

**KEY INFORMATION**

**Ward** Balgillo

**Proposal**

Proposed erection of 39 No dwelling houses and associated garages and garden ground

**Address**

Land East of Linlathen House Lodge  
Arbroath Road  
Dundee

**Applicant**

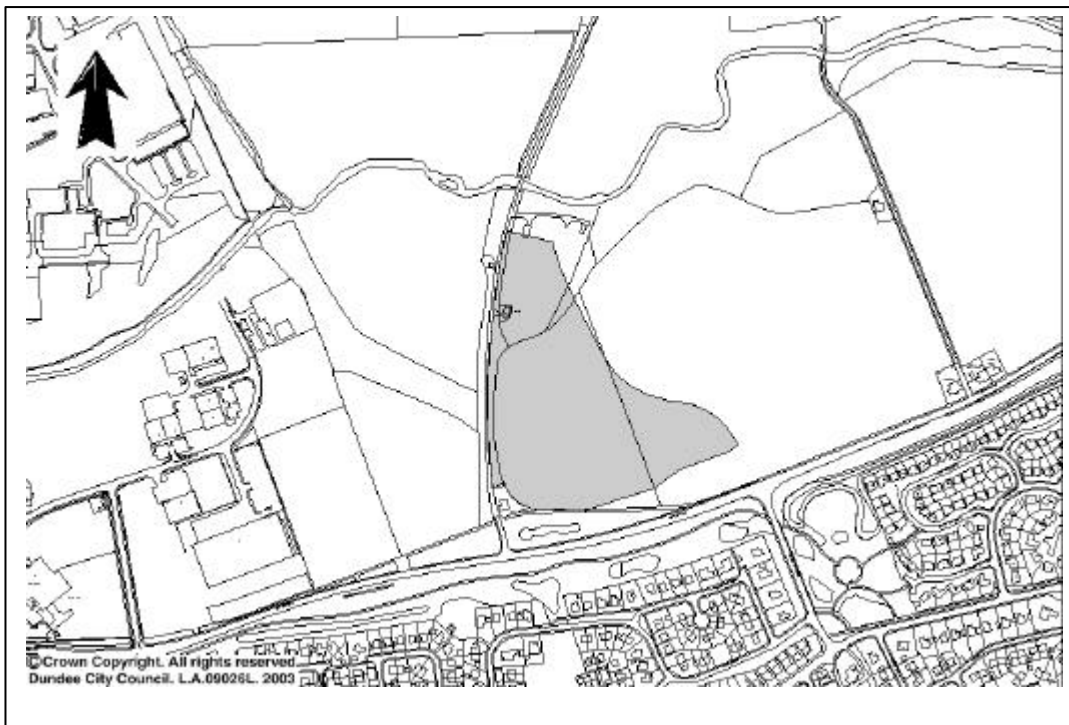
G L Residential Ltd  
161 Princes Street  
Dundee  
DD4 6DG

**Agent**

KDM Architects  
15 Camperdown Street  
Broughty Ferry  
Dundee  
DD5 3AA

**Registered** 22 July 2005

**Case Officer**



## Proposed Housing Development at Linlathen House Lodge

The proposed erection of 39 houses is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development represents an acceptable minor breach of the housing allocation in the Development Plan. Planning conditions and the terms of a Section 75 Agreement will ensure appropriate provision for infrastructure

**SUMMARY OF REPORT**

- Planning permission is sought to construct 39 large houses set around a central village green on the north side of the A92 Arbroath Road. The proposed access is from a recently approved new road linking the A92 with the Council's industrial site at Linlathen.
- 3 letters of objection were received, 2 from residents of Broughty Ferry and 1 from Broughty Ferry Community Council. The concerns raised relate to contravention of the Development Plan, development sprawl on the north side of the A92, impact on wildlife, loss of trees, infrastructure capacity, traffic congestion and flooding.
- Angus Council has objected to the proposed development on the grounds that it would have the potential to open up further large scale greenfield housing development to the east of the city and as such is not in conformity with the strategy and policies of both the Dundee and Angus Structure Plan and the Dundee Local Plan Review.
- The proposal does not comply with Housing Policy 2 and Environmental Resources Policy 7 of the Structure Plan and Policies 2 and 74 of the Local Plan. However the approval of the application can be justified as a minor amount of high quality housing on a contained and well screened site that will not create a precedent for further major greenfield land release.
- It will be necessary to refer the application to the Scottish Ministers due to contravention of the Development Plan and the fact that the Council owns part of the site. A Section 75 agreement is proposed to ensure the provision of adequate infrastructure for the development and the restoration of the Category A listed Linlathen West Bridge.

## DESCRIPTION OF PROPOSAL

Planning permission is sought to construct 39 houses on the site with the layout set around a central village green. The northern portion of the site, at a lower ground level, is proposed to be maintained as a wildlife area. A linked pair of houses of 2 and 3 storeys with a pend is proposed as a feature at the northern edge of the area of open space. Otherwise all the houses are detached 2 storey units with 2 levels of accommodation (either one and a half or two storeys).

The proposed houses are large, all having a minimum of 4 bedrooms, 6 have 5 bedrooms and 7 have 6 bedrooms. Proposed finishing materials are wet dash harl walls with areas of reconstituted stone and artificial slate roofs. Front boundary enclosures of dry stone walls and beech hedging are proposed with rear gardens screened by existing and proposed landscaping.

Access to the site is proposed from a new road running from the A92 Arbroath Road roundabout at Balgillo to Linlathen, which was recently approved by the Council. It is also proposed to remove the recently constructed link road to the south of the site and provide access for Linlathen Nursing Home and a number of farm dwellings through the application site.

A tree survey has been produced which indicates that many of the trees along Linlathen Lane, which are protected by a TPO, are in the region of 150-200 years old, with many of them in decline. However it suggests that most of them can be retained and also proposes new planting of trees and shrubs within the application site.

The applicants have submitted a letter in support of their proposals. It states that the site is contained by woodland to the west and north and existing and proposed roads to the south and east; that a wildlife corridor will be maintained to the north of the site and that the listed bridge at Linlathen West will be restored; that the site is without constraints and ready for development now; that the development will be by local developers for the prestige upper market to allow people seeking houses of this calibre to live and work in Dundee; finally it suggests that due to delays in delivering housing at the

Western Gateway it is necessary to release land outwith the current local plan allocations now.

## SITE DESCRIPTION

The site comprises just less than 5 ha of farmland in open countryside on the north side of the A92. To the west is 1 of the 2 original accesses to the former Linlathen House comprising a tree lined driveway with a Category B listed gate lodge and gate piers at the Arbroath Road entrance and a Category A listed bridge over the Dighty. The trees along this driveway are protected by a Tree Preservation Order.



The fields immediately north of the A92 Arbroath Road are relatively flat with few features other than boundary hedges (intermittent in parts). The land then drops down to the Dighty where there are small agricultural buildings. Further to the north of the site the Dighty meanders slowly through a flood plain.

This farmland, other than the floodplain of the Dighty, is classified as prime land for agricultural purposes.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

The Guiding Principles of the Structure Plan promote sustainable development including the integration of land use and transport and giving priority to previously developed sites.

The settlement strategy for Dundee in the Structure Plan is to establish a focus for additional land release for housing and employment development to the west of the city, to support the

regeneration of brownfield sites and to control the amount of greenfield land for housing development in other sectors of the city.

Part of the Structure Plan's integrated approach towards population loss from Dundee, seeks further improvement to the quality and locational choice of housing development sites in the Dundee and South Angus housing market area. Housing Policy 1 requires Local Plans to allocate land to meet the housing land allowances identified in Schedule 1 in accordance with the Structure Plan strategy.

Housing Policy 2 states that proposals for major development on greenfield sites will not be permitted where this would seriously prejudice implementation of the Dundee Western Gateway development. A maximum figure of 390 greenfield additions to the housing land supply at June 2001 is stipulated for the period from 2001 to 2011.

Transport Policy 4 seeks to ensure that development takes place in the most accessible locations and has safe, convenient and attractive facilities for pedestrian, cycle and public transport access.

Environmental Resources Policy 7 states that development that would result in the loss of prime agricultural land will not normally be permitted except where such land is identified as essential for implementation of the Structure Plan strategy.

### Dundee Local Plan Review 2005

In this plan most of the site is allocated as open countryside and Policy 74 contains a presumption against unallocated development in this area. The northern part of the site, where no development is proposed, is indicated as a site of importance for nature conservation and a wildlife corridor protected by Policy 70 and an area of open space protected by Policy 66.

Policy 2 Housing Land Release states that 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 development strategy of the Structure Plan.

Paragraph 9.4 of the Plan adds that the Council will require to be satisfied that progress is being made on the implementation of the Western Gateway before consenting to additional greenfield development elsewhere.

Policy 4 Design of New Housing and Appendix 1 set out standards for the design and layout of Village developments. Policy 5 Open Space provision sets out open space requirements for new housing developments.

Policy 20 states that developer contributions towards the cost of infrastructure provision both on and off site will be sought where necessary and appropriate.

Policy 55 encourages good design and Policy 56 implements a "Percent for Public Art" Policy for major new developments.

Policy 70 seeks to protect semi natural greenspaces of local nature conservation importance, such as the Dighty Valley corridor. Policy 72 Trees and Urban Woodland requires new development to have regard to existing healthy mature trees and encourages their retention.

Policy 75 requires that all "development proposals must be accompanied by a Sustainable Drainage Scheme".

With respect to accessibility and transportation matters, Policies 81, 82 and 83 seek to promote ease of access by pedestrians, cyclists and public transport users and to enhance facilities and infrastructure for these sustainable modes of travel. With regard to roads matters, the Plan seeks to reduce the dominance of the private car and promote the use of alternative modes.

## Scottish Planning Policies, Planning Advice Notes and Circulars

SPP3 Land for Housing, SPP7 Planning and Flooding and SPP17 Planning for Transport are of relevance to the determination of this application, but the principles set out in these documents are carried through the Structure Plan and Local Plan and a separate assessment of the application in the context of these documents is not required.

## Non Statutory Statements of Council Policy

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

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## LOCAL AGENDA 21

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The Council's Local Agenda 21 policies promote the protection of the environment.

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## SITE HISTORY

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A planning application for a roadside services development on this site was refused by the Scottish Executive in April 2002 following an appeal for non determination - application ref no 01/25176/D refers.

The Committee decided to grant outline planning permission for a development of 147 houses at North Balgillo on land to the east of the site in February 2004 - application ref no 03/00650/OUT refers. The decision will not be issued until the Section 75 agreement has been concluded.

Planning permission was granted in July 2005 for the construction of a new road from the A92 Arbroath Road/Balgillo Road roundabout northwards to the Councils economic development site at Linlathen - application 05/00065/FUL refers.

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## PUBLIC PARTICIPATION

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Statutory neighbour notification was carried out and the proposal was advertised as contravening the Development Plan.

2 letters of objection were received from residents of Broughty Ferry (copies available for inspection in the Members Lounge). The concerns raised relate to contravention of the Development Plan, development sprawl on the north side of the A92, impact on wildlife, loss of trees, infrastructure capacity, traffic congestion and flooding.

The points raised in these letters are fully considered in the Observations section of this report.

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## CONSULTATIONS

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Broughty Ferry Community Council has objected to the proposed development on the basis that it contravenes the Structure Plan and the

Local Plan. It states that if planning permission is to be granted then:

- 1 The issue of potential flooding should be first investigated;
- 2 A Section 75 Agreement should be concluded to ensure the restoration of the listed bridge at Linlathen;
- 3 Boundary treatments should include the generous provision of natural stone and finishing materials on houses should be natural (not artificial) stone and slate; and
- 4 The application should be referred to the Scottish Ministers as it contravenes the Development Plan and the Council will gain financially from the development (through an increase in value of adjoining Council owned land and increased Council Tax from new houses).

Angus Council has objected to the proposed development on the grounds that it would have the potential to open up further large scale greenfield housing development to the east of the city and as such is not in conformity with the strategy and policies of both the Dundee and Angus Structure Plan and the Dundee Local Plan Review.

It states that the current application would extend greenfield housing allocations beyond the maximum Structure Plan allowance of 390 houses for the period up to 2011 in an area of open countryside contrary to the recently adopted Local Plan. However they state that the scale of the development is not the primary concern, but rather the need for additional development in this area before a substantive start has been made on the Local Plan Review allocated sites, and the precedent this might set for further major greenfield land release.

It refers to the City Councils statement at the Local Plan inquiry that "requests for further greenfield housing land in this general location are not supported" and states that the new road to be constructed would open up a further area of major development. Finally it questions the impact of such development on the efficient operation of the A92 and suggests that the present application should not be approved until an overall assessment of the transport implications of

possible further development has been carried out.

Angus Council Roads Department was consulted separately in connection with the relationship of the proposed development to the dualling of the A92 and has raised no objections.

The Council's Forestry Officer has requested planning conditions to ensure the protection and management of trees to be retained and the provision of new planting on the site.

## 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.

### Dundee and Angus Structure Plan 2001-2016

As referred to in the Policy background section above, the Structure Plan promotes a focus for additional land release for housing and employment development to the west of the city and seeks to control the amount of greenfield land for housing development in other sectors of the city.

This control is exercised through Housing Policy 2 which sets a maximum figure of 390 greenfield additions to the housing land supply in the north and east of the city for the period from 2001 to 2011. As this maximum figure has recently been fully allocated in the Dundee Local Plan Review, the development currently proposed exceeds the maximum figure and therefore contravenes Housing Policy 2.

Transport Policy 4 seeks to ensure that development takes place in the most accessible locations and has safe, convenient and attractive facilities for pedestrian, cycle and public transport access.

In this case the application site is close to existing facilities but the A92 does form a barrier to access by pedestrians and cyclists. It is therefore likely that most journeys will be undertaken by car. However bus lay bys have been provided close to the site and if Members are minded to approve the application, then provision can be made for the establishment of a pedestrian crossing facility on the A92 thus promoting linkages to nearby schools, shops and other facilities. In these circumstances the development will be as sustainable as other suburban developments on the fringe of the city.

Environmental Resources Policy 7 states that development that would result in the loss of prime agricultural land will not normally be permitted except where such land is identified as essential for implementation of the Structure Plan strategy. As most of the site is identified as prime land and the development is not essential for implementation of the strategy, the proposed development contravenes Environmental Resources Policy 7.

### Dundee Local Plan Review 2005

In this plan most of the site is allocated as open countryside and Policy 74 contains a presumption against unallocated development in this area. The proposed development contravenes this policy.

Policy 2 Housing Land Release states that 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 development strategy of the Structure Plan. The proposed development contravenes this policy.

Paragraph 9.4 of the Plan adds that the Council will require to be satisfied that progress is being made on the implementation of the Western Gateway before consenting to additional greenfield development elsewhere. Work has recently commenced on the redevelopment of the former Liff Hospital; given that early sales at this location are going well, it is unlikely that a small development of 39 houses north of the Arbroath Road will significantly affect progress on the Western Gateway.

The northern part of the site is indicated as a site of importance for

nature conservation and a wildlife corridor protected by Policy 70 and an area of open space protected by Policy 66. However no construction will take place in this area and there are proposals to develop it as a wildlife area, so the development will be in accordance with these policies.

Policy 4 Design of New Housing and Appendix 1 set out standards for the design and layout of Village developments. Policy 5 Open Space provision sets out open space requirements for new housing developments. The proposed development is in full compliance with these standards.

Policy 20 states that developer contributions towards the cost of infrastructure provision both on and off site will be sought where necessary and appropriate. Policy 55 encourages good design and Policy 56 implements a "Percent for Public Art" Policy for major new developments. In this case the design of the proposed development is satisfactory and the developers have offered to make a contribution to the provision of educational facilities and to upgrade the listed bridge at Linlathen West. These matters can be covered by a S75 Agreement should Members be minded to approve the application.

Policy 72 Trees and Urban Woodland requires new development to have regard to existing healthy mature trees and encourages their retention. The proposals are satisfactory in this regard and these matters can be dealt with by planning condition should Members be minded to approve the application.

Policy 75 requires that all "development proposals must be accompanied by a Sustainable Drainage Scheme". The proposals in this regard are satisfactory.

With respect to accessibility and transportation matters, Policies 81, 82 and 83 seek to promote ease of access by pedestrians, cyclists and public transport users and to enhance facilities and infrastructure for these sustainable modes of travel. With regard to roads matters, the Plan seeks to reduce the dominance of the private car and promote the use of alternative modes. These matters have been considered in the context of Transport Policy 4 of the Structure Plan and are considered to be satisfactory.

It is concluded from the foregoing that the proposal does not comply with Housing Policy 2 and Environmental Resources Policy 7 of the Structure Plan and Policies 2 and 74 of the Local Plan.

## Other Material Considerations

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

### Impact on Trees

The proposed development can be carried out without any significant impact on the trees to the west of the site protected by a TPO and the trees and hedges to the north of the proposed houses. Should Members be minded to approve the application then planning conditions can be attached ensuring the protection of trees to be retained and the carrying out of new planting on the site.

### Traffic Implications

The new roundabout at Balgillo Road East, which has been constructed as part of the upgrading of the A92, includes a northern leg which gives access to the proposed North Balgillo Village development, to the Linlathen Access Road and to the application site. This junction has adequate capacity to service these developments and the additional traffic generated by the proposed 39 houses will assist in achieving a balance of turning movements which are necessary to ensure the proper functioning of the new roundabout. The proposals are, therefore, satisfactory in terms of their implications for access and traffic movements.

### Prime Agricultural Land

Environmental Resources Policy 7 of the Structure Plan states that development that would result in the loss of prime agricultural land will not normally be permitted. However in this case only a small area of land is involved. The northern part of the site, which will not be developed, is within the flood plain of the Dighty. The rest of the site is isolated from the remainder of the farm unit. It is therefore concluded that there is no significant issue with regards to the loss of prime agricultural land and that contravention of Environmental Resources Policy 7 is minor.

### Views of the Objectors, the Community Council and Angus Council

The matters raised by the 2 letters of objection received from residents of Broughty Ferry are mostly discharged elsewhere in the Observations Section of this report (ie Structure Plan and Local Plan assessments; Impact on Trees and Traffic Implications) and very little weight can be accorded to any of these matters other than those raised under Housing Policy 2 of the Dundee and Angus Structure Plan 2001-2016 and Policy 2 of the Dundee Local Plan Review 2005. These remaining issues are dealt with at the end of this section of the report.

The matters raised in the objection by Broughty Ferry Community Council similarly relate to Housing Policy 2 of the Structure Plan and Policy 2 of the Local Plan and again these are dealt with at the end of this section of the report. The Community Council has also commented that if consent is granted, then certain detailed aspects of the proposal need to be adequately addressed relating to potential flooding, the restoration of the Linlathen West listed bridge and to the quality of the proposed finishing materials. Each of these issues is either discharged elsewhere in this report or is the subject of a proposed planning condition.

The objection received from Angus Council relates not so much to the scale of the proposed development, but to the principal of breaching the maximum Structure Plan allowance of 390 houses for the period up to 2011 and their concern that this could create a precedent for further major greenfield land release. This issue is dealt with at the end of this section of the report, but it is worth noting that the Director of Planning and Transportation has recently had occasion to write to Angus Council expressing considerable concern about recent consents that they have granted which significantly exceed the allocations in the Joint Structure Plan.

### Supporting Information by the Applicants

The applicants have stated in their supporting information that the proposal is located in a well contained and screened location, that it does not impact on the adjacent wildlife corridor, that they will restore the adjacent listed bridge, that their site is immediately effective and capable of development and that it will provide high quality housing aimed at retaining

purchases of prestige housing within the city's boundaries. It is considered that each of these considerations are substantiated and that they should be given due cognisance when considering whether to grant planning permission contrary to the provisions of the development plan.

The applicants also state that they believe that it is necessary to release further housing land outwith the current local plan allocations due to delays in delivering housing at the Western Gateway. It is considered that there is insufficient evidence of any significant delays in implementing the Western Gateway and therefore this consideration cannot be substantiated. However, it is also considered that the development of 39 new houses north of the Arbroath Road will have very little adverse impact on the viability or deliverability of the Western Gateway proposals.

Therefore the determining issue for this application relates to whether there are sufficient material considerations to justify an exception to Housing Policy 2 of the Dundee and Angus Structure Review 2005. It is considered that this can be justified for the following reasons:

- 1 The proposal is for only 39 houses which represents a relatively minor amount of housing in excess of the current Development Plan allocations.
- 2 The approval of a housing development on the application site will not create a precedent for further major greenfield land release. Every planning application requires to be judged on its own merits.
- 3 The application site is in a discrete and well screened location which will not compromise the existing urban edge or the setting of the adjacent Balgillo North Village proposal, nor will it lead to the coalescence of its neighbouring areas.
- 4 The proposed development fully complies with all of the other policies and quality standards of the Development Plan and will provide high quality housing in a traditional village format.

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

## Design

The form and layout of the proposed development fully complies with the requirements and standards for village developments in the Local Plan.

## CONCLUSION

The proposed development represents an acceptable minor breach of the housing allocation in the Development Plan.

## RECOMMENDATIONS

### Recommendation 1

In terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997, if Members are minded to approve the planning application it will be necessary to refer it to the Scottish Ministers due to contravention of Development Plan and the fact that the Council owns part of the site.

### Recommendation 2

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 off site works to provide bus shelters and a pedestrian crossing facility on the A92
- 2 the developer paying a contribution for improved education provision in the Broughty Ferry area necessitated by the proposed development
- 3 the future maintenance of the open space, wildlife corridor and the woodland planting around the site
- 4 the restoration of the Category A listed Linlathen West Bridge

### Recommendation 3

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 Samples of the finishing materials proposed to be used, which shall comprise natural stone and wet dash harl for the walls and slate for the roofs, 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 Details of all boundary enclosures for the house plots, which shall comprise natural dry stone dykes and beech hedging to front boundaries, 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 Prior to the occupation of any of the dwellings hereby approved, the pedestrian crossing facility on the A92 shall be constructed in accordance with details to be submitted to and approved in writing by the Council.
- 5 Details of the drainage of the site, which shall incorporate sustainable drainage principles, 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 No trees or hedges within the application site shall be felled other than those indicated for felling in the Tree Report dated October 2005 by WB Leask 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 2005 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 Details of the landscaping of the site (along with the wildlife area to the north of the proposed houses and the driveway to the west of the site) including 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 submitted to and approved by the City Council prior to the commencement of development. 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 Details of the design of street lighting and the surfacing of roads and footways 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.
- 10 Details of any alterations to existing ground levels, including the formation of any bunding 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 The scheme of attenuation by New Acoustics dated 24 September 2005 ensure that road traffic noise shall not be detrimental to residential amenity shall be fully implemented but with the proviso that any attenuation by means of bunding should not result in the creation of harsh landforms out of character with the existing landscaped setting of the area.

## 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 and to comply with the village concept set out in Appendix 1 of the Dundee Local Plan Review.
- 3 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area and to comply with the village concept set out in Appendix 1 of the Dundee Local Plan Review.
- 4 In order to ensure safe access to the site for pedestrians and cyclists.
- 5 To ensure that the site is adequately drained and that the development does not lead to any increased risk of flooding of downstream properties.
- 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
- 7 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
- 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 the proposed development meets with the aspirations for a village character as set out in Appendix 1 of the Dundee Local Plan Review and in the interests of the visual amenities of the area
- 10 To ensure that the proposed development fits within the existing landscape setting.
- 11 To protect the future occupiers of the development from excessive traffic noise in the interests of residential amenity.