

**KEY INFORMATION**

**Ward** The Ferry

**Proposal**

Outline residential use

**Address**

Land to south of Dighty and  
North of Inchcape Road  
Broughty Ferry

**Applicant**

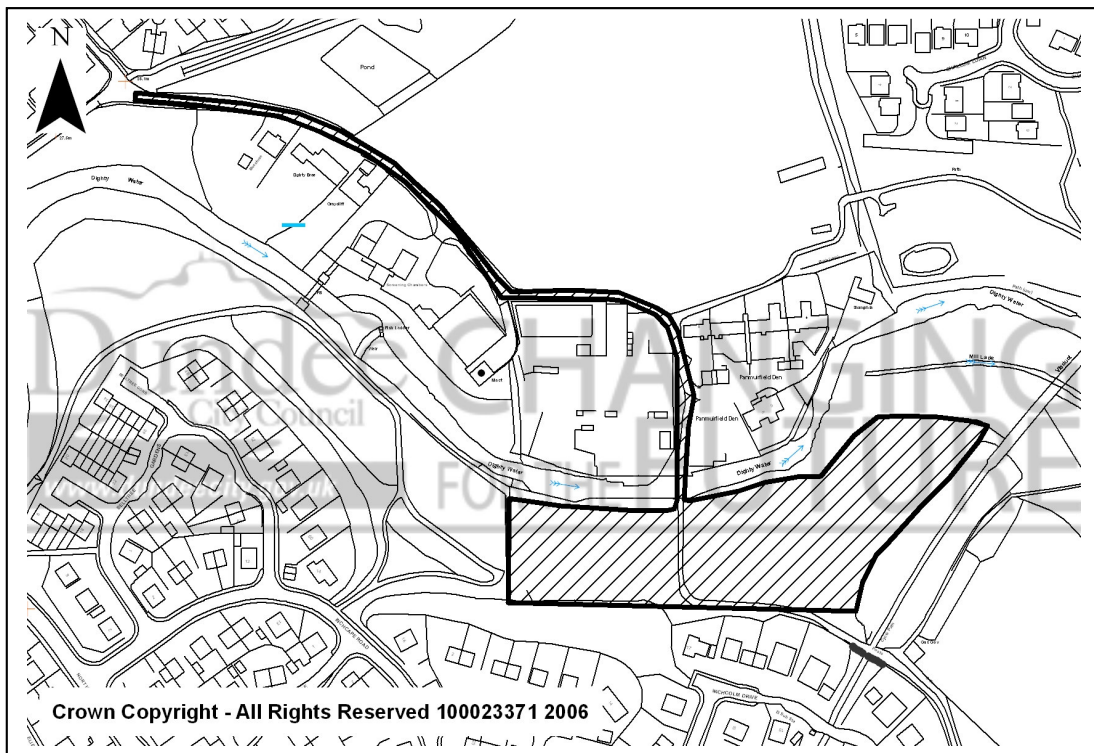
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Redford  
By Arbroath  
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**Agent**

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**Registered** 3 Feb 2009

**Case Officer** Julie Young



## Housing Development Proposed at Inchcape Road

The proposed outline residential use is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposal is contrary to Housing Policy 2 and Environmental Policy 1 of the Dundee and Angus Structure Plan and Policies 2, 4, 66B, 70 and 76 of the Dundee Local Plan Review 2005. The objections are supported in these circumstances. Accordingly the application is recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- Outline planning permission is sought for the erection of houses on land to the south of the Dighty and north of Inchcape Road.
- 21 letters of objection were received, which includes two letters from some objectors as more detailed plans were submitted by the applicant.
- Housing Policy 2 and Environmental Policy 1 of the Dundee and Angus Structure Plan 2001-2016 are of relevance to the determination of the application. The proposal was advertised as contrary to both these policies.
- Policies 2, 4, 66A, 66B, 70 and 76 of the Dundee Local Plan Review 2005 are of relevance to the determination of the application.
- The proposal was advertised as departures to Housing Policy 2 and Environmental resources Policy 1 of the Dundee and Angus Structure Plan 2001-2016 and Policies 2, 66B, 70 and 76 of the Dundee Local Plan Review 2005. It is considered that the proposal is contrary to all these policies.
- It is considered that there are no material considerations in these circumstances to recommend approval of the proposal contrary to the provisions of the development plan. The objections are supported and the application is recommended for **REFUSAL**.

## DESCRIPTION OF PROPOSAL

Outline planning permission is sought for the erection of houses on land to the south of the Dighty and north of Inchape Road, Broughty Ferry, Dundee.

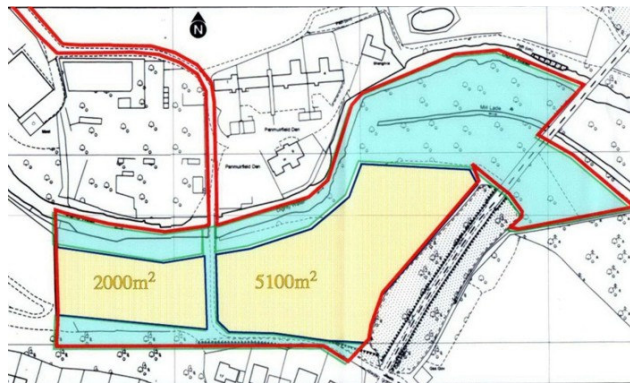
The applicant has provided minimal detail showing the outline of the site, access into the site from Panmurefield Road and an illustrative plan indicating the footprint of 20 detached houses within the site. The plan also indicates that a substantial area of land immediately to the south of the Dighty and to the north east end of the site will be gifted to a wildlife trust.

Access into the site is proposed from Panmurefield Road and it will cross the Dighty, either using the existing listed bridge or by the formation of another bridge.

The applicant submitted a supporting design and access statement with the application. It includes a design brief; site description and views; history of the site and environs; public access; building green; copies of correspondence with DCC; assessment of proposal against Local Plan Policies; site access; information on flood risk; summary of proposed conditions; summary of Community benefits and examples of precedents elsewhere within Dundee.

The applicant carried out extensive pre-application consultation with the Council.

and two larger new-build houses closer to the Dighty. The site is accessed by Panmurefield Road, which is north and north west of the area proposed for



housing.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

Housing Policy 2: Dundee and South Angus Housing Market Area

In allocating land in the Dundee and South Angus housing market area to meet the additional allowances in Schedule 1, Local Plans will ensure that:

- priority is given to the re-use of previously developed land to provide a 5 year land supply;
- the Dundee Western Gateway provides a focus for planned integrated development, including Greenfield housing land release, and

implementation of the Dundee Western Gateway development.

In Dundee City:

- brownfield development is targeted to create popular, mixed tenure communities in the City Centre, Stobswell/Baxter Park area and the north west of the City.
- The development of houses rather than flats is favoured within an appropriate policy framework.
- Greenfield additions to the effective housing supply, excluding Dundee Western Gateway, do not exceed 390 for the period 2001-2011 and 250 for the period 2011 to 2016.

Environmental Resources Policy 1: Natural Heritage Designations.

Regional and Local Designations.

Developments that do not compromise the overall integrity and natural heritage value of a site will be permitted where they are consistent with policies elsewhere in the Plan. Where proposals fail to meet these requirements, they will only be considered where it can be sufficiently demonstrated that their local economic and social benefits outweigh the natural heritage value of the site.

### Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 2: Housing Land Release - proposals for housing land release additional to the Finalised Local Plan allocations will be acceptable where:

- a housing development is in accordance with all other policies in the Local Plan; and
- b it will make a positive contribution to quality and choice of housing available in the local area; and

- c it satisfies all of the housing standards contained in Appendix 1 of the Local Plan or those in any site planning brief approved by the City Council; and

## SITE DESCRIPTION

The application site is located on the south side of the Dighty and north side of Inchape Road. It is within a small valley, adjacent to Monifieth. On the south side of the site there is a footpath and then the rear gardens of Inchcolm Drive, which is part of a fairly modern extensive residential development. There is another footpath at the west end of the site, which crosses the Dighty by a listed three-arched stone and brick bridge. There are other various paths within the site. To the west of the site is a public open space with well maintained grass and established tree planting. To the north of the area proposed for housing is a small housing development with converted listed cottages and stables



- proposals for major development on Greenfield sites elsewhere in the Dundee and South Angus housing market area will not be permitted where this would seriously prejudice



d it will improve tenure mix in areas where there is limited choice and contribute to wider community regeneration objectives.

Outwith the Housing Investment Focus Areas identified in the Local Plan, a condition may be imposed requiring that development commences within two years.

Proposals for additional greenfield land release will only be supported where allocated greenfield sites are agreed not to be effective and where the scale and location of development is in accordance with the strategy of the Structure Plan.

Policy 4: Design Of New Housing - The design and layout of all new housing in Dundee should be of a high quality. As a basis for achieving this, new development will be required to conform to the Design Standards contained in Appendix 1 of this Local Plan unless:

- a the City Council, through either site allocation in the Local Plan or site planning briefs, considers it appropriate to vary the standards to reflect the constraints or opportunities offered by the development of a particular site; or
- b the proposal is within an established low density residential area, in which case the density of the new development should reflect this and more generous external space standards will be required.

New housing development should also have regard to the principles of the City Council's Urban Design Guide.

In addition, new housing development should meet "Secured by Design" standards. New residential streets should be designed to promote low vehicle speeds of 20 m.p.h. or less. New housing should have regard to opportunities to maximise energy efficiency and promote sustainable waste management.

Where conversion of a listed building or other building worthy of retention is proposed, there may be limited flexibility in applying parking and garden ground requirements where

compliance is impractical. The development of flats through conversions of buildings of merit may also be acceptable where conversion to flats is the only appropriate action.

Policy 66A: Protection Of Playing Fields And Sports Pitches - there is a presumption in favour of retaining playing fields and sports pitches in Dundee. They should not be



redeveloped unless the Council is satisfied that they are no longer required for their original purpose and there is a clear long term excess of pitches, playing fields and public open space in the wider area, having regard to the site's recreational and amenity value plus the needs of future generations. In addition the following criteria must also be satisfied:



- a the proposals affect part of the site that has lesser sports and amenity value and will improve the sports, recreational and amenity value across the remainder of the site (e.g. grass pitches will be replaced on-site with an all weather surface); or
- b compensatory open space of at least equal benefit and

accessibility will be provided in or adjacent to the community most directly affected, resulting in an overall improvement to existing facilities and the amenity of the area (e.g. relocating existing pitches to a more central location within the community most directly affected; or

- c development plans require the site for an important, strategic development, following examination of all possible alternative sites, and replacement provision of equal community benefit will be created in or adjacent to the community most directly affected.

Proposals must be consistent with policies elsewhere in the Plan and must not adversely affect the character or setting of an Historic Garden or Designed Landscape. Replacement

provision must be made available in a playable condition before the existing facilities become unavailable. Where this is impractical, developers must provide sufficient justification and the Council will require replacement in the short term to an alternative agreed timetable. Compensatory arrangements must be secured by applicants to ensure that the sporting needs of displaced users are suitably catered for, to the satisfaction of the Council.

Policy 66B: Protection Of Other Open Space - there will be a presumption against the development or redevelopment of all other open space within the Local Plan area unless:

- a the broad principles of criteria listed in Policy 66A are satisfied; or
- b the proposals are consistent with a park masterplan, strategy or programme approved by the Council to improve the management of open space."

Policy 70: Semi-Natural Greenspaces Of Local Nature Conservation Importance - development proposals must not adversely affect the nature conservation qualities of Sites of Importance for Nature Conservation or Local Nature Reserves. Any development proposals affecting these

sites must be accompanied by an ecological or similar assessment that details the likely impacts of the proposal on the conservation interests of the designation, along with proposed mitigation measures.

Development proposals that improve the conservation and educational value of Community Wildlife Sites shown on the Proposals Map will be generally supported. The conservation status of Community Wildlife Sites will be monitored and reviewed accordingly as improvements are implemented. Development proposals affecting Community Wildlife Sites will be resisted where their conservation and educational value have been significantly improved.

There will be a presumption against the development of semi-natural greenspaces within Wildlife Corridors shown on the Proposals Map, to minimise physical barriers to continuity, safeguard ecological integrity and promote biodiversity conservation. The Council will promote sympathetic maintenance of Wildlife Corridors to improve their nature conservation, community and educational value.

Policy 76: Flood Risk - there will be a general presumption against development in high risk areas as identified by the Council in conjunction with the Dundee Flood Appraisal Group based on a 0.5% or greater annual probability of flooding (equivalent to a 1 in 200 year flood or greater). This includes essential civil infrastructure and proposals affecting previously undeveloped land. High risk areas within the existing built up area may only be considered suitable for commercial, industrial and housing proposals that satisfy the Insurance Template where applicants can demonstrate to the satisfaction of the Council that :

- a Sufficient flood defences already exist, are under construction or are planned as part of the development strategy of the Dundee and Angus Structure Plan 2002.
- b Those flood defences will be maintained for the lifetime of the development and will not increase the probability of flooding elsewhere; and
- c The proposals are consistent with other policies in the Plan.

There will be a general presumption in favour of development in low to medium risk areas with a 1 in 1000 to 1 in 200 year annual probability of flooding, other than for essential civil infrastructure projects. Proposals must incorporate mitigation measures without giving rise to flooding or related problems elsewhere and without compromising policies elsewhere in the Plan. This includes housing proposals that do not satisfy the Insurance Template. However, the provision of flood prevention or protection structures will not normally be supported.

A Flood Impact Assessment will require to be submitted to accompany all development proposals in high and medium to low risk areas

Development in little or no risk areas where the annual probability of flooding is less than 1 in 1000 will be generally supported.

### **Scottish Planning Policies, Planning Advice Notes and Circulars**

Scottish Planning Policy 7: Planning and Flooding

It states, in paragraphs 16 and 17 respectively, that 'For planning purposes the functional flood plain will generally have a greater than 0.5% (1:200) probability of flooding in any year' and 'Built development should not therefore take place on the functional flood plain.'

### **Non Statutory Statements of Council Policy**

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

### **SUSTAINABILITY ISSUES**

The site has various environmental designations through the Dundee Local Plan Review 2005 and this proposal would contravene the policies and it is considered the proposed development is not sustainable. The area is within a floodplain and this may raise serious issues for any future development of the area, both for existing and proposed houses.

### **SITE HISTORY**

An objection was submitted, through a Public Local Inquiry process, to the environmental designations of the site in the Finalised Dundee Local Plan Review (file ref: IQD 2/180/15). An argument was presented that the site should be allocated for housing. The objection was dismissed by the Scottish Executive Reporter and the site subsequently given the current environmental designations as per the Dundee Local Plan Review 2005.

### **PUBLIC PARTICIPATION**

Statutory neighbour notification was carried out and 21 letters of objection were received, including two letters from some objectors on receipt of more detailed plans from the applicant. The main points of objection relate to:

- 1 Designated flood area and this could cause future problems for existing and proposed houses;
- 2 Adverse impact on proposed wildlife trust nature area;
- 3 Loss of a wildlife corridor and public open space;
- 4 The proposal encroaches on a designated Site of Importance for Nature Conservation and Community Wildlife site and therefore the nature conservation, amenity and educational value of the site will be ruined;
- 5 The amenity of nearby residents will be adversely affected by the proposed new road (details yet to be confirmed by the applicant);
- 6 The listed bridge is unsuitable for vehicular use and it will need to be restored if development is granted permission;
- 7 Development is contrary to the Local Plan;
- 8 Development is unnecessary;
- 9 Traffic movement, parking and access problems particularly with construction vehicles and for local residents;
- 10 Adverse impact on residential amenity due to noise from construction work;
- 11 Adverse impact on residential amenity due to overshadowing and overlooking;

- 12 Possible contamination or spillage into Dighty;
- 13 Removal of trees;
- 14 Safety concerns for children due to increased traffic movements;
- 15 Unsuitability of road for additional traffic;
- 16 Loss of wildlife;
- 17 Quality and character of the area would be destroyed;
- 18 Loss of amenity area, which is used for walking, running and cycling;
- 19 Character of area adversely affected by loss of trees and alterations to a listed bridge;

A petition with approximately 30 signatures was received outwith the period for receiving objections to the application.

Members will already have seen the letters of objection and the issues raised are discussed in the Observations below.

The application was advertised as a departure to Housing Policy 2 and Environmental Policy 1 of the Dundee and Angus Structure Plan 2001-2016 and Policies 2, 66B, 70 and 76 of the Dundee Local Plan Review 2005 on 16 February 2009.

## CONSULTATIONS

The Head of Environmental Health and Trading Standards advises that a preliminary risk assessment, regarding potential contamination of the site due to historic uses, will be required prior to any detailed application being approved for the site. Therefore, if Members are minded to grant approval of the application, a condition will be attached to ensure that this assessment is carried out prior to any development commencing on site.

Scottish Water - Scottish Water have no objection to the proposal. They are unable to reserve capacity at their water and wastewater treatment works in advance of formal agreement with them. It will be necessary for the developer to submit a Development Impact Assessment Form in due course and further details can be obtained from Scottish Water. Initial investigations by Scottish Water have highlighted that there may be a requirement for the developer to carry

out works on the local network to ensure there is no loss of the water network or wastewater network service to existing customers. A totally separate drainage system is required and it should be a sustainable urban drainage system if it is to be considered for adoption.

SEPA - they advise that, based upon information contained within the Indicative River and Coastal Flood Map (Scotland), the application site (or parts thereof) lie within the 1 in 200 year (0.5% annual probability) flood envelope and is therefore at medium to high risk of flooding.

SEPA objects to this planning application on the grounds of lack of

information about flood risk. There is insufficient information for SEPA to determine if the river engineering works and surface water drainage elements of the application are appropriate or not.

SEPA understands that a bridge is proposed as part of this development but has received no details about it and therefore cannot comment on its appropriateness.

A suitable SUD based system should provide flow attenuation to ensure that runoff from the development does not increase the risk of flooding elsewhere.

An objection was received from Broughty Ferry Community Council on the grounds that the proposal encroaches on a designated Site of Importance for Nature Conservation and Community Wildlife Site, which have considerable nature conservation, amenity and educational value. The semi-natural greenspace of the site will be ruined, if housing is developed. Part of the site is within the floodplain and this will have an adverse impact on existing and proposed houses. The amenity of nearby residents will be adversely affected by the proposed access to the site. The existing listed bridge is unsuitable for vehicular use. In addition, the site is designated as a wildlife corridor and public open space.

Scottish Natural Heritage was consulted and they do not object to the proposal.

## 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 proposal is for outline planning permission for the erection of houses on land to the south of the Dighty and north of Inchape Road, Broughty Ferry.

## The Development Plan

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

## Dundee and Angus Structure Plan 2001-2016

A significant element of the Structure Plan is to pursue new business and housing developments in the West end of the City of Dundee. Therefore the Structure Plan seeks to control the amount of greenfield land used for housing development in other parts of the City. The proposal site is allocated for various environmental designations under Policies 66B and 70 of the Dundee Local Plan Review 2005 and so it is considered that this restricts the availability of this land for greenfield housing. The proposal is therefore contrary to the Housing Policy 2 of the Structure Plan.

Environmental Resources Policy 1 of the Structure Plan states that: "Developments that do not compromise the overall integrity and natural heritage value of a site will be permitted where they are consistent with policies elsewhere in the Plan. Where proposals fail to meet these requirements, they will only be considered where it can be sufficiently demonstrated that their local economic and social benefits outweigh the natural heritage value of the site".

Although the applicant proposes to "gift" part of the site a local wildlife trust, it is considered that there is insufficient detail to demonstrate that the local economic and social benefits outweigh the natural heritage value of the site. Therefore the proposal fails to comply with Environmental Resources Policy 1.

## Dundee Local Plan Review 2005

Policy 2 advises the circumstances where further housing land release may be acceptable. The Local Plan encourages brownfield reuse as a priority with mixed use tenure. Modest greenfield release has been permitted at the Western Gateway. Proposals to develop greenfield land for housing, on sites not allocated for such use, will only be supported where the allocated sites are no longer effective. It has been demonstrated that due to the environmental designations of the site, the site is unsuitable as a greenfield housing site. Therefore the proposal is contrary to Policy 2.

Given the indicative housing layout plan submitted by the applicant, it is unlikely that all the plots comply with the required amount of garden ground, as specified in Policy 4 of the Local Plan. The proposal is for outline permission and there is insufficient detail to assess its full compliance with all the requirements of Policy 4 and the associated Appendix 1. These details will be fully assessed, should a detailed or reserved matters application be submitted at a later date.

The site is allocated as open space and as such Policies 66A and 66B are of relevance. Policy 66A sets out criteria when an exception to 66B might be acceptable. Criteria A allows for an exception when any proposed development may affect part of a site with less amenity or educational value. In this case the site has great amenity value and it is easily accessible and widely used for recreational purposes. There are a series of footpaths and a cyclepath along the south boundary and to the east end of the site. Therefore the proposal does not comply with criteria A. Criteria B and C are not relevant.

Under Policy 70 of the Local Plan the entire site is allocated as a Wildlife Corridor and Community Wildlife Site and part of the site is within a Site of Importance for Nature Conservation. The Policy requires the submission of an ecological or similar assessment where development proposals affect Sites of Importance for Nature Conservation. This assessment should detail likely impacts of the proposal on the conservation interests of the designation, along with proposed mitigation measures. The applicant has only provided a "walkover" survey

which does not meet the requirement of the Policy.

It has not been demonstrated that the proposals would improve the conservation and educational value of the site and therefore there is no justification for developing this site.

The Policy contains a presumption against development within Wildlife Corridors, in order to minimise physical barriers to continuity, safeguard ecological integrity and promote biodiversity conservation. Although the applicant proposes to "gift" part of the site to a wildlife trust, the remainder of the site is still allocated as a wildlife corridor. Therefore it is considered that the proposal does not comply with these aims of the allocation of a wildlife corridor.

Policy 76 of the Local Plan advises that there is a general presumption against development in high risk areas. Approximately half of the west end of the site lies within the Dighty functional flood plain and the applicant has failed to provide a flood risk assessment. Therefore the development is not supported.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

### Other Material Considerations

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

Objections from Neighbouring Residents and the Community Council

- 1 Designated flood area and this could cause future problems for existing and proposed houses - SEPA object to the proposal due to its location within part of the Dighty functional floodplain. The applicant has failed to provide a flood risk assessment which was requested under Article 13 of the Town and Country Planning General Development Procedure (Scotland) Order 1992 (as amended).
- 2 Adverse impact on proposed wildlife trust nature area - it is agreed that the proposal would have an adverse impact on the area of land to be developed.
- 3 Loss of a wildlife corridor and public open space - it has been

discussed above that the site is allocated as a wildlife corridor and public open space. Therefore the proposed residential development will have an adverse impact on these designations.

- 4 The proposal encroaches on a designated Site of Importance for Nature - Conservation and Community Wildlife site and therefore the nature conservation, amenity and educational value of the site will be ruined.

The site is allocated within a Wildlife Corridor, Site of Importance for Nature Conservation and Community Wildlife Site under Policy 70 of the Local Plan. Therefore this objection is supported.

- 5 The amenity of nearby residents will be adversely affected by the proposed new road (details yet to be confirmed by the applicant) - the applicant has failed to provide a technical survey and safety audit of the proposed access road into the site. Therefore it is unclear whether the road is capable of accommodating additional traffic.

- 6 The listed bridge is unsuitable for vehicular use and it will need to be restored if development is granted permission

The applicant has failed to submit a technical survey and safety audit of the bridge, in order to demonstrate its capability of accommodating the additional traffic generated by the proposed houses.

- 7 Development is contrary to the Local Plan - it has been discussed above that the proposal is considered to contravene Policies 2, 66B, 70 and 76 of the Dundee Local Plan Review 2005. Therefore this objection is supported.

- 8 Development is unnecessary - the land has not been identified in the Local Plan as a greenfield site that is required for additional housing within Dundee. Therefore it can be argued that the housing development is not necessary at this location.

- 9 Traffic movement, parking and access problems particularly with

- construction vehicles and for local residents - if Members are minded to grant approval of the application, the principle of the access will be agreed. This is such a fundamental issue that it requires to be addressed before approval is granted.
- 10 Adverse impact on residential amenity due to noise from construction work - this is not a material planning objection.
- 11 Adverse impact on residential amenity due to overshadowing and overlooking - the application is only for outline permission and so details of the proposed houses have not been submitted. Therefore it is not possible to assess any potential overshadowing or overlooking issues at this stage.
- 12 Possible contamination or spillage into Dighty - this is a material planning consideration and may cause future problems. Should Members be minded to grant approval, then any potential contamination issues will be dealt with at detailed or reserved matters stage.
- 13 Removal of trees - it is considered that the removal of trees will have an adverse impact on the nature conservation value of the site. Therefore this objection is supported.
- 14 Safety concerns for children due to increased traffic movements - as above.
- 15 Unsuitability of road for additional traffic - as discussed above, the applicant has failed to submit a technical survey or safety audit of the proposed access road.
- 16 Loss of wildlife - the site is allocated as a wildlife corridor under Policy 70 of the Local Plan. Therefore it is agreed that there will potentially be a loss of wildlife.
- 17 Quality and character of the area would be destroyed - the site has various environmental designations and it is agreed that the quality and character of the area will be destroyed if the proposed development is granted permission.

18 Loss of amenity area, which is used for walking, running and cycling - the site is allocated as public open space and is widely used for recreational purposes at present. This use would be jeopardised if the proposal were granted permission.

19 Character of area adversely affected by loss of trees and alterations to a listed bridge - it has been discussed above that the applicant has failed to provide a technical audit and safety audit of the listed bridge. The character of the area will be adversely affected by the proposed development.

### **Supporting Statement from Applicant**

The applicant submitted a supporting design and access statement. The applicant has presented his case for the proposal complying with the relevant Policies of the Local Plan and a summary of community benefits of the proposal have been provided. Within the statement it is suggested that various matters are dealt with by way of conditions such as the requirement for a technical and safety audit of the bridge and road, details of the access road and flood risk assessment. These details are paramount to any approval of outline permission that it is considered it would not be appropriate in these circumstances to deal with them by conditions. Numerous precedents of where housing developments that impact on the wildlife corridor have been provided by the applicant. Each site is assessed on its merits and it is considered that in this case the site is contrary to many policies of the Local Plan and the proposal is not supported. It is not considered that the information carries sufficient weight to merit approval of the application, contrary to the provisions of the development plan.

### **Nature Conservation Value of Site**

A Habitats Survey of the Dighty Burn and its Tributaries was published in 2001. This provides a brief overview of the wildlife in the area.

### **Listed Bridge**

The bridge over the Dighty at the bottom of Panmurefield Road is C(s)

listed and it is a three-span masonry arch in private ownership. The stability of the bridge is questioned as it has lost its original parapets, there is significant vegetation growth, debris build upstream and areas of ad-hoc masonry repairs. The replacement parapets are sub-standard and the width of the bridge only caters for single track traffic. It is difficult to establish the structural capacity of the bridge. In its current condition and geometry, the bridge is unsatisfactory for access to the proposed housing development and needs some significant remedial works to bring it up to an acceptable standard. This would include widening, strengthening and installation of compliant parapets. A third party engineers report is required.

The applicant was advised that a full technical survey and safety audit of the listed bridge are required to demonstrate that the bridge is capable of carrying the level of traffic generated with any new development. The applicant was advised that this information is required and nothing has been submitted to date. Therefore it is concluded that there is insufficient information to fully assess the impact on the listed bridge.

### **Access**

The applicant was requested to provide a technical and safety audit of both the access road and the C(s) listed bridge. Until these details have been submitted and assessed, it is not possible to determine the suitability of the proposed road for access to the housing site.

### **Views of Consultees**

The Head of Environmental Health and Trading Standards advises that a preliminary risk assessment, regarding potential contamination of site, due to historic uses, will be required prior to any detailed application being approved for the site.

Scottish Water has advised that they have no objection to the proposal.

SEPA object to the proposal on the grounds of a lack of information submitted from the applicant regarding the flood risk of the site. It has been discussed above that the proposal is contrary to Policy 76 of the Dundee Local Plan Review 2005.

It is concluded from the foregoing that the proposal is contrary to numerous policies of the Structure and Local Plans. The objections and material considerations carry sufficient weight to justify refusal of outline planning permission. It is therefore recommended that outline planning permission be refused.

## Design

No details regarding the design of the proposed houses have been submitted at this stage. Should Members be minded to grant permission, there will be an opportunity to assess the design, scale and materials of the proposed house at the reserved matters or full application stage.

## CONCLUSION

It is considered that the proposal does not comply with Policies 2, 4, 66B, 70 and 76 of the Dundee Local Plan Review 2005. The objections are supported in these circumstances. There are no material considerations that would justify approval of the application, which is contrary to a significant number of Policies in the Dundee Local Plan Review 2005.

## RECOMMENDATION

It is recommended that consent be REFUSED for the following reasons:

### Reasons

- 1 The proposal is contrary to Housing Policy 2 of the Dundee and Angus Structure Plan 2001-2016 as the site has not been identified as a greenfield addition to the housing supply. There are no material considerations that would justify a departure from the development plan.
- 2 The proposal is contrary to Environmental Resources Policy 1 of the Dundee and Angus Structure Plan 2001-2016 as it is considered the overall integrity and natural heritage value of the site will be compromised by the proposed development. There are no material considerations that would justify approval of the proposal contrary to the provisions of the development plan.
- 3 The proposal is contrary to Policy 2 of the Dundee Local Plan

Review 2005 as the need for housing at this greenfield location has not been identified in the Local Plan. It is not considered that it will make a positive contribution to the equality and choice of housing in the area. There are no material considerations to justify refusal of the application contrary to the provisions of the development plan.

- 4 The proposal is contrary to Policy 66B of the Dundee Local Plan Review 2005 as the applicant has failed to demonstrate that the recreational and amenity value of the site will be improved by the proposed development. There are no material considerations that would justify approval of the proposal contrary to the provisions of the development plan.
- 5 The proposal is contrary to Policy 70 of the Dundee Local Plan Review 2005 as the site is allocated as a Site of Importance for Nature Conservation, Wildlife Corridor and Community Wildlife Site. The applicant has failed to submit an ecological or similar report and proposed mitigation measures, which fails to meet the requirements of Policy 70. There are no material considerations that would justify approval of the proposal contrary to the provision of the development plan.
- 6 The proposal is contrary to Policy 76 of the Dundee Local Plan Review 2005 as part of the site falls within the Dighty functional flood plain. The applicant has failed to submit a flood risk assessment to demonstrate the impact of proposed development and proposed mitigation measures. There are no material considerations that would justify approval of the application contrary to the provisions of the development plan.