

Proposed Residential Development

KEY INFORMATION

Ward Lochee

Address

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

Applicant

NHS Tayside

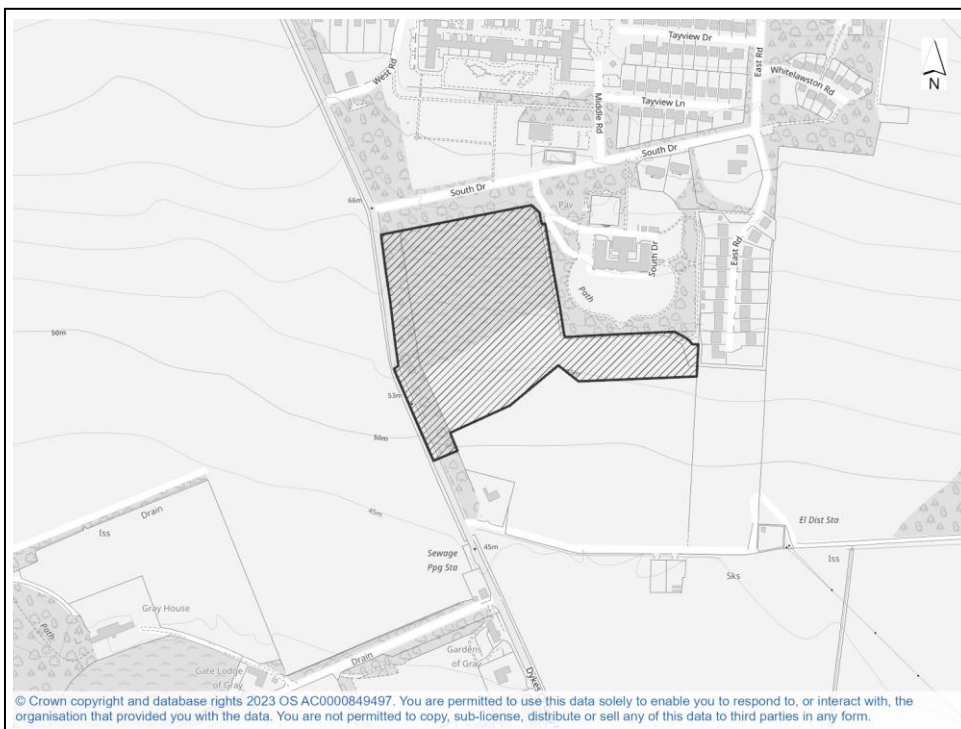
Agent

Adam McConaghy
Iceni Projects

Registered 13 April 2023

Report by Head of Planning & Economic Development

Contact: Craig Swankie



SUMMARY OF REPORT

- Planning Permission in Principle is sought for a residential development with associated landscaping, open space, access, infrastructure, and other associated works.
- The application site is largely within allocated housing site H42 as contained within the Dundee Local Development Plan 2019.
- An indicative layout plan has been submitted along with a detailed drainage layout. Landscaping, open space and access details are set out within the Design and Access Statement.
- The application is not fully in accordance with the requirements of the Development Plan.
- In total, 15 letters were received objecting to the proposal. The letters of objection raise concerns with the design, layout and impacts on the surrounding area, detrimental impact on the road and footpath network, lack of school provision and concerns regarding drainage and flood risk.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as, due to the site area, it is a Major development as identified in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.
- More details can be found at <https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=summary&keyVal=S0ZDRV/GCMUJ00>

RECOMMENDATION

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

1 DESCRIPTION OF PROPOSAL

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



Figure 1 – Indicative Site Layout

2 SITE DESCRIPTION

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



Figure 2 – View of Site from South



Figure 3 – View of Site from North Boundary

3 POLICY BACKGROUND

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

NATIONAL PLANNING FRAMEWORK 4 (NPF4)

Policy 1: Tackling the climate and nature crises

Policy 3a, 3b: Biodiversity

Policy 5b: Soils

Policy 6a: Forestry, Woodland and Trees

Policy 7o: Historic Assets and Places

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

Policy 12 a, c: Zero Waste

Policy 13b: Sustainable Transport

Policy 14 b: Design, quality and place

Policy 15 a: Local Living and 20-minute Neighbourhoods

Policy 16 a, b, e: Quality Homes

Policy 18b: Infrastructure

Policy 20b: Blue and Green Infrastructure

Policy 22c: Flood Risk and Water Management

Policy 23 d, e: Health and safety

DUNDEE LOCAL DEVELOPMENT PLAN 2019 (LDP)

Policy 1: High Quality Design and Placemaking

Policy 2: Public Art Contribution

Policy 9: Housing Land Release

Policy 10: Design of New Housing

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

Policy 34: Protected Species

Policy 35: Trees and Urban Woodland

Policy 36: Flood Risk Management

Policy 37: Sustainable Drainage Systems

Policy 39: Environmental Protection

Policy 40: Air Quality

Policy 41: Land Contamination

Policy 44: Waste Management Requirements for Development

Policy 46: Delivery of Heat Networks

Policy 48: Low and Zero Carbon Technology in New Development

Policy 52: Scheduled Monuments and Archaeological Sites

Policy 54: Safe and Sustainable Transport

Supplementary Guidance on Developer Contributions

NON-STATUTORY PLANNING GUIDANCE

Dundee Western Gateway Development Framework 2019.

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

4 SITE HISTORY

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

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

5 PUBLIC PARTICIPATION

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

6 CONSULTATIONS

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

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

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

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

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

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

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

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

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

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

7 DETERMINING ISSUES

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

THE DEVELOPMENT PLAN

The development plan consists of the National Planning Framework 4 (NPF4) and the Dundee Local Development Plan 2019 (LDP). The provisions of these Plans relevant to the determination of this application are specified in the Policy Background section above.

Principle of Development

7.2 **NPF4 Policy 9b: Brownfield, Vacant and Derelict Land and Empty Buildings** – states proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP. **LDP Policy 9: Housing Land Release** states priority will be given to the development of the allocated brownfield and greenfield sites. To ensure that an effective 5 year supply of housing land is

maintained over the plan period the sites allocated in Appendix 3 shall not be developed for other uses.

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

only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:

- i. a higher contribution is justified by evidence of need, or
- ii. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.

The contribution is to be provided in accordance with local policy or guidance.

- 7.16 In this case the applicant has not indicated whether the housing would be affordable housing or mainstream market housing. With regard to affordable housing, there is no requirement within the Dundee Local Development Plan 2019 or Developer Contributions Supplementary Guidance for housing developments to make provision for affordable homes. The approach to the provision of affordable housing in Dundee is through the Council working in partnership with Registered Social Landlords and the Scottish Government to deliver affordable housing through the allocation of grant funding (the Affordable Housing Supply Programme). The approach has enabled the delivery of affordable housing in the city without impacting on the viability of private housing development.
- 7.17 As there is no current requirement in the Dundee Local Development Plan 2019 for housing developments to provide or contribute towards the provision of affordable homes it is not necessary in this case to require this development to include any element of affordable homes or contribute towards provision.

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

Design of New Housing

- 7.19 **NPF4 Policy 14b: Design, Quality and Place** - states development proposals will be supported where they are consistent with the 6 qualities of successful places: Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable.
- 7.20 **LDP Policy 1: High Quality Design and Placemaking** - states all development proposals should follow a design-led approach to sustainable, high quality placemaking. Development should contribute positively to the quality of the surrounding built and natural environment and should be planned and designed with reference to climate change mitigation and adaptation. The design and siting of development should respect the character and amenity of the place, create a sense of community and identity, enhance connectivity and incorporate creative approaches to urban design, landscaping and green infrastructure, appropriate to the local context and the scale and nature of the development. New development will be required to meet the six qualities of successful place in accordance with the guidance provided in Appendix 1.
- 7.21 **LDP Policy 10: Design of New Housing** - requires the design and layout of new housing developments in Dundee to be of a high quality and contribute to creating places that respect and enhance the distinct character and identity of the different parts of the city. All new housing developments should meet the six qualities of successful place, as set out in Policy 1 and should provide a balanced choice and type of housing. All new housing developments will be required to conform to the guidance on the Design of New Housing set out in Appendix 4. All new housing developments will need to ensure that the design and layout respects and enhances the character of adjoining properties and the surrounding area and does not have a detrimental impact on residential amenity and parking.

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

Transportation and Local Living

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

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

7.33 **LDP Policy 54: Safe and Sustainable Transport** - states all development proposals that generate travel should be designed to be well served by all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be afforded priority and provide for easy access to local amenities, education facilities and other services. Development proposals will be required to:

- 1 minimise the need to travel by private car;
- 2 provide facilities on-site (and/or off-site through developer contributions or by direct delivery) for walking, cycling and public transport networks, including road/ junction improvements and cycle parking. Developments without high quality, safe and convenient links to adjacent walking and cycling networks will not be supported;
- 3 incorporate measures to permit access to public transport networks within a walking distance of no more than 400 metres from all parts of the development;
- 4 have no detrimental effect on the capacity or safe functioning of the existing road or rail networks;
- 5 ensure that safe and adequate provision is made for road freight and waste access, loading and unloading;
- 6 comply with the National Roads Development Guide and any local variations within Dundee City Council's roads design standards; and
- 7 be supported by a Travel Plan to mitigate transport impacts and improve the accessibility of developments where the council considers that the development will generate significant travel.

Walking and cycling routes should be fully useable prior to the first occupation of a new development.

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

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

Climate Change

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

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

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

Biodiversity and Soils

- 7.57 **NPF4 Policy 3a: Biodiversity** - states that development proposals will contribute to the enhancement of biodiversity in line with the mitigation hierarchy. The supporting text to the policy states that proposals should promote nature recovery and nature restoration across the development plan area, including by: facilitating the creation of nature networks and strengthening connections between them to support improved ecological connectivity; restoring degraded habitats or creating new habitats; and incorporating measures to increase biodiversity, including populations of priority species.
- 7.58 **NPF4 Policy 3b: Biodiversity** - states development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
- i the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
 - ii wherever feasible, nature-based solutions have been integrated and made best use of;
 - iii an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
 - iv significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and
 - v local community benefits of the biodiversity and/or nature networks have been considered.
- 7.59 **LDP Policy 34: Protected Species** - states proposals which are likely to have a significant effect on a European protected species will not be supported unless:
- 1 there is no satisfactory alternative; and
 - 2 the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature or which have beneficial consequences of primary importance for the environment.

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

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

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

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

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

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

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

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

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

Sustainable Drainage Provision and Flood Risk

7.71 **NPF4 Policy 20b: Blue and Green Infrastructure** - states development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported. Where appropriate, this will be an integral element of the design that responds to local circumstances. Design will take account of existing provision, new requirements and network connections (identified in relevant strategies such as the Open Space Strategies) to ensure the proposed blue and/or green infrastructure is of an appropriate type(s), quantity, quality and accessibility and is designed to be multi-functional and well-integrated into the overall proposals.

7.72 **LDP Policy 37: Sustainable Drainage Systems** - states surface water discharging to the water environment from new development must be treated by a Sustainable Drainage System (SuDS) except for single houses or where discharge is to coastal waters. SuDS should be designed so that the water level during a 1 in 200-year rainstorm event plus allowances for climate change and future urban expansion is at least 600mm below finished floor levels. This incorporates an allowance for the effect of climate change. In addition, proposals will be encouraged to adopt an ecological approach to surface water management, ensure an appropriate level of treatment and exploit opportunities for the system to form an integral part of the Dundee Green Network through habitat creation or enhancement through measures such as the formulation of wetlands or ponds. Proposals should have no detrimental impact on the ecological quality of the water environment.

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

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

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

- 7.74 **LDP Policy 36: Flood Risk Management** - states that areas with a 1 in 1000 to 1 in 200-year annual probability of flooding will be suitable for most development. A flood risk assessment may be required at the upper end of the probability range or where the nature of the development or local circumstances indicates heightened risk. These areas are generally not suitable for essential civil infrastructure. Where such infrastructure must be located in these areas, it should be capable of remaining operational and accessible during extreme flooding event.
- 7.75 Scottish Water has confirmed that there is capacity in its network for this development.
- 7.76 The potential for flood risk was considered as part of the local development plan housing site allocation process and it was concluded that the site could be developed without risk to or from flooding. As part of the application a proposed drainage layout and calculations have been provided. The applicant states the proposals would be able to address the requirements of Policy 20b through the provision of a SUDS pond within the south of the site and associated infrastructure.
- 7.77 Further information is required at the detailed design stage in terms of how the final detailed housing development will affect overland drainage flows; how surface water will be diverted into existing watercourses; further assessment of the water course; and details of proposed SUDS features. This information can be required by condition requiring these matters to be the subject of a further application for the approval of matters specified in conditions. Therefore, the proposals can comply with these policies.
- 7.78 **Subject to a planning condition requiring the submission of further details the proposal can satisfy Policies 20b and 22c of NPF4 and Policies 36 and 37 of the LDP.**

Environmental Health and Ground Contamination

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

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

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

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

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

Archaeology

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

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

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

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

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

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

Developer Contributions

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

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

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

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

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

Education Provision

7.100 The Supplementary Guidance states that within the Western Gateway there is a requirement to enhance primary school provision and options for this are currently being considered.

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

Dykes of Gray Road Improvements

7.102 The Council has already front funded and undertaken the required improvements to Dykes of Gray Road to facilitate the development of housing in this area. In line with the Supplementary Guidance for Developer Contributions, the Council will recover the costs of these works from developers. The applicant is therefore required to make a financial contribution towards the road improvements in accordance with the provisions of the Supplementary Guidance.

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

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

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

MATERIAL CONSIDERATIONS

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

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

- 7.107 The proposed development would occupy an area of prime agricultural land, contrary to Policy 5b: Soils of National Planning Framework 4. The proposal does not meet any of the exceptions to the policy.
- 7.108 The site is owned by NHS Tayside and it is understood that it has not been actively used for agriculture for several years. It is currently covered in rough unkept grassland.
- 7.109 The policy assessment within this report confirms that the principle of housing development on this land is accepted, subject to further approval of detailed design matters. This is due to the main part of the site being an allocated greenfield housing site within the Dundee Local Development Plan 2019. The small part of the site that falls outside of the allocated site boundary is due to the adjoining site to the south being developed for housing under 15/00410/FULM relatively detached from any other agricultural land and is unlikely to be practical to bring back into agricultural use.
- 7.110 The development of a site of this size would not have any significant impact on the availability of prime agricultural land within the local area.
- 7.111 These are material considerations which support the approval of the proposal contrary to the requirements of NPF4 Policy 9b.
- 7.112 With regard to Policy 16b, this application for planning permission in principle has not been accompanied by a Statement of Community Benefit. The statement is required to explain the contribution of the proposed development to:
- i meeting local housing requirements, including affordable homes;
 - ii providing or enhancing local infrastructure, facilities and services; and
 - iii improving the residential amenity of the surrounding area.
- 7.113 Again, it is noted that the principle of housing development on this land is accepted, subject to further approval of detailed design matters. The allocated housing site forms part of the Dundee Local Development Plan 2019 strategy to encourage housing development of mixed type and tenure across the city and in areas that would create well designed, new and enhanced neighbourhoods that contain or provide access to services, amenities and employment opportunities.
- 7.114 Although no statement has been submitted, it is considered in this case that the development can meet local housing requirements; through the proposed planning obligation secure financial contributions towards local infrastructure; and through subsequent applications for matters specified in conditions ensure that the development does not detract from the residential amenity of the surrounding area. These outcomes are broadly in line with the requirements of Policy 16b.
- 7.115 These are material considerations which support the approval of the proposal contrary to the requirements of NPF4 Policy 16b.

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

B – REPRESENTATIONS

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

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

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

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

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

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

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

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

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

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

8 CONCLUSION

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

9 RECOMMENDATION

Recommendation 1

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

Recommendation 2

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

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

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

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

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

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

The scheme shall be supported by an updated Arboricultural Report.

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

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

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

- 4 **Condition** – no development shall take place unless there has been submitted to and approved in writing by the Planning Authority a Matters Specified in Conditions application including a Preliminary Ecological Assessment and associated surveys. The Assessment shall include a scheme of features or measures to conserve, restore and enhance biodiversity, such as those measures set out in the NatureScot Developing with Nature guidance.

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

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

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

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

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

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

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

- 7 **Condition** – no development shall take place unless there has been submitted to and approved in writing by the Planning Authority a Matters Specified in Conditions application including a detailed surface water drainage/ SUDS design including drawings, calculations, full modelling, simulation results, design risk assessment, signed Dundee City Council Design Compliance and Independent Check Certification, evidence of compliance with the Simple Index Approach as described in section 26.7.1 of the CIRIA SUDS Manual (C753), and where appropriate SEPA comments.

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

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

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

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

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

Reason - in the interests of protecting residential amenity.

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

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

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

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

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

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

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

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

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

Reason - in the interest of sustainable waste management.

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

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

- 16 **Condition** - no development shall take place unless there has been submitted to and approved in writing by the Planning Authority a Matters Specified in Conditions application including a residential travel pack. The residential travel pack shall identify details of different travel options available in the area in order to discourage the use of the private car. The approved travel pack shall be supplied to the occupants of every residential unit on occupation.

Reason - in the interests of promoting sustainable transport.

Informative(s)

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