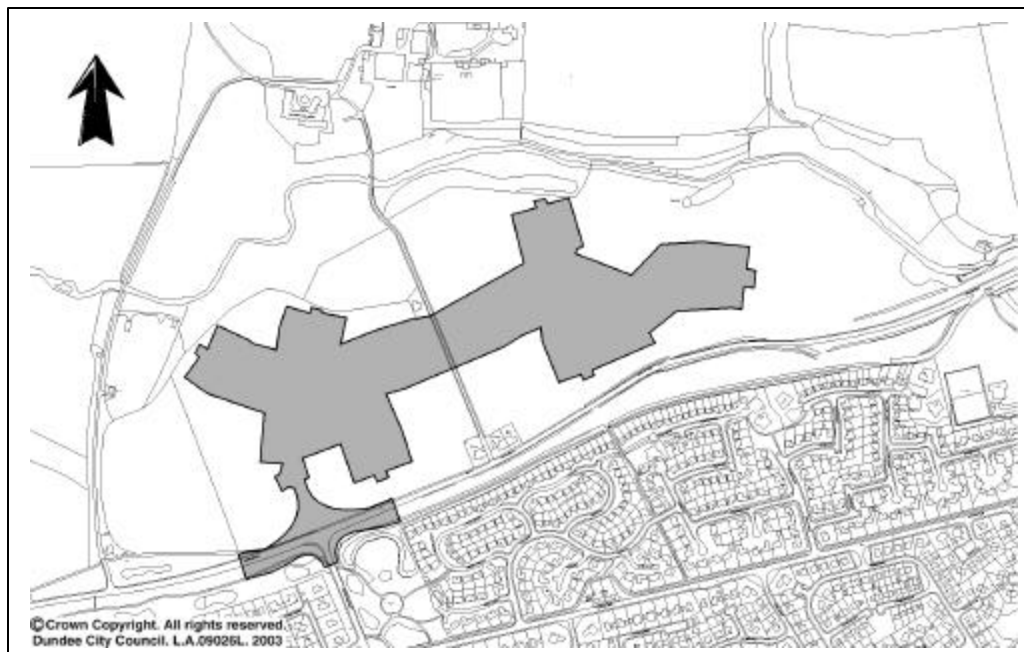


KEY INFORMATION**Ward** Balgillo**Proposal**

Outline planning application for 147 residential dwellings

AddressLand to North of A92
East of Linlathen Lane
West of Balmossie Bridge
Arbroath Road
Dundee**Applicant**AWG Residential
c/o GVA Grimley
34 Melville Street
Edinburgh
EH3 7HA**Agent**GVA Grimley
34 Melville Street
Edinburgh
EH3 7HA**Registered** 30 Sep 2003**Case Officer** C Walker

New Village Proposed at North Balgillo

The outline planning application for 147 residential dwellings 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 for the city and although it contravenes the adopted Local Plan, this is justifiable based on the fact that the adopted Plan is now out of date in terms of its land allocations and that the proposed development is wholly in accordance with the Finalised Draft Local Plan. The application is recommended for **APPROVAL**.

SUMMARY OF REPORT

- Outline planning permission is sought to develop the site for housing. The layout plans show a development of 147 houses with the principal access taken from a new roundabout on the A92 at Balgillo Road East and with a secondary access to the A92 (left in left out only) some 0.4 km to the east. Provision is made for public transport and crossing facilities on the A92 for pedestrians and cyclists.
- The proposed layout is in the form of a low-density village centred around 2 areas of open space. Substantial planting is indicated all around the settlement, providing containment and screening it from the A92 and neighbouring cottages.
- Five individually penned letters, a letter from the Community Council and 17 standard format letters of objection were received. The principal concerns relate to the principle of developing this site particularly in terms of the Structure Plan and adopted Local Plan, deciding the application before the inquiry on the Finalised Local Plan, the breach of an established urban boundary, lack of facilities and traffic problems.
- The proposed development contravenes Policies H5 and RD15 of the adopted Local Plan, which identify this site as an area of Open Countryside. However it fully complies with the Structure Plan strategy and with Proposal H71 of the Finalised Dundee Local Plan Review which allocates this site for a new village. The form and layout of the development, including the disposition of the houses and the plot sizes, replicate the layout in the Finalised Plan.
- It is 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.

DESCRIPTION OF PROPOSAL

Outline planning permission is sought to develop the site for housing. The layout plans show a development of 147 houses with the principal access taken from a new roundabout on the A92 at Balgillo Road East and with a secondary access to the A92 (left in left out only) some 0.4 km to the east. Provision is made for public transport with bus lay bys on the A92 and for pedestrians and cyclists with 2 proposed controlled crossings, 1 just west of the roundabout access and 1 where the existing road serving farm cottages meets the A92. The exact location of the eastern pedestrian crossing has not been finalised and will be determined in connection with the proposals to dual the A92.

The proposed layout is in the form of a village with 2 areas of open space surrounded by houses at the eastern and western ends linked by a spine road. The layout indicates large detached houses on generous plots but with a denser terraced form of development fronting onto the village greens. In almost every case these houses back on to open countryside.

Substantial planting is indicated all around the settlement, providing containment and screening it from the A92 and neighbouring cottages. The existing access track from the A92 to the Dighty, crossing over the Category A listed bridge will be retained, although the southern part will no longer be open to vehicular traffic. The site will be drained by a sustainable system of drainage with a large wetland pond to be formed to the north of the houses.

SITE DESCRIPTION

The site comprises just over 12 hectares of land on the north side of the A92 Arbroath Road. This ground sits centrally in 2 large fields divided by a farm road and bounded to the south by the Arbroath Road, to the east and north east by the Dighty valley and to the west and north west by agricultural land and woodland. Modern housing developments on the south side of the A92 are partially screened by landscaped bunds.

There are 4 former farm cottages close to the site, 3 beside the A92 and 1 on the farm track half way between the A92 and the Dighty. The land is relatively flat to the west but more undulating to the east with high points overlooking the A92. There are no trees within the application site but there are areas of woodland along the Dighty Valley and to the north and north west of the site.

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.

Policy ENV4 protects wildlife sites (the adjoining Dighty corridor is a Category A site) and Policy ENV 5 protects wildlife corridors (the application site falls within a wildlife corridor). The proposed development has been advertised as potentially contravening these 2 policies.

Dundee Urban Nature Conservation Subject Local Plan 1995

Policy SP1 protects wildlife sites and Policy WC01 protects wildlife corridors (the wording is similar to Policies ENV4 and ENV5) and the proposed development has also been advertised as potentially contravening these 2 policies of the Nature Conservation Subject Local Plan.

Finalised Dundee Local Plan Review

In this plan the site is allocated as a greenfield housing site for a maximum of 150 houses under Proposal H71. 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 the development should provide for public access to the surrounding countryside including improvements to the listed bridge over the Dighty. It also 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 70 seeks to protect semi natural greenspaces of local nature conservation importance, such as the Dighty Valley corridor.

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

A planning application for the diversion of the A92 around the application site and adjoining land and the construction of a mixed use development including housing, roadside services, a local centre and a primary school in the remaining 43 hectares of land was received by the Council in August 2002 - application ref. no. 02/00593/OUT refers. The Council informed the applicants that Environmental Assessment was required and although preliminary

work was carried out, no Environmental Statement was submitted.

Following the award of the contract for the dualling of the A92 to Morgan Est the likelihood of diverting the A92 became remote and this planning application was recently withdrawn by the applicants.

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). Five individually penned and 17 standard format letters of objection were received. In addition a letter of comment and a holding objection (which was never subsequently clarified) were received. Copies of these letters are available for inspection in the Members Lounges).

The concerns of the objectors relate to:

- 1 The loss of land of good agricultural quality and high visual amenity.
- 2 The containment provided by the A92 and the possibility of future development and urban sprawl if it is breached.
- 3 The lack of facilities and poor public transport which would result in the development catering for car borne traffic only and leading to capacity problems at schools and medical practices.
- 4 Congestion and traffic safety issues on the A92.
- 5 Breaching of Structure Plan greenfield housing allocations and contravening the adopted Local Plan.
- 6 Residential amenity problems including overlooking and overshadowing of the cottage closest to the development.
- 7 Determining the application in advance of the inquiry on the Finalised Local Plan.
- 8 Potential flood risk and adverse impact on nature conservation.

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.

The Head of Environmental Health and Trading Standards has conducted a noise survey and has established that noise levels from traffic on the A92 will not give rise to any unacceptable impacts within houses. However he suggests that garden areas closest to the road would benefit from some protection against traffic noise. In this case the applicants propose extensive planting between the site and the A92.

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 147 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 the application site is close to existing facilities but the A92 does form a barrier to access by pedestrians and cyclists. It is therefore likely 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 and 2 pedestrian crossing facilities on the A92 thus promoting linkages to nearby schools, shops and other facilities. 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.

Policy ENV4 protects wildlife sites (the adjoining Dighty corridor is a Category A site) and Policy ENV 5 protects wildlife corridors (the application site falls within a wildlife corridor). The proposed development will not have an adverse impact on the Dighty Valley wildlife site, the application site being some 45 metres distant at the nearest point. In addition suitable provision is made for nature conservation with the retention of existing woodland areas and substantial new planting around the proposed settlement. In these circumstances it is considered that the development will not contravene Policies ENV4 and ENV5 of the adopted Local Plan and for similar reasons with accord with Policy SP1 and Policy WC01 of the Dundee Urban Nature Conservation Subject Local Plan.

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:

Finalised Dundee Local Plan Review

In this plan the site is allocated as a greenfield housing site for a maximum of 150 houses under Proposal H71. 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 the development should provide for public access to the surrounding countryside including improvements to the listed bridge over the Dighty. It also 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 H71 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 provision of village greens and the containment provided by existing and proposed woodland areas.

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 (application 03/00618/FUL) was approved by the Council in October 2003 and subject to clearance by the Scottish Executive and the conclusion of a legal agreement, it is anticipated that development will commence shortly. 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 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

form and layout of the proposed development is satisfactory and matters of design can be fully considered when a detailed application is submitted. The provision of public art could be achieved with the restoration of the listed bridge over the Dighty which is identified in Proposal H71.

Policy 70 seeks to protect semi natural greenspaces of local nature conservation importance, such as the Dighty Valley corridor. For the reasons stated above in connection with the environmental policies in the adopted Local Plan and Nature Conservation Subject Local Plan, it is considered that the proposal will not have an adverse impact on the Dighty Valley.

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 the housing allocations in the adopted Local Plan are out of date. The inquiry on the Finalised Local Plan will start in April and 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.

The proposed development of this site fully accords with the strategy of the Structure Plan, does not prejudice the implementation of the Western Gateway development and complies with the allocation under Proposal 71 of the Finalised Plan. A total of 5 submissions were received in connection with the North Balgillo Village allocation under Proposal H71 of the Finalised Local Plan, the applicants having recently withdrawn their objection to the details of the allocation.

One of these submissions mainly objects to proposals to realign the A92 which are now no longer an option in the Plan. The other 4 are from the Community Council, Dundee Civic Trust, a resident of Broughty Ferry and a rival housebuilder. These objections to the Finalised Local Plan are similar to the objections to the current application and are fully considered in this Report. It is therefore considered that the concerns of the objectors in relation to Proposal 71 are taken into account in the determination of this planning application.

In addition the principle of development of the site between the Arbroath Road and the Dighty Water for housing was considered at the Public Local Inquiry into the Finalised Dundee District Local Plan in 1994. In paragraph 6.88 of the Report of this Public Local Inquiry, the Reporter states: "The well treed corridor of the Dighty Water, defining the edge of the northern site, would certainly form an agreeable development boundary someday if another structure plan condones major greenfield land release in the east".

The approved Structure Plan does now allow for the scale of development proposed on this site.

It is 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.

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 H71 of the Finalised Plan and the proposed development itself are in accordance with the Structure Plan. In this case most of 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 at the eastern part.

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.

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 nearby in Broughty Ferry. 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.

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 are concerned about possible urban sprawl on the north side of the A92.

This issue has already been considered in the context of Proposal H71 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 2 village greens, the retention of the woodland areas, the generous plot sizes and the proposed boundary planting. If the development is to be approved, planning conditions are required to ensure that the detailed design of the development including house types, finishing materials, boundary treatments and landscaping are of a quality that reflect the aspirations in the Plan for a village development and to ensure that the site is not development in a suburban form.

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. In addition the Dighty Corridor provides further restraint to the spread of development outwith the confines of the application site, and this fact was recognised by the Reported who considered the Inquiry into the Finalised Dundee District Local Plan in 1994.

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 and secondary access 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 147 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.

Approval of the Development is Premature

The Community Council, Dundee Civic Trust and some objectors 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-empt objections to the Finalised Local Plan which are due to be heard at a forthcoming Local Plan Inquiry.

In this case the proposed development accords with the Structure Plan strategy and does not breach greenfield housing limits in the east of the city. The concerns of the objectors and all other material planning considerations have been taken into account in the determination of this planning application. Finally when the development of this site was last considered by an independent Reporter, he considered that the Dighty formed an agreeable development boundary.

Overlooking and Overshadowing

One of the objectors, who lives in a former farm cottage, is concerned about overlooking and overshadowing of his house. 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 nearby residents. Exact details of the proposed house types and provisions for boundary enclosures can

be considered when a detailed application is received.

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 H71 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.

Impact on Wildlife

Taking into account the distance from the Dighty, the retention of existing woodland areas and the substantial areas of new planting, it is considered that the development will not lead to any adverse impact on wildlife.

Flooding

It is proposed to drain the development using a sustainable method of drainage and there is ample land available for the formation of an attenuation pond.

It is concluded from the foregoing that sufficient weight can be accorded to the Structure Plan strategy and the terms of the Finalised Local Plan to justify the grant of planning permission contrary to the provisions of the adopted Local 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 retention of the existing woodland areas, the provision of village greens and the substantial areas of new planting all serve to reinforce the "village" character of the settlement. It is also proposed to impose planning conditions to ensure

that the details of the development are of a quality that reflect the aspirations in the Plan for a village development.

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. Finally it is considered that the form 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, left in left out access, bus lay bys and pedestrian crossing facilities on the A92
- 2 The developer paying for any alterations to the approved design for the dualling of the A92 and any increased maintenance costs 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 provision and future maintenance of the attenuation pond, open space, equipped play area and the woodland planting around the site
- 5 The development of public access to the surrounding countryside including the restoration of the Category A listed bridge over the Dighty at

Linlathen East within an agreed timescale

RECOMMENDATION 2

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

- 1 The approval of the City Council shall be obtained to the following reserved matters before any development is commenced viz: the siting of the building(s) the design of the building(s) the external appearance of the building(s) the means of access to the building(s) the landscaping of the site.
- 2 Application for approval of the matters referred to in condition (1) above must be made within 3 years of the date of this permission.
- 3 The development to which this permission relates shall begin within 5 years of the date of permission or 2 years of the final approval of the reserved matters, whichever is the later.
- 4 Samples of the finishing materials proposed to be used, which shall comprise natural stone and wet dash harl for the walls and slate for the roofs, shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples.
- 5 Details of all boundary enclosures for the house plots, which shall comprise dry stone dykes and beech hedging to roadside boundaries, 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.
- 6 The access arrangements for the site shall be developed as follows:
 - a Prior to the commencement of construction of any of the dwellings hereby approved, the roundabout on the A92 shall be constructed in accordance with details to be submitted

to and approved in writing by the Council.

- b Prior to the completion of 101 dwellings on the site, the left in left out access on the A92 shall be constructed in accordance with details to be submitted to and approved in writing by the Council.
 - c Prior to the occupation of any of the dwellings hereby approved, the bus lay bys and pedestrian crossing facilities on the A92 shall be constructed in accordance with details to be submitted to and approved in writing by the Council.
- 7 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.
 - 8 An equipped play area shall be provided within the application site and details of this area 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.
 - 9 Details of the finished floor levels of the proposed houses 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.
 - 10 The proposed development shall fully comply with the requirements for villages set out in Appendix 1 - Design of New Housing of the Finalised Dundee Local Plan.

Reasons

- 1 To reserve these matters for future consideration by the Council.

- 2 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 3 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 4 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area and to comply with the village concept set out in Proposal H71 of the Finalised Dundee Local Plan Review.
- 5 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area and to comply with the village concept set out in Proposal H71 of the Finalised Dundee Local Plan Review.
- 6 In order to provide for public transport and to ensure safe access to the site for vehicles, pedestrians and cyclists.
- 7 To ensure that the site is adequately drained and that the development does not lead to any increased risk of flooding of downstream properties.
- 8 To ensure that adequate playing facilities are provided for residents of the proposed housing development.
- 9 To ensure that existing ground levels are not substantially altered and that the development sits within the existing landform in the interest of visual amenity.
- 10 In order to comply with the requirements for village housing in the Finalised Dundee Local Plan Review.