

KEY INFORMATION

Ward Balgillo

Proposal
Erection of 45 dwelling houses

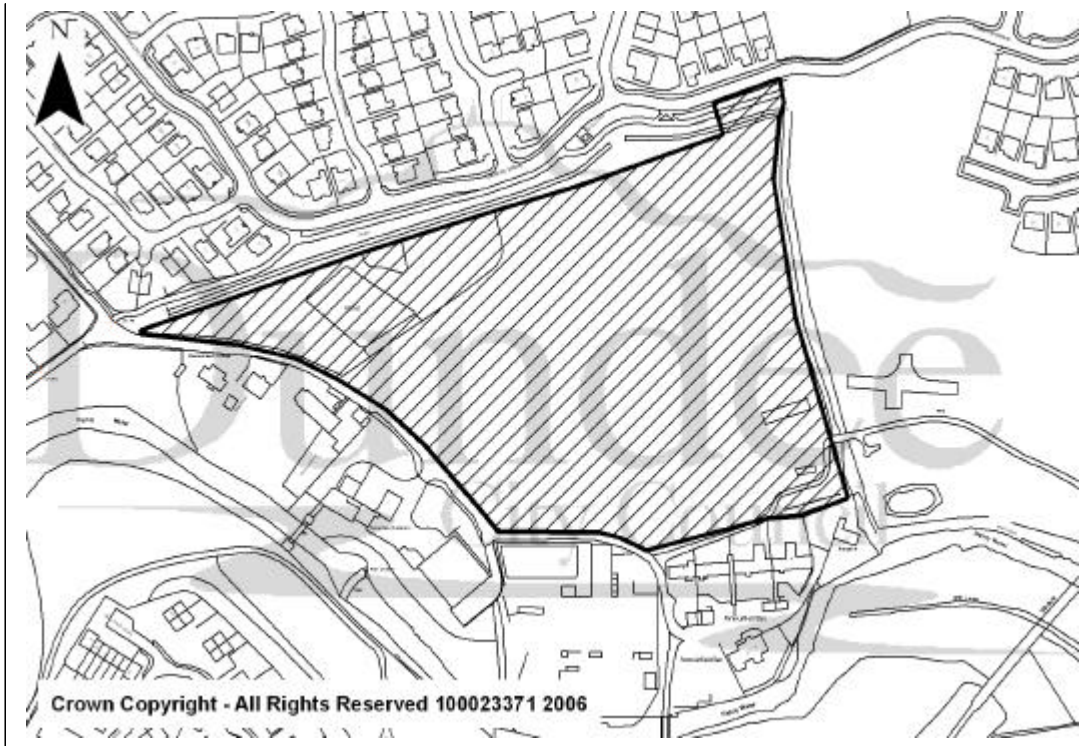
Address
Land to south of Lawers Drive and east of Panmurefield Road Broughty Ferry Dundee

Applicant
Bett Homes (North East Scotland) Ltd
Gateway House
Luna Place
Dundee Technology Park
Dundee
DD2 1XZ

Agent
Roy Mitchell Design Ltd
1 Glenbenzie Business Park
Larbert
Stirlingshire
FK5 4RB

Registered 11 Dec 2006

Case Officer C Walker



Proposed New Housing Development at Panmurefield

The erection of 45 dwelling houses is **RECOMMENDED FOR APPROVAL** subject to conditions.
Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development complies with the Development Plan and is recommended for **APPROVAL** subject to the conclusion of a Section 75 Agreement and conditions.

SUMMARY OF REPORT

- Planning permission is sought for a development of 45 houses on the site.
- The site is allocated as a suburban brownfield housing site under Proposal 65 of the Plan.
- Four letters were received from the occupiers of nearby houses expressing concerns that the site should be kept free from development, that the proposals will have an adverse impact on trees and wildlife and that the access proposals will lead to traffic congestion and safety problems.
- The Council's Corporate Planning Officer (Environment) and Forestry Officer are satisfied with the proposals for the reconfiguring of the pond and the proposed tree felling.
- The proposed development complies with the Development Plan. No objections have been received from Consultees and the concerns of neighbours are not supported as it is considered that the development will not adversely impact on the natural environment and will not lead to traffic safety or congestion problems.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a development of 45 houses on the site. Each house is a detached two storey dwelling with 4 bedrooms and all have garages as well as parking spaces. A minimum private garden of at least 120 sq. metres is provided for each house and 40% of the houses have more than 160 sq. metres of private garden ground. Proposed finishing materials are walls of reconstituted stone and render and tiled roofs.

It is proposed to form a new vehicular access to the development from Lawers Drive at the north eastern corner of the site with 3 culs de sac leading off this road. At the north western part of the site and along the northern boundary, an area of some 0.8 ha is retained free from development. This area contains a pond which will be retained but reconfigured principally to reduce its depth in the interests of safety but also to improve its ecological value. The woodland area around this pond, which is protected by a Tree Preservation Order, will be retained although 15 trees/groups of trees will be felled, 10 because they are diseased, dying or dangerous and 5 will be felled to allow more light into the pond to promote the ecological value of the pond. A small play area will be formed to the east of the woodland area. A further 3 trees along Panmurefield Road, which are in poor condition, are to be felled to accommodate the development.

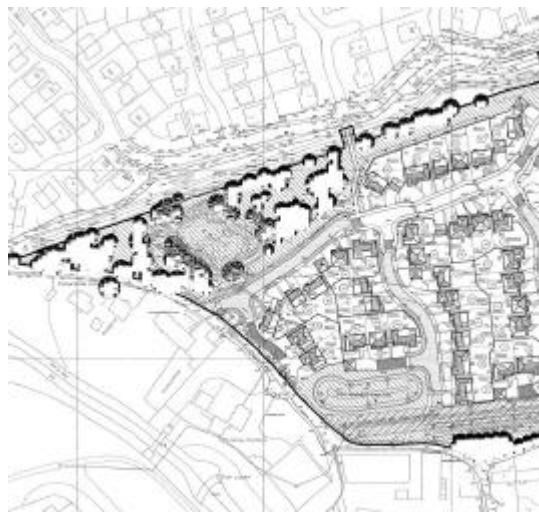
To the south of the site an extensive area of ground (some 0.5 hectares) is set aside for sustainable drainage facilities in the form of a SUDS basin and swale.

The applicants have provided a Transport Statement which states that there is ample capacity in Lawers Drive to accommodate the proposals (even with the new development only 58% of existing road capacity would be used) and that the site is well linked to adjoining footway and cycle path networks.

A Cultural Heritage Assessment has been produced to investigate the archaeology of the site. It notes that as well as the remains of the tomato farm buildings and dovecot on the site, there may also be buried remains associated with former uses. It proposes an archaeological evaluation

by trial trenching and a historic building survey of the dovecot.

A tree survey has been carried out which notes that the site supports 101 significant individual trees mainly concentrated in a woodland area around the pond, with sycamore, ash, elm and beech being the most significant species. It notes that the woodland has not been well maintained and is of limited ecological value. The tree survey recommends that trees at 10 locations (8 individual trees and 2 groups of trees) be felled because they are in poor and declining condition.



An ecological assessment of the pond was carried out in connection with a previous application on this site which concluded that it was of limited value. However, work to reconfigure the pond should take place during the winter months to reduce any impacts on existing ecological interest.



A bat survey was undertaken and found no roosts in the trees or the dovecot building. However one species of bat was present on the site and it is therefore considered that the

trees provide a sheltered foraging area and that any tree felling should not be carried out in winter time to avoid disturbance.

SITE DESCRIPTION

The site comprises some 3.7 ha of land on the south side of Lawers Drive. The site is currently vacant, having been purchased by Scottish Water for a wastewater treatment plant which is not going to proceed. Its most recent use was as a tomato farm but the extensive buildings associated with that use have long since been demolished and all that remains are concrete pads. The only standing building is a small dovecot in the south east corner of the site.

The most prominent feature on the site is a woodland area in the north west corner. The trees in this area have not been maintained. There is an artificial pond in this area dating from the late nineteenth century (probably associated with the bleaching works on the Dighty). This pond is heavily shadowed by the trees.

To the north of the site, on the opposite side of Lawers Drive, are modern houses at Panmurefield village. To the east there is a field drain and on the other side of it houses are currently under construction by Wimpey. To the south and east are a number of buildings associated with the former industrial uses in this area. Immediately to the south is a row of Category B listed cottages which have recently been renovated and extended. To the east, on the other side of Panmurefield Road, are the Scottish Water screening chambers, a Category B listed former tenement building which has recently been converted into 2 houses and 2 more modern houses.

The site slopes downwards from Lawers Drive to the Green Circular cycle path along Dighty valley.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan Review 2005

The site is allocated as a suburban brownfield housing site under Proposal 65 of the Plan. Policy 4 and Appendix 1 set out standards for housing developments. Policy 5 relates to the provision of open space. Policy 20 states that developer contributions towards the cost of infrastructure both on and off site will be sought where necessary and appropriate. Policy 55 encourages good design and Policy 56 promotes public art. Policy 72 seeks to protect existing healthy mature trees. Policy 75 promotes sustainable drainage.

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of this application.

Non Statutory Statements of Council Policy

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

SUSTAINABILITY ISSUES

The site is allocated for development and local facilities have been provided in the form of public transport services and a neighbourhood centre at Panmurefield Village. There is adequate scope within each site to comfortably accommodate domestic recycling facilities. The proposal is therefore considered to be sustainable and in accordance with the Councils sustainability policies.

SITE HISTORY

An application for planning permission for 49 houses on this site was withdrawn in December 2006 - application 06/00604 refers. That application was similar in many respects to the current proposals but involved 4 additional houses and sought to infill the pond. The application attracted a considerable amount of local objections (some 44 letters and a petition with 38 names) and a major area of concern was the infilling of the pond which objectors considered to have a significant nature conservation value. SEPA also objected to the infilling of the pond.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and 4 letters were received from the occupiers of nearby houses, 3 objecting to the proposed development and 1 making representations.

The concerns raised are that the site should be kept free form development, that the proposals will have an adverse impact on trees and wildlife and that the access proposals will lead to traffic congestion and safety problems.

Copies of these letters are available for inspection in the Members Lounges and the points raised are considered in the Observations Section of this Report.

CONSULTATIONS

The Council's appointed archaeological consultant has reviewed the applicants Desk Based Assessment and Written Scheme of Investigation and following agreed revisions has stated that it is satisfactory.

The Council's Corporate Planning Officer (Environment) has discussed the proposals for the reconfiguring of the pond and has agreed that they are satisfactory. In order to improve the ecological value of the pond, 5 additional trees are to be felled (over and above those to be felled because of their poor condition.

The Council's Forestry Officer has considered the tree report and agreed its contents. The only trees to be felled on the site other than those that require to be felled because of their poor condition are the 5 trees around the pond. These 5 trees are largely non native species of lesser amenity value.

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.

The principle of developing the site for housing is established by the allocation under Proposal 65 of the adopted Local Plan. The proposed development fully complies with the requirements of Policy 4 of the Plan.

There is an existing area of public open space to the north east of the sit which has been provided as part of the overall provision for housing at Panmurefield. However provision for open space and recreation within the site is also made with the retention of a reconfigured pond and surrounding woodland as well as the provision of a small equipped play area.

Policy 20 states that developer contributions towards the cost of infrastructure both on and off site will be sought where necessary and appropriate. In this case there is a requirement for a contribution towards the provision of schools to serve the proposed development and this matter can be resolved by means of a Section 75 Agreement should Members be minded to support this application.

Policy 55 encourages good design. The layout for the development has largely been dictated by the nature of the site and the retention of the pond and woodland area. Permeability is ensured with the formation of footpath links to Lawers Drive to the north, Panmurefield Road to the west and to the Green Circular to the south. The design of the development has been enhanced with the use of stone parapets to the entrance culvert bridge, improved gable treatments at key locations and a landscaping strategy including the provision of street trees.

Policy 56 promotes public art by implementing a "Percent for Public Art" policy for larger developments such as that currently proposed. It is considered that a contribution to public art can be achieved through the development of the entrance bridge to the development and the provision of a work of art in this general area. Should Members be minded to support this application then a condition to this effect can be attached.

Policy 72 seeks to protect existing healthy mature trees. A total of 8 healthy trees will be felled in connection with the proposed development. 5 of these trees, adjacent to the pond area, are being felled at the

behest of the Council's Corporate Planning Officer (Environment) to improve the ecological value of the pond. A further 3 trees of limited amenity value and in poor condition will be felled to accommodate the proposed development. It is considered that this very limited extent of felling is acceptable and that proposed new planting and proper maintenance of existing planting, will more than compensate for the felling which needs to be carried out.

Finally Policy 75 promotes sustainable drainage. Satisfactory drainage proposals for the development have been put forward and have been pulled back from the southern site boundary so that existing planting can be retained.

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

Other Material Considerations

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

(a) The Views of Consultees

Extensive consultations have been carried out in connection with the proposed development and no objections were received. Minor changes were incorporated into the scheme to enhance the ecological value of the pond.

(b) The Concerns of Neighbours

The concerns raised are that the site should be kept free from development, that the proposals will have an adverse impact on trees and wildlife and that the access proposals will lead to traffic congestion and safety problems.

The principle of developing the site for housing has already been established by the allocation in the adopted Local Plan. The pond is being retained, albeit in a reconfigured form to make it safe, and its nature conservation value will be increased by allowing more light to penetrate into this area with the felling of 5 additional trees. The Councils Corporate Planning Officer (Environment) has stated that the proposals are satisfactory.

In terms of tree felling, only 3 trees will be felled to accommodate the proposed development. These trees are in poor condition and of limited amenity value. The remaining trees are to be felled either because of their

condition or to improve the ecological value of the pond area. Extensive new planting will more than compensate for the loss of trees on the site.

Finally in terms of traffic matters, Lawers Drive was designed to accommodate significantly more traffic than that proposed in the current application. Existing developments (including the committed Wimpey houses currently under construction) at this location account for some 360 houses and the proposed development represents a relative small additional amount of traffic. The Transportation Assessment which was submitted indicates that the proposed development will not result in any capacity problems. The proposed access point provides adequate visibility and will not lead to traffic safety problems. One of the objectors suggests that access should be taken from Panmurefield Road only. This is not a viable option as Panmurefield road is unsurfaced in part and for much of its route is not wide enough for 2 vehicles to pass.

It is concluded from the foregoing that there are no material considerations such as to justify the refusal of planning permission. It is therefore recommended that planning permission be granted with conditions.

Design

The layout for the development has largely been dictated by the nature of the site and the retention of the pond and woodland area. Permeability is ensured with the formation of footpath links to Lawers Drive to the north, Panmurefield Road to the west and to the Green Circular to the south. The design of the development has been enhanced with the use of stone parapets to the entrance culvert bridge, improved gable treatments at key locations and a landscaping strategy including the provision of street trees.

CONCLUSION

The proposed development complies with the Development Plan and is recommended for APPROVAL subject to the conclusion of a Section 75 Agreement and conditions.

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 the developer paying a contribution for improved education provision in the Broughty Ferry area necessitated by the proposed development.

RECOMMENDATION 2

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

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.
- 2 Samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples.
- 3 No trees or hedges within the site shall be felled, other than those indicated for felling in the amended Tree Survey Report submitted on 5/3/07 by Donald Rodger Associated, including trees 2884, 2885 and 2886. The felling and pruning of existing trees shall be in accordance with BS 3998 and prior to any felling taking place, the affected trees shall be clearly marked in a manner which has been agreed in writing with the Council.
- 4 Details of the means of protection of trees and hedges to be retained in accordance with BS 5837:2005 shall be submitted to the Council for approval before any development commences, and approved measures shall be strictly adhered to, with all details of protective fencing agreed on site with the Council (and a written record taken) before any development commences.
- 5 Details of the landscaping of the site, including timescales for planting and provision for future maintenance, shall be submitted to the Council for approval before any development commences and the development shall only be carried out in accordance with such approved details. These details shall generally conform with the Draft

Landscape Layout by Brindley Associates dated 01/03/07 but shall be augmented to include planting around the new drainage features as well as significant new planting in the woodland area to the north west of the site using species set out in Page 18 of the report by Donald Rodger Associates dated February 2007 and revised in March 2007. Any trees or shrubs removed, dying, being severely damaged or diseased within 5 years if planting shall be replaced promptly on a like-or-like basis.

- 6 Full details of the provision of public art for the development including a timescale for implementation 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.
- 7 The draining and subsequent reconfiguration of the pond shall be in accordance with the details set out in Drawings 0379/5B and 0379/6A by Brindley Associates with the exception that the broad leafed potomogeton shall not be included in the planting scheme. No changes to the approved scheme shall be implemented unless agreed in writing by the Council.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 To protect those trees which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance of the development.
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in the interests of the visual amenities of the area.

- 6 In order to comply with Policy 56 of the adopted Local Plan and to enhance the appearance of the development.
- 7 In order to protect the ecological value of the pond.