

**KEY INFORMATION**

**Ward** Balgillo

**Proposal**

Erection of 4 houses

**Address**

Land north of A92 East of  
Linlathen Lane West of  
Balmossie Bridge  
Arbroath Road  
Dundee

**Applicant**

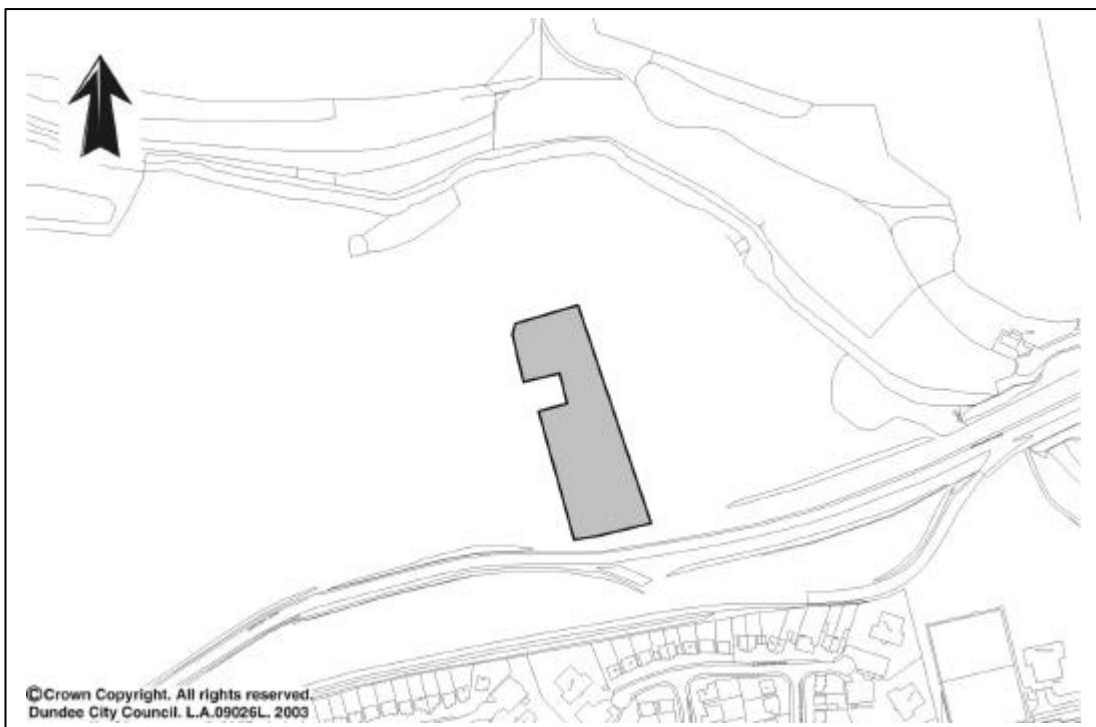
Miller Homes Ltd  
Miller House  
2 Lochside View  
Edinburgh Park  
Edinburgh EH12 8DH

**Agent**

EMA Architectural Design  
Ltd  
The Stables  
38 Balleyfield Road  
Edinburgh EH15 1NA

**Registered** 24 Nov 2005

**Case Officer** C Walker



## Minor Addition to Housing Site to Provide 4 Houses

The erection of 4 houses is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development is a justifiable minor departure from the adopted Plan, provides a better layout to the previous proposals and does not alter the overall numbers of houses allocated at North Balgillo. The development complies with the village concept envisaged in the Local Plan and it is therefore recommended for **APPROVAL subject to conditions**.

**SUMMARY OF REPORT**

- Planning permission is sought for the erection of 4 houses on the site directly adjacent to the separate application for the approval of reserved matters for a development of 146 houses (application 05/01012/REM). The 2 proposals combined are for a development of 150 houses in general accordance with the allocation under Proposal H71 of the Dundee Local Plan Review 2005.
- The development fully complies with the village housing standards in the Local Plan, including house sizes, parking and garaging, garden sizes and privacy distances.
- In the adopted Local Plan the site sits just to the east of the allocated housing site and is designated as Open Countryside and Policy 74 contains a presumption against development.
- The proposed development is a justifiable minor departure from the adopted Plan, provides a better layout to the previous proposals and does not alter the overall numbers of houses allocated at North Balgillo. The layout of the development fully complies with the principles set out in Proposal H71 of the Dundee Local Plan Review. A Section 75 Agreement is necessary to make provision for education facilities for the development.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of 4 houses on the site. This application needs to be read in conjunction with the separate application for the approval of reserved matters for a development of 146 houses on the adjoining land to the west (application 05/01012/REM the report on which is contained elsewhere within this Agenda). The 2 proposals combined are for a development of 150 houses in general accordance with the allocation under Proposal H71 of the Dundee Local Plan Review 2005. Access arrangements and the provision of open space are shared with the larger housing development to the west.

Due to changes in the proposed access arrangements and in order to avoid the construction of houses on an elevated area of ground backing onto the A92 Arbroath Road, the applicants propose to construct 146 houses within the site originally allocated for 150 houses and to extend the development area to the east and construct 4 houses within this extended area.

As with the rest of the development, all the proposed houses are two storey units, have a minimum of 4 bedrooms and have either single or double garages. Proposed finishing materials for the houses are walls of wet dash harl and the proposed roofing material is artificial slate. Roadside boundaries for these 4 houses are formed with beech hedging with post and wire fencing to rear elevations. Substantial planting is indicated all around the houses, providing containment and screening them from the A92 and adjoining farmland.

The development fully complies with the village housing standards in the Local Plan, including house sizes, parking and garaging, garden sizes and privacy distances.

## SITE DESCRIPTION

The site comprises some 0.68 hectares of land on the north side of the A92 Arbroath Road. This ground sits within a larger field and to the east of land allocated for 150 houses in the adopted Dundee Local Plan Review

2005. To the east, north and north east is the Dighty valley. Modern housing developments on the south side of the A92 are partially screened by landscaped bunds.

There are no trees within this application site and the land is undulating and overlooks the A92.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

Land at North Balgillo has been allocated for 150 houses and this allocation is in conformity with the Structure Plan. The fact that this application slightly alters the area of the original allocation has no implications in terms of the Structure Plan as the overall housing figure has not been amended.



### Dundee Local Plan Review 2005

In the adopted Local Plan the site sits just to the east of an area allocated as a greenfield housing site for a maximum of 150 houses under Proposal H71. The land around this allocated area is designated as Open Countryside and Policy 74 contains a presumption against development.

The Proposal 71 allocation gives clear guidance as to the form and design of the proposed development. Policy 4 and Appendix 1 set out standards for the design and layout of this development. It also states, amongst other matters, that financial contributions will be required towards improved education provision in the Broughty Ferry area.

Policy 20 states that developer contributions towards the cost of infrastructure provision both on and

off site will be sought where necessary and appropriate.

## Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy of relevance to the determination of this application.

## Non Statutory Statements of Council Policy

There are no non Statutory Council Policies of relevance to the determination of this application.

## LOCAL AGENDA 21

Key theme 13 states that places, spaces and objects should combine meaning and beauty with utility. In this case, for reasons expanded upon in the Observations and Design sections of this Report, it is considered that the proposed development fulfils the requirements of this theme.

## SITE HISTORY

Outline planning permission was granted for the erection of 147 houses on the site immediately to the west in November 2005 following the conclusion of a Section 75 Agreement which covered a number of issues including a contribution towards the provision of education and the restoration of the listed pedestrian bridge over the Dighty.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the development was advertised as departing from Policy 74 of the adopted Dundee Local Plan Review 2005. No public comment was received.

## CONSULTATIONS

No comments 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

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above. The proposed development is in conformity with the Structure Plan. However the allocation of housing at North Balgillo under Proposal 71 of the adopted Local Plan is quite precise and as the site of the current application falls just outside this area. This area is allocated as Open Country with a presumption against development and the proposed development therefore contravenes Policy 74 of the Plan.

The layout of the development fully complies with the principles set out in Proposal H71 of the Dundee Local Plan Review. Policy 4 and Appendix 1 set out standards for the design and layout of this development. The proposal fully complies with the Village Standards in the Plan.

It is concluded from the foregoing that the proposal does not comply with Policy 74 of the adopted Local Plan.

## Other Material Considerations

The proposed development is directly linked to the proposals for 146 houses on the adjoining ground to the west forming an overall development of 150 houses. This number of units complies with the Local Plan allocation and the only reason that the Local Plan is contravened is that 4 houses now fall outwith the site originally allocated for this development.

It would have been possible to fit the 150 houses within the original site but the applicants were encouraged to revise their proposals principally because some of the houses would have to be sited on an exposed hillock overlooking the A92 and partly because the new road to the Councils economic development site at Linlathen resulted in the removal of some houses at the eastern end of the site.

The resulting development provides a better layout than that originally indicated and complies with all the

requirements of a village layout in terms of house and garden sizes, finishing materials, boundary treatment and landscaping. The proposals do not set a precedent for further housing at this location because the numbers proposed comply with the original allocation.

It is concluded from the foregoing that sufficient weight can be accorded to the material consideration set out above to justify the approval of planning permission contrary to Policy 74 of the adopted Local Plan. It is therefore recommended that planning permission be granted with conditions.

As the proposed houses fall outwith the site of the original proposals, a Section 75 Agreement needs to be concluded to cover the contribution towards the provision of education and the maintenance of woodland planting.

## Design

The form and layout of the development, including the disposition of the houses and the plot sizes, replicates the "village" style layout set out in the adopted Local Plan. The "village" character is reinforced by the road layout which departs from a typical "engineered" suburban layout, the retention of the existing woodland areas and the substantial areas of new planting. The design of the houses, including the use of finishing materials of wet dash harl and artificial slate as well as the boundary treatment of beech hedging all add to the establishment of the village character.

## CONCLUSION

The proposed development is a justifiable minor departure from the adopted Plan, provides a better layout to the previous proposals and does not alter the overall numbers of houses allocated at North Balgillo. The development complies with the village concept envisaged in the Local Plan.

## 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 developer paying a contribution for improved education provision in the Broughty Ferry area necessitated by the proposed development.
- 2 the provision and future maintenance of the woodland planting around the site

### Recommendation 2

- 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 Details of all boundary enclosures for the house plots, which shall comprise beech hedging to roadside 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, pedestrian crossing facilities 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.

### 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 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 Proposal H71 of the Dundee Local Plan Review 2005.
- 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.