

**KEY INFORMATION**

Ward Balgillo

**Proposal**

Amendments to 03/00351/FUL to extend western boundary by 18.5 metres and relocate 3 houses from former plots 92-94 to western end of site

**Address**

Land At Balmossie Farm  
Arbroath Road  
Dundee

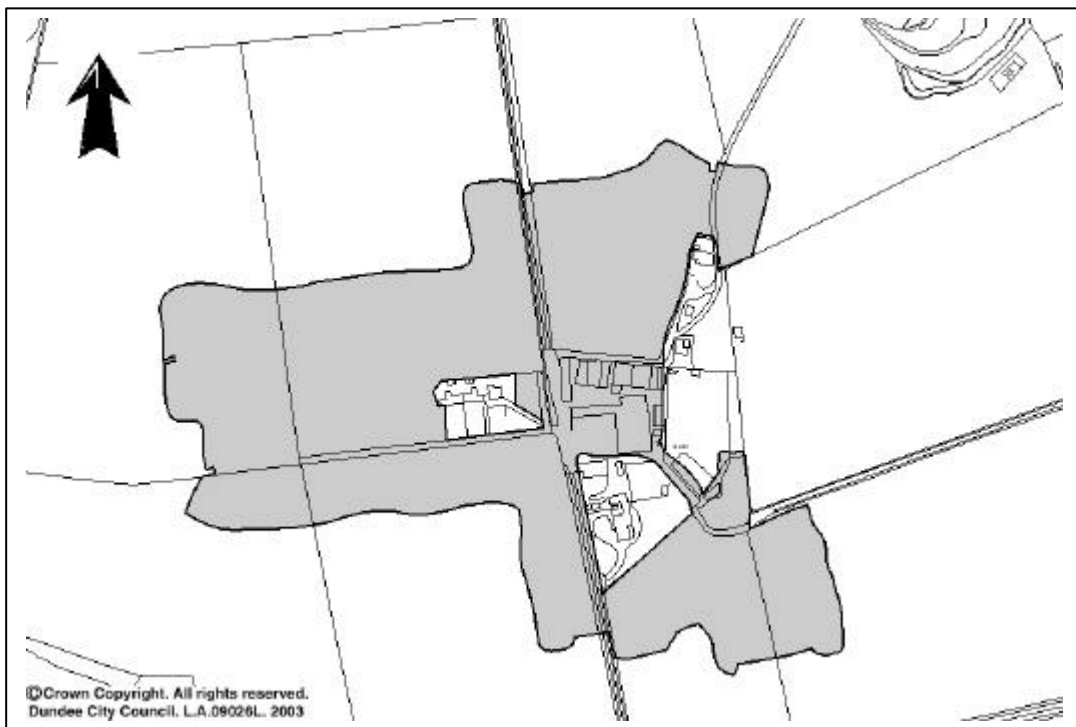
**Applicant**

Stewart Milne Homes  
Osprey House  
Westhill Business Park  
Westhill  
Aberdeen AB32 6SQ

**Agent**

Registered 8 June 2005

Case Officer C Walker



## Proposal for 3 Additional Houses at Balmossie Farm

An Amendment to relocate 3 houses is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development represents an acceptable minor incursion into an area allocated as open countryside in the adopted Local Plan and is therefore recommended for **APPROVAL**.

**SUMMARY OF REPORT**

- Planning permission is sought to amend proposals for a previously approved village of 100 houses on the site. The change involved is to delete 3 houses at the eastern end of the site and to replace them with 3 houses at the western end thus slightly extending the site.
- No public comment on the development was received.
- Although the amendment to the approved housing layout involves a slight incursion into an area allocated as Open Countryside under Policy 74 of the adopted Local Plan, it is considered that this can be justified because of the small area of ground involved, the fact that no additional houses are proposed and the fact that no landscaping feature is affected.

## DESCRIPTION OF PROPOSAL

Planning permission is sought to amend proposals for a previously approved village of 100 houses on the site. The change involved is to delete 3 houses at the eastern end of the site and to replace them with 3 houses at the western end thus slightly extending the site by some 18.5 metres to the west. The extended boundary will also include a detention basin required for the sustainable drainage of the site.

The proposed house types are identical to those permitted elsewhere on the site, having a minimum of 4 bedrooms and a double garage and a private garden area of not less than 180 sq. metres. The proposed finishing materials are also similar to those previously approved.

The reason for the proposed change is that the farmer who owns Balmossie Farm House wishes to keep land adjacent to that house free from development.

## SITE DESCRIPTION

The site comprises some 10 hectares of land around Balmossie Farm on the north side of the A92 Arbroath Road. The actual farmhouse itself and 4 agricultural cottages close to it are excluded from the site. The site has a south facing aspect, is quite prominent on the horizon and commands extensive views over the eastern suburbs of the city and the Firth of Tay beyond.

Construction on the site commenced earlier this year with the formation of the new access road, and a small number of houses have been erected at the eastern extremity with the first houses now being occupied.

The area to the west of the site, where 3 houses are currently proposed as part of the amended application, comprises former agricultural land with no significant features or boundaries.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

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

## Dundee Local Plan Review

In this plan the vast bulk of the site is allocated as a greenfield housing site for a maximum of 100 houses under Proposal H72. However the small extension area to the west of the site, where it is proposed to relocate 3 houses, is allocated as Open Countryside where Policy 74 contains a presumption against new development.

Policy 4 and Appendix 1 set out standards for the design and layout of village developments.

### 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 policies of relevance.

## LOCAL AGENDA 21

The Councils Local Agenda 21 policies are not affected by this minor change to an approved development.

## SITE HISTORY

Planning permission was granted for 100 houses on this site in September 2004 -application ref no 03/00351/FUL refers.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposal was

advertised as contravening the Development Plan. No public comment was received.

## CONSULTATIONS

No adverse comments on the development were received from Statutory Consultees.

## 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

### Dundee Local Plan Review 2005

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above. In this plan almost the entire site is allocated as a greenfield housing site for a maximum of 100 houses under Proposal H72. The text and drawings attached to the policy give clear guidance as to the form and design of the proposed development, stressing that it should not be suburban but should present a high quality village style development within well defined boundaries. It states that financial contributions will be required towards improved education provision in the Broughty Ferry area and that the developer will be required to fund all necessary transportation infrastructure including any necessary upgrading of the A92.

It is considered that the proposed development, including the proposed modification to relocate 3 houses to the west of the site fully complies with Proposal H72 of the Finalised Dundee Local Plan Review.

Policy 4 and Appendix 1 set out standards for the design and layout of this development. The proposal as revised fully complies with the Village Standards in the Plan.

However a small part of the amended site now spills beyond the allocated village area and into an area allocated

as Open Countryside under Policy 74. It is for this reason that the proposed development was advertised as contravening the adopted Local Plan and it is therefore concluded that the proposed development contravenes Policy 74 of the Dundee Local Plan Review.

## Other Material Considerations

Although the amendment to the approved housing layout involves a slight incursion into an area allocated as Open Countryside in the adopted Local Plan it is considered that this can be justified for a number of reasons:

- 1 The proposed modification to the original layout is very slight and the area of open countryside involved is only some 0.3 ha. Only part of the 3 houses to be relocated actually fall outwith the original application site, with the bulk of the additional area occupied by landscaping and a drainage feature.
- 2 The extended area is within an existing agricultural field with no significant features, so there is no incursion through an established boundary or any impact on trees or hedges.
- 3 The proposed development involves the reconfiguration of an existing layout with no additional housing units proposed.

It is concluded from the foregoing that sufficient weight can be accorded to the above material considerations such as to justify the grant of planning permission contrary to the provisions of the development plan.

It is proposed to impose the planning conditions on the original consent (with modifications to cater for any changes over time and to cater for the proposed change to the plan) on the current proposals. The applicants have confirmed that the terms of the legal agreement relating to various matters including an education contribution will also apply to the amended proposals, so a revised Section 75 Agreement will not be required.

It is therefore recommended that planning permission be granted with conditions.

## Design

The form and layout of the development, including the disposition of the houses and the plot sizes, replicates the layout and standards for village development in the Local Plan.

## CONCLUSION

The proposed development represents an acceptable minor incursion into an area allocated as open countryside in the adopted Local Plan.

## RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following condition(s):-

- 1 The development hereby permitted shall be commenced within five years from the date of this permission
- 2 Prior to the commencement of construction of any of the dwellings hereby approved, the bus lay bys, A92 pedestrian crossing facility and footway linkages into Panmurefield Village shall be constructed in accordance with details to be submitted to and approved in writing by the Council.
- 3 Details of the sustainable drainage of the site, which shall incorporate detention basins whose contours fit within the surrounding landscape, 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.
- 4 The proposed finishing materials for the houses shall comprise natural stone, wet dash harl and slate and samples of the finishing materials proposed to be used shall be submitted to the Council for approval and the development shall be carried out only in accordance with such approved samples.
- 5 Details of all proposed boundary enclosures including retaining walls, 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 the roadside boundaries shall be finished in natural stone and hedging as detailed in drawing 5155/101 rev B submitted on 26/9/03 in connection with application 03/00351/FUL but amended to reflect the position at Plots 30, 55 and 56.

- 6 No trees or hedges within the application site shall be felled other than those indicated for felling in the Tree Survey drawing 318-2 dated 27/8/03 by Susan McFadzean Partnership or any other trees or hedges whose felling has been agreed in writing by the Council. The felling and pruning of existing trees shall be in accordance with BS 3998.
- 7 Details of the protection of trees and hedges to be retained in accordance with BS 5837 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 the protective fencing shall be agreed on site with the Council prior to the commencement of any development.
- 8 The landscaping of the site shall be in accordance with the proposals set out in the revised Landscape Master Plan and Drawing No 318-3 by Susan McFadzean Partnership dated 9/9/03 with amendments to incorporate the change to the western site boundary and that Acer campestre shall replace Acer pseudoplatanus and Acer plananoides and that all standard trees shall have a minimum girth of 10-12 cm, with only containerised or rootballed trees being used. Details of the timing and the maintenance of the new planting as well as the maintenance of the existing trees and hedges to be retained shall be subject to the written approval of the Council. 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.
- 9 The proposed play area in the village green shall be completed in accordance with the details set out in Drawing No PPS/Q/3140/01 dated 10/9/03 or any alternative proposal agreed in writing by the Council and shall be completed and ready for use prior to 1/4/2006. The proposed play area shall be maintained for all time by the developers in accordance with a scheme of maintenance which has been submitted to and agreed in writing by the Council prior to the commencement of development.
- 10 Details of the provision of public art within or directly adjoining the application site 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.
- 11 Details of any changes to existing ground levels within or directly adjoining the application site 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 To ensure that the proposed development meets with the aspirations for a village character as set out in Proposal H72 of the Dundee Local Plan Review and in the interests of the visual amenities of the area.
- 6 to protect those trees and hedging which are of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development
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- 8 to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area
- 9 To ensure that adequate playing facilities are provided for residents of the proposed housing development.
- 10 Policy 56 of the Dundee Local Plan Review seeks to implement the "Percent for Public Art" policy for major new development proposals and it is considered that the provision of public art would help to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 11 The application site is in an exposed location and any changes to ground level need to be carefully considered in the interests of visual amenity.

## Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 In order to ensure safe access to the site for pedestrians and cyclists.
- 3 To ensure that the site is adequately drained and that the development does not lead to any increased risk of flooding of downstream properties.
- 4 To ensure that the proposed development meets with the aspirations for a village character as set out in Proposal H72 of the Dundee Local Plan Review and in the interests of the visual amenities of the area.