

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

Erection of 82 dwelling houses with external/internal garages

**Address**

Land to North and South of  
Lawers Drive  
Broughty Ferry

**Applicant**

George Wimpey East  
Scotland Ltd  
28 Barnton Grove  
Edinburgh  
EH4 6BT

**Agent****Registered** 16 Nov 2005**Case Officer** C Walker

## Further Phase of New Housing at Lawers Drive

The erection of 82 dwelling houses with external/internal garages 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 82 large detached 2 storey houses on the site. The site is the remaining land allocated for development as part of the original Panmurefield Village housing proposals.
- No response was received from notified neighbours.
- The plans were amended to reduce the number of houses and the resulting scheme is of satisfactory design and complies with Development Plan policy. A Section 75 Agreement is proposed to cater for off site infrastructure including education provision.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for a development of 82 houses on the site. Each house is a detached two storey dwelling, 11 have 3 bedrooms, 68 have 4 bedrooms and 3 have 5 bedrooms. All houses have either single or double garages as well as parking spaces and minimum private gardens of at least 120m<sup>2</sup> (the average is 156m<sup>2</sup>).

The layout of the proposed development is very much dictated by the existing road pattern. The proposed houses to the north of Lawers Drive are designed to overlook the area of public open space to the west of the site.

Proposed finishing materials are walls of smooth white render and facing brick and roofs of either grey or red tiles.

It is proposed to form a small detention basin on the north side of Lawers Drive immediately adjacent to the area of public open space, effectively forming an extension to the open space. Land adjacent to the Dighty valley to the south of the site would also be retained as open space.

## SITE DESCRIPTION

The site comprises some 5.4 ha of former agricultural land which slopes steeply downwards from the A92 Arbroath Road to the Dighty valley. It is bisected by Lawers Drive which runs east to west through the middle of the site.

To the east is housing developed by Wimpey and Stewart Milne Homes. To the south is the embankment of the former Dundee to Forfar railway and the Dighty valley. To the west is an area of public open space associated with the housing developments at Panmurefield and vacant land allocated for housing in the Local Plan. To the north is the recently dualled A92, separated from the site by bunding.

## 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 part of an existing housing area and 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 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.

## LOCAL AGENDA 21

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. the proposal is therefore considered to be sustainable and in accordance with the Councils Agenda 21 Policies.

## SITE HISTORY

Outline planning permission was granted for a housing development on

the Wimpey site (including the site of the current application in 1998 - application D22366 refers. A Section 75 Agreement was concluded as part of that development which included the provision of a roundabout at the junction of West Grange Road and the A92 prior to the completion of 150 houses.

Planning permission for 109 houses was granted to Wimpey also in 1998 - application D23095 refers. Planning permission for 40 houses was granted to Stewart Milne homes in 2002 - application 02/00094/FUL refers. These 149 houses have been constructed.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and no public comment was received.

## CONSULTATIONS

Angus Council Director of Roads recommended that since the roundabout that was required by the Section 75 Agreement for the outline permission for housing at this location (D22366) was being provided anyway as part of the A92 dualling project, that a contribution towards the cost of this facility should be requested as part of a new Section 75 Agreement.

The Head of Environmental Health and Trading Standards has requested that planning conditions be imposed to cover:

- 1 the possibility that there may be ground contamination at the site and
- 2 to ensure that traffic noise from the A92 does not adversely affect the houses closest to the road.

Discussions with the Director of Education have established that the local primary school at Barnhill is at capacity and that investment is required in primary and secondary schools in the Broughty Ferry area to cater for developments such as that currently proposed.

Discussions with SEPA and Scottish Water on sustainable drainage have resulted in the production of revised satisfactory proposals for the development.

## 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 proposed development was the subject of considerable discussion. It was originally submitted for 96 houses in January 2004 and the most recent plans for 82 houses were submitted in September 2005. The resulting proposals considerably reduced the density of development and increased the garden sizes so that they now fully comply with the requirements of Policy 4.

Open space has been provided to the west of the site as part of the overall provision for housing at Panmurefield. However the function of this open space is limited by the absence of any play equipment. This matter has been discussed with the applicants who have agreed to provide equipment in this area by means of a Section 75 Agreement should members be minded to support this application.

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 the requirement for a contribution towards the provision of schools has been discussed with the applicants and again 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 previously approved roads and services layout. However the amended plans for this development feature a significant number of houses facing the public open space to the west of the site, resulting in a better design solution and greater supervision of the park.

Furthermore revised finishing materials have been proposed with more use of render as opposed to brick. It is considered that the resulting development is of satisfactory design.

Finally Policy 75 promotes sustainable drainage. Discussions with SEPA and Scottish Water on sustainable drainage have resulted in the production of revised satisfactory proposals for the development.

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

As a significant period of time has elapsed since the submission of this application, the A92 has now been dualled and opened. Although the Section 75 Agreement for application D22366 requires a roundabout to be provided at West Grange Road, this has long since been constructed. It is not considered appropriate to seek a contribution for that facility at this stage.

The requirements of SEPA and Scottish Water have been catered for by the submission of revised plans. Provision for education and assessment of contamination and traffic noise can be covered by a Section 75 Agreement and planning conditions should Members be minded to approve this application.

- b Street lighting

Concerns have been raised by the Local Member about the level of street lighting at completed phases of the Wimpey development at culs de sac at Alder Avenue, Alder Drive and Alder Place. Although the lighting meets with statutory requirements, this matter has been discussed with the applicants who have agreed to fund additional lighting in these area and again this matter can be included in a Section 75 Agreement should Members be minded to approve the application.

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 previously approved roads and services layout. However the amended plans for this development feature a significant number of houses facing the public open space to the west of the site, resulting in a better design solution and greater supervision of the park. Furthermore revised finishing materials have been proposed with more use of render as opposed to brick. It is considered that the resulting development is of satisfactory design.

### 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

#### Recommendation 1

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

- 1 the provision and future maintenance of play equipment at the area of open space to the west of the site;
- 2 the maintenance of landscaping and planting on and adjacent to the site;
- 3 the provision of street lighting at Alder Avenue, Alder Drive and Alder Place; and
- 4 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 planning permission 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 The landscaping layout indicated in Drawing Ref No GW118 dated 30/08/05 shall be amended to make provision for extensive planting to the south and south west of the site along the Dighty Valley and the former railway embankment, to the west of the site south of Lawers Drive and the replanting of the bunds to the north of the site along the A92. The amended plans shall be submitted for the written approval of the Council prior to the commencement of development. The approved scheme shall be fully implemented within the following timescales:
  - a street trees shall be planted prior to the completion of the dwelling closest to each tree;
  - b trees and shrubs to the south, south west and west of the site shall be planted within one year of the commencement of development of the site; and
  - c the planting along the bunding on the A92 Arbroath Road shall be completed on a phased basis progressively ahead of the houses to be built, always creating a barrier between the houses and Arbroath Road. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.
- 4 Details of all proposed boundary enclosures shall be submitted to the Council for approval before any development is commenced

and if approved the development shall be carried out only in full accordance with such approved details.

- 5 Details of a cycle route through the development from Lawers Drive to the Green Circular along the Dighty Valley shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 6 Development shall not begin until a scheme to deal with potential contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of proposals to deal with contamination to include:
  - a the nature, extent and type(s) of contamination on the site.
  - b measures to treat/remove contamination to ensure the site is fit for the use proposed.
  - c measures to deal with contamination during construction works.
  - d Condition of the site on completion of decontamination measures.
  - e Before any unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.
- 7 Noise Impact Assessment to examine the likely impact traffic noise may have on the development and what, if any, mitigation measures may be required shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 8 Details of the proposed site compound area, show houses and sales cabin area shall be submitted to the Council for approval before any development is commenced and if approved

the development shall be carried out only in full accordance with such approved details. In particular these facilities shall be designed to provide sufficient space for all construction traffic as well as for car parking for site workers and visitors to the site and show houses.

## 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 ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 4 To ensure a satisfactory standard of appearance of the development.
- 5 In order to make adequate provision for cycling within the development.
- 6 In order to ensure that the site is fit for the use proposed.
- 7 To protect the amenities of the occupiers of the proposed dwellings closest to the A92.
- 8 In order to provide adequate space for construction vehicles and car parking associated with the development of the site and to avoid the need to use Lawers Drive for construction activities or parking in the interests of residential amenity and the free flow of traffic on Lawers Drive.