

# Proposed Residential Development

## KEY INFORMATION

**Ward:** Lochee

**Address:**

Land to North of Denhead  
of Gray  
Dykes of Gray Road  
Dundee

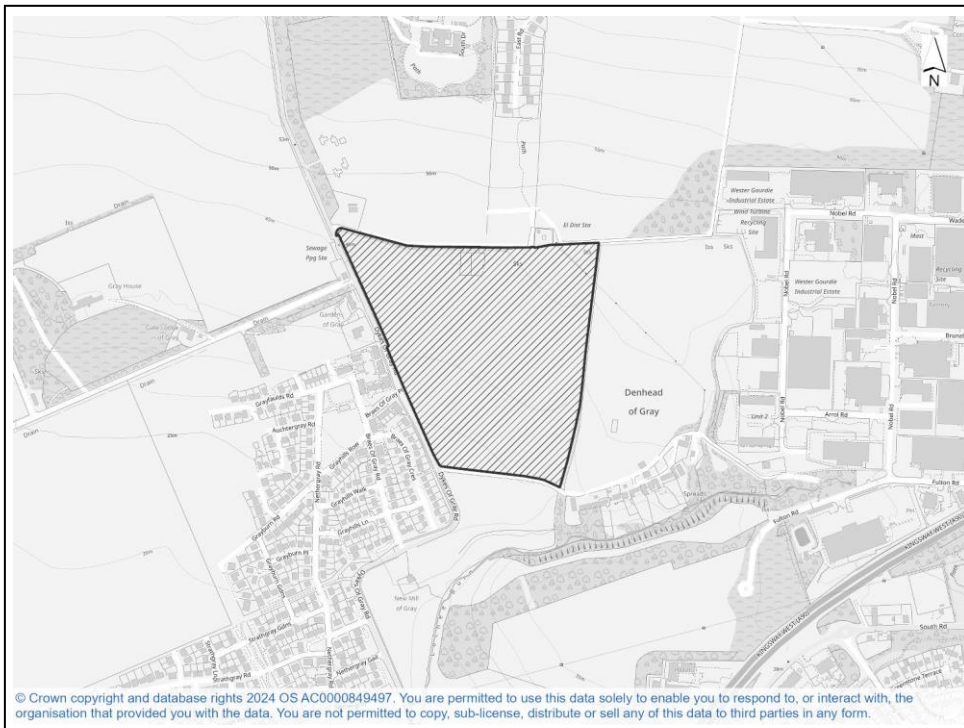
**Applicant:**

Springfield Properties

**Validated:** 17 Dec 2018

**Report by Head of  
Planning & Economic  
Development**

**Contact:** Craig Swankie



## SUMMARY OF REPORT

- Planning permission is sought for a residential development comprising 165 houses and 50 flats (215 units in total) with associated landscaping, open space, access, and infrastructure.
- The application site is allocated housing site H43 as contained within the Dundee Local Development Plan 2019.
- The application is not fully in accordance with the Development Plan. However, there are material planning considerations of significant weight which justify approval of planning permission.
- In total, 38 letters of representation were received, comprising 11 letters of support, 1 neutral representation and 26 letters of objection. Matters raised include school provision, increased traffic and impact on wildlife.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as 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=PJQ60BGCH4D00>

## RECOMMENDATION

The proposal does not fully comply with the Development Plan. There are material considerations of sufficient weight to support approval of planning permission. Therefore, the application is recommended for APPROVAL 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.

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## 1 DESCRIPTION OF PROPOSAL

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- 1.1 The application seeks planning permission for a residential development of 215 dwellings, comprising 165 houses and 50 flats on land to the east of Dykes of Gray Road.
- 1.2 The proposed 165 houses comprise 124 detached dwellings, 38 semi-detached houses and 3 terraced houses. The houses include 3 and 4 bedroom dwellings, each with front and rear gardens. The houses are a mix of sizes and designs, with five different character areas proposed. Within each character area there are variations in house sizes and finishes, including the use of smooth white render or harling to external walls, sections of timber cladding and stone to frontages and concrete tile or slate roofs. Windows, doors and garage doors are to be finished in dark grey. The front gardens would include areas of lawn and hardstanding and the rear garden ground would be defined by timber fencing. All houses would front onto the access roads within the site, and include off street parking provision.
- 1.3 The proposed 50 flats comprise 20 “cottage flats” in 5 blocks located throughout the development and 30 flats within 5 blocks located in a group opposite the existing flats on Dykes of Gray Road. Each block of cottage flats comprises two ground floor and two first floor flats, each with two bedrooms. The other flats are three storeys in height and would contain 21 x 2 bedroom flats and 9 x 3 bedroom flats. Proposed finishes include white render, feature masonry and either concrete tiled or slate covered roofs.
- 1.4 With regard to site layout, the main vehicle and pedestrian entrances to the development would be from Dykes of Gray Road, close to the higher density part of the existing housing development. Internal streets of varying widths provide access through the development and through to a widened Denhead of Gray Road to the south. The north of the site would contain a range of houses, with areas of open space to be formed with connections to an existing path beyond the north boundary. The centre, south and east of the site would contain further houses and cottage flats, with associated access roads, footpaths and landscaping. The landscaped public open spaces are to include planting, footpaths and play equipment. Along the south boundary of the site, a SUDS basin is proposed which would serve the development.
- 1.5 Towards Dykes of Gray Road footpaths and open spaces form the pedestrian entrance to the development, and create connections with existing footpaths on Dykes of Gray Road and the existing housing development to the west. The site boundaries are to be defined by a mixture of new and retained planting, with hedging proposed to the west boundary, trees and shrubs to the north and east, and a mixture of planting around the proposed SUDS basin.
- 1.6 The site plan also shows a 2.1 hectare area of land in the south west of the application site as a location for a school. This does not form part of this current planning application.
- 1.7 As the proposal is for more than 50 houses and the site area exceeds 2 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.
- 1.8 The applicant has submitted the following in support of the application:
- Pre-application Consultation Report;
  - Planning Statement;
  - Statement of Community Benefit;
  - Archaeological Evaluation;
  - Preliminary Ecological Appraisal;
  - Site Investigation Report;
  - Drainage Assessment;
  - Flood Risk Assessment;
  - Transport Assessment; and
  - Energy Statement.





Figure 1 – Proposed Site Layout

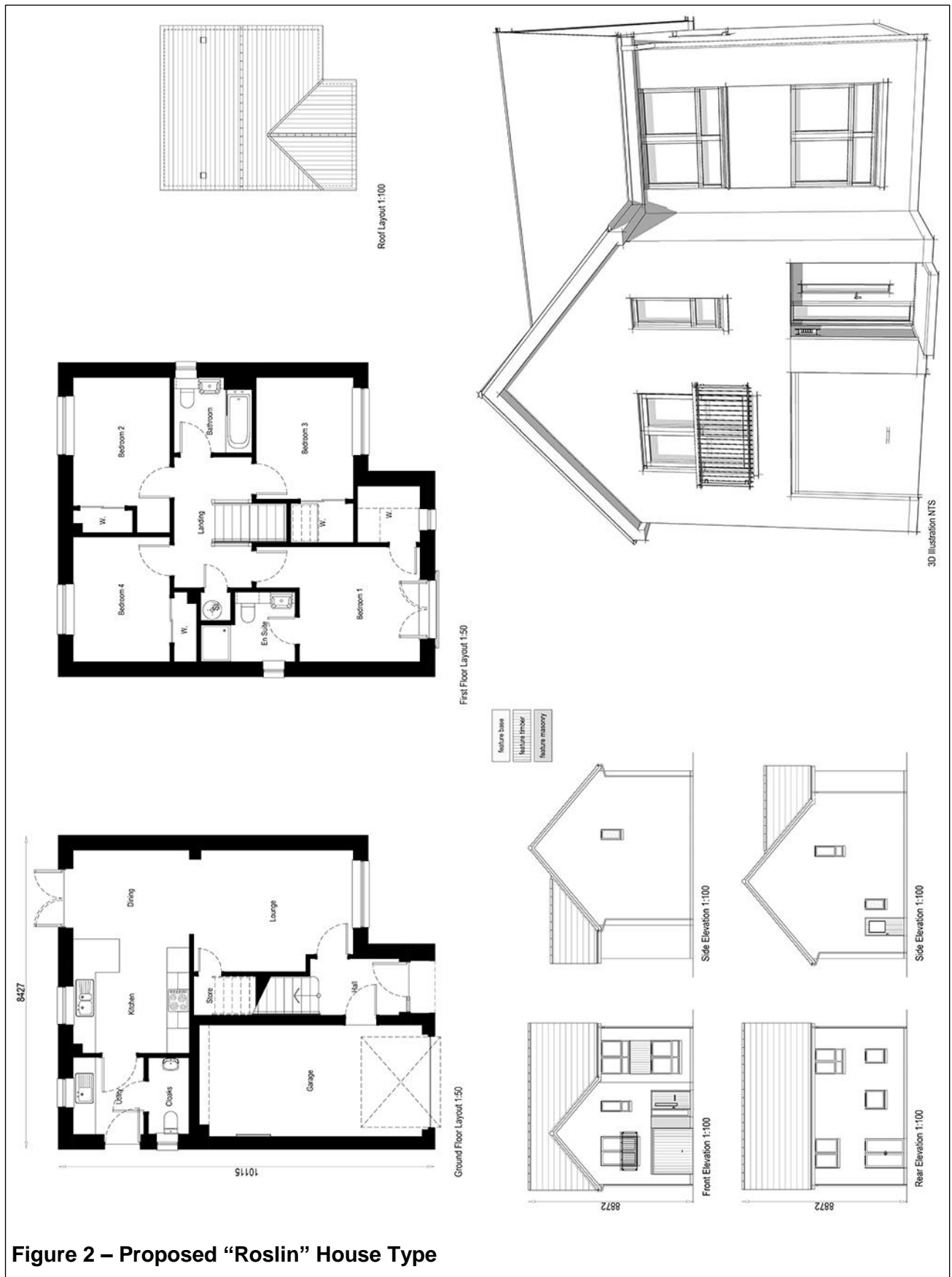


Figure 2 – Proposed “Roslin” House Type

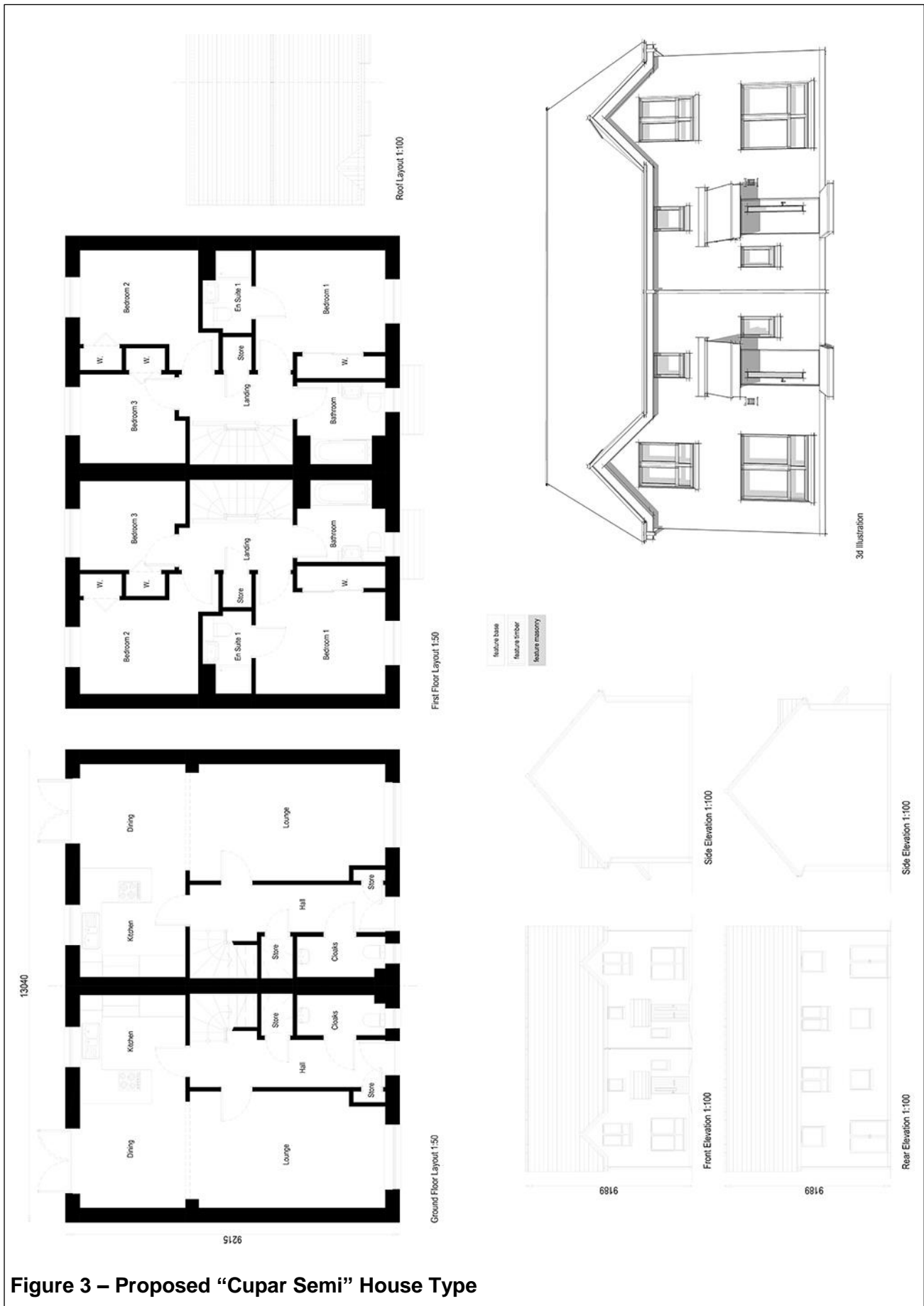


Figure 3 – Proposed “Cupar Semi” House Type

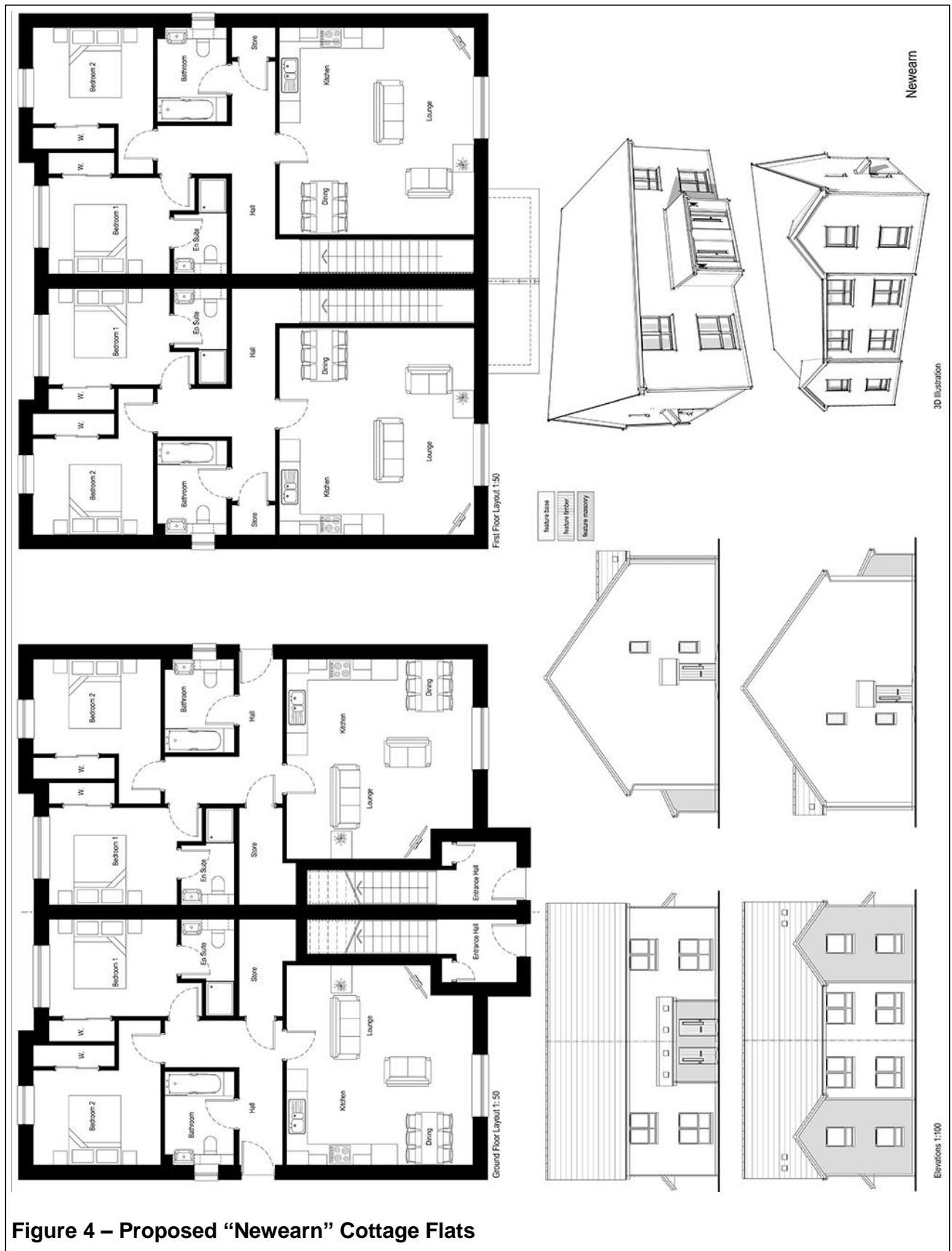






Figure 5 – Proposed “Finavon and Glamis” Flatted Dwellings

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## 2 SITE DESCRIPTION

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- 2.1 The application site relates to a gently sloping area of land on the east side of Dykes of Gray Road and north of Denhead of Gray. The site is rectangular and comprises 13.3 hectares of agricultural land with roads to the south and west, a burn to the east and an access track to the north. To the west of the site, the residential developments at Dykes of Gray are well established, with the higher density “village centre” containing flats, convenience store and public amenity space all located immediately west of the application site. The land to the north of the site has planning permission for 100 houses. To the south and east are areas of agricultural land. The housing at Denhead of Gray is located to the south east along the Denhead of Gray road with pedestrian and cycle connections through to Wester Gourdie.
- 2.2 The land which is the subject of this application is an allocated greenfield housing site H43 Dykes of Gray, North East as designated by the Dundee Local Development Plan 2019. The site has an indicative capacity of 150 units.





**Figure 6 – View of Site From North Boundary**



**Figure 7 – View of Site From South Boundary**

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### 3 POLICY BACKGROUND

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

**NATIONAL PLANNING FRAMEWORK 4**

Policy 1: Tackling the climate and nature crises

Policy 2: Climate mitigation and adaptation

Policy 3a, 3b: Biodiversity

Policy 4f: Natural places

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 13 b, c: 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 first

Policy 19f: Heating and cooling

Policy 20b, e: Blue and green infrastructure

Policy 22c: Flood risk and water management

Policy 23 e: Health and safety

**DUNDEE LOCAL DEVELOPMENT PLAN 2019**

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 30: Green Infrastructure Maintenance

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 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

Policy 56: Parking

Supplementary Guidance - Developer Contributions

Supplementary Guidance - Low and Zero Carbon Technology in New Development

**NON-STATUTORY PLANNING GUIDANCE**

Dundee Western Gateway Development Framework 2019.

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

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## 4 SITE HISTORY

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- 4.1 A proposal of application notice for residential development within the application site (reference 18/00580/PAN) was submitted to Dundee City Council in August 2018.

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## 5 PUBLIC PARTICIPATION

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- 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. As the application was submitted in 2018, a further period for neighbours to provide comment on the application was provided in July 2024.
- 5.3 In total 11 letters of support were received, raising the following matters:
- the identification of land to the south west of the site for a possible school is welcome. There is considered to be significant demand for education provision within walking distance of the site, with the present catchment school being several miles away. This development would be a positive step towards the provision of a school, a matter which is of significant importance to the community; and
  - the development will support progress on development at Western Gateway, both in terms of residential development and the provision of services which can be sustained by a growing population.
- 5.4 One neutral representation was received, which highlighted the speed of existing traffic in the area and raised concerns that further development would be detrimental to road safety. It is requested consideration be given to crossing points and speed limits at the proposed development and existing roads ahead of further development.
- 5.5 In total 26 letters of objection were received, raising the following material considerations:
- the development is of a scale and form which is not sympathetic to the area's existing low density, rural character of Denhead of Gray. The residential development, and possible future development of a school would significantly alter the area and have a significant impact on existing residents;
  - use of the existing public road between Dykes of Gray Road and Denhead of Gray raises road safety concerns. The existing road is not considered suitable for the volume of traffic that would be associated with the development, and there are increasing instances of vehicles using the road up to Denhead of Gray impact on amenity and privacy. The increased use of the footpath towards Myrekirk is also impact on the amenity of residents;
  - the proposed development would have a detrimental impact on wildlife in the local area, and would result in the loss of prime agricultural land;
  - there are considered to be existing drainage issues in the local area, and with existing properties including septic tanks any future flooding raises significant concerns;

- there is not sufficient services, such as shops and education provision, to support further development at the Western Gateway. Services such as a school are critical to the future of development in the area;
- the development form and layout does not incorporate “living streets” with car parking dominating plots and few dwellings orientated to maximise solar gain. Whilst there are some initial services in the area, further are required and there are no ready active travel routes to areas such as Camperdown and the Green Circular; and
- there is a lack of house type and tenure mix within the development, a denser mix of housing and three/four storey flatted developments would be more acceptable.

5.6 The valid grounds of representation are taken into account in the material considerations section of this report.

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## 6 CONSULTATIONS

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6.1 **Angus Council** – has no objection to the proposal.

6.2 **Archaeological Consultant** – the proposed development site was subject to a full and comprehensive archaeological evaluation in 2013. To consider the significance of the archaeological discoveries made during these excavations, a programme of post-excavation analysis is required. It is recommended progression of this analysis is controlled by condition.

6.3 **The Head of Communities, Safety and Protection** - has commented on the following matters:

**Contaminated Land** – the submitted report has been reviewed. It is recommended the completion of further investigation and risk assessment works, and thereafter the implementation of any required remediation measures, are controlled by condition.

**Noise** – there is considered to be scope for sources of noise within the development, such as heat pumps. Planning conditions are recommended requiring full details of such systems be submitted for approval, and to set maximum noise levels for mechanical and plant equipment. An air quality assessment or noise impact assessment may be required.

6.4 **Scottish Water** - has no objection to the proposal.

6.5 **SEPA** - has no objection to the proposal.

6.6 **The Head of Sustainable Transport and Roads** – has no objection to the proposal, subject to recommended conditions.

6.7 **Transport Scotland** – has no objection to the proposals, subject to a condition requiring upgrade works to Swallow Roundabout as planning permission 18/00149/FULL be completed prior to first occupation of the proposed development.

6.8 **The Head of Design and Property Services** – has no objection to the proposal in terms of flooding and drainage matters, 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 (NPF) 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 **NPF Policy 9b: Brownfield, Vacant and Derelict Land and Empty Buildings** – states that 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. **NPF Policy 16a: Quality Homes** - states development proposals for new homes on land allocated for housing in LDPs will be supported. **LDP Policy 9: Housing Land Release** - states that 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 the allocated greenfield housing site H43 of the Dundee Local Development Plan 2019.
- 7.4 **The proposal complies with NPF Policies 9b and 16a, and LDP Policy 9.**
- 7.5 **NPF 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.
- 7.6 The applicant has provided a Statement of Community Benefit with the application. With regard to affordable housing the Statement notes there is currently no requirement within the Development Plan for the provision of affordable housing or developer contributions towards affordable housing. The Statement notes that the proposed development would include 14 different dwelling types including flats and detached houses providing accommodation with between 2 and 4 bedrooms. The development relates to an allocated housing site and through the provision of a range of dwelling types would complement the existing residential developments at Western Gateway.
- 7.7 In relation to providing or enhancing local infrastructure, the Statement notes that the development forms a further phase of the Western Gateway and would create new homes, supporting employment and development of infrastructure including road upgrades through developer contributions. Further to the housing development, the proposal allocates 2 hectares of land for the proposed primary school for the Western Gateway area. Springfield



would continue to work in partnership with Dundee City Council to assist in the delivery of the proposed primary school. Several design measures are incorporated into the site layout that ensure direct and easy access between the site and the adjacent village core. The site layout has been designed to ensure high-quality connections between the site and the surrounding area, including the future provision of crossings on Dykes of Gray Road. With works progressing on the Swallow Roundabout upgrade, further connections will be made to the surrounding network. Provision is also made for connections to the bus service which presently exists. Based upon the standard matrices calculated by The Social and Economic Benefits of Home Building in Scotland (Homes for Scotland/Lichfields 2022), a development of 215 homes would help to support 753 jobs including sub-contractors, local tradespeople, apprenticeships and trainees.

- 7.8 Lastly, in relation to improving residential amenity the Statement notes that proposals will include high quality public spaces. The development has been designed to integrate with the layout, housing mix and built form densities of the adjacent developments. The proposed homes will adopt a fabric first approach and comply with the appropriate building regulations. The proposals also deliver on Biodiversity Net Gain, with landscaping and Ecology Management Plan ensuring the proposals will contribute to the enhancement of biodiversity. The proposals are located in close proximity to the existing village core where facilities presently exist such as a convenience store.
- 7.9 Some of these matters are considered in more detail through further policy assessments elsewhere in this report. In any case, the applicant has satisfied the requirements of Policy 16b by submitting the Statement of Community Benefit.
- 7.10 **The proposal complies with NPF4 Policy 16b.**
- 7.11 **NPF4 Policy 16e: Quality homes** - states proposals for new homes will be supported 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.

- 7.12 The Dundee Local Development Plan 2019 Developer Contributions Supplementary Guidance was prepared and adopted in parallel to the LDP. It is a statutory document adopted in parallel to the LDP. It offers guidance to landowners and developers about the likely level and nature of developer contributions that may be required.
- 7.13 There is no requirement within the Dundee Local Development Plan 2019 or Developer Contributions Supplementary Guidance for housing developments in Dundee 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.

7.14 As there is no requirement in the Dundee Local Development Plan 2019 or the Supplementary Guidance 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.

7.15 **The proposal complies with NPF4 Policy 16e.**

#### **Design of New Housing**

7.16 **NPF 4 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.

7.17 **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 places in accordance with the guidance provided in Appendix 1.

7.18 **LDP Policy 10: Design of New Housing** - states the design and layout of new housing developments in Dundee should 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 a 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.

7.19 The built environment within the surrounding area is a mixture of modern residential development and traditional rural development. To the west of the site are houses and flats of varying sizes and densities which form part of earlier phases of the Western Gateway development. The land to the north has planning permission for 100 houses. To the south and east is agricultural land and a group of dwellings at Denhead of Gray.

7.20 In response to this context, the proposed development respects the height and appearance of established buildings adjacent to the site. Denser areas of development including flatted dwellings are proposed adjacent to the "village centre" area and flats on the west side of Dykes of Gray Road. The density of development then reduces towards the east of the site, where detached houses are proposed creating a sense of hierarchy. The site layout has been designed to integrate with the wider development of housing at Western Gateway whilst being harmonious with the site's semi-rural character and setting.

7.21 By virtue of the above, the height, scale and massing of the proposed residential flats and houses are appropriate to this semi-rural location and would be in keeping with that of the neighbouring development on the west side of Dykes of Gray Road. With regard to character and amenity, the design, scale and form of the proposed buildings and provision of planting are such that the proposal will integrate into the existing landscape.

- 7.22 The provision of high-quality finish materials on a development which is in a prominent location is essential to ensure the proposals contribute positively to the local streetscape and integrate with the character of this semi-rural area. The proposed development would be of modern design, with a simple, cohesive palette of materials which will ensure the development creates a sense of place and complements the existing built environment. Through the provision of different character areas, where finishes include white renders, facing brick, concrete tiles or slate as primary material, buildings within the development will be complementary to both houses and flats within the site and the neighbouring developments. In addition to building designs and finishes, various open spaces, footpaths and planting areas are proposed to ensure the development is permeable, of high quality and in keeping with the semi-rural character of the wider area. Full details and samples of the proposed finish materials, as well as submission and approval of a detailed landscaping plan will be controlled by condition to ensure the development contributes to the character and quality of the local area.
- 7.23 The development has been carefully planned to allocate a significant portion of space to landscaping and open space, ensuring a generous amount of maintained attractive greenspace throughout. The proposal includes various landscaped areas, including informal public spaces and engaging focal points towards the site entrance and north boundary. The open spaces include a mix of soft and hardscaped finishes, as well as boundary treatments such as hedging and walls, play areas, and shared spaces. The proposal positively promotes wayfinding and a sense of orientation.
- 7.24 The proposal would be well connected to the existing road and path network linking the development to the surrounding area. Through design, the development creates a safe environment for a variety of users and considers how people will move through those spaces. New and existing footpaths and active travel links will provide access to amenities within the local area, including within the Western Gateway village core to the west. The village core contains at present a shop and bus stop, with planning permission granted for further developments including retail and commercial uses. The proposed connections ensure there is provision of public transport within walking distance of the site and connections are to be formed with the core path network which runs to the site's north, south and west boundaries.
- 7.25 The site is an allocated housing site which if developed would make a positive contribution to the continuing development at Western Gateway and provision of housing within the city. The proposal seeks to introduce a modern high-quality development which respects the site's rural setting. Through the provision of sustainable drainage infrastructure, the site would not be at any specific risk from climate change, and the provision of biodiversity enhancements would contribute positively to the ecological value of the site. The proposed houses and flats would integrate with the scale, appearance and layout of residential developments to the north and west, whilst respecting the rural character and setting of the site.
- 7.26 For these reasons the proposed development demonstrates compliance with the six qualities of successful places as required by Policy 14 of NPF4 and Policy 1 of the LDP, subject to conditions.
- 7.27 With regard to LDP Policy 10: Design of New Housing the design and layout of new housing developments in Dundee require to be of a high quality and to conform to the guidance on the Design of New Housing set out in Appendix 4.
- 7.28 The proposed layout responds to changes in the level across the site and ensures the proposal would integrate with the existing residential development to the west of the site. The layout and position of flats and houses within the site help to create a development which positively addresses the existing and proposed roads within the site and wider area ensuring a cohesive streetscape and layout. Proposed boundary treatments would be of a high quality and planting is to be provided in locations which enhance the appearance of the development and support

biodiversity. There are ten house types and four flat types proposed, which will assist in bringing variety to the streetscape. These comprise 165, 3 and 4 bedroom houses and 50, 2 and 3 bedroom flats. Overall, the design of the proposed development is of a high quality.

7.29 The proposal also has to comply with the Appendix 4 – Design of New Housing Standards within the Dundee LDP, as a site located outwith the Inner-City boundary, Suburban Design (sites of 5 or more units) standards apply. Addressing each point in turn:

#### Houses

i in general, 75% of houses should have 3 or more bedrooms or a minimum gross internal floor area of 100m<sup>2</sup>.

7.30 **Response** - all houses have either 3 or 4 bedrooms. This complies with criterion i.

ii all parking should be located within the curtilage of each house. Private houses with 3 bedrooms should have at least 2 spaces and 4-bedroom houses should have at least 3 spaces.

7.31 **Response** - parking is largely located at either the front or side of the houses. Provision for plots 22 and 24 is located at the rear of the garden areas resulting in a short walk to the houses. However, this arrangement is acceptable due to the elevated and challenging nature of this area of the site. Each house has 2 or 3 spaces depending on the number of bedrooms.

iii one secure covered cycle parking space per house must be provided unless a suitable garage or other secure area is provided within the curtilage of the house.

7.32 **Response** - cycle storage will be provided either within garages or external cycle stores at each house. The applicant has provided a plan confirming the location of external cycle stores within the garden of each property where a garage is not provided. The proposal complies with criterion iii.

iv Greenfield sites will provide an average private useable garden ground of 160m<sup>2</sup> per house with a minimum garden size of 120 m<sup>2</sup>. The provision for mid terrace houses may be relaxed. Mid terraced gardens should be serviceable by a private path to the street.

7.33 **Response** - the site plan shows that all houses will have a minimum private garden ground of 120m<sup>2</sup> to the rear of the properties. The average useable garden ground is 164m<sup>2</sup>. The gardens of the terraced houses will be accessible by private paths and the level of private garden ground provided at all dwellings is of an acceptable size and form. The proposal complies with criterion iv.

v a minimum of 18m between the facing windows of habitable rooms.

7.34 **Response** - none of the houses have 18m intervisibility between windows of main habitable rooms. The proposal complies with criterion v.

7.35 General requirements include provision for waste and recycling in accordance with the Council's Waste Management Strategy and that parking areas should include provision for EV charging.

7.36 **Response** - an area for storage of four bins is denoted within the rear/to the side of all gardens, this allows ample space for storage of bins to accommodate waste and recycling. EV charging provision has not been shown but there is scope for this to be provided at each property in line with the Building Regulations.

- 7.37 The proposal complies with Appendix 4 – suburban standards for sites of 5 or more houses.
- 7.38 Flats
- i Flats may be acceptable through conversions of buildings of merit where conversion to houses is not suitable or achievable or where identified in a site planning brief. Flats should have generous internal space standards with a minimum gross internal floor area of 80m<sup>2</sup>.
- 7.39 **Response** - the flats would provide a minimum internal floor space of 80m<sup>2</sup>, however the development does not relate to the conversion of a building of merit and flats are not identified within a site planning brief. The proposed development therefore does not fully comply with criterion i.
- ii all car parking should be located within the curtilage of the property. A minimum of 150% car parking should be provided with at least 1 space dedicated to each flat.
- 7.40 **Response** - parking is located to the north east of the flatted blocks, where 49 parking spaces are proposed to serve 30 flats. The proposed cottage flats feature 6 parking spaces within the curtilage of each 4 dwelling block. All flats would therefore be provided with at least one parking space and are served by a minimum of 150% car parking.
- iii secure indoor storage for bikes will be provided in accordance with the number of flats being provided.
- 7.41 **Response** - cycle stores are denoted within the garden ground of each proposed cottage flat, and a communal cycle store is proposed to the north of the proposed flatted developments within the west of the site. Subject to full details of the cycle storage solutions being agreed, the development would be in compliance with criterion iii.
- iv each case will be treated on its merits considering the curtilage of the existing property. Each proposal must provide a high quality living environment with attractive outdoor space for occupants. This space may be private communal garden or private garden for each flat. Separate drying areas should be provided.
- 7.42 **Response** - the site plan shows that all flats would be provided with private front and rear communal garden ground of a size and form which will provide residents with useable outdoor space and drying areas. The proposal complies with criterion iv.
- v a minimum of 18m between the facing windows of habitable rooms.
- 7.43 **Response** - none of the flats have 18m intervisibility between windows of main habitable rooms. The proposal complies with criterion v.
- 7.44 General requirements include provision for waste and recycling in accordance with the Council's Waste Management Strategy and that parking areas should include provision for EV charging.
- 7.45 **Response** - bin storage areas are denoted within the car park of the flatted blocks and garden ground of the cottage flats. The stores allow ample space for storage of bins to accommodate waste and recycling. Parking spaces will be able to support EV charging provision in line with Building Regulations.
- 7.46 The proposal does not fully comply with LDP Policy 10 Appendix 4 – suburban standards for flats.



- 7.47 For the reasons considered above, the general layout and housing elements of the proposal are consistent with the requirements of LDP Policy 10 Appendix 4 and the six qualities of successful places. The development will be distinctive, well connected and contribute positively to the character and appearance of residential development at Western Gateway. However, the provision of flats as part of the development does not meet the requirements of Appendix 4, and is therefore contrary to this standard.
- 7.48 **The proposal complies with NPF4 Policy 14b and LDP Policy 1, however, the development does not fully comply the LDP Policy 10 Appendix 4.**
- 7.49 **NPF4 Policy 12 a: Zero Waste** - states development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy. **NPF4 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 including:
- i provision to maximise waste reduction and waste separation at source, and
  - ii measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.
- 7.50 **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 be prepared and used during the construction of major developments.
- 7.51 The development has been designed to allow for safe access by vehicles including refuse, emergency and large delivery vehicles. Bin storage areas are proposed for the flatted dwellings, and houses would include bin storage spaces within the rear garden. All bin storage areas can be accessed from adjacent roads and paths allowing bins to be presented on street on collection days.
- 7.52 The proposed storage areas are of a size and form that can accommodate bins as required by Dundee City Council's waste strategy and would support waste separation, recycling and reduction in line with the waste hierarchy.
- 7.53 It is recommended that the provision of a site waste management plan and its implementation during construction be controlled by condition.
- 7.54 **The proposal complies with NPF4 Policy 12a and LDP Policy 44, subject to a condition.**
- 7.55 **LDP Policy 2: Public Art Contribution** - states all developments in Dundee with construction costs of £1 million or over will be required 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.
- 7.56 The proposals will require to provide public art as part of the development. Details of the public art have not been confirmed as part of this application. Therefore, it is recommended that full details of public art provision, and its completion as part of the development be secured by condition.
- 7.57 **The proposal complies with LDP Policy 2, subject to a condition.**

### Developer Contributions

- 7.58 **NPF 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.
- 7.59 The Council's Developer Contributions Supplementary Guidance 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 Dundee Western Gateway.
- 7.60 The Supplementary Guidance states that all greenfield residential developments in this area will be required to contribute towards provision of: flood protection and drainage facilities; the future construction of junction improvements at Swallow Junction; the improvement works undertaken at Dykes of Gray Road; provide connections for cycling and walking routes to the wider Dundee Core Path Network and green infrastructure; and a contribution towards enhancing education provision, the nature of which is currently being considered.
- 7.61 In relation to flood protection and drainage, the proposed development will include on site sustainable drainage provision with capacity to accommodate surface water from the site, including additional rainfall associated with climate change. The submitted flood risk assessment demonstrates the development would not be at risk of flooding, nor increase the flood risk within the surrounding area. With regard to road works, upgrades to Dykes of Gray Road to improve safety, provide a footpath and improve connections to the wider path network have been completed. The upgrade of the Swallow Roundabout to form a signal controlled roundabout is ongoing and is due for completion in 2025. As considered further below, the funding and completion of these upgrades will ensure the road network has the capacity for the proposed development.

### Dykes of Gray Road Improvements

- 7.62 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. The Council will recover the costs of these works as development progresses by requiring the developer to make financial contributions in accordance with the provisions of the Supplementary Guidance.

Education

- 7.63 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.
- 7.64 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. Contributions made by the applicant will be held by the Council and used towards funding that enhanced provision. The timing and location of any new provision will be determined by Dundee City Council.
- 7.65 As with previous developments in the Western Gateway the developer contributions for education provision and for the Dykes of Gray Road improvements would be secured through a Section 75 Planning Obligation should members be minded to approve the application. Planning permission would not be granted until that legal agreement was completed.
- 7.66 **The proposal complies with NPF4 Policy 18b and LDP Policy 20, subject to a Planning Obligation.**

Transportation and Local Living

- 7.67 **NPF4 Policy 13b: Sustainable Transport** - states development proposals will be supported 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.
- 7.68 The main road and pedestrian accesses are proposed within the site's south and west boundaries, with a further pedestrian only access proposed to the north boundary. The development will connect to Dykes of Gray Road which gives access to Swallow Roundabout to the south and Liff Road to the north. Within the site, main access roads with associated footpaths will connect the main entrances to the development, with further paths, roads and shared surfaces providing access to houses and open spaces within the site. All of the proposed roads and footpaths will be designed to DCC specifications ensuring safe access

for walking, wheeling, cycling and road vehicles. The site also connects to the footpath network on Dykes of Gray Road and to the north of the site, as well as landscaped open spaces within the development. The proposal complies with criterion i.

- 7.69 The development will connect to the existing footpath on Dykes of Gray Road, which provides access to an existing bus stop at Braes of Gray Place. As the population at Western Gateway has grown in recent years the number of bus services using this stop has grown. The stop is currently served by 8 buses a day connecting the site to the city centre, Ninewells Hospital, Liff and Fowlis. The site would therefore be served by public transport, and as development at Western Gateway progresses there is scope for additional bus services to operate. The proposal supports parking, cycle parking, walking and accessibility to bus services and is therefore in compliance with criterion ii and iii.
- 7.70 The development is capable of providing EV charging points to serve houses and flats and this will be secured through the building standards process. The proposal complies with criterion iv.
- 7.71 Where garages are not proposed, cycle storage is denoted within the gardens of all properties. However, full details of the form of external cycle storage have not been provided. It is recommended the provision of details of cycle storage and its implementation prior to the occupation of each dwelling be secured through a planning condition. The proposal complies with criterion v.
- 7.72 The layout of roads and footpaths within the site will provide safe access to vehicles, pedestrians and cyclists. All surfaces shall be formed to DCC specifications and crossing points have been considered, including the position of future crossing points on Dykes of Gray Road. Planning conditions are recommended in relation to the full details of the roads and footpaths within the site being agreed with DCC.
- 7.73 The nature and scale of the proposed road layouts does not lend itself to vehicles travelling at speed. The proposal complies with criterion iv.
- 7.74 As discussed above the development will be accessible and promote ease of movement through the site for residents. Planning conditions are recommended in relation to matters including the provision of street lighting and works to the Swallow Roundabout being completed before any dwelling is occupied. Finalised details regarding issues such as dropped kerbs and junctions being designed to DCC specifications will be part of a Road Construction Consent application. The proposal complies with criterion viii.
- 7.75 **The proposal complies with NPF4 Policy 13b, subject to conditions.**
- 7.76 **NPF4 Policy 13c: Sustainable Transport** – states where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.
- 7.77 A transport assessment (TA) has been undertaken and submitted with the planning application. The TA considers the design of the proposed development and the impacts of traffic generated by the proposed development on the local road network.
- 7.78 The TA notes vehicular access to the development will be provided by new junction onto Dykes of Gray Road, and a secondary junction with Denhead of Gray. Vehicular and cycle parking will be provided within the development as required by the Development Plan. The layout of the site has been designed to meet the six key qualities of a successful place, and to prioritise pedestrians and cyclists through the promotion of low vehicle speeds.

- 7.79 The TA assesses the impact of the development on future traffic flows within the local road network where the Swallow Roundabout has been upgraded, as planning permission 18/00149/FULL. The TA finds that the development would have no detrimental impact on Dykes of Gray Road, and subject to the roundabouts upgrade, the proposed development would have no significant detrimental impacts on traffic flows within the wider area during weekday AM and PM periods.
- 7.80 With regard to the upgrade of Swallow Roundabout, works have progressed on site and are due for completion next year. Transport Scotland has recommended a planning condition which requires the roundabout upgrade to be completed before any of the proposed homes are occupied.
- 7.81 **The proposal complies with NPF4 Policy 13c, subject to a condition.**
- 7.82 **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.
- 7.83 A variety of options for transportation are available to the site given the proximity to a bus stop, and walking and cycling routes. The proposal complies with criterion 1.
- 7.84 As considered under policy 13 above, the proposal incorporates opportunities for cycling and walking. The proposal complies with criterion 2.
- 7.85 There is a bus stop within 400m of all parts of the site which complies with criterion 3.



- 7.86 The applicant has submitted a Transport Assessment which considers the future impacts of the proposed development. The assessment demonstrates the development would have no detrimental impact on the local road network or road safety, and subject to the upgrade of Swallow Roundabout, would have no detrimental impact on the wider road network. As discussed under the NPF4 Policy 13c assessment above, the proposal would be in compliance with criterion 4, subject to the condition proposed by Transport Scotland.
- 7.87 For this type of development, criterion 5 would mainly be concerned with waste access. Refuse vehicles will be able to enter and exit the site. The proposal complies with criterion 5.
- 7.88 The provision of details of finalised details will be subject to a road construction consent to ensure compliance with criterion 6.
- 7.89 It is recommended that the implementation of a Residential Travel Plan is secured by condition in order to comply with criterion 7.
- 7.90 **The proposal complies with NPF4 Policy 13b and LDP Policy 54, subject to conditions.**
- 7.91 **LDP Policy 56 Parking** - states all new developments shall be required to comply with Dundee City Council's adopted guidance on road standards; with the national maximum parking standards; and the national minimum disabled parking standards. Residential developments should include infrastructure to provide electric car charging points, either through electrical connections adjacent to private driveways, or through infrastructure for the installation of charging points within communal car parking areas. All new developments should include cycle parking facilities in accordance with Dundee City Council's adopted guidance on roads standards and the Appendix 4 design standards. At places of employment covered secure parking with changing facilities should be provided for employees.
- 7.92 The principle of residential development within this site is established through its allocation as a housing site. The proposals relate to a residential development in a semi-rural location.
- 7.93 As assessed under the Appendix 4 standards required by Policy 10 of the Dundee LDP there is sufficient parking within the curtilage of the properties to service the development. The development is capable of providing EV charging points to serve houses and flats and this will be secured through the building standards process. Cycle parking is proposed within either garages or cycle stores within the curtilage of each property and this provision will be secured through a planning condition.
- 7.94 **The proposal complies with LDP Policy 56, subject to a condition.**
- 7.95 **NPF4 Policy 15a: Local Living and 20 Minute Neighbourhoods** - states development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:
- sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
  - employment;
  - shopping;
  - health and social care facilities;

- childcare, schools and lifelong learning opportunities;
- playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
- publicly accessible toilets; and
- affordable and accessible housing options, ability to age in place and housing diversity.

7.96 The principle of residential development within this site is established through its allocation as a housing site. The application site could accommodate a residential development of a scale, form and density which contributes positively to the settlement pattern, connectivity and character of the Western Gateway. Whilst in a semi-rural location the development is an allocated housing site and forms part of wider development proposals for Western Gateway.

7.97 In recent years footpaths have been provided on Dykes of Gray Road, connections formed between the site and earlier phases of residential development to the west, and to Myrekirk Industrial Estate to the east through the upgrading of existing paths. Through the provision of footpath and cycle connections, the development would fit in with the existing settlement pattern and there is interconnectivity with surrounding residential development and amenities including shops, bus stops and open spaces.

7.98 There are existing play spaces within the surrounding area including a play park to the west of the proposed development on Braes of Gray Road. Open spaces are also proposed as part of this development. There is an existing shop, and planning permission for further services and amenities including a nursery and commercial units within the core of the Western Gateway on the west side of Dykes of Gray Road. It is expected that these services will develop as the population within the Western Gateway grows.

7.99 Through the provision of private houses and flats within an allocated housing site the development would contribute to the range and availability of housing in the city and help meet demand.

7.100 Overall, the proposed development is well connected to surrounding facilities and services by new and existing footpaths and roads. The development forms part of the wider Western Gateway development and would have access to shops and services in support of the principles of local living.

7.101 **The proposal is in accordance with NPF4 Policy 15a.**

#### **Biodiversity and Soils**

7.102 **NPF4 Policy 3a: Biodiversity** - states that development proposals will contribute to the enhancement of biodiversity including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

7.103 A Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment has been submitted in support of the application.

7.104 The submitted reports state the application site is primarily agricultural land which has contained crops including barley and potatoes. In the north and north-west of the site is a strip of neutral grassland, and towards the north and east boundaries are a small number of trees. Beyond the north and east boundaries are small watercourses. As the existing site has been farmed for a significant period of time it makes no significant contribution to local biodiversity.

- 7.105 The submitted reports consider the addition of planting within the site, including a mix of native tree and shrub species towards the north and east site boundaries will enhance existing nature corridors along watercourses.
- 7.106 With regard to wildlife the surveys within the submitted reports found no evidence of protected species being present within the site. However, it was noted species including otters and breeding birds are present within the wider area. To enhance biodiversity and support wildlife the appraisal recommends a range of measures including bat and bird boxes, providing hedgehog spaces within any fencing and ensuring a sustainable drainage system is established.
- 7.107 Following consideration of the submitted reports the findings of the surveys and recommended biodiversity enhancement measures are supported. Through the provision of new planting which strengthens nature networks, and measures to support wildlife the biodiversity value of the site can be enhanced by the proposed development. It is recommended the implementation of measures outlined within the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment are controlled by condition.
- 7.108 **The proposal complies with NPF4 Policy 3a, subject to a condition.**
- 7.109 **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.
- 7.110 The submitted reports consider none of the habitats within the application site to be notable for their rarity, quality, or extent. The grassland is species-poor being established for agricultural purposes, and the rest of the field has contained crops for a number of years including potatoes and barley. The trees along the northern and eastern boundaries of the application site include some trees worthy of retention. The development of the land within the site for residential development would therefore not result in the loss of any high quality habitat, and trees towards the site's boundaries are to be retained.

- 7.111 The proposed development would enhance biodiversity; more than if it was left in its current state. The ecological characteristics of the site are not of any local, regional or international importance and there are no irreplaceable habitats. There are statutory designated sites present within 5km, including Den of Fowlis SSSI and Firth of Tay and Eden Estuary. Whilst the development would be connected to Den of Fowlis SSSI via a line of trees, due to the nature of these features, no direct impact pathways are present. The site is 1.9km from Firth of Tay and Eden Estuary. Due to the nature of the proposed development and distance from surrounding designated sites, it is considered unlikely the proposal would have any impact on designated areas or habitats. The submission has demonstrated it complies with point i) of Policy 3b.
- 7.112 The development will be landscaped and makes use of nature-based solutions both in terms of the built elements of the development and external landscaping and tree planting. Furthermore, measures to support wildlife including the provision of artificial hedgehog nests, bird and bat boxes and log piles within wooded areas at the site boundary are proposed. These elements will contribute to a significant biodiversity net gain within the site compared to the existing use. The proposal meets with the requirements of points ii – iv of Policy 3b.
- 7.113 With regard to the final point v) the development of the site will have community benefits through the provision of habitat and planting which can support wildlife, and as a development which can be utilised by local residents for walks and outdoor activities.
- 7.114 **The proposal complies with NPF4 Policy 3b.**
- 7.115 **NPF4 Policy 4f: Natural Places** - states that development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.
- 7.116 **LDP Policy 34: Protected Species** - of the Local Development Plan 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.
- 7.117 The applicant has provided a Habitat Survey and Preliminary Ecological Appraisal with Biodiversity Net Gain Assessment with the planning application. These reports consider existing site conditions, planting and wildlife within the site.

- 7.118 With regard to animal species within the site, there was no evidence of protected species being present. The survey found no evidence of bats, otters, badgers or water voles within the site area. However, it is noted otters are known to be present in the wider area as are breeding birds. In the interest of protecting these species the report makes recommendations including providing construction contractors with information on otters, securing any compounds and trenches overnight or providing escape ramps and following SEPA guidelines to avoid any water pollution during construction works.
- 7.119 Further to the proposed mitigation measures, the appraisal includes a range of recommended measures to mitigate the loss of habitat and 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.
- 7.120 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. The report was submitted in October 2023. Should works not commence within the next few months an updated ecology survey will be required. This would identify any new ecological issues and recommend further mitigation measures. The completion of the updated survey and the implementation of biodiversity enhancement and mitigation measures can be controlled by condition.
- 7.121 Subject to the implementation of measures to protect wildlife and enhance biodiversity, the proposed development would have no detrimental impact on any protected species and ensure nature-based solutions and biodiversity enhancements are provided as part of the residential development.
- 7.122 **The proposal complies with NPF4 Policy 4f LDP Policy 34, subject to conditions.**
- 7.123 **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** - states the Council will support 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.
- 7.124 There are a small number of existing trees and shrubs towards the site's north and east boundaries which contribute positively to the appearance and biodiversity of the local area. These trees are to be retained and integrated with further planting which is proposed as part of the development.
- 7.125 Towards the north boundary the applicant proposes planting trees and shrubs comprising a native mix including species such as Scots pine, Oak and Cherry trees. Towards the centre of the north boundary, an area of open space is proposed with 12 smaller trees to be provided.
- 7.126 Planting is proposed the full length of the east boundary between the proposed houses and an existing watercourse. A mix of native woodland trees will be provided throughout, with a section towards the centre of the site to be provided with smaller trees where they will be close to housing. The land around the proposed SUDS basin within the south of the site is to contain further tree planting, and a range of trees and hedging are proposed towards the site's west boundary. Open spaces located towards the vehicle and pedestrian entrances to the site, and

towards the centre of the development will also contain a mixture of trees, shrubs and planting beds.

- 7.127 The proposed planting and landscaping are acceptable in principle, as they will ensure there is a significant increase in the number of trees within the site and provide the development with a high quality public realm and open spaces. The provision of native trees, particularly towards the site boundaries will enhance biodiversity and integrate with existing planting in these locations.
- 7.128 To ensure all planting and landscaping is progressed as proposed and existing trees protected during construction, it is recommended the implementation of landscaping within the site, and its long term maintenance, be controlled by condition. Subject to such conditions, the proposals would ensure the survival of existing trees and hedgerows and support the provision of new planting, to the enhancement of biodiversity and landscape value.
- 7.129 **The proposal complies with NPF4 Policy 6a and LDP Policy 35, subject to a condition.**
- 7.130 **NPF4 Policy 20e: Blue and Green Infrastructure** – states development proposals that include new or enhanced blue and/or green infrastructure will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these. **LDP Policy 30: Green Infrastructure Maintenance** - states the Council will apply planning conditions or Section 75 obligations to planning permissions to make suitable provision for the long-term maintenance of green infrastructure (including open space and landscaping associated with Sustainable Drainage Systems) in new housing developments, based on the following options:
- 1 green infrastructure will be adopted by the Council, subject to appropriate agreements with the developer over the landscaping scheme and annual maintenance, including payment of a commuted sum to cover annual maintenance costs; or
  - 2 a developer may lay out the green infrastructure, transfer the land to a suitable third party, and either i) pay a commuted sum to cover maintenance costs; or ii) hand over the maintenance costs to residents of the new development.

This latter option should be clearly set out in the sale agreement so residents agree to effectively share the cost of maintaining green infrastructure on an annual basis

- 7.131 Surface water from the proposed development would be conveyed to a sustainable drainage basin within the south east of the application site as considered under NPF4 Policy 20b . The provision of full details of the proposed drainage system and its long term maintenance are to be controlled by condition.
- 7.132 With regard to roads and drainage infrastructure within the site, there will be areas adopted by the Council and Scottish Water. Other areas including landscaping and open spaces are proposed to be privately maintained by a factor, with costs addressed by residents of the new development. In order to secure this, it is recommended that should the Committee approve the application a condition is attached to any planning permission granted.
- 7.133 **The proposal complies with NPF4 Policy 20e and LDP Policy 30, subject to a condition.**
- 7.134 **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.

7.135 Land within the site is identified as being Class 2 on the land capability classification for agriculture map. As such this land is defined by NPF4 as prime agricultural land. The proposal does not meet any of the exceptions contained within Policy 5b.

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

#### **Climate Change and Low Carbon Technologies**

7.137 **NPF 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.

7.138 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.

7.139 The proposal includes the erection of residential dwellings within an area of agricultural land to the west of the city. The site is allocated for housing and would support the continued growth of residential accommodation at Western Gateway. The proposed 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.

7.140 The proposals would be required to include biodiversity enhancements. The development would be constructed to modern building standard requirements and is in an accessible location.

7.141 **The proposal complies with NPF Policy 1.**

7.142 **NPF4 Policy 2: Climate Mitigation and Adaptation Crises** - states that:

- a development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible; and
- b development proposals will be sited and designed to adapt to current and future risks from climate change.

7.143 **LDP Policy 48: Low and Zero Carbon Technology in New Development** - states proposals for all new buildings will be required 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.

- 7.144 An Energy Statement has been submitted with the application. The statement outlines proposals for the use of energy efficient materials within the buildings and the use of low carbon technologies to generate power.
- 7.145 The applicant considers the use of thermally efficient materials in construction will minimise heat loss, and the use of technologies including solar panels and air source heat pumps at each dwelling will ensure the development provides viable, sustainable, low carbon solutions to heating and energy provision.
- 7.146 The proposal is acceptable in principle, with a detailed energy strategy to be progressed at the building warrant stage. Through compliance with building regulations, the proposal could meet the requirements of Policy 48 and would minimise greenhouse gas emissions. It is recommended the provision of a detailed energy statement demonstrating the proposal meets standards set out in Scottish Building Standards is submitted for prior approval should members grant planning permission.
- 7.147 In respect of part b) of NPF4 Policy 2 and adapting to climate change risks, a flood risk assessment and drainage assessment have been submitted with the application. These reports consider future flood risks and the impacts of climate change. Through the provision of flood mitigation measures and a Sustainable Drainage System it is demonstrated that the proposals can adapt to current and future risks from climate change.
- 7.148 **The proposal complies with NPF4 Policy 2 and LDP Policy 48, subject to a condition.**
- 7.149 **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.
- 7.150 The application site is towards the north west edge of the city, out with any existing heat networks. The applicant has provided a Heating Statement, which includes an assessment of heat networks within the city.
- 7.151 The statement notes that the site is not within proximity of any existing heat networks, and the applicant considers the provision of a system for the proposed development would be unviable. There could however be scope for the site to connect to a heat network in future should a feasible connection become available.
- 7.152 It then notes that whilst a heat network connection is not proposed, there has been continued improvement in building design and materials under current Building Regulations. This has driven significant improvements in building performance and the use of low carbon technologies such as heat pumps for heating. As such it is likely that energy demand for space heating in new homes will be very low, this would reduce the potential viability of any stand-alone district heating systems for new build residential developments. It would however be possible to retain possible heat network supply routes if a wider district heating network is developed in the fullness of time to allow this development to then be connected.
- 7.153 The content of the statement is accepted. Whilst a viable connection to an existing heat network is not available at present, the development could connect to a heat network in the

future. It is therefore recommended that details of safeguarding future connections to a network are secured through a planning condition.

7.154 **The proposal complies with LDP Policy 46, subject to a condition.**

7.155 **NPF4 Policy 19f: Heat and Cooling** - states that development proposals for buildings that will be occupied by people will be supported where they are designed to promote sustainable temperature management, for example by prioritising natural or passive solutions such as siting, orientation, and materials.

7.156 The energy statement submitted with the application advises that careful consideration has been given to the dwelling form, construction and materials to maximise the energy efficiency of the development and prevent buildings overheating.

7.157 All dwellings have been designed to achieve high energy performance SAP ratings demonstrating low CO<sup>2</sup> emissions and high energy efficiency. All the proposed dwellings will be constructed to current building standards, and solar panels and heat pumps will be incorporated into the development supporting long term sustainability and the use of low carbon technologies in heating and cooling systems.

7.158 **The proposal complies with NPF4 Policy 19f.**

#### **Sustainable Drainage Provision and Flood Risk**

7.159 **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. **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 1:200 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.

7.160 The applicant has provided a drainage assessment and associated drainage plan with the application.

7.161 The applicant proposes that surface water within the site from areas including dwelling roofs and access roads enter a new drainage system, which conveys the water to a SUDS basin within the south east of the site. The run-off water will be treated in the basin prior to discharge to the burn. The forward flow to the burn will be controlled by the inclusion of a hydrobrake flow control device and an orifice plate. Through the appropriate sizing of the SUDS basin, along with the provision of water storage within the pipes and manholes themselves, the drainage system will be able to meet the required attenuation volumes and ensures there is no flood risk. The applicant states the surface water system will be designed and constructed

in accordance with the current version of Sewers for Scotland and the proposals ensure adequate attenuation will be provided in line with CIRIA SuDS Manual C753.

- 7.162 The submitted information demonstrates that an acceptable drainage solution can be achieved. Conditions are recommended to ensure that the full technical details of the drainage system are agreed with Dundee City Council and thereafter implemented on site in the interest of flood protection.
- 7.163 **The proposal complies with NPF4 Policy 20b and LDP Policy 37, subject to conditions.**
- 7.164 **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.
- 7.165 **LDP Policy 36: Flood Risk Management** - Low to Medium Risk Areas of the Local Development states 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.
- 7.166 The applicant has submitted a flood risk assessment and drainage information with the application. The site relates to a sloping area of land within a semi- rural location. 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.
- 7.167 There are however flood risks within the surrounding area including run-off from agricultural land and watercourses to the site's north and east boundaries. The development is required to demonstrate surface water will be managed on site and that there will be no increased flood risk within the site or downstream of the proposed development.
- 7.168 To protect the proposed development and development downstream of the site from flood risk, the mitigation measures recommended include controlling the flow rate of water within the drainage system, forming bunds to the site's north boundary to control run off and providing a finished floor level at each property of 0.6m above the maximum modelled flood levels.
- 7.169 Through the provision of the outlined mitigation measures, the Flood Risk Assessment demonstrates that the development will not be at risk from flooding nor increase the flood risk elsewhere, either upstream or downstream. SEPA has reviewed the submitted flood risk assessment and further information on flood risk which has been provided by the applicant and confirmed there is no objection to the proposals.
- 7.170 The SUDS basin has been sized based on the contributing impermeable catchment areas and the discharge restrictions. The drainage and flood risk mitigation measures proposed would ensure that there would be no flooding of any properties within the site, or elsewhere outside the site boundary, for the 1 in 200 year event plus climate change.

7.171 Overall, the submitted flood risk assessment demonstrates that any flood risk can be managed through the provision of mitigation measures and on site sustainable drainage system. The implementation of mitigation measures outlined in the flood risk assessment and the provision of full technical details of the drainage system can be dealt with by condition should Members be minded to approve the application.

7.172 **The proposal can satisfy NPF4 Policy 22c and LDP Policy 36, subject to conditions.**

**Environmental Health and Ground Contamination**

7.173 **NPF4 Policy 23e: Health and Safety** - states that 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 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.

7.174 The proposed development would be located within a semi-rural location, with sources of noise within the surrounding area including industrial operations within Myrekirk Industrial Estate to the east, and road traffic from the A90 trunk road to the south. The applicant has submitted a noise impact assessment (NIA) which considered these noise sources. The NIA concludes that noise from the wider area would have no significant impact on residential amenity during daytime or night time hours.

7.175 With regard to noise sources within the proposed development, there is scope for air source heat pumps to be provided at dwellings however the heating strategy is not yet confirmed. Alternative sources of heating may therefore be used. The initial assessment of air source heat pumps within the NIA considers noise criteria could be met through the use of electric/plant equipment (such as air source heat pumps) which are designed to meet set noise criteria.

7.176 The Head of Communities, Safety and Protection has reviewed the proposed development and raised no objection. However, it is noted that the heating strategy is not finalised and that full details of the type, make and location of air source heat pumps have not been confirmed. Without these details it is not possible to demonstrate that target noise criteria will be met. Planning conditions are therefore recommended which require details of all electric/mechanical plant equipment such as ASHPs to be submitted to the Council, and an amended NIA submitted for approval. Subject to these details being agreed, and a planning condition setting maximum noise levels, the proposals could achieve target internal and external noise levels.

7.177 **The proposal complies with NPF4 Policy 23e and LDP Policy 39, subject to conditions.**

7.178 **NPF4 Policy 9c: Brownfield, Vacant and Derelict Land and Empty Buildings** - states 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.

7.179 The greenfield site is presently open agricultural land, bound by public roads, planting and a water course. The applicant has submitted a Site Investigation which considers the application site and scope for contamination to be present. The report concludes there is a low risk of contamination being present within the site.

7.180 The submitted study has been reviewed by The Head of Communities, Safety and Protection. The conclusions and recommendations within the report have been considered, it is requested that further investigations and assessments are progressed to demonstrate if any mitigation measures will be required. It is recommended completion of further investigations, reporting and thereafter implementation of any required remediation works are controlled by condition.

7.181 **The proposal complies with NPF4 Policy 9c and LDP Policy 41 , subject to conditions.**

### Archaeology

7.182 **NPF 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.

7.183 The proposed development site was subject to a comprehensive archaeological evaluation in 2013. Some archaeological remains were identified within the southern portion of the site, likely of later prehistoric date. Further investigations were completed and all archaeological features found across the site were fully exposed and recorded. Accordingly no further on site fieldwork is required.

7.184 To fully assess the significance of the archaeological discoveries made during 2013 excavations, a programme of post-excavation analysis is required. This will involve the publication of a full record of the work undertaken and the discoveries made. An archaeological condition is therefore recommended to ensure that the applicant undertakes

further analysis and reporting. Subject to the completion of further reporting and submission to the Council, the archaeological significance of the remains will be confirmed.

7.185 **The proposal complies with NPF Policy 7o and LDP Policy 52, subject to a condition.**

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

#### **MATERIAL CONSIDERATIONS**

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

#### **A – DEPARTURE FROM DEVELOPMENT PLAN POLICY**

##### **NPF4 POLICY 5b**

7.188 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.

7.189 The policy assessment within this report confirms that the principle of housing development on this land is accepted. This is due to the site being an allocated greenfield housing site within the Dundee Local Development Plan 2019. The site is also within the Dundee Housing Land Audit 2023 as Dykes of Gray, North East with an indicative capacity of 215 residential units.

7.190 The allocation of this site for housing, and the other greenfield housing sites at Western Gateway, are a key part of the planned release of housing land across the city to provide flexibility and choice in Dundee's housing market for house builders and occupiers. Through the preparation of the local development plan, it was recognised that brownfield land alone could not deliver the volume of new homes required to be built in the city over the plan period. To ensure that there is an effective and generous supply of land for housing available and to provide for a balance and choice in the type, size, tenure and location of housing within the city the adopted strategy includes a managed release of greenfield land in the east and west of the city. Site H43 is the first of two larger sites at Western Gateway that will support the continued delivery of that strategic development area.

7.191 These are material considerations which support the approval of the proposal contrary to the requirements of Policy 5b.

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

##### **LDP POLICY 10**

7.193 The development includes the provision of flatted blocks within the west of the site, and cottage flats within areas of housing. Flats are only supported in the suburban area as identified by the Local Development Plan 2019 where it relates to the conversions of buildings of merit where conversion to houses is not suitable or achievable or where identified in a site planning brief. The proposal complies with all other criteria of Policy 10 Appendix 4, including the provision of a minimum of 80m<sup>2</sup> internal floor area, 150% car parking, secure storage for cycles, useable private communal garden ground and there is provision for waste and recycling.

7.194 With regard to flats within the Western Gateway, these are proposed to support the provision of a range of house types within the area. The development seeks to reflect and maintain the

established character of development on Dykes of Gray Road. This includes a higher level of density of development towards the 'village centre', including flats such as those previously constructed on the west side of Dykes of Gray Road, with lower density housing moving away from the core area. The proposed site layout and variety of house types and sizes to be developed ensure the proposal would contribute positively to the appearance of the development and meet the needs of a growing population. The proposal would introduce a mix of house types including flats, terraced houses and larger detached family homes. This will support the development in meeting a diverse range of housing needs and allow residents to stay in the area long term by providing choices in size and cost. Overall, whilst the provision of flats within the site is not identified in a site planning brief, their inclusion within this development supports the provision of a range of house types and densities, and would contribute positively to the character and appearance of the area. The site layout reflects the established pattern of higher density development towards the village core with lower density development towards the east of the site.

7.195 There are material considerations which support the approval of the proposal contrary to the requirements of LDP Policy 10 Appendix 4 in relation to flatted development.

### **B – REPRESENTATIONS**

7.196 A total of 38 representations were received, including 11 letters of supported, 1 neutral representation and 26 objections.

7.197 The 11 letters of support raised the following matters:

7.198 **Comment** - the identification of land to the south west of the site for a possible school is welcome. There is considered to be significant demand for education provision within walking distance of the site, with the present catchment school being several miles away. This development would be a positive step towards the provision of a school, a matter which is of significant importance to the community.

7.199 **Response** – as considered within the report, there is a requirement for greenfield development at Western Gateway to be subject of education contributions. The contributions are required to support the enhancement of Primary School provision. If members are minded to approve planning permission, such contributions can be secured through a legal agreement.

7.200 The proposed site layout of the residential development retains a 5 acre area of land towards Dykes of Gray Road which is noted on the submitted plans as a potential site for a primary school. At this time, Dundee City Council and partners continue to work on the delivery of a primary school within the Western Gateway. Any proposals for a school within this location would be subject of a separate planning application.

7.201 **Comment** - the development will support progress on development at Western Gateway, both in terms of residential development and the provision of services which can be sustained by a growing population.

7.202 **Response** – it is acknowledged that the proposed development would introduce a number of houses and flats into the site, increasing the population in the area. To the west of the site within the village core are at present a shop and bus stop, with planning permission granted for further developments including retail and commercial uses. As the Western Gateway develops and the population increases, there will be sufficient demand to support a range of local shops and services in the area.

7.203 One neutral representation was received, which highlighted the speed of existing traffic in the area and raised concerns further development would be detrimental to road safety. It is



requested consideration be given to crossing points and speed limits at the proposed development and existing roads ahead of further development.

- 7.204 **Response** – the proposed site layout includes locations for crossing points on Dykes of Gray Road and alterations to the road along the sites south boundary including the formation of a footway. The proposed layout and crossing points are supported by the Head of Sustainable Transport and Roads. Details of the crossings and road works will be subject of a separate application for Road Construction Consent. At this time there are not considered to be any road safety issues on Dykes of Gray Road. However, any alterations required to Dykes of Gray Road or surrounding roads following further development in the area will be fully considered by Dundee City Council. This could include review of speed limits, traffic calming measures and signage.
- 7.205 In total 26 letters of objection were received, raising the following material considerations:
- 7.206 **Objection** - the development is of a scale and form which is not sympathetic to the areas existing low density, rural character of Denhead of Gray. The residential development, and possible future development of a school would significantly alter the area and have a significant impact on existing residents.
- 7.207 **Response** – as considered under NPF Policy 14 and LDP Policy 1, the design and layout of the development is considered to be in keeping with the semi-rural character of the area. The proposals meet the requirements of Policy 10 Appendix 4 with the exception of including flatted developments, however there are material considerations which support the provision of higher density housing towards the village core. It is acknowledged the proposed development will increase the population of the local area, and increase demand for services such as shops and schools. The site is allocated for housing within the Dundee Local Development Plan 2019 as part of a long standing strategy to integrate with the wider development of a village type development at Western Gateway. Whilst land is identified as a possible site for a school, it is not subject of this planning application.
- 7.208 **Objection** - use of the existing public road between Dykes of Gray Road and Denhead of Gray raises road safety concerns. The existing road is not considered suitable for the volume of traffic that would be associated with the development, and there are increasing instances of vehicles, cyclists and pedestrians using the road up to and through Denhead of Gray impacting amenity and privacy.
- 7.209 **Response** – the layout of roads and footpaths within the site has been fully considered by the Head of Roads and Sustainable Transport. There is capacity on the existing road network for traffic generated by the proposal. The proposal includes alterations to the access road to the south of the site, with road widened and footpath formed to Dykes of Gray Road. Works have commenced on the upgrade of Swallow Roundabout to increase capacity within the surrounding road network to accommodate the proposals. The letters of objection raise concerns about increased traffic to and through Denhead of Gray. It is acknowledged there will be additional traffic between the site access and the junction with Dykes of Gray Road. However, there would be no increase in traffic beyond the site to Denhead of Gray. Denhead of Gray Road is a public road and its use by vehicles, cyclists and pedestrians is not something that can be controlled through this planning application.
- 7.210 **Objection** - the proposed development would have a detrimental impact on wildlife in the local area, and would result in the loss of prime agricultural land.
- 7.211 **Response** – wildlife and habitat are considered under NPF4 Policies 3 and 4, and LDP Policy 34. It is considered the existing site does not contain any habitats of significant value, and through the provision of new planting and features such as bird and bat boxes, the

biodiversity value of the site can be enhanced. It is acknowledged the proposal would result in the loss of prime agricultural land, however as considered above the site is an allocated housing site. This is a material consideration which is considered to be of sufficient weight to support the development.

- 7.212 **Objection** - there are considered to be existing drainage issues in the local area, and with existing properties including septic tanks any future flooding raises significant concerns.
- 7.213 **Response** – as considered under NPF4 Policies 20 and 22, and LDP Policies 36 and 37 the submitted reports demonstrate the site would be provided with a sustainable drainage system, and subject to mitigation measures would not be at risk of flooding nor increase flood risk downstream.
- 7.214 **Objection** - there is not sufficient services, such as shops and education provision, to support further development at the Western Gateway. Services such as a school are critical to the future of development in the area.
- 7.215 **Response** – as discussed under the assessment against NPF4 Policy 18b and LDP Policy 20, 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. Education contributions made by the applicant will be held by the Council until the enhanced provision is required and then used towards funding enhanced provision
- 7.216 **Objection** - the developments form and layout does not incorporate “living streets” with car parking dominating plots and few dwellings orientated to maximise solar gain. Whilst there are some initial services in the area, further are required and there are no ready active travel routes to areas such as Camperdown and the Green Circular.
- 7.217 **Response** – the submitted site layout and roads hierarchy plans demonstrate a range of road types and forms, including main access roads with carriageway and footpaths, linking streets and local streets along with proposed footpaths. The road layout is designed to restrict traffic speeds and be accessible to a range of users including pedestrians and cyclists. All plots include parking spaces, with a range of forms and positions proposed including garages, parking to the front and side of houses, and to the north of the flatted blocks. It is not considered parking would be over dominant, with the proposed positions ensures safe and accessible parking is provided. A range of dwelling orientations are proposed, whilst a number of the proposed houses face east-west there will be scope for low carbon technologies such as solar panels to work effectively. The density and form of development ensures plots would get sunlight for much of the day with no significant overshadowing. The site is within walking distance of a shop and bus stop within the village core, and is connected to the surrounding core path network as well as shops, services and places of employment at Myrekirk by an existing path. Use of existing route does support connections to areas including Camperdown Park and the Green Circular, and there is scope for further paths to be developed in the Western Gateway in the future.
- 7.218 **Objection** – there is a lack of house type and tenure mix within the development, a denser mix of housing and three/four storey flatted developments would be more acceptable.
- 7.219 **Response** – the range of house types and sizes is considered within the above policy assessment. The development would be for private housing as supported by the local development plan, and the house types proposed would support the provision of a range of housing from smaller flatted developments to larger family homes.
- 7.220 The site is within a suburban area where lower density homes are more in keeping with the semi-rural character of the area. The local plan does not support new build flatted

development within greenfield sites. It is however acknowledged that flatted developments provide a greater range of choice in terms of house size and cost. For the reasons outlined under “Departure from Development Plan Policy” above it is considered that flats would contribute positively to the range and type of houses within the development and wider Western Gateway development.

7.221 The matters raised in the representations are not considered to be of sufficient weight to justify the refusal of planning permission.

7.222 **It is concluded that there are material considerations of sufficient weight which would justify the approval of planning permission.**

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## 8 CONCLUSION

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8.1 The application fails to fully comply with the requirements of the Development Plan. However, there are material considerations of sufficient weight that justify approval of planning permission. It is therefore recommended that planning permission be granted subject to conditions and only when a planning obligation has been completed that secures developer contributions.

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## 9 RECOMMENDATION

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### Recommendation 1

9.1 This planning permission 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 contributions towards education provision and road upgrades in accordance with the local development plan and supplementary guidance.

### Recommendation 2

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

1 **Condition** - the development hereby permitted shall be commenced within three years from the date of this permission.

**Reason** - to comply with Section 58 of the Town & Country Planning (Scotland) Act 1997.

2 **Condition** - development shall not begin until further investigation and risk assessment is completed and, if necessary; a remediation strategy to deal with any contamination at the site has been submitted to and approved in writing by the planning authority. The strategy shall contain proposals to deal with contamination to include:

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

**Reason** – in order to ensure that any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

- 3 **Condition** – before any unit is occupied the remediation strategy shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority.

**Reason** - in order to ensure that any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

- 4 **Condition** - prior to the commencement of any construction works, details of a scheme of public art to be provided within the development hereby approved shall be submitted to the Council for written approval. This scheme shall include a programme for the installation of the public art and the works shall be completed in accordance with the agreed programme.

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

- 5 **Condition** - prior to the commencement of development, 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 shall be submitted to and agreed in writing by the Council. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

**Reason** - to ensure that a satisfactory biodiversity enhancement scheme is proposed and implemented, mitigating the biodiversity impact that development has on the site.

- 6 **Condition** – prior to commencement of development, a detailed landscaping plan shall be submitted for approval. Thereafter, the agreed landscaping shall be implemented in full prior to first occupation of the residential development hereby approved. An Arboricultural Consultant shall inspect all nursery stock and provide a report to the Council confirming that it complies with the landscape plans hereby approved prior to it being planted. All tree planting is to be carried out as per BS:8545:2014. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.

**Reason** - to ensure that a satisfactory biodiversity enhancement scheme is proposed and implemented, mitigating the biodiversity impact that development has on the site.

- 7 **Condition** - prior to the commencement of any development, any site scraping or entry of construction traffic, full details of tree protection fencing in accordance with BS5837:2012 shall be submitted to the council for approval. Thereafter, the agreed fencing shall be erected on site in the agreed positions under the supervision of the applicant's arboricultural consultant and to the satisfaction of the City Council. Such fencing shall be retained in place throughout the construction period and relocation of any fencing shall be agreed with the Council prior to any movement of the fencing.

**Reason** – to ensure protect trees are retained and that the character of the application site and the surrounding area is maintained.

- 8 **Condition** - the recommended mitigation measures laid out in Section 6 of the “Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment” dated October

2023 by EnviroCentre Limited shall be fully implemented as part of the development. Should development not commence within 12 months of the date of this decision, an updated report shall be submitted to the Council for written approval and any recommended mitigation measures implemented as part of the development.

**Reason** – in order to ensure the site is developed with due regard to any species on site and to ensure a satisfactory scheme of biodiversity enhancement is proposed.

- 9 **Condition** – prior to the commencement of any construction works, 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 shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to the first occupation of the development hereby approved.

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

- 10 **Condition** – prior to the commencement of any construction works, maintenance responsibilities along with a maintenance schedule for the surface water drainage system/SUDS features shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out in perpetuity.

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

- 11 **Condition** – prior to the commencement of any works on site, details of measures proposed to manage surface water run-off from the site during construction shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to construction works commencing on any part of the development hereby approved.

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

- 12 **Condition** – should any additional noise sources (e.g. air source heat pumps) be introduced onto the site which are not included in the approved submitted plans, then these noise sources must be assessed and the noise impact assessment submitted for approval prior to the introduction of them. Any required mitigation measures identified by the noise impact assessment must be undertaken prior to the first occupation of any of the residential dwellings hereby approved.

**Reason** - in the interests of protecting residential amenity.

- 13 **Condition** – the total noise from the mechanical and electrical plant/services shall not exceed NR35 as measured 1 metre external to the facade of adjacent residential property. Furthermore, it shall not exceed NR25 within any adjoining residential property.

**Reason** - in the interests of protecting residential amenity.

- 14 **Condition** – prior to the commencement of development, a site waste management plan shall be submitted to and approved by the Council. The waste management plan shall contain details of how site waste will be controlled during the construction and operation of the development.

**Reason** – in the interest of sustainable waste management.

- 15 **Condition** - details of the proposed roads and vehicle access including proposed road markings and signing must be agreed prior to any works on site and the roads must be constructed to Dundee City Council standards and specifications.

**Reason** - in the interests of vehicle and pedestrian safety.

- 16 **Condition** - the junction of Dykes of Gray Road with Denhead of Gray shall be improved to DCC specifications and the works constructed to the agreed standard prior to the occupation of the first property.

**Reason** - to ensure the access meets current standards.

- 17 **Condition** - a footway must be provided to Dundee City Council specifications ex adverso the site on Denhead of Gray. Details of the footway must be agreed prior to any works on site.

**Reason** - in the interests of vehicle and pedestrian safety.

- 18 **Condition** - any existing accesses that are no longer required as part of the proposed development must be made good as footway to Dundee City Council specifications. Details of these alterations must be agreed prior to any works on site.

**Reason** - in the interests of vehicle and pedestrian safety.

- 19 **Condition** - prior to the commencement of work on site, full details and samples of all of the proposed finishing materials of the development hereby approved shall be submitted to the Council for written approval. Thereafter, the proposed development shall be finished in strict accordance with the details approved by this condition.

**Reason** – in the interests of visual amenity.

- 20 **Condition** - a prior to occupation of the first property a Residential Travel Plan shall be submitted to and agreed in writing by the Planning Authority. 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.

- 21 **Condition** - prior to occupation of the first dwelling, a Street Lighting system must be provided by the applicant to Dundee City Council standards and specifications.

**Reason** - in the interests of vehicle and pedestrian safety.

- 22 **Condition** – full details of the proposed external cycle storage provision, as illustrated on drawing 02B – Site Plan dated 23 January 2020, shall be submitted to the Council for written approval. Thereafter, the cycle storage provision approved by virtue of this condition shall be provided on site prior to first occupation of the associated dwellings.

**Reason** - in the interests of promoting sustainable transport.

- 23 **Condition** – the hard surface within the curtilage should be made of porous materials or provision should be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

**Reason** - to ensure that surface water from within the curtilage of the site does not drain to the adjacent adopted road.

- 24 **Condition** - the applicant must provide a disposal route for road surface water to the satisfaction of Dundee City Council which discharges to a system publicly maintained/maintainable by the relevant authority.

**Reason** - to ensure an appropriate and publicly maintainable system is provided.

- 25 **Condition** - prior to the occupation of any of the consented development, the proposed upgrade of the A90 Swallow Roundabout, generally as illustrated on Arup Drawing "Transport Assessment Figure 5" No. 264007-00 (Rev I1), shall be 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, and that the safety and free flow of traffic on the trunk road is not diminished.

- 26 **Condition** - an Energy Statement demonstrating the extent to which the new build elements of the development will meet the requirements of Policy 48 of the Dundee Local Development Plan shall be submitted for the approval of the planning authority and the works shall be completed in accordance with the approved Statement.

**Reason** - in the interests of reducing carbon emissions associated with the proposed development.

- 27 **Condition** - prior to commencement of works on site, full details shall be shown on plan of a reservation strip or area(s) within the site to be safeguarded from development to support the delivery or connection to a heat network. These details shall be submitted for the approval of the planning authority and thereafter the agreed strip or areas shall be safeguarded from development.

**Reason** - to demonstrate that the development would be capable of connecting to a heat network as future demand dictates.

- 28 **Condition** - prior to commencement of works on site, the developer shall implement a programme of post-excavation research and publication in accordance with a detailed written scheme of investigation which has been submitted to and approved in writing by the Planning Authority.

**Reason** - in order to safeguard the archaeological heritage of the site and to ensure that the developer resources the investigation, recording and publication of the archaeological excavations already undertaken on this site.

- 29 **Condition** – prior to the commencement of any work on site, maintenance responsibilities along with a maintenance schedule for all communal/shared areas shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out in perpetuity.

**Reason** - to ensure that the proposed development has a satisfactory external appearance in the interests of the environmental quality and visual amenities of the area.



**Informatives**Transport Scotland

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.

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.

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.

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.

Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.

Dundee City Council as Roads Authority

A Road Construction Consent (RCC) application (found via the following link on DCC website: <http://www.dundee.gov.uk/a2z/constructionconsent> ) must be submitted to Dundee City Council as Roads Authority for work on the adjacent public road or footway and consent for this must be obtained prior to the commencement of any work on the public road or footway. For further details please contact 01382 433341 or [developmentroads@dundee.gov.uk](mailto:developmentroads@dundee.gov.uk).