

**REPORT TO: PLANNING & TRANSPORTATION COMMITTEE
20 JUNE 2005**

**REPORT ON: OBJECTIONS TO PROPOSED MODIFICATIONS TO FINALISED
DUNDEE LOCAL PLAN REVIEW**

REPORT BY: DIRECTOR OF PLANNING & TRANSPORTATION

REPORT NO: 380-2005

1 PURPOSE OF REPORT

1.1 This report informs the Committee of objections and representations received in respect of proposed modifications to the Finalised Dundee Local Plan Review and the Council's Response to the PLI Report. The Committee is asked to approve the Appendices to this report and endorse the approach proposed.

2 RECOMMENDATION

2.1 It is recommended that the Committee:

- a notes the content of this Report;
- b approves Appendix 1 to this Report as the Council's response to objections to proposed modifications to the Finalised Dundee Local Plan Review;
- c approves Appendix 2 to this Report that responds to representations received regarding the Council's Response to the Report of the Public Local Inquiry into Objections to the Finalised Dundee Local Plan Review; and
- d remits the Director of Planning and Transportation to undertake the necessary statutory procedures to formally adopt the Dundee Local Plan Review.

3 FINANCIAL IMPLICATIONS

3.1 The costs of printing the Dundee Local Plan Review following its formal adoption are estimated at £20,000. These will be met from the Department's overall 2005/06 Revenue Budget.

4 LOCAL AGENDA 21 IMPLICATIONS

4.1 The Dundee Local Plan Review is a vitally important document for the identification and progression of the City Council's aims and objectives on a wide range of economic, social and environmental issues. The advancement of the Dundee Local Plan Review will positively influence, to a greater or lesser degree, the achievement of virtually all of the key themes identified in Dundee 21.

5 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 The Dundee Local Plan Review represents a major land use planning document through which the City Council can advance many of its corporate strategies. In taking forward the Local Plan Review, regard has been had to the need to promote equality of opportunity.

- 5.2 In addition, in making arrangements for involving stakeholders in the Local Plan preparation process, positive efforts have been made to encourage the participation of groups and individuals that represent minority interests.

6 BACKGROUND

- 6.1 Reference is made to Article II of the meeting of the Planning and Transportation Committee in March 2005 which approved the Council's response to the recommendations contained in the Report of the Public Local Inquiry into Objections to the Finalised Dundee Local Plan Review and proposed modifications to the Local Plan.
- 6.2 In accordance with statutory procedures, the proposed modifications to the Finalised Dundee Local Plan Review were published and formal objections invited. As a result of this process some 14 objections were received. These objections, copies of which have been placed in the Members' Lounge, are summarised in Appendix 1 to this report.
- 6.3 The Council is obliged to consider objections duly made to the proposed modifications and decide whether it is necessary to hold a further local plan inquiry. A further inquiry is only required where a proposed modification has generated objections on a matter which has not already been considered at inquiry.
- 6.4 Each of the 14 objections that have been submitted are considered in Appendix 1 to determine that they have been duly made and if so, whether they relate to a matter which has already been considered at inquiry. In the majority of instances it has been determined that the objections do not raise matters that require to be considered at a Public Local Inquiry.
- 6.5 Members will recall that as well as proposed modifications that were the result of recommendations from the PLI Report, a number of other modifications were proposed. Two of the objections received were in respect of these non-inquiry modifications. As these objections relate to new matters, they cannot be incorporated into the Local Plan without being considered at a second Public Local Inquiry.
- 6.6 Following the assessment of all other objections as detailed in Appendix 1, it has been concluded that only the two objections to non-inquiry modifications will require to be considered at a Public Local Inquiry. This will potentially delay the adoption of the Dundee Local Plan Review for a period in excess of six months.
- 6.7 The objections to non-inquiry modifications are as follows:
- The Broughty Ferry Community Council objects to the proposed road link between the A92 and the Linlathen Economic Development site.
 - Miller Dundee Limited object to the proposed controls over the multiple occupancy of new housing in the Central Dundee Housing Investment Focus Area.
- 6.8 For the reasons outlined in Appendix 1, it is proposed that these modifications should not be incorporated into the Local Plan. This will enable the statutory procedures for adopting the Dundee Local Plan Review to be undertaken without delay.

- 6.9 In addition to objections to proposed modifications, a representation was received regarding the Council's response to certain recommendations and comments made in the Report of the Public Local Inquiry into Objections to the Finalised Dundee Local Plan Review. A copy of this representation has been placed in the Members' Lounge. This representation is addressed in Appendix 2 to this report.

7 CONSULTATIONS

- 7.1 The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance) and Assistant Chief Executive (Community Planning) have been consulted and are in agreement with the contents of this report.

8 BACKGROUND PAPERS

- 8.1 Report 150-2005 Report of the Public Local Inquiry into the Finalised Dundee Local Plan Review and Proposed Modifications.
- 8.2 Report of the Public Local Inquiry into Objections to the Finalised Dundee Local Plan Review.

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13 June 2005

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APPENDIX 1**OBJECTIONS TO PROPOSED MODIFICATIONS TO THE FINALISED DUNDEE LOCAL PLAN REVIEW****Objection:** Mod1**Modification Number:** 36, 106, 141**Objector:** Broughty Ferry Community Council

Object to the proposed new road north of the A92 which is motivated by a desire to open up agricultural land for housing development. Such housing would be contrary to the development plan. The provision of access to the Economic Development Site is a relatively incidental factor. Concern exists over the potential flood risk from the building of a new road and bridge across a flood plain. A number of protected trees will be destroyed, ruining an attractive tree-lined driveway. The nature conservation qualities of areas along the banks of the Dighty will be adversely affected. The setting of the Category A listed bridge over the Dighty will be adversely affected. The improvement of the existing road and listed bridge would be supported should the indicated development go ahead.

Response: This objection relates to proposed modifications to the Finalised Local Plan Review that were not the result of objections at the Public Local Inquiry. As it raises new matters, if the modification is to be incorporated into the Dundee Local Plan Review, it will require to be considered at a Public Local Inquiry. The objector has requested that the matter be considered by written submissions.

However, members will be aware that the Development Quality Committee at its meeting on 23 May 2005 was minded to grant planning permission for the road that is subject of the objection. Due to Historic Scotland having advised against granting planning permission, the application has been referred to Scottish Ministers. Broughty Ferry Community Council also objected to this planning application on similar grounds to the objection to the proposed modifications to the Local Plan and this objection was fully considered in the report considered by the Committee on the planning application.

Whilst it is desirable that the proposed road is included in the Local Plan, pursuing the modifications will necessitate that the objection from Broughty Ferry Community Council is considered at a Public Local Inquiry. However, it is very likely that a decision on the planning application will be made prior to the outcome of this Inquiry being known. In determining the planning application the Council had full regard to a similar objection from the Community Council. Furthermore, following its referral, Scottish Ministers will consider all aspects of the proposal and may call in the application for determination.

Against this background it is considered unnecessary that the adoption of the Local Plan be potentially delayed due to the consideration of objections to these modifications at a public local inquiry.

Recommendation: It is recommended that proposed modifications 36, 106 and 141 are not incorporated into the Dundee Local Plan Review.

Objection: Mod2

Modification Number: 114

Objector: Broughty Ferry Community Council

Object to the statement that the proposed Pitkerro Mill site does not contribute to the greenfield housing land allowances in the Dundee and Angus Structure Plan.

Response: The Dundee and Angus Structure Plan places a limit on the release of greenfield land for housing in the Local Plan area. This limit has been fully met by the land allocations contained in the Finalised Dundee Local Plan Review. Although the site at Pitkerro Mill was not allocated in the Finalised Dundee Local Plan Review, it is allocated for housing in the Dundee Local Plan 1998. In establishing the scale of greenfield land release appropriate, the Dundee and Angus Structure Plan considered the established housing land supply in the Dundee area at June 2001. The site at Pitkerro Mill formed part of this supply.

The PLI Report (paragraphs 22.42 to 22.45 of Volume 1: Living in Dundee) considers this matter and concludes that the Pitkerro Mill site is not subject to the 390 limit in the approved Structure Plan. As this matter has already been considered, it is not necessary that it be considered again at a further Public Local Inquiry.

Recommendation: There should be no change to the Local Plan as a result of this objection. In light of the fact that the matters raised in the objection were fully considered in the PLI Report it is not necessary that they are considered again at a further Public Local Inquiry.

Objection: Mod3

Modification Number: 41

Objector: Secondsite Property Holdings (per Hargest and Wallace)

Disappointed that the case put forward at the PLI was not recognised and that the Gas Holder site will continue to be reserved for employment use in view of the impracticality of this allocation and the benefits to be derived from its identification for retail/foodstore purposes. Secondsite will cooperate with DCC on an urgent basis to investigate the nature and extent of remediation works. The proposed Retail Review and preparation of a site planning brief should not delay the remediation and redevelopment of the Gas Holder site. Secondsite wish to agree terms of reference with DCC to enable the preparation of the necessary retail appraisal and planning brief.

DCC Response: The issues raised here have been fully considered in the PLI Report. The City Council's response on the matters in question is entirely in line with the Inquiry Reporter's recommendations. While the objection is noted, it is concluded that it does not constitute an objection to the proposed modifications

Recommendation: There should be no change to the Local Plan as a result of this objection. In light of the fact that the matters raised in the objection were fully considered in the PLI Report it is not necessary that they are considered again at a further Public Local Inquiry.

Objection: Mod4

Modification Number: 57

Objector: Secondsite Property Holdings (per Hargest and Wallace)

Summary: Modifications lack clarity as to the scale of retail development proposed at the Stack. The Stack should not be allocated for non-food purposes as it is poorly located; it will be equally unattractive to retail as well as leisure interests; it is too close to the Kingsway to benefit the City in a distributional sense; and it would be too small to achieve a critical threshold size to enable it to compete with Kingsway West.

Response: The issue of the suitability of the Stack for non food retail development was addressed at the Local Plan PLI. The Inquiry Reporter concluded in favour of retail development at the Stack and recommended that the Local Plan text should be amended to provide support for an element of bulky goods retailing there. The proposed modifications seek to achieve this.

Recommendation: There should be no change to the Local Plan as a result of this objection. In light of the fact that the matters raised in the objection were fully considered in the PLI Report it is not necessary that they are considered again at a further Public Local Inquiry.

Objection: Mod5

Modification Number: 61

Objector: Secondsite Property Holdings (per Hargest and Wallace)

Summary: Welcome support for redevelopment of bus depot site for retail warehousing. The site should not be restricted to retail warehousing trading primarily in household goods. It is unreasonable to await clear evidence of the commencement of redevelopment of the Stack for a period of at least two years from the adoption of the Local Plan. Such an approach is unrealistic in view of the inherent disadvantages of the Stack and the consistent lack of market interest. This contrasts with the benefits to the City of promoting a City Centre Retail Park.

Response: The issues raised here have already been considered at the Local Plan PLI. The proposed modifications seek to implement the recommendations of the PLI Report in respect of these matters. The link to the timing of development at the Stack is based on a recommendation of the Inquiry Reporter. The two year timescale (from the date of adoption of the Local Plan Review) for the review of progress at the Stack is intended to ensure that development at the Travel Dundee site would not be unreasonably delayed in the event of a lack of progress at the Stack.

Recommendation: There should be no change to the Local Plan as a result of this objection. In light of the fact that the matters raised in the objection were fully considered in the PLI Report it is not necessary that they are considered again at a further Public Local Inquiry.

Objection: Mod6

Modification Number: 66, 67, 68, 69, 72

Objector: Secondsite Property Holdings (per Hargest and Wallace)

Summary: Object to the Household Goods Policy restriction applying to the existing Dock Street Retail Park and to the proposed extension. The Park is close enough to allow for linked trips to the City Centre. An unrestricted approach, as taken in other parts of Scotland, would benefit the City by promoting a City Centre Retail Park.

Response: The issue of the goods range restrictions at the existing Dock Street Retail Park was considered in the course of the PLI. While suggesting certain changes, the Inquiry Reporter made no recommendation to the effect that the household goods policy restriction should be lifted.

Recommendation: There should be no change to the Local Plan as a result of this objection. In light of the fact that the matters raised in the objection were fully considered in the PLI Report it is not necessary that they are considered again at a further Public Local Inquiry.

Objection: Mod7

Modification Number: 78

Objector: Secondsite Property Holdings (per Hargest and Wallace)

Summary: The proposed Retail Study is long overdue and this should not delay the identification of the Gas Holder site as a new foodstore site under Policy 49. Assurances are sought regarding the urgent completion of the Retail Study and that references to the forthcoming City Region Plan will not delay the redevelopment of the Gas Holder site for foodstore purposes.

Response: The Committee's agreement will be sought at an early date for funding to undertake the retail study and for authority to invite consultants to submit bids. Members will also be asked to agree the terms of reference the study which will include the need to address certain commitments arising from the response to the PLI Report recommendations. Among these will be an assessment of whether the Gas Holder site has a potential role in accommodating future retail floorspace requirements. It would be premature to reach a view on the retail potential of this site in advance of the study's findings.

Recommendation:

The Local Plan should not be changed as a result of this representation. It is not considered to be an objection and therefore does not require to be considered at a Public Local Inquiry.

Objection: Mod8

Modification Number: 8, 9

Objector: Miller Dundee Limited (per Montagu Evans LLP)

Summary: Planning authorities should be reducing policy in respect of HMOs in Local Plans in accordance with Government Circular 4/04. It is not appropriate for the Local Plan to prevent the location of HMOs within new development in Central Dundee.

Response: These modifications seek to control multiple occupancy of new residential developments in the Central Dundee Housing Investment Focus Area. They do not result from recommendations in the PLI Report but respond to concerns of the Council. As the objection raises new matters, if the modifications are to be incorporated into the Dundee Local Plan Review, the objection will require to be considered at a Public Local Inquiry. The objector has requested the opportunity to be heard at a PLI.

The Council, in response to recommendations in the PLI Report, has stated its intention to produce Supplementary Guidance on the matter of HMOs. In order to avoid any delay in the adoption of the Local Plan, it is proposed that mechanisms to address concerns regarding multiple occupancy in new residential development be brought forward through this Supplementary Guidance. Whilst not being part of the statutory development plan, it is intended that all Supplementary Guidance is subject to public consultation as appropriate in order to increase the weight that can be afforded to it as a material consideration in planning decisions.

Recommendation: It is recommended that proposed modifications 8 and 9 are not incorporated into the Dundee Local Plan Review.

Objection: Mod9

Modification Number: 26

Objector: West End Community Council

Summary: Appendix 1 lacks clarity through the use of terms such as "useable" and "attractive" in relation to balconies/garden space. In terms of privacy it is not clear what the terms "generally" and "minimum" refer to or how they will be qualified. The use of the term "minimum" should be changed to "18m or greater". The use of the word "unacceptably" in terms of overlooking is unclear. Definitions or criteria should be transparent.

Response: The West End Community Council's objection relates to proposed modifications to Appendix 1 Design of New Housing. These proposed modifications are the result of the Council's response to recommendations by the Reporter that the clarity of terminology in Appendix 1 should be improved following objections to the Finalised Dundee Local Plan Review.

Recommendation: There should be no change to the Local Plan as a result of this objection. In light of the fact that the matters raised in the objection were considered in the PLI Report it is not necessary that they are considered again at a further Public Local Inquiry.

Objection: Mod10

Modification Number:

Objector: Dundee Institute of Architects (per Ritchie Dagen and Allan)

Summary: The approach to the design of new housing is too restrictive. Good housing provision will not be achieved by proscribing flatted development. Many people have no desire for garden ground. The need for affordable and social housing will require a proportion of flats. The City is poorly provided with high quality flats in the upper ranges. Students, staff and researchers at the Universities would prefer good quality small flats. The Local Plan should not impose unique conditions (re HMOs) which would be detrimental to the future of Dundee. Elsewhere in the world, flatted development of the highest quality is the norm.

Response: The Dundee and Angus Structure Plan requires that the Local Plan contain a policy approach that favours the development of houses rather than flats and this approach is not the subject of a proposed modification to the Local Plan. As such it is not considered that this is a valid objection.

Recommendation: The Local Plan should not be changed as a result of this representation. In light of the fact that the matters raised in the objection do not relate to proposed modifications to the Plan it is not necessary that they are considered at a Public Local Inquiry.

Objection: Mod11

Modification Number: 75, 76, 77 ,78 ,79, 80

Objector: Tesco Stores Limited (per Pritchett Planning Consultancy)

Summary. The Local Plan should acknowledge the locational benefits of the Tesco site at South Road for a foodstore in the same way as the Linlathen site. The Plan fails to allocate a preferred site in the west of Dundee for foodstore development and does not respect the Reporter's findings on this matter.

In the context of the objection to Modification 11, Tesco has also objected to the Modification which deletes Policy 51 and its supporting text (Freestanding Retail Warehouses). However, the Tesco submission is not clear as to the precise nature of the objection to this modification and does not specify how this might be addressed by changes involving Policy 51.

Response: The objection relates to the fact that the City Council has not specifically allocated the former B&Q site for foodstore use. However this objection does not specifically relate to new issues raised by the Proposed Modifications to the Local Plan but instead refers back to matters already covered by the PLI.

Issues regarding Policy 51 were fully explored in the course of the PLI and the City Council's response is in accord with the Inquiry Reporter's recommendation on this policy. Furthermore, the nature of the objection is unclear and the objector does not indicate how the Policy 51 Modification might be changed in order to resolve the objection.

Recommendation: There should be no change to the Local Plan as a result of the objection seeking the allocation of the Tesco site at South Road. In light of the fact that the matters raised in the objection were fully considered in the PLI Report it is not necessary that they are considered again at a further Public Local Inquiry.

Given the considerations outlined in the Response above, it is also concluded that a further Public Local Inquiry is not necessary in order to consider the objection in respect of the Modification to Policy 51.

Objection: Mod12

Modification Number: 108

Objector: Stewart Milne Homes

Summary: The provision of 10m² of useable space per flat is somewhat onerous. Policy 4 and Appendix 1 should be amended to require 100m² of useable open space per flatted development, particularly as there is a requirement for drying areas to be provided over and above this.

Response: Appendix 1 of the Finalised Dundee Local Plan Review included the requirement that 100 sq m or 10 sq m per flat of useable private garden should be provided for flatted development in the Inner City/Broughty Ferry areas. The amount of open space that is required is not therefore the subject of a proposed modification to the Plan. Rather, the proposed modification to this part of the Plan responds to recommendations in the PLI Report that the terminology used should be clarified. As this objection does not relate to a matter that is the subject of a proposed modification, it is not considered to be valid.

Recommendation: The Local Plan should not be changed as a result of this objection. In light of the fact that the matters raised in the objection are not the subject of proposed modifications it is not necessary that they are considered at a Public Local Inquiry.

Objection: Mod13

Modification Number: 5

Objector: Stewart Milne Homes

Summary: Welcome the proposed modifications to Section 9, Housing Proposals and Appendix 2, Brownfield Housing Development Proposals. Supplementary Guidance on housing should be brought forward quickly and be prepared in full consultation with the housebuilding industry.

Response: It is noted that Stewart Milne Homes welcome the proposed modifications to the Plan in respect of these sections and as such, it is not considered that this is a formal objection. In respect of the issue of supplementary guidance on housing, it is intended that this is brought forward quickly. This guidance will be informed by the annual Housing Land Audit, which is the subject of consultation with the housebuilding industry. Furthermore, it is intended that all supplementary planning guidance to the Local Plan is subject to public consultation as appropriate.

Recommendation: The Local Plan should not be changed as a result of this representation. In light of the fact that Stewart Milne Homes welcome this proposed modification, it is not considered to be an objection and therefore does not require to be considered at a Public Local Inquiry.

Objection: Mod14

Modification Number: 17

Objector: Stewart Milne Homes

Summary: Welcome the proposed modifications to Policy 5, Open Space Provision as Part of New Developments. The existing open space audit/detailed assessment of open space supply and future needs should be updated in early course to fully establish appropriate provision requirements. This should be prepared with input from the housebuilding industry.

Response: It is noted that Stewart Milne Homes welcome the proposed modifications to this Policy and as such, it is not considered that this is a formal objection. It is the Council's intention that supplementary guidance on this issue will be advanced in early course and will be subject to public consultation as appropriate.

Recommendation: The Local Plan should not be changed as a result of this representation. In light of the fact that Stewart Milne Homes welcome this proposed modification, it is not considered to be an objection and therefore does not require to be considered at a Public Local Inquiry.

APPENDIX 2

REPRESENTATION RECEIVED TO THE COUNCIL'S RESPONSE TO THE REPORT OF THE PUBLIC LOCAL INQUIRY INTO OBJECTIONS TO THE FINALISED DUNDEE LOCAL PLAN REVIEW

Summary of Representations

A representation was received from Paull & Williamsons Solicitors acting for Bett Homes Limited, a copy of which has been placed in the Members' Lounge. The terms of this representation are summarised as follows:

- 1 The Reporter found that the Finalised Dundee Local Plan Review does not in its present form ensure that there will be a five year supply of effective housing land throughout its lifetime and so fails to conform to the approved Structure Plan and national guidance. He advised that the Review cannot ignore allocations for the post 2001 period.
- 2 The Reporter recommended that the site at Balgillo North be deleted on the basis that the Structure Plan does not promote large scale development to the east of the City; and the proposal contravenes Housing Policy 5 and Environmental Resources Policy 7 of the Structure Plan. The Reporter recommended that consideration should be given to increasing the allocation at Baldragon on the basis that this would focus housing development in a location that accords with planning strategy; and that adding to the existing allocation would be more satisfactory than a piecemeal approach.
- 3 Appendix 1 of the Report on the Local Plan to the Planning and Transportation Committee on 21 March 2005 misled Members in respect of recommendations in the PLI Report on Proposal H71 Balgillo North. Planning permission has not been granted for the site and will not be granted unless and until the Section 75 Agreement is concluded. It is well established that a Committee must determine an application on the basis of the material considerations at the time that the consent is issued. It is clear that the Council must reconsider its position on the North Balgillo application in light of the material considerations applying now. The Reporter's recommendation that the site be deleted is a material consideration that requires to be taken into account prior to a final decision being taken on this application. The Report to Committee misleads Members by suggesting that planning permission will be granted for Balgillo North. Since the reasons for deciding not to follow the Reporter's recommendation are invalid, the Council have contravened Regulation 35(1) of the Structure and Local Plans (Scotland) Regulations 1983.

Director of Planning and Transportation's Response

- 1 The Council does not agree with the Reporter's conclusion that the Local Plan does not ensure that there will be a five year effective land supply throughout its lifetime. Through the identification of housing sites and the establishment of a policy framework that supports housing development on brownfield sites not allocated in the Local Plan the Council is confident that adequate land will be available in accordance with the Structure Plan. In response to other recommendations in the PLI Report in respect of objections L34 and L35 the Council has given a commitment to bring forward supplementary guidance on the issue of housing land. One of the purposes of this

guidance will be to indicate all sites that contribute to meeting the housing land allowances of the Dundee and Angus Structure Plan together with an assessment of their effectiveness. This is in accordance with guidance offered by the Reporter. It is intended that the supplementary guidance is regularly reviewed in addition to the annual Housing Land Audit to ensure that a minimum five year land supply is being maintained at all times in the Dundee and South Angus housing market area. Whilst considered unlikely, should any concern regarding the amount of effective housing land in this housing market area emerge, this process will allow the Council to consider whether an alteration to the Local Plan is appropriate, having regard to Housing Policy 1 of the approved Structure Plan.

- 2 The Report to the Development Quality Committee on the Balgillo North planning application (ref: 03/00650/OUT) assessed the proposal and concluded that it was in accordance with the Dundee and Angus Structure Plan. The Council does not therefore agree with the Reporter's conclusion that the Balgillo North allocation is not in accordance with the Dundee and Angus Structure Plan. The Structure Plan promotes greenfield housing land release as part of the strategy of improving the quality and choice of housing available in Dundee as a means of tackling population decline. The scale of greenfield land allocations outwith the Western Gateway area of the City proposed in the Finalised Dundee Local Plan Review fully accords with the Structure Plan. The distribution of these allocations provides choice in terms of location and developer. The allocations in the east of the City accord with Structure Plan Housing Policy 2 as they do not constitute major greenfield development that seriously prejudices the implementation of the Dundee Western Gateway development. Structure Plan Housing Policy 5 relates principally to small scale housing development in areas of countryside, to be defined in Local Plans. The site at Balgillo North is allocated in accordance with the strategy and Policies of the Structure Plan and does not therefore conflict with Housing Policy 5. Environmental Resources Policy 7 protects prime agricultural land unless such land is identified as essential for implementation of the Structure Plan strategy. The Council considers that the proposed development is in accordance with the Structure Plan strategy and therefore does not conflict with Environmental Resources Policy 7. Substituting the Balgillo North proposal with an increased allocation at Baldragon would reduce the choice of housing opportunities available in terms of both location and developer. However, the Council has sought to address the Reporter's concerns regarding piecemeal development of the Baldragon site by encouraging the developer to prepare a masterplan for the allocated site and its possible extension westwards.
- 3 The response to the recommendation in the PLI Report in relation to Balgillo North clearly states that negotiations are ongoing regarding the Section 75 Agreement and Members will be aware that as such, planning permission has not been granted. As the Section 75 Agreement has not been concluded and planning permission has not been issued the Development Quality Committee will reconsider the application in the light of all material considerations, including the PLI report.

As stated above, the Report to the Development Quality Committee on the Balgillo North planning application and the PLI Report reached fundamentally different conclusions on the issue of the proposal's conformity with the Structure Plan. The Reporter's findings cannot be accepted because the Structure Plan promotes greenfield housing land release as part of the strategy of improving the quality and choice of housing available in Dundee as a means of tackling population decline. The scale of such release is limited to a maximum of 390 houses in the period to 2011.

Determining the distribution of this release therefore involves an assessment of the relative planning merits of competing sites.

The allocation of the Balgillo North site extends the quality and choice of housing available through the development of a new village in the historically popular eastern sector of the City. By encouraging high quality housing in this location, the Local Plan seeks to discourage housing related out-migration from Dundee to other parts of the housing market area. Landscaping will ensure a high quality setting for the proposed village whilst the Dighty Water provides a defensible northern boundary. The site can be satisfactorily accessed by a range of transport modes

The site at Baldragon is within the North West/Caird Housing Investment Focus Area where significant brownfield and greenfield housing development has occurred and is proposed. The allocation of land for the development of 130 houses at Baldragon supports regeneration efforts in this part of the City. However, focusing additional land release at Baldragon instead of Balgillo North would result in the identification of 280 houses, out of a greenfield limit of 390 houses, on a single site at Baldragon in the hands of one developer. This approach would not meet the Structure Plan objective of improving quality and choice in housing opportunity. For sound planning reasons the allocation of the Balgillo North site is preferred at this time.

Therefore, having reconsidered the matter it is maintained that the allocation of the Balgillo North site is in accordance with the Structure Plan and there are no material considerations, including the PLI Report, which would justify that it be deleted and substituted with an enlarged allocation at Baldragon. A separate report on this matter will be submitted to the Development Quality Committee.