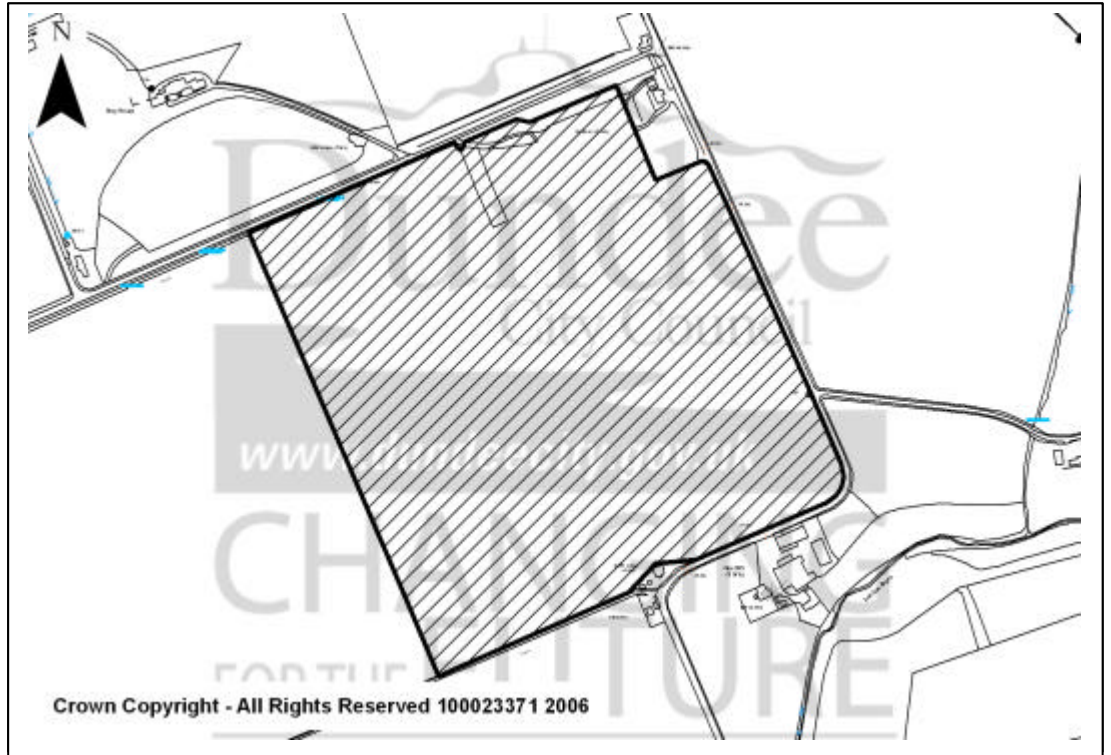


**KEY INFORMATION****Ward** Strathmartine**Proposal**

Erection of 230 dwellings with associated landscaping access and infrastructure

**Address**South Gray Villages  
Dykes of Gray Road  
Dundee**Applicant**Gladedale Ltd  
c/o Farningham McCreddie  
Partnership  
White Young Green Planning  
4 Chester Street  
Edinburgh EH3 7RA**Agent**Farningham McCreddie  
Partnership  
White Young Green Planning  
4 Chester Street  
Edinburgh EH3 7RA**Registered** 20 Dec 2006**Case Officer** Eve Jones

# New Village Proposed in Western Gateway

The development of 230 dwellings with associated landscaping access is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

## SUMMARY OF REPORT

- Planning permission is sought for the erection of 230 dwellings with associated landscaping, access and infrastructure on a 20.73ha site (51.2 acres). There is a village core with terraced houses and flats around a central village green. A shop is proposed in the ground floor of one block facing the green.
- There are 194 detached houses which comprise 16 different house types and provide 9 x 3 bedrooms; 127 x 4 bedrooms and 58 x 5 bedrooms. The floor areas range between 90m<sup>2</sup> and 247m<sup>2</sup>.
- The village core comprises 36 properties; 21 terraced houses with 3 and 4 bedrooms and 15 flats providing 2 and 3 bedrooms. The flats form 3 corner blocks and the upper floor above the pends which provide access to the rear of the terraced houses. There is also a flat above the proposed shop.
- All of the detached houses have a minimum of 2 parking spaces and only 22 of the 194 detached houses have a single garage, whilst the remainder have a double garage, either integral to the house or detached, dependant upon the house type.
- The site will have 2 road accessed to Dykes of Gray Road and the road network will provide for access by bus. Surface water drainage includes a detention basin at the south west corner of the site which will then drain to the Lochee Burn.
- The development has approximately 15 acres of public open space comprising open grass areas and informal woodland, 29% of the gross area of the site.
- The developer has agreed to contribute to the provision of infrastructure which will enable the development to take place including road improvements, improvements to Swallow junction, education provision and a recreation area. Phasing and the maintenance of open space will also be agreed. All will be the subject of a detailed Section 75 legal agreement between the City Council, the developer and all interested parties.

**RECOMMENDATION**

The application complies with the Dundee Angus Structure Plan and the Dundee Local Plan Review 2005. The objections are not supported. The applicant has agreed to enter into a Section 75 legal agreement in respect of the provision of infrastructure and subject to that agreement, the application is Recommended for APPROVAL subject to conditions.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of 230 dwellings with associated landscaping, access and infrastructure on a 20.73ha site (51.2 acres). This comprises Village 2, South Gray Village in the Western Gateway. There is a village core with terraced houses and flats around a central village green. A shop is proposed in the ground floor of one block facing the green.

The development will comprise the following:

194 detached houses providing the following accommodation:

- 9 x 3 bedrooms;
- 127 x 4 bedrooms; and
- 58 x 5 bedrooms.

Within these 194 houses there are 16 different house types with floor areas ranging between 90m<sup>2</sup> and 247m<sup>2</sup>.

The village core comprises 36 properties.

21 terraced houses with 3 and 4 bedrooms.

15 flats providing 2 and 3 bedrooms.

The flats form 3 corner blocks and the upper floor above the pends which provide access to the rear of the terraced houses. There is also a flat above the proposed shop.

All of the detached houses have a minimum of 2 parking spaces and only 22 of the 194 detached houses have a single garage, whilst the remainder have a double garage, either integral to the house or detached, dependant upon the house type.

The site will have 2 road accessed to Dykes of Gray Road and the road network will provide for access by bus. Surface water drainage will be catered for by a Sustainable Drainage system which includes a detention basin at the south west corner of the site which will then drain to the Lochee Burn.

The development has approximately 15 acres of public open space comprising open grass areas and informal woodland. This is

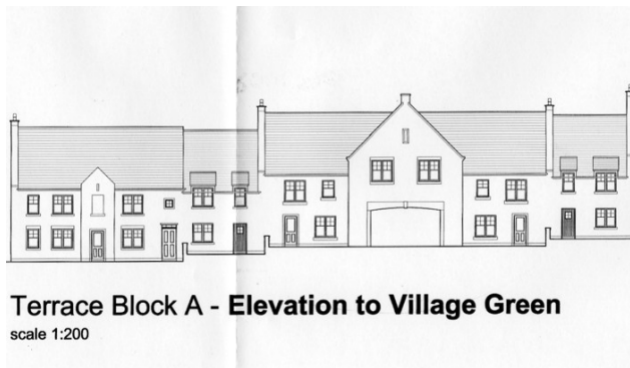
approximately 29% of the gross area of the site.

The development also makes provision for footpaths through the site with linkages to other development sites to the north-east and south to allow the development of an integrated path system.



The developer has agreed to contribute to the provision of infrastructure which will enable the development to take place as follows:

Dykes of Gray Road - the road requires to be upgraded to serve the three villages identified in the Dundee



Local Plan Review and this will be undertaken by the City Council. Financial contributions by the developers will be made on the basis of the number of houses built in each village.

Similarly, the Swallow Roundabout where Dykes of Gray Road meet the trunk road system will require upgrading when a specified number of houses have been built. The developers of each village will also make financial contributions to the construction costs of these works.

Education - a specific contribution will be required for each house completed and this will be used for education provision for the new development. A potential site for a school between Village 1 and Village 2 will be protected, if required in the future.

Recreation and Leisure - a site to the south of the proposed village will be identified for the provision of a play area and sports pitch which will be provided by contributions from the developers of all of the three villages in the Western Gateway.

The phasing of the development both within the village and relative to the off site road improvements; the maintenance of open space and the maintenance of the drainage channel will also require to be agreed with the developer and interested parties.

All of these matters will be the subject of a detailed Section 75 legal agreement between the City Council, the developer and all interested parties.

Supporting statements and information have been submitted on archaeology; trees; noise and vibration impact and the proposed development mix.

The site layout as originally submitted proposed a paddock area of open space at the north east corner of the site but the proposed 230 houses was to be developed within the remainder of the available land. The layout has been amended to incorporate that land within the development without any increase in the total number of houses. This results in a lower density with a resulting increase in the quality of the development.

## SITE DESCRIPTION

The site is broadly square, lying on the west side of Dykes of Gray road. It is bounded on the north by Gray Walk which leads to the House of Gray; to the west by open farmland and to the south by Dykes of Gray road between the double bends and the track which goes westwards from Dykes of Gray road at South Lodge of Gray.

The site area is 51.2 acres (20.73 hectares) of which 36.2 acres (14.66 ha) comprises the net development area with 15 acres (6.07 ha) of open space, tree belts and drainage facilities.

The site slopes gently down from north east to south west and is currently under cultivation.

Houses abut the site at Gardens of Gray to the north east where an additional new property has been built in the large grounds of the original house and to the south where Westview lies between the development site and the road. There are 4 other private houses close to the site, the remainder of the surrounding land is farmland.

To the south, beyond the electricity pylons lies the site of Village 1 and to the north east, south of the former Liff Hospital, lies the remaining field to be developed as part of Village 3.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

A key objective of the approved Dundee and Angus Structure Plan is "provision for integrated mixed use development west of Dundee capitalising on unique locational strategic advantages and linked brownfield/greenfield opportunities". (Paragraph 2.22).

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

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

- "this general location offers potential for a range of housing opportunities and environments including the sensitive reuse of significant redundant premises;
- it affords good access to the City Centre enabling the development of public transport provision; and

- it secures the opening up of a prime area of employment land, accessible to the Central Belt and competitive at an international level."

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

In this regard, Schedule 1 provides for an additional 1150 No dwellings in the Dundee Western Gateway during the period 2001-2016. This allocation provides for 750 No dwellings between 2001-2011 and 400 No dwellings between 2011-2016 (subject to review).

Transport Policy 4: Development Location.

Environmental Resources Policy 4: Flooding and Development/

Environmental Resources Policy 7: Agricultural Land/

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

### Dundee Local Plan 2005

Policy 3A Housing Proposals and Appendix 3 H70 Dundee Western Villages.

Policy 4 requires new housing development to conform to the standards and guidance set out in Appendix 1, with qualitative guidance provided in the Dundee Urban Design Guide.

Policy 5 Open Space Provision as part of New Housing Developments

Policy 8 Local Facilities Provision in Major New Housing Developments.

Policy 20 Funding On and off Site Infrastructure Facilities.

Policy 56 Public Art.

Policy 67 - Open Space Maintenance.

Policy 75 requires that all "development proposals must be

accompanied by a Sustainable Drainage Scheme".

Policy 81 Pedestrians

Policy 82 Cycling Facilities

Policy 83 Bus Transport

Policy 88 Residential parking.

## Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

SPP3: Planning for Housing - the SPP states that "in meeting the requirements of housing markets across Scotland, planning authorities and housing providers should work more closely together to:

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

SPP7: Planning and Flooding - the SPP requires that new developments should not be at risk of flooding or materially increase the risk of flooding elsewhere. Drainage measures should be subject to consultation with Scottish Water and SEPA where appropriate. Surface water run-off should be dealt with by sustainable drainage systems.

SPP17: Planning for Transport

The SPP advises that the impact of development proposals should not compromise the safety or efficiency of transport networks; should facilitate access by public transport and enable access by walking and cycling. With regard to delivery of transport infrastructure, the SPP notes that infrastructure may be funded from various public and private sources including developer contributions.

The Scottish Government's 'Designing Places' A Policy Statement for Scotland 2001 clearly states that design is a material consideration in determining planning applications. In this regard, Designing Places sets out the policy context for important areas of planning policy, design guidance and professional practice and acknowledges that "successful design is a matter of balancing interests and opportunities in the way that is right for the particular place" (Page 33)

PAN44: Fitting New Housing Development into the Landscape - Planning Advice Note 44 provides further Government advice relating to successfully absorbing new development into the landscape. This should take into account the shape, layout and form of the development and its impact on the surrounding area; the choice of materials; respect for the local environment and landscape setting and the visual impact as seen from major routes.

PAN61: Planning and Sustainable Urban Drainage Systems - the PAN states that planning policy should set the framework for the provision of Sustainable Urban Drainage Systems (SUDS) in Local and Structure Plans and in master planning exercises.

PAN67: Housing Quality - the PAN seeks to ensure that every development is planned as part of a place that does more than just house people, a place that has a distinct identity.

### Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application.

### SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

### SITE HISTORY

There have been a number of applications for development in the Western Gateway. The most relevant are:

02/00820/OUT Outline application for residential and business development on a larger site which includes this application site. This application is yet to be determined.

03/00618/FUL Application for erection of 270 houses and residential nursing home on land to the south of this site to form Village 1, Swallow Village. The application was approved by the Development Quality Committee on 27 October 2003, subject to a Section 75 agreement.

04/00622/FUL Application for the redevelopment of former Royal Dundee Liff Hospital comprising conversion of listed buildings and new build housing to form part of Village 3

of the Western Gateway. The application was approved by Development Quality Committee on 28 March 2005 subject to a Section 75 agreement. The majority of the listed buildings have been converted and construction of the new build housing is underway.

Associated applications which form part of the development of this village are also considered elsewhere on this agenda as follows:

07/00190/FUL - Engineering works for Surface Water Outfall at South Gray Village and 07/00442/LBC - Demolition of New Mill of Gray Bridge, Dykes of Gray Road, Dundee.

### PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and three objections were received from local residents on the following grounds:

Too dense; impact on neighbours; access, road capacity and road safety issues; lack of public transport provision; education; drainage; materials and landscaping; light and noise pollution; loss of privacy; lack of facilities.

One representation was received from a local resident seeking assurances that the paths would be available for all users including horses.

One letter of support was received from Dundee Civic Trust which was in favour of the development but concerned about the capacity of the road network.

### CONSULTATIONS

Angus Council comments that the development is consistent with the approved Dundee and Angus Structure Plan and appears to conform with the Local Plan. The Council has no objections to the proposal.

Historic Scotland expressed concern that the development layout does not respect the setting of the House of Gray and sought measures to rearrange the areas of open space to mitigate the impact of the proposed development. New planting should be of patterns, scale and species which are appropriate and sympathetic to the character of the setting.

Scottish Natural Heritage does not object to the development and notes

that the development will follow details in the Local Plan regarding tree planting and the provision of paths. Use of native species is encouraged in the landscaping proposals.

Kingsway West Community Council objects to the application and requests additional information. The main objections relate to design and layout; materials; provision of flats; boundary treatments; public transport; road safety; paths; flooding and drainage provision; impact on amenity of neighbours and impact on Gray Walk. The Community Council was advised that revised proposals had been submitted but no further communication has been received.

### OBSERVATIONS

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

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

### The Development Plan

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

A key objective of the approved Dundee and Angus Structure Plan is "provision for integrated mixed use development west of Dundee capitalising on unique locational strategic advantages and linked brownfield/greenfield opportunities" (Paragraph 2.22). This strategy also complies with NPPG17 Transport and Planning.

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

In this regard, Paragraph 2.27 recognises the strategic opportunity provided by the Dundee Western



Gateway to create a high quality mixed use development stating that:

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

In accordance with the development strategy outlined above, Housing Policy 3 states that "within the Dundee Western Gateway the scale and phasing of allocations should be in accordance with Schedule 1, which provides for an additional 1150 No dwellings in the Dundee Western Gateway during the period 2001-2016.

This allocation provides for 750 No dwellings between 2001-2011 and 400 No dwellings between 2011-2016 (subject to review). The proposal for 230 houses at South Gray Village complies with the schedule and the Report of Survey Appendix 1: Dundee Western Gateway Concept Plan. The allocation also complies with the terms of SPP3 Planning for Housing.

In promoting housing development for the Western Gateway the Plan evaluated options and favoured an approach, which does not concentrate development in a single location but which accommodates development in "pockets" (or discrete villages) within a landscaped setting. These housing areas would be supported by appropriate community facilities, accessible by a range of means of transport and linked to nearby employment areas to ensure the creation of sustainable communities compatible with Structure Plan Transport Policy 4.

### Dundee Local Plan Review 2005

The Plan states that "Enhancing Dundee's role as a strong Regional Centre demands the availability of quality living environments that can attract and retain people in the City." Part of this strategy is to "focus additional greenfield housing land release in the Dundee Western Gateway area".

Policy 3A Housing Proposals states that sites identified in Appendix 3 are reserved for housing and the maximum site capacities of the greenfield allocations are stated in order to ensure that the limits on land release as contained in the Structure Plan are not exceeded.

Appendix 3 - H70 - Dundee Western Villages identifies sites on the Proposals Map for the development of 750 houses in three villages. The Map suggests an indicative capacity of 230 No units for South Gray Village and states that development should conform to the standards for Village housing contained in Appendix 1. "Each village must be set within a high quality landscape framework with substantial tree planting to provide containment, shelter and an attractive setting. It notes that developer contributions will be required towards a range of physical and community infrastructure including; education; improvements to Swallow junction; improvement of the local road network; public open space; improvements to sewerage and water supply and the use of sustainable urban drainage systems to manage surface water. These matters will be the subject of a Section 75 legal agreement.

Policy 4 requires new housing development to conform to the standards and guidance set out in Appendix 1, with qualitative guidance provided in the Dundee Urban Design Guide.

The appendix identifies average minimum living areas in order to allow some variation in the size of properties to increase choice for purchasers.

With regard to the majority of the houses (194), the development provides 30,586m<sup>2</sup> of living space, an average of 157m<sup>2</sup> which exceeds the policy minimum of 150m<sup>2</sup>.

The proposed layout seeks to create a village centre by the provision of three terraces of non-standard design houses with some flats forming corner blocks. These units total 36 out of a development of 230 dwellings. 15 of the 21 terraced houses, which have 3 or 4 bedrooms, provide more than 100m<sup>2</sup> of living space. The 15 x 2 bedroom flats provide almost 70m<sup>2</sup> of space. It is considered that this minor variation, which has been designed in order to achieve the village green enclosure, does not constitute a significant departure from the requirements of the Policy and is acceptable.

The policy also identifies minimum private garden area of 180m<sup>2</sup>. The village core as detailed above, has 36

non standard dwellings to create the enclosure around the village green and this specially designed layout cannot easily accommodate this level of garden provision. A further 21 properties have gardens below the 180m<sup>2</sup> minimum but above the 120m<sup>2</sup> which is the standard elsewhere in the suburban area. These smaller gardens are for the smaller houses and this provides further choice for consumers. However as noted above, 29% of the site area is not developed and there are several large areas of open space for use by residents. It is considered that the large majority of the houses meet the standards and the village centre can be treated as an acceptable departure from the standards in order to create the enclosure around the village green.

The parking standards of a minimum of 2 spaces are met with a mixture of detached and integral garages according to house type. The use of detached garages with longer driveways will reduce the visual impact of cars and provide separation between properties.

It is concluded that the proposals comply with Policy 4.

Policy 5 Open Space Provision as part of New Housing Developments. The site has several large areas of open space and woodland, which will be available for informal leisure use. An integrated network of paths will link this village to the other settlements in the Western Gateway and beyond. The developer will also, as part of the Section 75, make contributions towards the provision of a recreation area to the south of this village which will comprise a 7-a-side football pitch and a children's' play area. It is considered that the proposals comply with Policy 5.

Policy 8 Local Facilities Provision in Major New Housing Developments. The policy requires prior provision for local shopping and, where appropriate, other community facilities. The proposed development includes a shop at the south west corner of the village green with parking space to the front and a serviced yard to the rear. As noted above, the developer will also contribute towards the provision of a football pitch and play area. It is considered that the proposals comply with Policy 8.

Policy 20 states that where necessary, the City Council will seek to secure developer contributions towards the cost of infrastructure both on and off the site. This is detailed at the start of the report and will form the Heads of Agreement for the proposed Section 75 agreement. The proposal complies with Policy 20.

The Council will seek new public art within the development in accordance with Policy 56 - Public Art.

Policy 65 - Archaeological Sites.

The policy requires an assessment to be carried out where any proposal could affect a site of known or potential archaeological importance. An acceptable assessment has been submitted by consultants on behalf of the applicant.

Policy 67 - Open Space Maintenance. As noted above, 29% of the gross site area is open space including woodland and drainage infrastructure. Maintenance of these areas will require to be carried out in accordance with an agreed programme and will be included in the Section 75 agreement.

Policy 72 - Trees and Urban Woodland. The northern boundary of the site has a wooded margin which adjoins the area covered by Tree Preservation Order No 1/1975. A Tree Survey has been submitted in accordance with the requirements of British Standard 5837 which covers the whole of the woodland belt on both sides of Gray Walk. Therefore this survey includes trees which are not within this development site but may be affected by it. 252 trees were individually surveyed. 4 trees within the development site are recommended for removal because of their condition and a further 1 tree, which is in poor condition, is proposed to be removed to improve the garden ground in one plot. A substantial area of new planting is proposed and it is considered that the proposals comply with Policy 72.

Policy 75 requires that all "development proposals must be accompanied by a Sustainable Drainage Scheme". This has been discussed and agreed and complies with SPP7 and PAN61.

Policy 81 Pedestrians and Policy 82 Cycling Facilities. The development proposes safe pedestrian routes through the site with links to adjoining

sites which will provide a safe environment for pedestrians and cyclists. Policy 83 Bus Transport. A site for a bus stop has been identified on the edge of the site, accessible from the path network. There is an acceptable route through the site for buses and a site has been identified for a bus shelter at the village green. These policies comply with SPP17.

Policy 88 Residential parking. The development provides parking in excess of the minimum required.

It is concluded that the proposed development complies with the policies of the Dundee Local Plan Review 2005.

Scottish Planning Policies and Planning Advice Notes. As noted throughout the text, the proposed development complies with the relevant advice and guidance with regard to the selection of the site, the scale and design of the new housing and the creation of a high quality residential environment.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

## Other Material Considerations

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

## Response from Consultees

### Historic Scotland

The Memorandum of Guidance on Listed Buildings and Conservation Areas states that planning authorities must have regard to the effect of development on the setting of any listed building. Historic Scotland expressed concern that the development layout does not respect the setting of the House of Gray and sought measures to rearrange the areas of open space to mitigate the impact of the proposed development.

It is considered that the layout of the development with a formal tree lined avenue on the west terminating in a crescent of large detached houses around open space, facing towards House of Gray, does respect the setting and focuses attention on the listed building.

Kingsway West Community Council objected to the application and requested additional information. The Community Council was advised that

revised proposals had been submitted but no further communication has been received. The main objections relate to:

Design and layout - the original layout did not use all of the allocated site and the Community Council questioned the density of development which resulted. The layout has been revised following discussions with officers and the submitted layout now uses the full area of the site for the same number of houses, creates an identifiable centre to the village with non-standard terraced properties surrounding the village green to create a sense of place and a focus of the community.

Materials - a palette of materials has been proposed which provides variety. The buildings around the village green and the primary routes present a high quality of design and materials.

Provision of flats - as detailed, the flats form the corners features to the designed centre of the settlement. This creates a sense of enclosure to the village green which could not be achieved by conventional detached houses.

Boundary treatments - a range of boundary treatments will be used to create variety with boundary walls being located at key points to create enclosure to certain streets.

Public transport - the layout will accommodate public transport and sites for bus stops have been identified.

Road safety - a Road Safety Audit will be required to be approved as part of the development. The current layout has been amended with detailed input from senior engineers. Improvements to Dykes of Gray road will require to be carried out before construction can commence.

Paths - a network of paths forms part of the development and each developer in the 3 villages will be required to ensure that the paths link together as part of the proposed Section 75 legal agreement.

Flooding and drainage provision - an acceptable drainage system is proposed which will require to be approved by Scottish Water.

Impact on amenity of neighbours - Three houses directly adjoin the site. The nearest house to the south is 20 metres away from the new development and is separated from it

by a footpath. To the north east, the nearest house is more than 30 metres away. The privacy distance in the remainder of the City is 18 metres. The other neighbouring properties are located on the north side of Gray Walk, screened by trees.

The principle of the development of this site has been the subject of previous consultation and has been established by the Dundee Local Plan Review.

Impact on Gray Walk - no vehicle access is proposed to Gray Walk. This is a private road which is under the control of the landowner.

It is considered that many of the points raised in the Community Council's response have been addressed in the latest revised layout and in the wide ranging issues to be the subject of the Section 75 legal agreement with the developer. The objection is not supported.

## Objections

Three objections were received from local residents on the following grounds:

Too dense - the site is allocated for the development of 230 houses in the Dundee Local Plan Review and complies with the increased standards for development in the villages. 29% of the gross area of the site is undeveloped.

Impact on neighbours - this is discharged above.

Access, road capacity and road safety issues - the Dykes of Gray road requires to be upgraded before construction can commence on the site.

Lack of public transport provision - the development has the capacity to accommodate a bus through the site with provision for bus stops.

Education - the developer will make contributions to the provision of education facilities.

Drainage - drainage of the site is acceptable and must be approved by Scottish Water.

Materials and landscaping - Materials are considered above. In respect of landscaping, there is substantial new planting proposed ranging from woodland to informal planting around the drainage basin and formal planting

to create avenues on the west and north west boundaries of the settlement.

Light and noise pollution - new development will bring change to this greenfield site but the principle of the proposal has already been confirmed in the Dundee Angus Structure Plan and the Dundee Local Plan Review. Appropriate lighting will be required.

Loss of privacy - as noted, the new development will be within 20 metres of one house and is further away from the others. This exceeds the minimum distance of 18 metres in the Local Plan.

Lack of facilities - a shop is proposed next to the village green and the developer will make contributions towards the provision of a football pitch and play area.

It is considered that many of the issues raised by the objectors have been addressed in the proposals and the objections are not supported.

One representation was received from a local resident seeking assurances that the paths would be available for all users including horses. The Dundee Access Panel also raised this question. It is proposed that the western path which links to tracks to the north and south of the development be suitable for use by horses, pedestrians and cyclists.

One letter of support was received from Dundee Civic Trust which was in favour of the development but concerned about the capacity of the road network. The developer will contribute towards improvements to the road network as part of the Section 75.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission contrary to the provisions of the development plan.

## Design

Design issues have been addressed in the report.

## CONCLUSION

This development forms part of the series of 3 villages proposed for the Western Gateway development to the west of Dundee.

Redevelopment of the former Liff Hospital to the north is underway with the majority of the listed buildings now converted to residential use. Members will recall a recent application to change the house types of 54 of the new build plots and this development is now being completed by Cala Homes. The remainder of that village will comprise a further 100 houses by another major house builder.

Swallow Village, to the south, has previously been approved by the Development Quality Committee and the required Section 75 legal agreement has been progressed with one of the developers from the original consortium.

This development is South Gray Village and it will complete the allocation of development identified in the Dundee Angus Structure Plan and the Dundee Local Plan Review. The development is grouped around an attractive Village Green with non-standard terraced houses and flats forming the village core. There are large areas of well landscaped open space and good connections to the surrounding countryside. A shop is proposed on the Village Green and the settlement is designed to be accessible by bus.

It is considered that many of the original objections have been addressed in the consultations which have taken place between the developer, their agent and officers of the Council resulting in the present revised proposals.

The developer has agreed to enter into a Section 75 legal agreement with the Council to cover infrastructure provision, phasing of development and maintenance of off site works and open space.

## RECOMMENDATION

### Recommendation 1

This planning permission shall not be issued unless and until an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 between the Council and all parties with appropriate interests in the land has been recorded. This agreement will relate to

- 1 Payment by the developer of a financial contribution towards the improvements to Dykes of Gray road.

- 2 Payment by the developer of a financial contribution towards the improvements to Swallow roundabout.
- 3 Payment by the developer of a financial contribution for improved educational provision in the area, necessitated by the development.
- 4 Payment by the developer of a financial contribution towards the provision of recreational facilities within the Western Gateway.
- 5 Provisions for access to footways, cycle routes and bridleways within the Western Gateway.
- 6 Protection and maintenance of off site Sustainable Drainage facilities.
- 7 Phasing of the development relative to off site road improvements and in accordance with the approved phasing plan.
- 8 Maintenance and restrictions on future use of open space.

## Recommendation 2

It is recommended that consent be GRANTED subject to the following conditions:

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.
- 2 Prior to the commencement of any construction on site, the road accesses to the C11 Dykes of Gray Road shall be constructed in accordance with full details to be submitted to and approved by Dundee City Council and if approved, the works shall be carried out only in accordance with such approved details.
- 3 Prior to the commencement of the construction of any dwellings on the site, samples of the proposed finishing materials shall be submitted to Dundee City Council for approval and if approved, the works shall be completed in accordance with the approved details.
- 4 Prior to the commencement of the construction of any dwellings on the site, full details of the proposed boundary treatments to specific plots shall be submitted

- to Dundee City Council for approval and if approved, the works shall be completed in accordance with the approved details. In particular, boundaries to street elevations shall comprise natural stone walls and hedges.
- 5 Details of the design of street lighting shall be submitted to the Council for approval before the commencement of construction of any dwellings and if approved the development shall be carried out only in full accordance with such approved details.
- 6 Prior to the commencement of construction of any of the dwellings hereby approved, full details of the proposed landscaping within the development shall be submitted to Dundee City Council for approval and if approved, the works shall be completed in accordance with the approved phases of construction on the site as defined elsewhere in this permission.
- 7 The archaeological fieldwork specified in the Archaeological Evaluation Project Design amended 8 October 2007 shall be carried out prior to the commencement of development on the site and any significant features shall be the subject of further mitigation proposals to be submitted in writing to and approved by the City Council before works can proceed.
- 8 Prior to the commencement of any development in Phase 5, a revised Tree Survey shall be carried out to determine the condition of the trees and shall be submitted to the City Council for approval.
- 9 Prior to the commencement of any tree works, a Bat Survey shall be carried out on the trees within the development site.
- 10 Any tree works proposed in the revised Tree Survey shall be carried out by a qualified arboricultural contractor in accordance with BS 3998 "Recommendations for Tree Work" prior to the commencement of any development in Phase 5.

- 11 Following the implementation of Condition 08 and prior to the commencement of development in Phase 5, tree protection fencing in accordance with BS5837:2005 shall be erected on site to the satisfaction of the City Council and such fencing shall be retained in place throughout the construction period. Relocation of any fencing to allow construction works to proceed shall be agreed with the Council prior to any movement of the fencing.
- 12 Three clear working days notice shall be given to the City Council of the erection of the tree fencing required by Condition 11.
- 13 Total noise from the proposed electricity sub-station shall not exceed NR30 as measured 1 metre external to the façade of the nearest residential accommodation.
- 14 Total noise from the proposed sewage pumping station and any ancillary mechanical and electrical services shall not exceed NR30 as measured 1 metre external to the façade of the nearest residential accommodation.
- 15 Details of the provision of public art within the application site in accordance with the provisions of Policy 56: Public Art in the Dundee Local Plan Review 2005 shall be submitted to the Council for approval prior to the commencement of the construction of any of the houses hereby approved and if approved the development shall be carried out only in full accordance with such approved details.
- 16 The shop hereby approved shall be for Class 1 retail use only as defined by the Use Classes (Scotland) Order 1997 and shall be made available prior to completion of Phase 3 of the development as defined in the approved phasing plan.
- 17 The houses and flats shall have capacity for the provision of waste management bins in accordance with the standards of the City Council.
- 18 The recycling point to the rear of the shop shall be equipped with



- recycling facilities to the satisfaction of the Council and shall be provided prior to the completion of Phase 3 of the development as detailed in the approved phasing plan. It shall thereafter be retained for such use unless agreed in writing with the Council.
- 19 Bus stops/shelters shall be provided on Dykes of Gray Road in accordance with a scheme to be submitted to the Council and shall be installed and available for use prior to the first occupation of any house within Phase 1 of the development hereby approved as defined by the approved phasing plan.
- 20 The bus shelter at the Village Green shall be installed and available for use prior to the completion of Phase 3 of the development hereby approved as defined by the approved phasing plan.
- 21 Noise from all mechanical and electrical plant which may be installed in the shop shall not exceed;
- a NR35 as measured 1metre from the facade of any adjacent residential property, or
  - b NR25 as measured within any adjoining residential property.

## Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In order to ensure the safe movement of vehicular traffic onto the public highway.
- 3 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 4 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 5 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 6 To ensure a satisfactory standard of appearance of the development

- in the interests of the visual amenities of the area.
- 7 The site potentially contains archaeological remains and it is important to ensure the acceptable excavation and recording of any such features.
  - 8 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.
  - 9 Bats are a European Protected Species under the terms of the Wildlife and Countryside Act 1981 and sites which may be suitable for bats should be the subject of a survey to ensure that any works do not involve damage to their roosts.
  - 10 To ensure that any tree works are carried to a satisfactory standard to ensure the protection of those landscape features which are of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development.
  - 11 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.
  - 12 To allow the site to be inspected to ensure the fencing is acceptable in the interests of the satisfactory protection of the trees.
  - 13 To protect the amenities of the future residents.
  - 14 To protect the amenities of the future residents and the occupiers/owners of nearby adjacent properties in the locality.
  - 15 To comply with Policy 56 and to ensure the proposed development has a satisfactory external appearance in the interests of the visual appearance of the area.
  - 16 For the avoidance of doubt and to ensure that the opportunity to provide a shop to serve the local community is provided as soon as possible in the phased development.

- 17 In the interests of the environment and amenities of the future residents.
- 18 To ensure that recycling facilities are available in a central location, convenient to residents.
- 19 To ensure that public transport operators have the facilities required to serve the site from the occupation of the first house.
- 20 To ensure that public transport operators have the facilities required to enter the site prior to completion of Phase 3 including the Village Green.
- 21 To protect the amenities of residents of adjoining and adjacent residential properties.