

KEY INFORMATION

Ward Balgillo

Proposal

Erection of 100 dwelling houses with associated infrastructure and services

Address

Land at Balmossie Grange
North of Arbroath Road
Broughty Ferry
Dundee

Applicant

Stewart Milne Homes
Osprey House
Mosscroft Avenue
Westhill Business Park
Westhill
Aberdeen AB32 6JQ
Agent

Registered 7 May 2003

Case Officer C Walker



The Erection of 100 dwelling houses with associated infrastructure and services is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is in accordance with the Structure Plan strategy and the Finalised Draft Local Plan and there is a justification for approving the development in advance of the public inquiry on the Finalised Plan. The application is therefore recommended for **APPROVAL** with conditions.

SUMMARY OF REPORT

- Planning permission is sought to erect a "village" of 100 houses centred around the existing farmhouse and cottages on the site. The design and layout of the proposed village closely follows that indicated in the Finalised Local Plan. The development comprises large houses on generous plots. It is proposed to form a new roundabout, bus lay bys and a pedestrian crossing on the A92. Almost all of the existing trees on the site will be retained and substantial areas of new planting around the settlement are proposed.
- Seven letters of objection were received raising concerns about to the principle of developing the site, the breach of an established urban boundary and the possibility of further development, the sustainability of the development, traffic implications, design and layout and the determination of the application in advance of the forthcoming public inquiry into the Finalised Local Plan.
- The proposed development is in accordance with the Structure Plan strategy for the city and its approval will not affect the implementation of the Western Gateway development. Although it contravenes the adopted Local Plan this is justifiable based on the fact that the adopted Plan is now out of date in terms of its land allocations and that the proposed development is wholly in accordance with the Finalised Draft Local Plan. Taking into account the existing shortage of housing land, it is considered that there is a case for approving this application in advance of the public inquiry on the Finalised Plan. Finally it is considered that the design and layout of the proposed development are appropriate for the village concept envisaged in the Finalised Plan.

DESCRIPTION OF PROPOSAL

Planning permission is sought to erect a "village" of 100 houses on the site. The layout of the proposed village closely follows that indicated in housing proposal H72 of the Finalised Local Plan. The development is centred around the existing farmhouse and cottages, with a village green (including a small equipped play area) proposed to the north and with roads branching out in all directions mainly along existing farm roads and tracks.

It is proposed to form a new roundabout access on the A92 at the junction with Panmurefield Village and access the proposed development with a new road climbing northwards. A Transport Assessment was submitted with the application which indicates that the junction will operate successfully both prior to and after the dualling of the A92. It is also proposed to form bus lay bys on the A92 and a pedestrian crossing linking in with footways to the Panmurefield Village development.

All the proposed houses are large with a minimum of 4 bedrooms and a double garage and a private garden area of 150 sq. metres. Most of them are detached villas and 10 of the houses are one and a half storey. The 4 units on the north side of the village green are linked together forming a steading type arrangement in a traditional design. The design of the other houses on the development is modern but the proposed finishing materials of wet dash harl, natural stone and slate and detailing such as projecting rafters and bay windows give a village feel to the development. This character is also enhanced by the use of dry stone walling and beech hedging for boundary enclosures.

Almost all of the existing trees on the site will be retained and substantial areas of new planting around the settlement are proposed both to integrate it into the landscape and to prevent the expansion of the village beyond its approved boundaries.

It is proposed to drain the site using sustainable urban drainage with the formation of attenuation ponds to the south and south west of the development.

SITE DESCRIPTION

The site comprises some 10 hectares of land around Balmossie Farm on the north side of the A92 Arbroath Road. The actual farmhouse itself (but not the steading buildings) and 4 agricultural cottages close to it are excluded from the site. The site has a south facing aspect, is quite prominent on the horizon and commands extensive views over the eastern suburbs of the city and the Firth of Tay beyond.

The farmhouse is a substantial white harled and slated building set back some 200 metres from the Arbroath Road. It is set in an elevated position (some 16 metres above the level of the A92) and is accessed from a private farm road. The steading buildings to



the rear of the farmhouse are a mixture of modern and traditional buildings. The farm cottages comprise a traditional semi detached pair of cottages (now 1 house) and a modern cottage to the north east of the farmhouse, which are well screened by conifer hedges. To the north east of the farmhouse are 2 detached harled and slate cottages.

The land within the application site is currently farmed, partly in arable use and partly grassland. In agricultural terms the land comprising the application site is graded mainly Category 3.1 but a substantial area is graded Category 3.2 (Land capable of producing a moderate range of crops). Category 3.1 land is considered as Prime Agricultural Land. Some of the field boundaries are formed by dry stone dykes and hedging. There is an attractive landscaped garden to the east of the farmhouse and a small orchard to the north east of it. There are

significant groups of trees to the east and north east of the farmhouse.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The Guiding Principles of the Structure Plan promote sustainable development including the integration of land use and transport and giving priority to previously developed sites.

The settlement strategy for Dundee in the Structure Plan is to establish a focus for additional land release for housing and employment development to the west of the city, to support the regeneration of brownfield sites and to control the amount of greenfield land for housing development in other sectors of the city.

Part of the Structure Plan's integrated approach towards population loss from Dundee, seeks further improvement to the quality and locational choice of housing development sites in the Dundee and South Angus housing market area. Housing Policy 1 requires Local Plans to allocate land to meet the housing land allowances identified in Schedule 1 in accordance with the Structure Plan strategy.

Housing Policy 2 states that proposals for major development on greenfield sites will not be permitted where this would seriously prejudice implementation of the Dundee Western Gateway development. A maximum figure of 390 greenfield additions to the housing land supply at June 2001 is stipulated for the period from 2001 to 2011.

Transport Policy 4 seeks to ensure that development takes place in the most accessible locations and has safe, convenient and attractive facilities for pedestrian, cycle and public transport access.

Environmental Resources Policy 7 states that development that would result in the loss of prime agricultural land will not normally be permitted except where such land is identified as essential for implementation of the Structure Plan strategy. The proposed development has been advertised as potentially contravening this policy.

Dundee Local Plan 1998

In the adopted Local Plan the site is allocated as falling in an area of open countryside where there is a presumption against housing development of this nature under Policies H5 (presumption against greenfield housing land release) and RD15 (criteria for developing in open countryside). The criteria in Policy RD15 include the protection of prime agricultural land. The proposed development has been advertised as contravening Policies H5 and RD15 of the adopted Local Plan.

Policy H10 sets out standards for new housing development.

Dundee Urban Nature Conservation Subject Local Plan 1995

This plan does not cover the application site.

Finalised Dundee Local Plan Review

In this plan the site is allocated as a greenfield housing site for a maximum of 100 houses under Proposal H72. The text and drawings attached to the proposal give clear guidance as to the form and design of the proposed development, stressing that it should not be suburban but should present a high quality village style development within well defined boundaries. It states that financial contributions will be required towards improved education provision in the Broughty Ferry area and that the developer will be required to fund all necessary transportation infrastructure including any necessary upgrading of the A92.

Paragraph 9.4 of the Plan states that the Council will require to be satisfied that progress is being made on the implementation of the Western Gateway before consenting to additional greenfield development elsewhere.

Policy 4 and Appendix 1 set out standards for the design and layout of this development.

Policy 20 states that developer contributions towards the cost of infrastructure provision both on and off site will be sought where necessary and appropriate.

Policy 55 encourages good design and Policy 56 implements a "Percent for Public Art" Policy for major new developments.

Policy 75 requires that all "development proposals must be accompanied by a Sustainable Drainage Scheme".

With respect to accessibility and transportation matters, Policies 81, 82 and 83 seek to promote ease of access by pedestrians, cyclists and public transport users and to enhance facilities and infrastructure for these sustainable modes of travel. With regard to roads matters, the Plan seeks to reduce the dominance of the private car and promote the use of alternative modes.

Scottish Planning Policies, Planning Advice Notes and Circulars

SPP3: Planning for Housing

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

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

The SPP acknowledges that where housing need cannot be met through the development of brownfield and infill sites, the release of greenfield land adjacent to existing settlements will be necessary. Indeed, the SPP confirms that "in seeking to locate new housing where it may be accessible by a range of forms of transport, planning authorities may conclude that the release of certain areas of greenfield land would result in a more sustainable pattern of development". (Paragraph 37)

PAN44: Fitting New Housing Development into the Landscape

Planning Advice Note 44 provides further Government advice relating to successfully absorbing new development into settlements. The Advice Note recommends ways in which developers can "achieve residential developments which are in harmony with their landscape setting

and which make a more positive contribution to the character of existing settlements." (Paragraph 2)

NPPG17: Transport and Planning

Within the context of sustainable development, NPPG17 promotes an integrated approach to land use, economic development, transport and the environment.

Advice to local authorities on development control requires an appraisal of the travel implications of new development and encourages consideration of how "their settlement strategy is consistent with the aim of reducing travel demand and puts greater reliance on means of transport other than the private car." (Paragraph 26)

The guidance recognises that "developments can have significant implications for travel demand" and that "they should be located so that they are well served by public transport and walking and cycling networks." (Paragraph 44)

The Scottish Executive's 'Designing Places' A Policy Statement for Scotland 2001

SPP1 clearly states that design is a material consideration in determining planning applications. In this regard, Designing Places sets out the policy context for important areas of planning policy, design guidance and professional practice and acknowledges that "successful design is a matter of balancing interests and opportunities in the way that is right for the particular place" (Page 33)

PAN67: Housing Quality

Planning Advice Note 67 explains how "Designing Places" should be applied to new housing. It identifies the qualities found in successful places and provides examples of successful development in order to promote good design.

Non Statutory Statements of Council Policy

The Council's Urban Design Guide is of relevance.

LOCAL AGENDA 21

The Councils Local Agenda 21 policies promote sustainable development. This matter is

considered further in the Observations Section of this Report

SITE HISTORY

An application for outline planning permission for a major urban expansion to the city was received in December 2002 (application 02/00911/OUT refers). That application included housing, commercial and leisure uses offices, a hotel and a park and ride facility. The site of that application was over 36 hectares in extent, encompassing the current application site and extending from the Dighty Valley to the west to close to North Grange Farm in the east. An Environmental Assessment was also prepared for an even more extensive development incorporating further land all the way to Ethiebeaton Road in the east. The applicant wrote on 10/10/03 to withdraw that application.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposal was advertised as potentially contravening the Development Plan and as a "bad neighbour" development (introducing significant change into a homogeneous area). Six letters of objection were received (some outwith the statutory time period), 1 from the occupiers of one of the farm cottages, another 3 from residents of Broughty Ferry, 1 from Dundee Civic Trust and 1 from Friends of the Earth (copies available for inspection in the Members Lounges).

The occupiers of the farm cottage are concerned about the development of this area of open countryside with the consequent noise and traffic and the impact on wildlife. They also raise non-valid (in planning terms) considerations relating to loss of view and legal rights over property.

The residents of Broughty Ferry state that this is an isolated development on good farmland in fine countryside and that this land should remain as open space. They regret the loss of green land and suggest that the proposal represents a housing scheme and not a village. They state that the development contravenes the Local Plan, is designed for car access being remote from public transport and will result in problems of schooling, health

services and shopping. They also state that the proposed roundabout will impede traffic on the A92 and that the development will increase existing congestion on the A92.

Dundee Civic Trust refer to the fact that they have objected to the housing allocation on this site in the Finalised Local Plan and state that the design and layout of the proposal, with off the peg house types, is disappointing and more appropriate in a suburban situation. They state that it would be unreasonable to determine the application in advance of the forthcoming public inquiry into the Finalised Local Plan.

Friends of the Earth state that the development is contrary to the Structure Plan, is unsustainable and weakens the Western Gateway strategy.

These concerns are considered in the Observations Section of this Report.

CONSULTATIONS

Broughty Ferry Community Council has objected to the proposed development. They state that the A92 has formed a traditional boundary to urban sprawl and that once it is breached it will be difficult to resist pressure for further development in this area. They consider that it is premature to consider this application prior to the Local Plan Inquiry because the greenfield housing limits have already been breached since housing sites H64 and H65 have been incorrectly been designated as brownfield. They consider that access to the development will affect traffic safety on the A92 and result in congestion at Claypotts. Finally they consider that the house designs are poor, being standard off the peg suburban houses inappropriate for a new village development.

The Director of Environmental Health and Trading Standards has considered likely noise levels from traffic on the A92, but given that the nearest house will be over 95 metres from the road is happy that there will not be an issue in this regard.

The Councils Forestry Officer is satisfied (subject to minor adjustments) with the proposals for tree retention and new planting. He suggests that the existing trees be made the subject of a Tree

Preservation Order to ensure that they are adequately protected.

Angus Council points out that they have no objections in principle to the proposal but that the cost of any alterations to the design of the dualling of the A92 would require to be borne by the developer.

OBSERVATIONS

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

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

The Development Plan

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

In terms of the Structure Plan, it is considered that the development of 100 houses on this site is in accordance with the settlement strategy for Dundee and Housing Policies 1 and 2. The number of houses involved does not prejudice the implementation of the Dundee Western Gateway development and accords with the policy of controlling the amount of housing for greenfield land for housing development in other sectors of the city.

The Guiding Principles of the Structure Plan promote sustainable development and Transport Policy 4 seeks to ensure that development takes place in the most accessible locations and has safe, convenient and attractive facilities for pedestrian, cycle and public transport access.

In this case it is accepted that the application site is not ideally situated in terms of access to facilities and it is anticipated that most journeys will be undertaken by car. The decision in the Finalised Local Plan to promote a village at this location inevitably has implications for sustainability but by providing a choice for this type of housing so close to the city, it is likely that the future residents will be those who would otherwise choose to live in

much less sustainable locations in rural areas.

In addition the Transport Assessment submitted with the application makes provision for pedestrians, cyclists and public transport including the establishment of bus lay bys, a pedestrian crossing facility on the A92 and linkages into Panmurefied Village (which includes shops, hot food takeaways and a public house as well as a proposed children's nursery, doctors surgery, church and nursing home). In these circumstances the development will be as sustainable as other suburban developments on the fringe of the city.

Environmental Resources Policy 7 states that development that would result in the loss of prime agricultural land will not normally be permitted except where such land is identified as essential for implementation of the Structure Plan strategy. The proposed development accords with the strategy in the Structure Plan and therefore complies with this policy.

In the adopted Local Plan the site is allocated as falling in an area of open countryside where there is a presumption against housing development of this nature under Policies H5 (presumption against greenfield housing land release) and RD15 (criteria for developing in open countryside). The criteria in Policy RD15 include the protection of prime agricultural land. The proposed development contravenes Policies H5 and RD15 of the adopted Local Plan.

Policy H10 sets out standards for new housing development and the proposed development is fully compliant with the terms of this policy.

It is concluded from the foregoing that the proposal does not comply with Policies H5 and RD15 of the adopted Local Plan.

Other Material Considerations

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

a Finalised Dundee Local Plan Review

In this plan the site is allocated as a greenfield housing site for a maximum of 100 houses under Proposal H72. The text and drawings attached to the policy give clear guidance as to the form and design of the proposed

development, stressing that it should not be suburban but should present a high quality village style development within well defined boundaries. It states that financial contributions will be required towards improved education provision in the Broughty Ferry area and that the developer will be required to fund all necessary transportation infrastructure including any necessary upgrading of the A92.

It is considered that the proposed development fully complies with Proposal H72 of the Finalised Dundee Local Plan Review. The form and layout of the development, including the disposition of the houses and the plot sizes, replicates the layout in the Finalised Plan. The "village" character is provided by the road layout which departs from a typical "engineered" suburban layout, the boundary enclosures which consist of dry stone walls and beech hedges and the house types which use traditional finishing materials. In addition the retention of the existing trees on the site, the incorporation of the farmhouse and steading cottages into the site, the provision of a village green and a new steading type development to the north of the village green all serve to reinforce the "village" character of the settlement.

Paragraph 9.4 of the Finalised Plan states that the Council will require to be satisfied that progress is being made on the implementation of the Western Gateway before consenting to additional greenfield development elsewhere. An application for a major housing development in the Western Gateway Area has been submitted (application 03/00618/FUL) and a Report on that application is contained elsewhere in this Agenda, recommending it for approval. In addition the site at Liff Hospital (identified in the Finalised Plan) has been purchased by a housing developer and progress is being made on the submission of a planning application. It is considered that these proposals represent significant progress on the implementation of the Western Gateway. It is further considered that the approval of the current application, taking into account the fact that it involves 100 houses only, will not jeopardise the implementation of the Western Gateway.

Policy 4 and Appendix 1 set out standards for the design and layout of this development. The proposal complies with the Village Standards in the Plan.

Policy 20 states that developer contributions towards the cost of infrastructure provision both on and off site will be sought where necessary and appropriate. In this case contributions are required for roads and education provision and are proposed to be included in a Section 75 Agreement.

Policy 55 encourages good design and Policy 56 implements a "Percent for Public Art" Policy for major new developments. It is considered that the design of the proposed development is satisfactory (this matter is considered in greater detail in the analysis of the views of the objectors below). The provision of public art can be achieved through a planning condition.

Policy 75 requires that all "development proposals must be accompanied by a Sustainable Drainage Scheme". The proposed development incorporates a sustainable drainage scheme.

With respect to accessibility and transportation matters, Policies 81, 82 and 83 seek to promote ease of access by pedestrians, cyclists and public transport users and to enhance facilities and infrastructure for these sustainable modes of travel. With regard to roads matters, the Plan seeks to reduce the dominance of the private car and promote the use of alternative modes. This matter has already been considered in the context of Transport Policy 4 of the Structure Plan and it has been concluded that adequate provision has been made for access to the site by pedestrians, cyclists and public transport users.

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

The question of what weight should be attached to the adopted Local Plan and to the Finalised Plan, particularly in circumstances where the Finalised Plan has not been tested at a Public Local Inquiry, must now be considered. It also needs to be considered whether sufficient weight can be placed on the Finalised Plan so

as to justify a departure from the provisions of the Development Plan.

Preparation on the adopted Local Plan commenced in 1994 and a major Public Local Inquiry was held in 1995/6. The intervention of Local Government Reorganisation delayed the process so that the Plan was not finally adopted until April 1998. Thus whilst many policies are still relevant, many of its land allocations have been taken up. The Plan itself states that firm proposals have been put forward until 2001. It is therefore inevitable that the adopted Local Plan does not now make sufficient allocation of land for housing. The Structure Plan now provides an updated strategy on the release of land for housing and the Finalised Plan makes allocations on the basis of that strategy. The Finalised Plan has been through its consultation period but has not yet been tested at a Public Inquiry.

The current position, therefore, is that there is a shortage of land for housing in the city. In terms of the land supply in the east, the upgrading of the A92 is having an impact on the speed at which development sites in both the Dundee City Council area and adjacent towns in Angus in the Dundee housing market area are being brought forward. The development of 100 houses at Panmurefield south of the A92 has been constrained by a requirement for junction improvements at West Grange Road. Given the programmed improvement of this junction as part of the A92 project, the developer is unwilling to undertake interim works. There is an opportunity for the issue of interim works to be reconsidered and the developer intends to submit an updated Transport Assessment to allow this to be undertaken.

In the short term therefore, the supply of sites in the east where development is ongoing is limited. Whilst in the medium term further land will be brought forward, particularly in Carnoustie, at present the supply of housing land to the east of the City is severely limited.

Elsewhere in the Dundee City Council area, the supply of effective greenfield housing land is also presently limited. Setting aside the 100 houses at Panmurefield, the majority of the remaining capacity of 350 houses at June 2003 is concentrated on sites at Emmock Woods (127) and Ballumbie

(138). There is little locational choice of housing under development at this time.

The limited extent of the greenfield housing land supply in Dundee will be addressed by the Finalised Dundee Local Plan Review that allocates greenfield housing land in accordance with the Dundee and Angus Structure Plan. Objections have been received to these housing land allocations. These objections will require to be considered at a Public Local Inquiry that will commence in March 2004. The Council expects to receive the findings of this inquiry towards the end of 2004. Thereafter there remain various statutory processes before the Local Plan can be adopted, including the possibility of a second Public Local Inquiry. The achievement of an up to date Statutory Development Plan, despite the Council's best efforts, is still some way off.

A total of 10 submissions were received in connection with the Balmossie Village allocation under Proposal H72 of the Finalised Local Plan, 5 of which are from developers who do not object to the allocation but suggest that further villages should be allocated on the north side of the A92. The objectors state that the established boundary formed by the A92 will be breached and that this will result in pressure for further development if the allocation is maintained; that the development of this land is not necessary to achieve the Structure Plan strategy; that there are road traffic safety and congestion issues on the A92; that good agricultural land will be used; that there will be an adverse visual impact; that there is a lack of school capacity and public transport and that the development of this land is unsustainable. In fact many of these objections to the Finalised Local Plan are similar to the objections to the current application which will be considered in this Report.

Failure to release greenfield land in advance of the Inquiry will lead to further reduction in the housing land supply in Dundee to the detriment of achievement of the strategy of the approved Dundee and Angus Structure Plan. It is therefore concluded that there is a justifiable case for a limited release of greenfield land to the east of the city in accordance with the strategy of the Structure Plan and the

allocations of the Finalised Draft Local Plan.

It is further considered that the fact that the adopted Local Plan is now out of date in terms of land allocation and the fact that the proposed development accords with the Structure Plan strategy and the allocation in the Finalised Draft Local Plan provides a justification for approving additional housing at this location contrary to Policies H5 and RD15 of the adopted Local Plan.

b Protection of Prime Agricultural Land

The only other issue relating to potential Development Plan contravention is that part of the site comprises prime agricultural land and Environmental Resources Policy 7 of the Structure Plan contains a presumption against the loss of such land.

The allocation of this land for housing under Proposal H72 of the Finalised Plan and the proposed development itself are in accordance with the Structure Plan. In this case just over half the site comprises Category 3.1 land which is the lowest category of prime agricultural land. In fact this designation is taken from maps at a 1:50,000 scale and it is possible that a more refined consideration of the site may indicate that most of it is not prime land taking into account the steep gradients involved.

Taking into account the small amount of land involved, the fact that it is of a lesser quality of prime land and that the proposed development complies with the Structure Plan strategy, it is considered that the loss of this small amount of prime land is acceptable and that the requirements of the Structure Plan can be met in this case.

Government policy on the protection of prime agricultural land is set out in Circular 18/1987. However it is of significance that the Scottish Executive recently published a consultation paper which proposes removing the special protection afforded to prime quality agricultural land in favour of allowing local authorities flexibility to determine whether such land should be utilised for new development.

- c Sustainable development and access by means other than the private car.

The Councils Agenda 21 policies promote sustainable development and indeed the issue of sustainability underpins the Structure Plan and both the adopted and Finalised Local Plans. NPPG17 promotes the aim of reducing travel demand and puts greater reliance on means of transport other than the private car. In addition a number of objectors have questioned the sustainability of the proposed development and access to schools, health services and shops.

This issue had already been considered in the context of Transport Policy 4 of the Structure Plan when it was concluded that sufficient provision would be made for public transport, cyclists and pedestrians and that appropriate linkages would be provided to the facilities at nearby Panmurefield Village. It was also stated that the provision of a form of "village" at this location was much more sustainable than the alternative of promoting new housing in rural areas at a much greater distance from the city.

- d Design and Layout

Scottish Executive policy as contained in PAN 44, Designing Places and PAN67 and well as the Councils Urban Design Guide all promote good design and stress the importance of integrating development into the landscape. A number of objectors including the Community Council and the Dundee Civic Trust criticise the quality of the proposed development suggesting it would be more appropriate in a suburban situation.

This issue has already been considered in the context of Proposal H72 of the Finalised Local Plan. The features that distinguish this development from typical suburban layouts is the more "organic" layout of the development being built around the existing farm house and steading buildings and cottages, the retention of the existing trees and landscape features, the generous plot sizes and the boundary treatment. It is accepted that some of the house types are similar to those found in suburban areas but it is considered that the choice of natural finishing materials and the unifying boundary treatment of stone walls and

beech hedges will provide the desired village character.

It is considered that the design and layout of the development pays due regard to Government guidance on these matters and the provisions of the Councils Urban Design Guide. The integration of the development into the landscape will be enhanced by the substantial areas of planting around the settlement and the avoidance of any harsh boundaries.

- e Breach of traditional urban boundary

The Community Council and some of the objectors criticise the proposed development as isolated development which breaches the urban boundary formed by the A92 and if approved will result in pressure for further development in this area.

There is no doubt that the proposed development represents an incursion into what is now an area of open countryside. However the allocation in the Finalised Plan envisages a discrete development surrounded by structure planting. Any further development at this location would contravene both the Structure Plan and the Finalised Local Plan and if the current application were approved it would provide no justification whatsoever for further development at this location.

- f Traffic problems on the A92

Objections have been received suggesting that the proposed development will lead to increased traffic safety and congestion problems on the A92. The Transport Assessment for the development indicates that the proposed new roundabout on the A92 will function without difficulty both prior to and after the dualling of the A92. Angus Council as lead authority for the dualling of the A92 has raised no objections to the proposal subject to the developer paying for any alterations to the design of the A92. It is not considered that this 100 house proposal will result in the safety and congestion fears of the objectors. The requirements of Angus Council on funding for alterations to the road can be incorporated into a Section 75 Agreement.

- g Approval of the development is premature

The Community Council and the Dundee Civic Trust consider that it would be wrong to determine this application prior to the inquiry on the Finalised Plan with the Community Council suggesting that approval would breach the greenfield housing limits to the east of the city. There is no reason why this application cannot be determined prior to the forthcoming inquiry. All that is required is that the effect of the proposed development on the proposals and policies of the Finalised Plan should be considered before the application is decided. Provided the Council take into account all material considerations, it is not incompetent to grant a planning permission which pre-empts objections to the Finalised Local Plan which are due to be heard at a forthcoming Local Plan Inquiry.

Due to the current shortfall of land for housing to the east of the city it is considered that there is a justification for this small release prior to the inquiry. The Community Councils argument about greenfield housing limits is not relevant because even if it were to be decided that housing sites H64 and H65 were greenfield, the sum total of those 2 sites plus the current proposal would still not exceed the figure in the Structure Plan.

- h Noise, traffic and impact on wildlife

One of the objectors, who lives in a former farm cottage is concerned about noise and traffic from the development and its impact on wildlife. It is accepted that the environment of the occupants of existing houses within the application site will change. However due to the density of development and the siting of the proposed houses, there will not be any unacceptable impact on the amenities of these residents.

There are no special wildlife designations in this area as might be expected on land that is fairly intensively farmed. Taking into account the retention of existing trees on the site and the substantial areas of new planting, it is considered that the development will not lead to any adverse impact on wildlife.

- i Provision for Education

At present there is limited capacity in local schools for additional pupils. It is therefore anticipated that the

educational requirements generated by the occupiers of the proposed development will result in a requirement for improved education provision in the Broughty Ferry area and in accordance with Proposal H72 of the Finalised Local Plan a contribution will be sought from the developers by means of a Section 75 Agreement. It is also appropriate that a Guidance Note be attached to the decision notice asking that the housebuilder draws the local education facilities to the attention of prospective house purchasers

It is concluded from the foregoing that sufficient weight can be accorded to the Structure Plan strategy, the terms of the Finalised Local Plan and the current shortage of housing land such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

The form and layout of the development, including the disposition of the houses and the plot sizes, replicates the layout in the Finalised Plan. The "village" character is provided by the road layout which departs from a typical "engineered" suburban layout, the boundary enclosures which consist of dry stone walls and beech hedges and the house types which use traditional finishing materials. In addition the retention of the existing trees on the site, the incorporation of the farmhouse and steading cottages into the site, the provision of a village green and a new steading type development to the north of the village green all serve to reinforce the "village" character of the settlement.

CONCLUSION

The proposed development is in accordance with the Structure Plan strategy for the city. Its approval will not affect the implementation of the Western Gateway development. Although it contravenes the adopted Local Plan this is justifiable based on the fact that the adopted Plan is now out of date in terms of its land allocations and that the proposed development is wholly in accordance with the Finalised Draft Local Plan. Taking into account the existing

shortage of housing land, it is considered that there is a case for approving this application in advance of the public inquiry on the Finalised Plan. Finally it is considered that the design and layout of the proposed development are appropriate for the village concept envisaged in the Finalised Plan.

RECOMMENDATION

Recommendation 1

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

- 1 the off site works to provide a new roundabout, bus lay bys and a pedestrian crossing facility on the A92 and footway linkages to Panmurefield Village
- 2 the developer paying for any alterations to the approved design for the dualling of the A92 as a result of the proposed development
- 3 the developer paying a contribution for improved education provision in the Broughty Ferry area necessitated by the proposed development
- 4 the future maintenance of the equipped play area and the woodland planting around the site
- 5 the development of pedestrian footways into the countryside surrounding the site

Recommendation 2

Recommended for APPROVAL subject to the following condition(s):-

- 1 the development hereby permitted shall be commenced within five years from the date of this permission
- 2 prior to the commencement of construction of any of the dwellings hereby approved, the roundabout on the A92, bus lay bys, pedestrian crossing facility and footway linkages into Panmurefield Village shall be constructed in accordance with

details to be submitted to and approved in writing by the Council

- 3 details of the drainage of the site, which shall incorporate sustainable drainage principles, shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details
- 4 the proposed finishing materials for the houses shall comprise natural stone, wet dash harl and slate and samples of the finishing materials proposed to be used shall be submitted to the Council for approval and the development shall be carried out only in accordance with such approved samples
- 5 Details of all proposed boundary enclosures shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details. In particular the roadside boundaries shall be finished in natural stone and hedging as detailed in drawing 5155/101 rev B submitted on 26/9/03.
- 6 No trees or hedges within the application site shall be felled other than those indicated for felling in the Tree Survey drawing 318-2 dated 27/8/03 by Susan McFadzean Partnership or any other trees or hedges whose felling has been agreed in writing by the Council. The felling and pruning of existing trees shall be in accordance with BS 3998.
- 7 Details of the protection of trees and hedges to be retained in accordance with BS 5837 shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details. In particular the protective fencing shall be agreed on site with the Council prior to the commencement of any development.

- 8 The landscaping of the site shall be in accordance with the proposals set out in the revised Landscape Master Plan and Drawing No 318-3 by Susan McFadzean Partnership dated 9/9/03 with the amendments that Acer campestre shall replace Acer pseudoplatanus and Acer plananoides and that all standard trees shall have a minimum girth of 10-12 cm, with only containerised or rootballed trees being used. Details of the timing and the maintenance of the new planting as well as the maintenance of the existing trees and hedges to be retained shall be subject to the written approval of the Council. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.
- 9 The proposed play area in the village green shall be completed in accordance with the details set out in Drawing No PPS/Q/3140/01 dated 10/9/03 or any alternative proposal agreed in writing by the Council and shall be completed and ready for use prior to the occupation of any of the houses hereby approved. The proposed play area shall be maintained for all time by the developers in accordance with a scheme of maintenance which has been submitted to and agreed in writing by the Council prior to the commencement of development.
- 10 Details of the design of street lighting and the surfacing of roads and footways shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
11. details of the provision of public art within or directly adjoining the application site shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full

accordance with such approved details

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 in order to ensure safe access to the site for vehicles, pedestrians and cyclists
- 3 to ensure that the site is adequately drained and that the development does not lead to any increased risk of flooding of downstream properties
- 4 to ensure that the proposed development meets with the aspirations for a village character as set out in Proposal H72 of the Finalised Dundee Local Plan review and in the interests of the visual amenities of the area
- 5 to ensure that the proposed development meets with the aspirations for a village character as set out in Proposal H72 of the Finalised Dundee Local Plan review and in the interests of the visual amenities of the area
- 6 to protect those trees and hedging which are of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development
- 7 to protect those trees and hedging which are of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development
- 8 to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area
- 9 To ensure that adequate playing facilities are provided for residents of the proposed housing development.
- 10 to ensure that the proposed development meets with the aspirations for a village character as set out in Proposal H72 of the Finalised Dundee Local Plan review and in the interests of the visual amenities of the area
- 11 Policy 56 of the Finalised Dundee Local Plan Review seeks

to implement the "Percent for Public Art" policy for major new development proposals and it is considered that the provision of public art would help to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.