when required.
- 7.108 The Director of Education has advised that there is capacity within the catchment Secondary School to accommodate pupils from this proposed development.
- 7.109 **Flooding/Drainage Issues** - the proposed development is on land considered to be flood risk. SUDS provision is high risk to lower-lying property. The SUDS to the west of South Lodge of Gray have flooded that property twice since their installation.
- 7.110 **Response** - 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 is in accordance with the advice from SEPA.
- 7.111 **Wildlife Issues** - the development will have a negative environmental impact. Disturbance will be caused to nesting/breeding/roosting/feeding of various wildlife, ie. bats, swallows, buzzards, jays, deer.
- 7.112 **Response** - 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 - NEW RETAIL PROVISION (LOCAL PLAN POLICY 24)**

- 7.113 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.
- 7.114 The new retail provision will form part of the village core to this new residential development. It is of a scale appropriate for the level of new housing proposed. There are no existing facilities in the area at present and the proposed facilities 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.

**E – CLASS 2 PROVISION (LOCAL PLAN POLICY 27)**

- 7.115 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.
- 7.116 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.

7.117 The departures from the Plan have been fully discussed and it is concluded that there are material considerations that justify approval of the application.

7.118 **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 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 12 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.

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 contributions in relation to education and the infrastructure works to Dykes of Gray Road carried out by the Council.

### 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 Development shall not begin until a Preliminary Risk Assessment is completed and, if required, an Intrusive Investigation and a scheme to deal with contamination at the site

has been submitted to and approved in writing by the planning authority. The scheme shall contain details of proposals to deal with contamination to include:

- 1 assessment of the risks associated with contaminant sources, pathways and receptors specific to the proposed use of the site, and if necessary;
  - 2 a remediation Implementation Plan detailing measures to treat/remove contamination and mitigate risks to ensure the site is fit for the proposed use;
  - 3 measures to deal with contamination during construction works; and
  - 4 verification sampling, testing, certification and monitoring of the site to demonstrate suitability for the proposed use on completion of remediation measures.
- 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 timing and delivery and 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.