

# Western Gateway Housing Development

## KEY INFORMATION

**Ward** Lochee

### Address

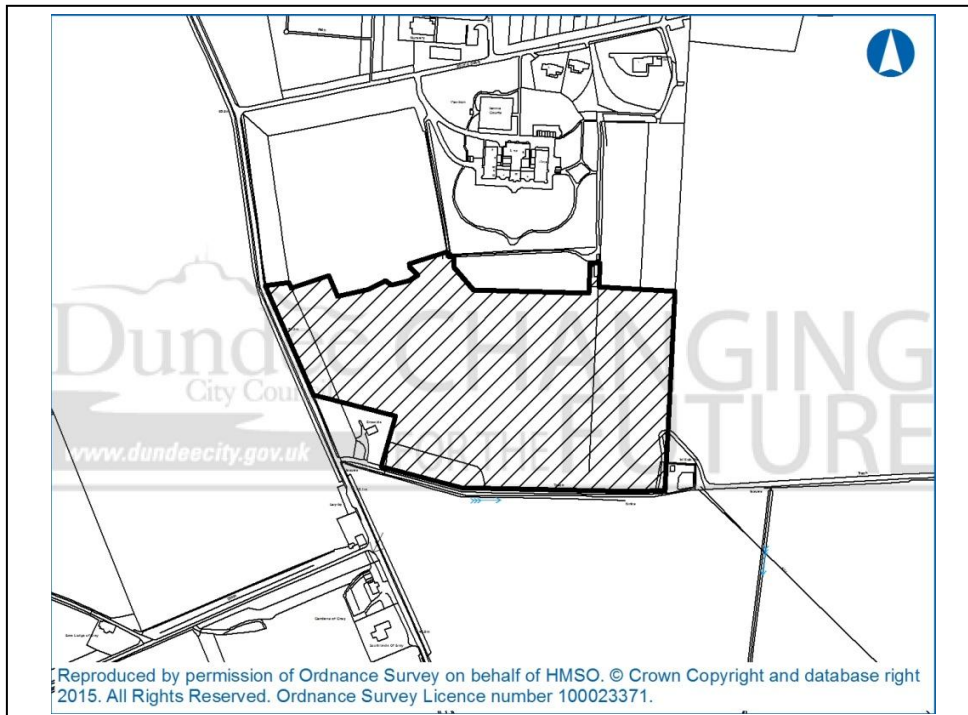
H69  
Dundee Western Liff Phase 2  
Dykes of Gray Road  
Dundee

### Applicant

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

**Registered** 2 June 2015

**Case Officer** Beverley Knox



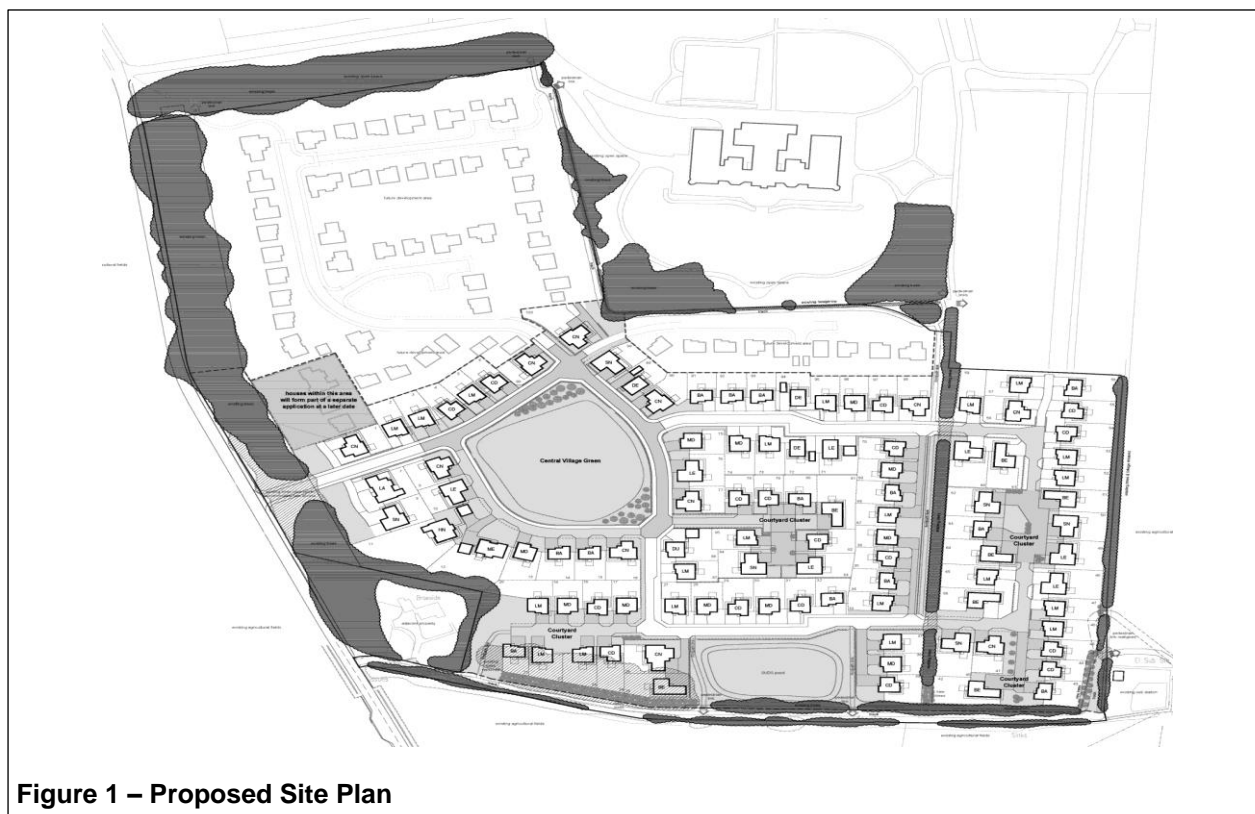
## SUMMARY OF REPORT

- This application seeks planning permission for the development of 100 dwellings. Also included as part of the application is a village green, landscaping and infrastructure works.
- The proposal engages Local Development Plan policies relating to housing, flooding, design and contaminated land.
- 78 objections have been received in relation to the proposed development.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=NP5LABGCH6500>.

## RECOMMENDATION

The proposal complies with the Development Plan. There are material considerations that would justify the approval of planning permission. Therefore, the application is recommended for APPROVAL subject to a Section 75 Obligation and conditions.

# 1 DESCRIPTION OF PROPOSAL



**Figure 1 – Proposed Site Plan**

- 1.1 This application seeks planning permission for the development of 100 dwellings. Also included as part of the application is a village green, landscaping and infrastructure works. There is a mixture of house type being proposed within the site but all dwellings are detached. The house type mix is comprised of:
- 82 four bedroom dwellings; and
  - 18 five bedroom dwellings.
- 1.2 The house mix includes integral garaging and detached garaging. There is also a mixture of single and double garages.
- 1.3 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.
- 1.4 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, avenues and courtyards.
- 1.5 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. 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, Ecology Report with a Species Investigation Report and Archaeological information.

- 1.6 In accordance with the Council's Scheme of Delegation this application is being reported to the Development Management Committee as the proposal constitutes a major planning application.



## 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.
- 2.2 The site is bounded to the east by a fence line and hedging, to the west by a wedge of mature established trees which screen Dykes of Gray Road and to the north by a similar band of mature trees, which separate the site from West Green Park.
- 2.3 There is an existing detached dwelling located to the south west corner of the site which is screened by mature trees.
- 2.4 There is an access route along the southern boundary of the site which takes the form of an informal path. This forms part of the core path network and allows vehicle access to a substation located to the south east of the site boundary.
- 2.5 The residential properties to the north in West Green Park include new build dwellings as well as dwellings through the conversion of various Listed Buildings. The West Green Park development is set within mature established woodland all within their own private grounds.
- 2.6 Springfield has included an indicative masterplan for the development of the entire H69 allocated site which shows their intentions for the remaining portion of the site. This is not the subject of the current planning applications and is intended as a helpful guide as to the pattern of development that the developer would like to see.

### 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 07: High Quality Design

Policy 08: Housing Land Release

Policy 09: Design of New Housing

Policy 19: Funding of On and Off Site Infrastructure Provision

Policy 29: Low and Zero Carbon Technology in New Development

Policy 42: Sustainable Urban Drainage Systems

Policy 45: Land Contamination

Policy 55: Accessibility of New Developments

**SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS**

Supplementary Planning Guidance Developer Contributions (Dundee City Council) 2015

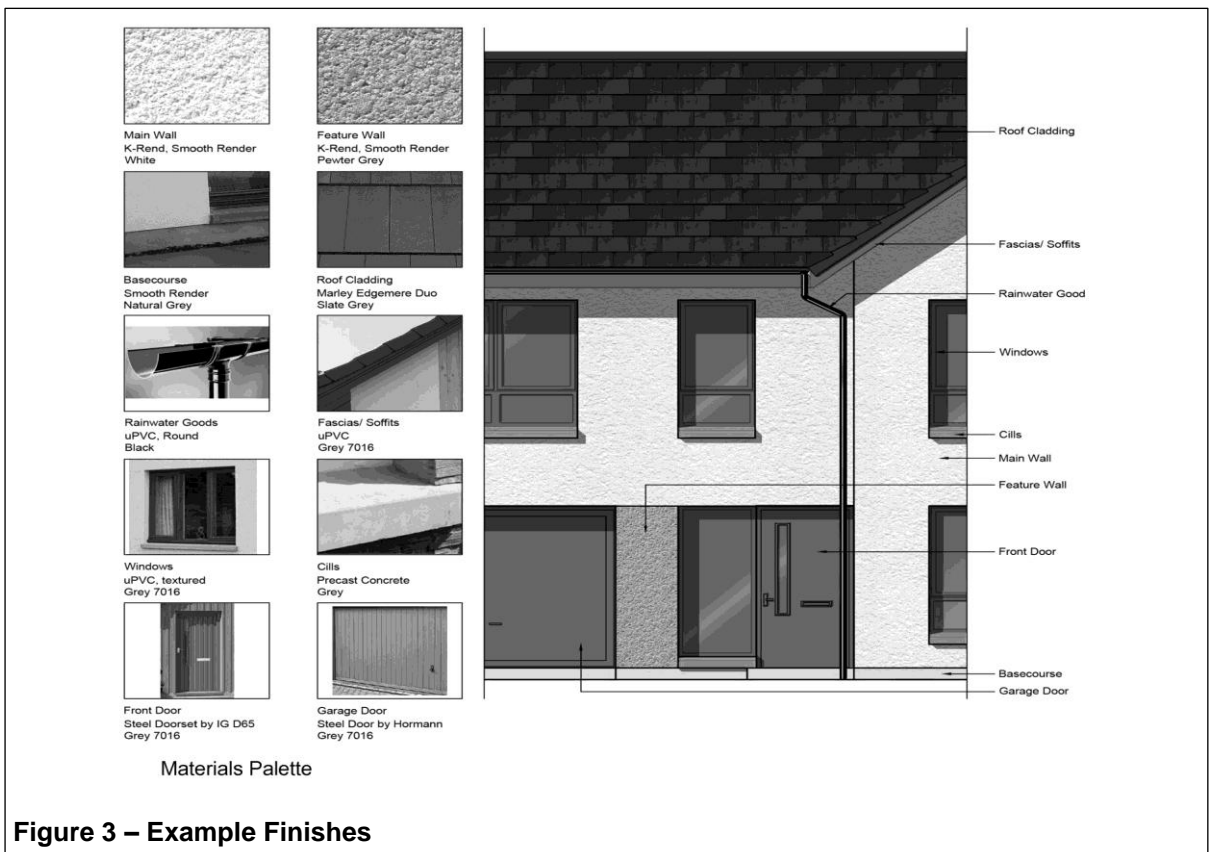


Figure 3 – Example Finishes

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

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## 4 SITE HISTORY

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- 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 but include:
- 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. The planning obligation has now been concluded and development has commenced.
- 4.5 A further application was submitted (15/00121/FULM) and the Members agreed to approve the application in April 2015. The legal agreement had not been concluded at the time of writing this report.

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## 5 PUBLIC PARTICIPATION

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- 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 to the Development Plan.
- 5.2 In response, 59 letters of objection and 1 letter of representation have been received. One of the objection letters has been submitted on behalf of the West Green Park Resident's Association.
- 5.3 The detailed concerns raised by the objectors relate to the following issues.
- Design and Form Concerns
- 5.4 The design fails to offer high quality well designed housing that enhances the environment, creating a sense of place for the community.
- 5.5 Lack of distinctive character, identity or sense of place
- 5.6 The plot sizes are arbitrary, random and inefficient.
- 5.7 The public space is small and almost unusable.
- 5.8 Insufficient green space for the number of proposed dwellings.
- 5.9 The street conditions are vague with a lack of differentiation between parts of the site.
- 5.10 Increased density from the expected 100 dwellings on the site.

- 5.11 The proposals for 100 dwellings across part of the allocated site is contrary to the Local Development Plan.
- 5.12 The form of development falls short of the vision originally set out for the Western Gateway
- 5.13 Lack of green space and play parks.

Education Concerns

- 5.14 The application is vague and indecisive in relation to primary education provision.
- 5.15 A new school is needed in the area.

Flooding/Drainage Issues

- 5.16 Concerns regarding sewer capacity and adequate drainage
- 5.17 Concerns that the flood and drainage survey was not accurate.

Wildlife Issues and Environment Issues

- 5.18 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.
- 5.19 Concerns regarding the impact upon the trees.
- 5.20 Lack of green corridors for wildlife including red squirrels and deer.
- 5.21 No plans to plant new trees.

Transportation/Accessibility

- 5.22 The site offers only one vehicle connection and does not encourage walking to the village by ignoring direct routes.
- 5.23 Increased traffic in the area will be unsafe.
- 5.24 This will cause unacceptable levels of congestion at major access points, including the Swallow roundabout.
- 5.25 The site access is on a blind corner and will be unsafe

Other Concerns

- 5.26 Negative impact upon the residents of West Green Park.
- 5.27 Concerns regarding a footpath link to West Green Park and the use of private grounds.
- 5.28 The quietness and seclusion of the area will be lost.
- 5.29 Inadequate boundary fencing.
- 5.30 Adverse impact upon setting of Listed Building.
- 5.31 Light pollution affecting the residents of WGP.

- 5.32 Adverse impact upon privacy of existing residents.
- 5.33 If the development must go ahead it should contain a larger area of open space with no access to the private land of WGP.
- 5.34 Questioning the location of amenities including shops, medical facility and schools.
- 5.35 Legal and financial consequences of residents of the proposed dwellings using WGP grounds.
- 5.36 There are nearby brownfield sites which would be more appropriate.
- 5.37 Concerns regarding capacity of utilities in the area, including broadband.
- 5.38 One objector also raised concerns with the consultation carried out prior to the submission of the application.
- 5.39 Members will have had access to these letters and the issues raised are considered in the Observations section below.

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## 6 CONSULTATIONS

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- 6.1 **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.
- 6.2 **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. A suitable condition shall be attached in this regard if Members are minded to approve the application.
- 6.3 **BEAR** - have no objection to the proposed development.
- 6.4 **Historic Environment Scotland (HES)** - have no objection to the proposed development.
- 6.5 **Scottish Water** - have no objection to the proposed development.
- 6.6 **Angus Council** - have no objection to the proposed development.
- 6.7 **Perth and Kinross Council** - have no objection to the proposed development.
- 6.8 **Environment Department** - The Head of Environmental Protection has advised that the information submitted in relation to site contamination requires further risk assessment and that appropriate conditions shall be required to be attached to any grant of 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: Strategic Development Areas** – 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 **The proposal satisfies the requirements of Policy 4.**
- 7.4 **Policy 5: Housing** – 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.
- 7.5 **The proposal satisfies the requirements of Policy 5.**
- 7.6 **It is concluded from the foregoing that the proposal complies with the requirements of the Tayplan Strategic Development Plan.**

### **DUNDEE LOCAL DEVELOPMENT PLAN**

- 7.7 **Policy 7: High Quality Design** - 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.
- 7.8 The applicant has submitted a Design and Access 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.
- 7.9 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.



- 7.10 In order to safeguard the quality of development proposed the provision of pedestrian and vehicular infrastructure, finishing materials and landscaping shall be controlled by condition should members be minded to approve this application.
- 7.11 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.
- 7.12 **The proposals satisfy Policy 7.**
- 7.13 **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 delivery of the required 5 year supply of housing land has been established through the allocation of housing sites in Appendix 2 of the Local Development Plan.
- 7.14 The application site forms part of designated housing site H69 in Appendix 2 of the Local Development Plan.
- 7.15 In addition to allocating land for housing development 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 H69 designation is 100 residential units. The current application proposes 100 residential units on part of the allocated housing site. The proposed site layout plan demonstrates that further development of an additional 50 units on site H69 would satisfy the requirements of Policy 9 (Appendix 3) of the Local Development Plan also. This is in comparison to the indicative capacity and is an increase to the number of proposed units.
- 7.16 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.
- 7.17 **The proposal satisfies the requirements of Policy 8.**
- 7.18 **Policy 9: Design of New Housing** - states that 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.
- 7.19 Through compliance with Policy 7 of the Plan it has already been established that the proposal is of a high quality that will contribute to the character and identity of the city.
- 7.20 In addition to being of a high quality Policy 9 requires all housing proposals to satisfy the requirements of Appendix 3 of the Local Development Plan.
- 7.21 Appendix 3 states that within suburban areas of the city, 75% of houses should have 3 or more bedrooms or a minimum gross internal floor area of 100m<sup>2</sup>. Appendix 3 also states that private houses with 3 or more bedrooms should have at least 3 curtilage car parking spaces and an average private garden ground of 160m<sup>2</sup>. In terms of privacy new houses should have minimum of 18m between facing windows of habitable rooms. New houses should also be provided with sufficient space for bin storage.

- 7.22 The proposal involves the erection of a mixture of 4 and 5 bedroom houses. The average size of private gardens afforded to the proposed houses exceeds 230m<sup>2</sup> with none of the houses having private gardens that are less than 120m<sup>2</sup>. Each of the proposed houses will be afforded no less than 3 curtilage parking spaces. The houses have been purposely designed and positioned on the site to ensure that there is a minimum distance of 18m between facing windows of habitable rooms. In relation to the requirement for bin storage, the proposed plot layouts ensure that there is sufficient space within the curtilage of all dwellings for the provision of the required storage facilities.
- 7.23 **The proposed development satisfies the requirements of Appendix 3.**
- 7.24 **The proposals satisfy Policy 9.**
- 7.25 **Policy 19: Funding of On and Off Site Infrastructure Provision** - states that the Council where necessary and appropriate, will seek to secure developer contributions towards the cost of infrastructure provision both on and off site.
- 7.26 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 further developer contributions towards the cost of such infrastructure provision.
- 7.27 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.
- 7.28 **The proposals therefore satisfy the requirements of Policy 19.**
- 7.29 **Policy 29: Low and Zero Carbon Technology** - in New Development requires that, for specified developments, carbon emissions will be reduced by defined percentages through the installation and operation of zero-carbon generating technologies.
- 7.30 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.
- 7.31 **The proposal satisfies the requirements of Policy 29.**
- 7.32 **Policy 42: Sustainable Urban Drainage Systems** - requires surface water from new development to be treated by a sustainable urban drainage system designed to attenuate and treat surface water during a 1 in 200 years flood event.
- 7.33 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.
- 7.34 **The proposal satisfies the requirements of Policy 42.**

**7.35 Policy 45: Land Contamination 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."

7.36 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.

**7.37 Subject to those conditions, it is concluded that the proposal satisfies the requirements of Policy 45.**

**7.38 Policy 55: Accessibility of New Developments** - requires all development proposals that generate travel to be designed to be well served all modes of transport.

7.39 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. It is proposed to connect into the existing core paths in the area as much as possible.

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

**Pedestrian Linkages**

7.41 As part of the development of the first two Villages a new 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. This footway will ensure that the Liff Village development sites will be served by a continuous footway link from the A90(T) Kingsway along Dykes of Gray Road providing a suitable pedestrian access from the south.

**Cycle Network**

7.42 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.

**Public Transport Network**

7.43 It is proposed that new bus stops are provided on Dykes of Gray Road within the vicinity of the development site which will result in the vast majority of the residential units are within a 400m walk of a bus stop. The exact locations of the bus stops to serve the development site will be discussed and agreed. It is recognised that improved/new bus services will be required in order to serve Liff Village and to ensure that future residents will be within 400m of a public transport service.

7.44 Springfield will liaise with DCC public transport officers and local bus operators and discuss extending and rerouting services in order to serve Liff Village based on the phasing and completion/occupation of residential units.

### **Road Network**

- 7.45 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.
- 7.46 Increasing the number of residential properties in the area will increase the demands placed upon the Swallow roundabout. The submitted Transport Assessment 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.
- 7.47 **The proposal satisfies the requirements of Policy 55.**
- 7.48 **It is concluded from the foregoing that the proposal complies with the requirements of the Dundee Local Plan.**

### **STATUTORY DUTY**

- 7.49 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.
- 7.50 The proposed site is located in proximity to Gowrie House which is situated to north of the site within the grounds of the West Green Park development. The property is category B Listed and contains an attractive landscape setting. The sites are delineated by a hedge line and mature trees. The majority of the site is located over 40m away from the mutual boundary. As a result of the strong boundary treatment running along the southern edge of Gowrie House the proposals shall not impact upon the character or setting of the Listed Building.
- 7.51 The above statutory duties are therefore discharged.

### **OTHER MATERIAL CONSIDERATIONS**

#### **A - DEVELOPER CONTRIBUTIONS SUPPLEMENTARY GUIDANCE**

- 7.52 The Council Supplementary Guidance on Developer Contributions was published in December 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.
- 7.53 All greenfield residential developments in this area are required to contribute towards the provision of: flood protection and drainage facilities; the future construction of junction improvements at the Swallow Junction; the improvement works undertaken at Dykes of Gray Road and Green Infrastructure/Open space provision, enhancement of primary school provision.

- 7.54 The education appendix dealing specifically with this contribution highlights again that “within the Western Gateway there is a requirement to enhance primary school provision and options for this area currently being considered.”
- 7.55 The guidance confirms that there is capacity within the local catchment schools for additional primary school pupils at this time.
- 7.56 Notwithstanding this, the applicants are aware that there is demand for a school more local to the development area. It is also noted that depending on the level of growth that the Western Gateway generates in the long term, a new school may become a necessity.
- 7.57 The Developer Contributions document sets the payment as being £4,810 per unit which would mean that the developer would be required to pay a sum of £481,000 in respect of educational requirements to the Council. The developer is agreeable to this forming part of the developer contributions in this case.
- 7.58 As discussed in relation to Policy 19, the payments also relate to improvements to the surrounding road network and associated drainage infrastructure.

## **B - SUPPORTING STATEMENTS**

- 7.59 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.

## **C - VIEWS OF OBJECTORS**

### Design and Form Concerns

- 7.60 The design fails to offer high quality well designed housing that enhances the environment, creating a sense of place for the community.
- 7.61 Lack of distinctive character, identity or sense of place.
- 7.62 The plot sizes are arbitrary, random and inefficient.
- 7.63 The public space is small and almost unusable.
- 7.64 Insufficient green space for the number of proposed dwellings.
- 7.65 The street conditions are vague with a lack of differentiation between parts of the site.
- 7.66 Increased density from the expected 100 dwellings on the site.
- 7.67 The proposals for 100 dwellings across part of the allocated site is contrary to the Local Development Plan.
- 7.68 The form of development falls short of the vision originally set out for the Western Gateway.
- 7.69 Lack of green space and play parks.
- 7.70 Inadequate boundary fencing.
- 7.71 Adverse impact upon setting of Listed Building.

7.72 Adverse impact upon privacy of existing residents.

7.73 **Response:** the concerns of the objectors relating to the design and form of the proposed development have been addressed in the assessment of the proposal against the Development Plan above. It has been concluded that the form, layout and design of the proposed development is of a high quality that satisfies the aspirations of the Development Plan.

#### Education Concerns

7.74 The application is vague and indecisive in relation to primary education provision.

7.75 A new school is needed in the area.

7.76 **Response:** the issue of education provision has been discussed in relation to Policy 19 of the adopted Local Development Plan, the Supplementary Guidance on Developer Contributions 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 of a future primary school as and when required.

#### Flooding/Drainage Issues

7.77 Concerns regarding sewer capacity and adequate drainage.

7.78 Concerns that the flood and drainage survey was not accurate.

7.79 **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 in accordance with the advice from SEPA.

#### Wildlife Issues

7.80 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.

7.81 Concerns regarding the impact upon the trees.

7.82 Lack of green corridors for wildlife including red squirrels and deer.

7.83 No plans to plant new trees.

7.84 **Response:** an Ecology Report and Species Investigation Survey have been carried out in relation to the site and can be summarised as follows:

7.85 In relation to bats it was concluded that only a small number of bats use the site and no bats were seen to emerge from any of the trees during the bat emergence surveys. As the section of the woodland to be removed is small, there is not expected to be a detrimental effect on the local bat population. Gardens and the proposed SUDS pond will provide new habitats for bats to use for foraging.

7.86 In respect of red squirrels no drays were found in any of the trees to be felled but as eaten pine cones were found on the floor of the woodland, it is suggested that the squirrels may use the woodland belt for feeding. The woodland belt is not well connected to other woodland making it suboptimal for red squirrels.

- 7.87 In addition, a Tree Survey has been submitted to support the proposals. This includes information in relation to the impact upon amenity, protection of retained trees and an arboricultural method statement and construction document.
- 7.88 Details for replanting proposals and appropriate landscaping will be agreed with the applicant prior to the commencement of any development.
- 7.89 The information contained within these documents is considered to be acceptable. Conditions shall be attached to ensure that any work is carried out in accordance with the recommendations contained within the reports.

#### Transportation/Accessibility

- 7.90 The site offers only one vehicle connection and does not encourage walking to the village by ignoring direct routes.
- 7.91 Increased traffic in the area will be unsafe.
- 7.92 This will cause unacceptable levels of congestion at major access points, including the Swallow roundabout.
- 7.93 The site access is on a blind corner and will be unsafe.
- 7.94 **Response:** the supporting Transport Assessment considers the existing transport facilities and how these will serve the proposed development. The Assessment 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 Road on the approach to the Swallow Roundabout to improve the connectivity between the site 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 near to the site;
  - 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. The works associated with this have already been granted planning permission; 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.
- 7.95 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.
- 7.96 The figures within the Transport Assessment 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.

- 7.97 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.
- 7.98 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.

#### Other Concerns

- 7.99 Negative impact upon the residents of West Green Park.
- 7.100 Concerns regarding a footpath link to West Green Park and the use of private grounds.
- 7.101 The quietness and seclusion of the area will be lost.
- 7.102 Light pollution affecting the residents of WGP.
- 7.103 If the development must go ahead it should contain a larger area of open space with no access to the private land of WGP.
- 7.104 Questioning the location of amenities including shops, medical facility and schools.
- 7.105 Legal and financial consequences of residents of the proposed dwellings using WGP grounds.
- 7.106 There are nearby brownfield sites which would be more appropriate.
- 7.107 Concerns regarding capacity of utilities in the area including broadband.
- 7.108 **Response:** the application site has been zoned for housing development by successive Development Plans and has been the subject of several planning applications. The designation of the site for housing is indicative that there would some form of change to the existing character of the area. However, the impact of such changes will be minimised by the high quality layout, design and landscaping of the proposed housing development. This means that the secluded and quiet nature of the application site and adjoining West Green Park will be largely maintained with instances of disturbance during the construction phase of development. Through the formation and upgrading of existing pedestrian and vehicular access routes across the Western Gateway connections between the application site, adjoining properties and the rest of the city will be greatly enhanced.
- 7.109 In terms of utilities connection to the existing water, drainage, electricity and gas and networks are requirements of the Building (Scotland) Act 2005 and these matters will be pursued by the Developer through the building warrant process. In terms of connection to telecommunications networks and in particular broadband the Council is a partner in the Digital Scotland project which seeks to enhance exchange capacity to provide superfast broadband infrastructure across the city with speeds up to 24 megabits per second.



- 7.110 Concerns relating to the legal and financial consequences of residents of the proposed development using West Green Park grounds are not material planning considerations but rather civil matters between the objectors and the applicant. However, the proposed development includes a large village green area for use by the residents of the new houses and West Green Park.
- 7.111 In terms of light pollution the proposed development will not generate excessive amounts of light other than the soft glow of modern street lighting.
- 7.112 **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.**

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## 8 CONCLUSION

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- 8.1 The proposal complies with the Development Plan. There are material considerations that would justify the approval of planning permission. Therefore, it is recommended that planning permission be granted subject to a Section 75 Obligation and conditions.

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## 9 RECOMMENDATION

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### 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 to an education contribution and the infrastructure works carried out by the Council 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 road surfacing materials shall be submitted to the Council for approval in writing and thereafter implemented in full accordance with the agreed details.
  - 2 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.
  - 3 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.
  - 4 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.

- 5 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.
- 6 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.
- 7 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 Assessment (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.
- 8 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.
- 9 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.
- 10 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.
- 11 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.

- 12 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.
- 13 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.
- 14 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.
- 15 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.
- 16 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.
- 17 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.
- 18 PRIOR TO OCCUPATION OF THE 75th DWELLINGHOUSE, the applicant will upgrade the core path lying along the southern boundary of the development to the satisfaction of the Planning Authority. The upgrade work will require the path to be upgraded using well-built crushed stone; increased drainage and a raised, cambered path surface. The upgrade work will also include:
  - i reasonable access to utility company vehicles accessing the sub-station adjacent to the core path;
  - ii be suitable for walking, cycling, horse riding and motorised mobility scooters; and
  - iii be secure to prevent unauthorised access (subject to relevant statutory access rights).

## REASONS

- 1 In order to ensure the materials are of an acceptable standard.
- 2 In the interests of road and pedestrian safety.

- 3 In order to provide for public art in the interests of visual amenity and the appearance of the site.
- 4 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 5 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.
- 6 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.
- 7 To ensure that the improvements to the surrounding road network are carried out at the appropriate time.
- 8 In order to ensure the site is developed with due regard to any species on site.
- 9 In order to ensure that these are not detrimental to the amenity of the existing residents.
- 10 In order to ensure the site is fit for the purpose proposed.
- 11 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.
- 12 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.
- 13 To ensure that future maintenance of the surface water drainage system/SUDS features is considered.
- 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 adequate protection of the water environment from surface water run-off.
- 17 In order to ensure the site is fit for the purpose proposed.
- 18 To ensure adequate provision of facilities for current and future users of the core path network.