

Proposed Residential Development

KEY INFORMATION

Ward: Lochee

Address:

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

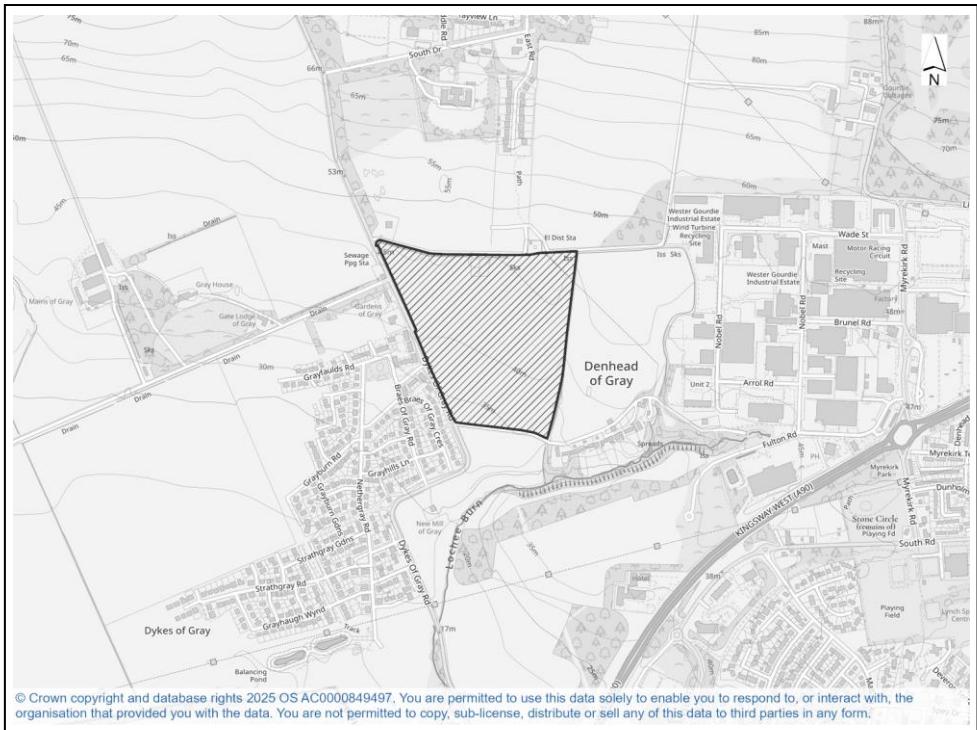
Applicant:

Springfield Properties PLC
and Barratt & DW North
Scotland

Validated: 28 July 2025

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

Contact: Craig Swankie



SUMMARY OF REPORT

- Planning permission is sought for a residential development comprising 205 houses with associated landscaping, open space, access, and infrastructure. The proposal is an amendment of planning permission 18/01056/FULM which was approved at planning committee in February 2025.
- 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, 10 letters of representation were received, comprising 7 letters of support and 3 letters of objection. Matters raised include increased traffic, density of development and tenure mix.
- 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://doxwam.dundee.city.gov.uk/doxpaweb/applicationDetails.do?activeTab=summary&keyVal=T03YRGGCMBO00>

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 a Section 75 Planning Obligation. The legal agreement relates to the provision of contributions towards education provision and road upgrades in accordance with the Development Plan.

1 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks planning permission for a residential development of 205 dwellings, comprising a mix of detached and semi-detached private houses on land to the east of Dykes of Gray Road. The proposal is an amendment of planning permission 18/01056/FULM which was approved at planning committee in February 2025.
- 1.2 The proposed houses include 3 and 4 bedroom dwellings, each with front and rear gardens. The houses are a mix of sizes and designs, with thirteen different house types proposed.
- 1.3 The proposal comprises a range of house sizes and finishes, including houses which feature white render to external walls and sections of stone to frontages. Roofs are to be finished in concrete tiles and windows, doors and garage doors are to be finished in white. 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 car parking.
- 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, 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. This will include trees to the east boundary, trees and shrubs to the north and west boundaries and a mixture of planting around the proposed SUDS basin.
- 1.6 The site plan also shows a 2.1 hectare area of land to 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;
 - Low and Zero Carbon Building Report
 - Site Investigation Report; and
 - Flood Risk Assessment.



Figure 1 – Proposed Site Layout



Figure 2 – Proposed Street Elevations







Figure 5 – Proposed “Thurso’ House Type



2 SITE DESCRIPTION

- 2.1 The application site relates to a gently sloping area of land on the east side of Dykes of Gray Road and 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.



Figure 7 – View of Site From North Boundary



Figure 8 – View of Site From South Boundary

3 POLICY BACKGROUND

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 3: Biodiversity
- Policy 4: Natural places
- Policy 5: Soils
- Policy 6: Forestry, woodland and trees
- Policy 7: Historic assets and places
- Policy 9: Brownfield, vacant and derelict land and empty buildings
- Policy 12: Zero waste
- Policy 13: Sustainable transport
- Policy 14: Design, quality and place
- Policy 15: Local living and 20-minute neighbourhoods
- Policy 16: Quality homes
- Policy 18: Infrastructure first
- Policy 19: Heating and cooling
- Policy 20: Blue and green infrastructure
- Policy 21: Play, recreation and sport
- Policy 22: Flood risk and water management
- Policy 23: 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.

4 SITE HISTORY

- 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.
- 4.2 A planning application for 215 dwellings, comprising 165 houses and 50 flats within the site (reference 18/01056/FULM) was approved subject to conditions and a legal agreement in February 2025.
- 4.3 A proposal of application notice for residential development within the application site (reference 25/00184/PAN) was submitted to Dundee City Council in June 2025.
- 4.4 An EIA Screening Request for a proposed residential development (reference 25/00005/EIASCR) was submitted in August 2025. EIA was not required.

5 PUBLIC PARTICIPATION

- 5.1 The applicant has undertaken the necessary pre-application community consultation as required for planning applications for major development. The Pre-application Consultation Report sets out what consultation took place and how it has influenced the application.
- 5.2 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- 5.3 Seven letters of support were received, raising the following matters:
 - 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.
 - comments received also highlighted support for the provision of a school at Western Gateway. This is however not a matter which is subject of this planning application which relates to a residential development only.
- 5.4 Three letters of objection were received, raising the following material considerations:
 - use of the existing public road network, including Dykes of Gray Road and Denhead of Gray do not have capacity for the proposed development.
 - the proposed development would have a detrimental impact on wildlife in the local area, and would result in the loss of prime agricultural land;
 - the developer shall require to demonstrate they will undertake post occupancy evaluation and building performance evaluation, and that the development is design to adapt to changes in the local area in relation to climate change.
 - 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 proposed houses would not meet Passivhaus standard, and few dwellings are orientated to maximise solar gain.

- the development form and layout results in car parking to the front and side of houses dominating plots. Parking should be provided within the houses, underground or to the rear.
- Developers who lodge proposals within neighbouring local authorities that are near to Dundee City Councils boundary should also submit proposals to Dundee City Council to support a collaborative approach to development; 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. The development also fails to provide a range of house designs and does not include smaller homes such as 2-bedroom units.

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

6 CONSULTATIONS

6.1 **Angus Council** – No comments provided.

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 Environment** - has commented on the following matters:
Greenspace – there has been no change to the site since the approval of the existing planning application. Planning conditions as 18/01056/FULM are recommended in relation to the provision of wildlife protection and tree protection measures during construction and the provision of biodiversity enhancements as part of the development.

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

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

6.6 **Transport Scotland** – has no objection to the proposals.

6.7 **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 shall be determined in accordance with the Development Plan unless material considerations indicate otherwise.

THE DEVELOPMENT PLAN

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

Principle of Development

7.2 **NPF4 Policy 9b: Brownfield, Vacant and Derelict Land and Empty Buildings** – states 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.

7.3 **NPF4 Policy 16a: Quality Homes** - states development proposals for new homes on land allocated for housing in LDPs will be supported.

7.4 **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.

7.5 The proposed development would occupy the allocated greenfield housing site H43 of the Dundee Local Development Plan 2019.

7.6 **The proposal complies with NPF4 Policies 9b and 16a, and LDP Policy 9.**

7.7 **NPF4 Policy 16b: Quality Homes** - states development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:

- i meeting local housing requirements, including affordable homes;
- ii providing or enhancing local infrastructure, facilities and services; and
- iii improving the residential amenity of the surrounding area.

7.8 The applicant has provided a Statement of Community Benefit with the application. Regarding 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 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. The statement notes the site is allocated as H43 and is identified as an important part of the supply over the coming 10 years, with completions expected from 2025/2026 through to 2031/2032. The granting of planning permission will assist in meeting the delivery targets set by the Planning Authority.

7.9 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. The site layout includes measures such as road and footpath connections which support direct and easy access between the site and the adjacent village core. The layout ensures high-quality connections between the site and the surrounding area, including the provision of future crossings on Dykes of Gray Road. With the upgrade of Swallow Roundabout completed, further connections have been established between the site and surrounding road and footpath network. Provision is also made for connections to the bus service which currently serves the area.

7.10 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. Through consultation with

the local community the site layout seeks to support the delivery of a school to serve the area which will be of major benefit to residents. The development seeks to protect valuable ecological features and provides enhancements through new landscaping on the site that will have a positive benefit to biodiversity and the ability for residents to enjoy in the surrounding area.

7.11 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.

7.12 **The proposal complies with NPF4 Policy 16b.**

7.13 **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.

7.14 The Dundee Local Development Plan 2019 Developer Contributions Supplementary Guidance 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.

7.15 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.

7.16 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.

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

Design of New Housing

7.18 **NPF4 Policy 14b: Design, Quality and Place** - states development proposals will be supported where they are consistent with the 6 qualities of successful places: Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable.

7.19 **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.

7.20 **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.

7.21 The built environment within the surrounding area is a mixture of modern residential development and traditional rural development. To the west of the site, houses and flats of varying scale and density 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.

7.22 In response to this context, the proposed development respects the height and appearance of established housing adjacent to the site. The layout of the site and location of open spaces has been designed to form a welcoming entrance to the development from the established village core to the west of the site. The proposed layout includes denser areas of development towards the west and centre of the site, and lower density development towards the site boundaries. This reflects the layout and density of existing development to the west of the site and creates a sense of hierarchy. Through the layout of the site, the range of proposed house types and provision of road and footpath connections, the development will integrate with the wider development of housing at Western Gateway whilst being harmonious with the semi-rural character and setting of the area.

7.23 By virtue of the above, the height, scale and massing of the proposed development is 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 houses and provision of planting are such that the proposal will integrate into the existing landscape setting.

7.24 The provision of high-quality 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 house types and forms, where finishes include white renders, facing stone and concrete tiles as the primary materials, the buildings within the development will be complementary to both houses within the site and buildings within 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.

7.25 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, and boundary treatments such as hedging are proposed at play areas and shared spaces. The proposal positively promotes wayfinding and a sense of orientation.

7.26 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 currently contains 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 north, south and west boundaries of the site.

7.27 The site is an allocated housing site; the proposal will 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 areas 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 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.

7.28 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.

7.29 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.

7.30 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 the proposed houses creates a development which positively addresses the existing and proposed roads within the site and wider area ensuring a cohesive streetscape. 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 thirteen house types proposed, which will assist in bringing variety to the streetscape. Overall, the design of the proposed development is of a high quality.

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

i in general, 75% of houses should have 3 or more bedrooms or a minimum gross internal floor area of 100m².

7.32 **Response** - all houses have 3 or more 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.

7.33 **Response** - parking is largely located at either the front or side of the houses. Four of the proposed house types feature integrated garages. At 10 proposed plots situated on corner sites, parking provision is located at the rear of the garden areas resulting in a short walk to the houses. This arrangement is acceptable in this instance as it ensures the proposed dwellings address the public road, provide a strong frontage and contribute positively to the character of the development. Overall, 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.

7.34 **Response** - cycle storage will be provided either within garages or external cycle stores at each house. The proposal complies with criterion iii.

- iv Greenfield sites will provide an average private useable garden ground of 160m² per house with a minimum garden size of 120 m². The provision for mid terrace houses may be relaxed. Mid terraced gardens should be serviceable by a private path to the street.

7.35 **Response** - the site plan shows that all houses will have a minimum private garden ground of 120m² to the rear of the properties. The average useable garden ground is 160m². The proposal complies with criterion iv.

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

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

7.37 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.

7.38 **Response** - an area for storage of bins is to be provided within rear/side garden ground at all houses. This provides 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.

7.39 The proposal complies with Appendix 4 – suburban standards for sites of 5 or more houses.

7.40 For the reasons set out above, the proposed layout and design of the development is 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.

7.41 **The proposal complies with NPF4 Policy 14b, LDP Policy 1 and LDP Policy 10 Appendix 4.**

7.42 **NPF4 Policy 12a: Zero Waste** - states development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy. **NPF4 Policy 12c** states that 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.

7.43 **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.

7.44 The development has been designed to allow for safe access by vehicles including refuse, emergency and large delivery vehicles. All 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.

7.45 There is space at each proposed dwelling for bins to be accommodated as required by Dundee City Council's waste strategy. The proposal will support waste separation, recycling and reduction in line with the waste hierarchy.

7.46 It is recommended that the provision of a site waste management plan and its implementation during construction be controlled by condition.

7.47 **The proposal complies with NPF4 Policy 12a and LDP Policy 44, subject to a condition.**

7.48 **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.

7.49 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.

7.50 **The proposal complies with LDP Policy 2, subject to a condition.**

Developer Contributions

7.51 **NPF4 Policy 18b: Infrastructure First** - states the impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Where planning conditions, planning obligations, or other legal agreements are to be used, the relevant tests will apply.

7.52 **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.

7.53 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.

7.54 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 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.

7.55 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 includes recommendations which will ensure the development is not at risk of flooding, nor will it 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 Swallow Roundabout to a signal-controlled roundabout has also been completed. As considered further below, the completion of these upgrades ensures the road network has the capacity for the proposed development.

Dykes of Gray Road Improvements

7.56 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

7.57 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.

7.58 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.

7.59 As with previous developments in the Western Gateway, developer contributions for education provision and for the Dykes of Gray Road improvements are to be secured through a Section 75 Planning Obligation. The existing planning permission 18/001056/FULM was approved subject to a legal agreement in February 2025. That legal agreement applies to both the

existing planning permission 18/01056/FULM and any subsequent planning permission within the land subject of that planning permission.

7.60 This planning application 25/00426/FULM is within the same site as that existing planning permission. Therefore, should planning permission be approved for this application which is an amended design the proposal will be subject to the requirements of the existing legal agreement. This will ensure the development is subject to developer contributions regarding Dykes of Gray Road improvements and education provision should members be minded to approve the application.

7.61 **The proposal complies with NPF4 Policy 18b and LDP Policy 20, and would be subject to an existing Planning Obligation.**

Transportation and Local Living

7.62 **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.

7.63 The main road and pedestrian accesses are proposed within the south and west boundaries of the site, 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.

7.64 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 and the number of bus services using this bus stop has grown. The bus 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.

- 7.65 The development is capable of providing EV charging points to serve each house, this can be secured through the building standards process. The proposal complies with criterion iv.
- 7.66 Where garages are not proposed, cycle storage is to be provided within rear garden ground. 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.
- 7.67 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.
- 7.68 The nature and scale of the proposed road layouts are such that vehicles cannot travel at significant speed. The proposal complies with criterion vi.
- 7.69 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 enhance the junction between Denhead of Gray Road and Dykes of Gray Road. 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.
- 7.70 **The proposal complies with NPF4 Policy 13b.**
- 7.71 **NPF4 Policy 13c: Sustainable Transport** – states that 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.
- 7.72 A transport assessment (TA) was undertaken for planning application 18/01056/FULM. This current planning application seeks to amend that existing permission, removing flats from the proposals and changing house types. The proposed road access locations and site layout remains in line with the existing planning permission; however, the number of proposed residential dwellings is reduced from 215 to 205.
- 7.73 The TA noted the proposed site layout for 18/01056/FULM included vehicular access to the development being provided by a new junction onto Dykes of Gray Road, and a secondary junction with Denhead of Gray. Vehicular and cycle parking was to be provided within the development as required by the Development Plan. The layout of the site has been designed to meet the six qualities of a successful place, and to prioritise pedestrians and cyclists through the promotion of low vehicle speeds.
- 7.74 The proposed site layout continues to address these elements, with vehicle access and widening of Denhead of Gray as approved under 18/01056/FULM. The site layout and proposed dwellings ensure vehicle and cycle parking can be provided as required by the Development Plan, and the six qualities of a successful place are addressed.

7.75 The TA assesses the impact of the development on future traffic flows within the local road network. The Swallow Roundabout has been upgraded, as required by 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 upgrade of the roundabout, the proposed development would have no significant detrimental impact on traffic flows within the wider area during weekday AM and PM periods.

7.76 With regard to the upgrade of Swallow Roundabout, works have now been completed. There is therefore capacity within the existing road network for traffic associated the proposed 205 houses to be accommodated. Following consultation, Transport Scotland has advised they have no objections to the application.

7.77 **The proposal complies with NPF4 Policy 13c, subject to a condition.**

7.78 **NPF4 Policy 13f** – states development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.

7.79 The Transport Assessment submitted with planning application 18/01056/FULM includes outline details for a travel plan. The travel plan will provide travel information for all modes of transport, raise awareness of travel options, reflect input from local transport operators and provide information on safe routes to facilities including schools. The travel plan will support the use of non-car travel modes and encourage the use of sustainable transport options such as walking, cycling and use of public transport networks.

7.80 The outline proposals are acceptable and would address the requirements of Policy 13f if progressed to a detailed travel plan. The provision of a detailed travel plan, and information on how it is to be distributed to residents can be controlled by condition.

7.81 **The proposal complies with NPF4 Policy 13f, 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 NPF4 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 transport assessment considers the future impacts of residential development within this site. The assessment demonstrates a residential development of this size 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 upgrade of Swallow Roundabout has been completed ensuring the proposal would be in compliance with criterion 4.
- 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 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 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 can provide EV charging points to serve the houses and this will be secured through the building standards process. Cycle parking is proposed within garages or cycle stores within the curtilage of each property, and this provision will be secured through a planning condition.
- 7.93 **The proposal complies with LDP Policy 56, subject to a condition.**

7.94 **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.

7.95 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.

7.96 Footpaths are provided on Dykes of Gray Road, which provide connections between the site and earlier phases of residential development to the west. There are also footpath connections to Myrekirk Industrial Estate to the east of the site. 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.

7.97 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.

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

7.99 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.

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

7.101 **NPF4 Policy 21: Play, recreation and sport** – seeks to encourage, promote and facilitate spaces and opportunities for play, recreation and sport. Part d states development proposals

likely to be occupied or used by children and young people will be supported where they incorporate well-designed, good quality provision for play, recreation, and relaxation that is proportionate to the scale and nature of the development and existing provision in the area. Part e states development proposals that include new streets and public realm should be inclusive and enable children and young people to play and move around safely and independently, maximising opportunities for informal and incidental play in the neighbourhood.

7.102 The proposed site layout includes a play area within the west of the site, and public open spaces towards the centre and north of the site. The proposed play area would be well connected to both houses within the proposed development, and footpaths which connect the site to existing houses in the surrounding area. The play space would be within a pedestrian corridor between Dykes of Gray Road and the centre of the proposed development, ensuring it is visible, accessible and includes areas of planting and landscaping which contribute to the character and amenity of the space. The play area is of a size which is proportionate to the development, and there will be no barriers to access. Footpaths also connect the proposed development to play areas within earlier phases of residential development to the west of the site. Overall, the development would include and have access to good quality, well-designed play and recreation spaces.

7.103 Streets and public realm within the development are designed to ensure safe and inclusive access. Public roads and footpaths within the development, including those which connect open spaces, will feature street lighting and be constructed to Dundee City Council specifications. The layout and form of the development will ensure children and young people have access to play facilities and can move around safely and independently.

7.104 **The proposal is in accordance with NPF4 Policy 21d and 21e.**

Biodiversity and Soils

7.105 **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.

7.106 A Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment was undertaken for planning application 18/01056/FULM. The present planning application seeks to amend the house types previously approved and alter areas of the site layout.

7.107 Whilst presently unkempt and overgrown the site was historically, primarily agricultural land containing 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 it makes no significant contribution to local biodiversity.

7.108 The 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.

7.109 With regard to wildlife, surveys undertaken within the site found no evidence of protected species being present. 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.

7.110 Following assessment of the reports and the findings of the surveys, the 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. However, as the surveys were undertaken over a year ago, it is recommended the completion of an updated Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment, and the implementation of biodiversity enhancement measures are controlled by condition.

7.111 **The proposal complies with NPF4 Policy 3a, subject to a condition.**

7.112 **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.

7.113 The reports, as submitted with 18/01056/FULM, considers that there are no habitats within the application site which are 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 several years including potatoes and barley. Some of the trees along the northern and eastern boundaries of the application site are considered to be 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.

7.114 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 adverse impact to the SSSI will arise due to the proposed development. 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 unlikely the proposal will have any impact on designated areas or habitats. The application has demonstrated it complies with point i) of Policy 3b.

7.115 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.

7.116 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 residents for walks and outdoor activities.

7.117 **The proposal complies with NPF4 Policy 3b.**

7.118 **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.

7.119 **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.

7.120 A Habitat Survey and Preliminary Ecological Appraisal with Biodiversity Net Gain Assessment have been undertaken for the application site. These reports consider existing site conditions, planting and wildlife within the site.

7.121 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, provision of escape ramps and following SEPA guidelines to avoid any water pollution during construction works.

7.122 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 which will be a biodiversity feature.

7.123 The proposed mitigation measures and biodiversity enhancements outlined in the report are supported, and full details of their inclusions within the development can be controlled by condition. However, as the report was prepared over 12 months ago, an updated ecology survey will be required prior to any works being progressed on site. 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.

7.124 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.

7.125 **The proposal complies with NPF4 Policy 4f LDP Policy 34, subject to conditions.**

7.126 **NPF4 Policy 6a: Forestry, Woodland and Trees** - states development proposals that enhance, expand and improve woodland and tree cover will be supported.

7.127 **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.

7.128 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.

7.129 With regard to new planting, the landscaping proposals remain as previously approved under planning permission 18/01056/FULM. Towards the north boundary trees and shrubs would be provided, comprising a mix of native species such as Scots pine, Oak and Cherry trees. Towards the centre of the north boundary, an area of open space with smaller trees is to be provided.

7.130 The planting of native trees is proposed for the full length of the east boundary, between the proposed houses and an existing watercourse. The land around the 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 west boundary of the site. Open spaces located within the site and the pedestrian entrance towards Dykes of Gray Road will also contain a mixture of trees, shrubs and planting beds.

7.131 The proposed planting and landscaping are acceptable in principle, as they will ensure 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.

7.132 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.

7.133 **The proposal complies with NPF4 Policy 6a and LDP Policy 35, subject to a condition.**

7.134 **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.

7.135 **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

7.136 Surface water from the proposed development would be conveyed to a sustainable drainage basin within the south east of the application site. The provision of full details of the proposed drainage system and its long term maintenance are to be controlled by condition.

7.137 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 a condition is attached to any planning permission granted.

7.138 **The proposal complies with NPF4 Policy 20e and LDP Policy 30, subject to a condition.**

7.139 **NPF4 Policy 5b: 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.

7.140 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.

7.141 The proposal fails to comply with NPF4 Policy 5b.

Climate Change and Low Carbon Technologies

7.142 **NPF4 Policy 1: Tackling the climate and nature crises** - states when considering all development proposals, significant weight will be given to the global climate and nature crises.

7.143 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, flooding and drainage considers the local level effects of the development.

7.144 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. The proposal will integrate with existing residential developments at Western Gateway, and not result in any accumulative impact on the wider environment.

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

7.146 The proposal complies with NPF4 Policy 1.

7.147 **NPF4 Policy 2a: Climate Mitigation and Adaptation** - states that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.

7.148 **NPF4 Policy 2b:** states that development proposals will be sited and designed to adapt to current and future risks from climate change.

7.149 **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.

7.150 A Low and Zero Carbon Building Report has been submitted with the application. The statement outlines proposals for the use of sustainable and energy efficient materials within the buildings. This is to include materials such as timber and energy efficient windows and doors along with low carbon technologies such as air source heat pumps and solar panels. The proposal seeks to ensure the development provides viable, sustainable, low carbon solutions to heating and energy provision.

7.151 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 LDP 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.

7.152 In respect of part b) of NPF4 Policy 2 and adapting to climate change risks, a flood risk assessment and drainage proposals 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.

7.153 **The proposal complies with NPF4 Policy 2 and LDP Policy 48, subject to a condition.**

7.154 **LDP Policy 46: Delivery of Heat Networks** - requires new development to consider the feasibility of meeting their heat demand through heat networks. A statement requires 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.

7.155 The application site is towards the north west edge of the city, out with any existing heat network. The applicant has provided a Planning Statement which includes assessment of heat networks within the city and feasibility for the development to connect into an existing network.

7.156 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. It then notes that whilst a heat network connection is not proposed, the development would include air source heat pumps, and all houses will be designed to current Building Regulations. As low carbon technologies will be provided as part of the development, energy demand for space heating in new homes will be very low, therefore no heat network is proposed.

7.157 The findings of the statement are supported. However, it would be possible to provide heat network supply routes if a wider district heating network is developed in the fullness of time to allow this development to then connect into a network. 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.

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

7.159 **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.

7.160 The sustainability statement submitted with the application advises that consideration has been given to construction materials and low carbon technologies which maximise the energy efficiency of the development.

7.161 All the dwellings will be constructed to current building standards, and solar panels and air source heat pumps will be incorporated into the development supporting long term sustainability and the use of low carbon technologies in heating and cooling systems.

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

Sustainable Drainage Provision and Flood Risk

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

7.164 **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.

7.165 The applicant has provided a flood risk assessment and drainage layouts with the application.

7.166 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. Through the appropriate sizing of the SUDS basin, along with the provision of water storage within pipes and filter trenches, the drainage system will be able to meet the required attenuation volumes and ensures there is no flood risk.

7.167 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.

7.168 **The proposal complies with NPF4 Policy 20b and LDP Policy 37, subject to conditions.**

7.169 **NPF4 Policy 22c: Flood risk and water management** - states 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.

7.170 **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.

7.171 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 LDP housing site allocation process, and it was concluded that the site could be developed.

7.172 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.

7.173 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, de-culverting the watercourse to the north east of the site to mitigate flood risk from backup flows and providing a finished floor level at each property of 0.6m above the maximum modelled flood levels.

7.174 Through the implementation of the recommendations outlined in the Flood Risk Assessment, the development will not be at risk from flooding nor increase the flood risk elsewhere, either upstream or downstream.

7.175 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.

7.176 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 systems. 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.

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

Environmental Health and Ground Contamination

7.178 **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.

7.179 **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.

7.180 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. A noise impact assessment (NIA) was submitted with 18/01056/FULM which considered these noise sources. The NIA concluded that noise from the wider area would have no significant impact on residential amenity during daytime or night time hours.

7.181 With regard to noise sources within the proposed development, air source heat pumps are proposed at each dwelling. Accordingly, an updated NIA is required which assess the cumulative impact of all noise sources, including road traffic, industrial operations, sub-stations and heat pumps on background noise levels. The NIA will require to identify any mitigation measures necessary to achieve target noise criteria. It is recommended the submission of an NIA, implementation of any required noise mitigation measures and setting of maximum noise levels from plant and machinery be controlled by condition.

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

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

7.184 **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.

7.185 The greenfield site is presently open agricultural land, bound by public roads, planting and a water course. The applicant has submitted a Site Investigation Report which considers the application site and scope for contamination to be present.

7.186 The report concludes there are no significant contamination issues within the site. However, it is recommended that vigilance be maintained during site preparation and clearance works, particularly during clearance of a small area of hardstanding within the north of the site.

7.187 The findings and conclusions of the submitted report are accepted, and the implementation of the recommended measures within the report can be controlled by condition.

7.188 **The proposal complies with NPF4 Policy 9c and LDP Policy 41, subject to a condition.**

Archaeology

7.189 **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.

7.190 **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.

7.191 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. No further on site fieldwork is required.

7.192 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.

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

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

MATERIAL CONSIDERATIONS

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

A – DEPARTURE FROM DEVELOPMENT PLAN POLICY

NPF4 POLICY 5b - SOILS

7.196 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.

7.197 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, there being an existing planning permission reference 18/01056/FULM for a residential development of 215 units within the site, and the site is also within the Dundee Housing Land Audit 2023 as Dykes of Gray, North East.

7.198 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.

7.199 These are material considerations which support the approval of the proposal contrary to the requirements of NPF4 Policy 5b.

B – REPRESENTATIONS

7.200 A total of 10 representations were received, including 7 letters of support and 3 objections.

The 7 letters of support raised the following matters:

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 into the site, increasing the population within the Western Gateway area. To the west of the site within the village core are a shop and bus stop, with planning permission granted for further developments including retail and commercial uses.

7.203 **Comment** - There is considered to be significant demand for education provision within walking distance of the site. This development would be a positive step towards the provision of a school, a matter which is of significant importance to the community.

7.204 **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. Contributions shall be secured through a legal agreement.

The proposed site layout of the residential development retains an area of land towards Dykes of Gray Road which is noted on the submitted plans as a potential site for a primary school. 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.

7.205 In total three letters of objection were received, raising the following material considerations:

7.206 **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. The development also fails to provide a range of house designs and does not include smaller homes such as 2 bedroom units.

7.207 **Response** – as assessed under NPF4 Policy 14 and LDP Policy 1, the design and layout of the development is in keeping with the semi-rural character of the area. The proposals meet the requirements of LDP Policy 10, Appendix 4. 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.

7.208 **Objection** - use of the existing public road network, including Dykes of Gray Road and Denhead of Gray do not have capacity for the proposed development.

7.209 **Response** – the proposed development 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 to upgrade Swallow Roundabout have been completed which has increased capacity within the surrounding road network to accommodate the proposals.

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 assessed 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 with live planning permission in place. This is a material consideration of sufficient weight to support the development.

7.212 **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.

7.213 **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. There is planning permission for shops and services within the existing development on the west side of Dykes of Gray Road. At present a local shop is open and operating, with further businesses able to open and operate as the population within western gateway grows.

7.214 **Objection** – the development form and layout results in car parking to the front and side of houses dominating plots. Parking should be provided within the houses, underground or to the rear.

7.215 **Response** – the submitted site layout and roads hierarchy plans demonstrate a range of road types, including main access roads with carriageway and footpaths, linking streets and local streets along with proposed footpaths. All plots include parking spaces, with a range of forms and positions proposed including integrated and detached garages and in curtilage parking to the front and side of houses. It is not considered parking would be over dominant, with the proposed positions ensuring safe and accessible parking is provided.

7.216 **Objection** - the proposed houses would not meet Passivhaus standard, and few dwellings are orientated to maximise solar gain. The developer shall require to demonstrate they will undertake post occupancy evaluation and building performance evaluation, and that the development is design to adapt to changes in the local area in relation to climate change.

7.217 **Response** - 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 development will require to meet current building standards with regard to energy efficiency and the use of low carbon

technologies. The provision of a detailed sustainability statement will be controlled by condition.

7.218 **Objection** – Developers who lodge proposals within neighbouring local authorities that are near to Dundee City Council's boundary should also submit proposals to Dundee City Council to support a collaborative approach to development.

7.219 **Response** – Any planning application within Dundee or neighbouring authorities will be validated and consultations issued in line with statutory legislation. Where proposals within a planning application may have a cross-boundary impact, local authorities do consult with neighbouring authorities. This was undertaken with this development, and no objections were received.

7.220 **It is concluded that there are material considerations of weight which support the approval of planning permission.**

8 CONCLUSION

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.

9 RECOMMENDATION

9.1 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** – before any unit is occupied work shall proceed in accordance with the recommendations of the submitted Site Investigation Report with vigilance maintained during groundworks for conditions that are materially different from anticipated. The council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council Planning Authority. The scheme shall include a full timetable for the remediation measures proposed. Verification shall be provided by the applicant or his agent, on completion, that remediation has been undertaken in accordance with, and to the standard specified in, the agreed remediation scheme. Should conditions be as anticipated, confirmation of this should be submitted to and approved in writing 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.

- 3 **Condition** - prior to the commencement of any development, 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.

- 4 **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.

- 5 **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.

- 6 **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.

- 7 **Condition** - prior to the commencement of any development, an updated “Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment” shall be submitted to the Council for written approval. Thereafter, any recommended mitigation measures shall be implemented in full 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.

- 8 **Condition** – prior to the commencement of any development, 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.

9 **Condition** – prior to the commencement of any development, 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.

10 **Condition** – the recommended mitigation measures contained within the submitted Flood Risk Assessment by Envirocentre 'J5839 – Stark, Dundee Housing Development' dated July 2025 must be implemented within the development hereby approved.

Reason - in the interests of flood protection.

11 **Condition** – prior to the commencement of any development, 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** – prior to the commencement of development, an amended Noise Impact Assessment shall be submitted for prior approval. Thereafter, any required mitigation measures identified by the noise impact assessment must be implemented 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** - prior to any works on site details of the proposed roads including proposed road markings must be agreed and the roads must be formed and 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/Denhead of Gray shall be improved to DCC specifications and the works constructed to the agreed standard prior to 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 aduerso the site on Dykes of Gray Road and 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 any development, 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** - 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 the commencement of any development, a phasing plan for the provision of a Street Lighting system within the development shall be submitted to the Council for written approval. Thereafter, the Street Lighting System shall be provided in strict accordance with the details approved by this condition.

Reason - in the interests of vehicle and pedestrian safety.

22 **Condition** – prior to the commencement of any development, details of secure and covered cycle parking shall be agreed.

Reason - in the interests of promoting sustainable transport.

23 **Condition** – the hard surface within the individual curtilages 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** - electric car charging points shall be provided at a location and number to be approved prior to opening of the development.

Reason - in the interests of sustainable travel measures

25 **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.

26 **Condition** - prior to the commencement of any development, 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.

27 **Condition** - prior to the commencement of any development, 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.

28 **Condition** – prior to the commencement of any development, 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.

Informatics

Dundee City Council as Roads Authority: a Road Construction Consent (RCC) application (found via the following link on DCC website:

<http://www.dundeeicity.gov.uk/a2z/constructionconsent>

must be submitted to Dundee City Council as Roads Authority for work on any proposed roads or the adjacent public road or footway and consent for this must be obtained prior to the commencement of any works on new roads or the public road or footway.

For further details please contact 07985 873758 or developmentroads@dundeeicity.gov.uk