

KEY INFORMATION

Ward The Ferry

Proposal

Erection of 86 residential units (23 terraced, 11 linked detached, 2 semi-detached and 50 detached units) with associated roads, footpaths, garages and parking on consented residential sites.

Address

Land north of A92, East of Linlathen Lane, West of Balmossie Bridge
Arbroath Road
Broughty Ferry

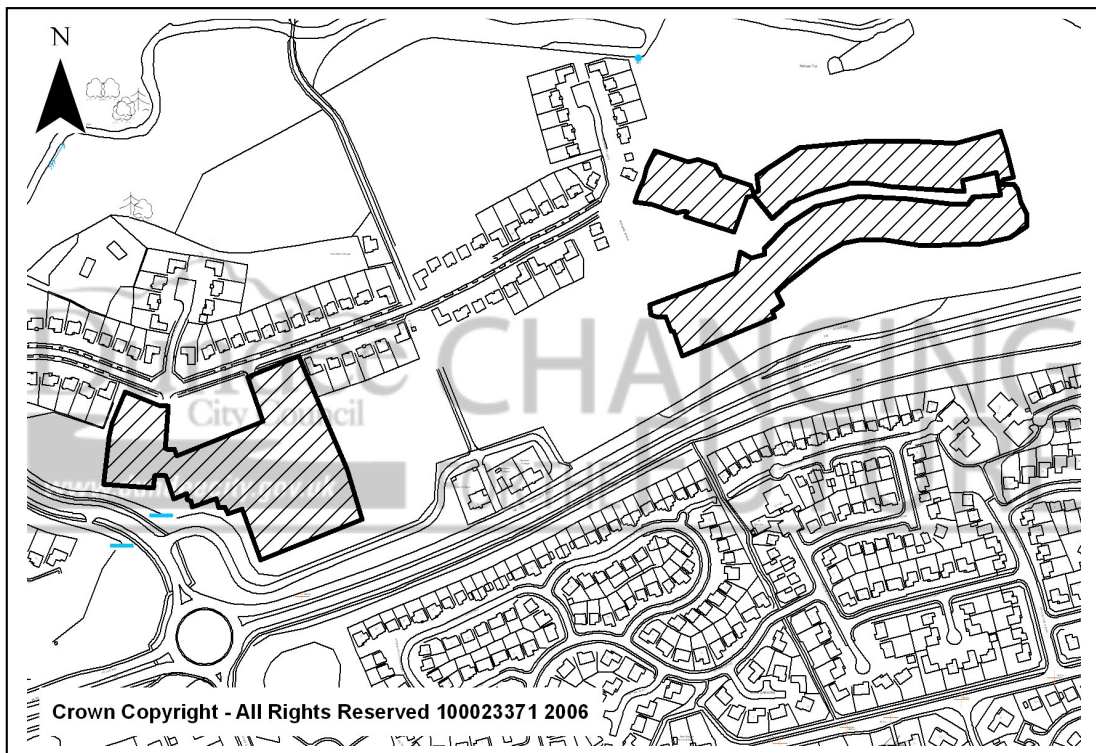
Applicant

Miller Homes Limited
Scotland East Region
Miller House
2 Lochside View
Edinburgh Park
Edinburgh EH12 9DH

Agent

Registered 16 Mar 2009

Case Officer C Walker



Proposed Alterations to Housing Development to the North of Arbroath Road

The erection of eighty six residential units on a previously consented residential site 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 and standards in the Development Plan. The form and layout of the proposed development continues the established theme on this site and the introduction of new house types enhances the village character of the settlement. The application is therefore recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought to provide an amended housing layout on the approved Miller housing site on the north side of the Arbroath Road, including a net increase of 20 houses on the overall site.
- Housing Policy 2 of the Structure Plan and Policies 2 and 4 of the Local Plan are relevant to the determination of this application.
- 2 objections were received from neighbours concerned about drainage, traffic safety and design. Broughty Ferry Community Council objects to the failure to meet Local Plan village housing standards.
- The approval of a small number of extra houses will not set a precedent for additional greenfield housing releases and will not prejudice the Structure Plan strategy. Although all the Village standards of the Local Plan are not met by the proposed development, the design and layout of the development are satisfactory.
- The application is recommended for approval with a Section 75 Agreement proposed to cover paying a contribution for improved education provision in the area.

DESCRIPTION OF PROPOSAL

Planning permission is sought to provide an amended housing layout on an approved housing site. As well as amending some of the approved house types, the proposals involve a net increase of 20 houses on the overall site. If this application was approved the development would comprise 170 dwellings compared with 150 already approved.

Some 74 houses on this development are either completed or substantially constructed, most of which are along the principal west to east spine road known as Strathyre Avenue. The changes to the layout are proposed in 2 locations. In the area south of the proposed village green at the western end of the development 37 houses comprising 12 detached, 11 linked detached, 2 semi detached and a terrace of 12 are proposed where formerly a terrace of 10 houses and 19 detached houses had been approved. At the eastern end of the site 49 houses comprising 38 detached dwellings and a terrace of 11 are proposed where formerly a terrace of 10 houses and 27 detached houses had been approved.

The changes to the layout involve the introduction of new house types including some bungalows and many smaller houses. The overall layout of the development including the roads, areas of public open space and the boundaries of the development site will not be altered. Since the approved layout included some very large gardens and the proposed layout involves smaller house types (although none are less than 3 bedrooomed), the extra houses can be accommodated on the site without reducing garden sizes to an unacceptable level. With the exception of the 23 terraced houses at the village greens, the other 63 houses all meet the private useable garden area of 180m² requirement for village house standards set out in the Local Plan. The design of the proposed houses follows the theme already approved and established on this site.

The applicants have submitted a letter in support of their proposals, seeking to justify the fact that many of the proposed houses fall below the

minimum internal area specification of 150m² and some of the gardens of the proposed terraced houses fall below the 180m² standard. It states that there



is now a strong demand at this location for smaller houses with more manageable garden areas; that permitting a range of house sizes helps facilitate social inclusion and sustainable living; and that the design and layout of the development are of good quality.



SITE DESCRIPTION

The site comprises 2 distinct parcels of land within the Miller housing development on the north side of the A92 Arbroath Road and east of Linlathen Lane. The first of these areas is land to the south of the proposed village green at the western end of the development measuring just over 2 ha and the other is at the eastern end of the site measuring some 2.5ha. The land adjacent to these sites is being developed for housing or open space as part of the approved Miller Homes development. Some 74 houses on this development are either completed or substantially constructed, most of which are along the principal west to east spine road known as Strathyre Avenue.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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.

Dundee Local Plan Review 2005

In this plan the site is allocated as a greenfield residential site (H71). The allocation anticipates a village of up to 150 houses which should conform to the village housing standards in the Local Plan. Developer contributions towards the provision of education facilities are required.

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 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

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

Non Statutory Statements of Council Policy

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

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

The housing development currently under construction was granted permission in February 2006 - applications 05/01012/REM and 05/01011/ FUL refer.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposal was advertised as contravening the Development Plan (Housing Policy 2 of the Structure Plan and Policies 2 and 4 of the Local Plan).

2 letters of objection were received from the occupiers of nearby houses in the Miller development. The occupiers of one of the houses are concerned

about the additional 12 houses at the western end of the development which they feel could lead to drainage capacity issues and additional traffic which would be detrimental to the safety of children. They are also



concerned about the design impact of the introduction of semi detached and linked detached houses.

The other objector is specifically concerned about the layout of the house on the plot immediately to the east of his house. He considers that the proposed garden area and associated fencing will impact on light to his kitchen and that he will lose an attractive aspect towards a small area of open space.

Members will already have had access to the objection letters and the points raised are considered in the Observations Section of this Report.



CONSULTATIONS

Broughty Ferry Community Council has objected to the proposed development on the basis that houses have internal floor areas and private gardens which do not meet the village standards in the Local Plan. They

consider that the proposed changes to the housing layout will alter the character and reduce the quality of the development and lead to further unsustainable commuting by car. They do not consider that the depressed state of the housing market should be taken into account to allow development which contravenes the Local Plan.

Angus Council has stated that strictly speaking the additional housing numbers could be considered to contravene Housing Policy 2 of the Structure Plan and Policy 2 of the Local Plan but that the additional numbers are not likely to prejudice implementation of the Dundee Western Gateway development and that the increase in numbers does not introduce a new development area. On this basis they conclude that this application raises no issues of strategic significance for Angus Council and therefore have no objections to the proposal.

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.

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 been fully allocated in the Dundee Local Plan Review and planning permissions granted for this amount of development, the development currently proposed exceeds the maximum figure by 20 units and therefore contravenes Housing Policy 2. For the same reason it also contravenes Policy 2 of the Dundee Local Plan Review 2005.

Policy 4 Design of New Housing and Appendix 1 set out standards for the design and layout of Village developments. The proposed development contravenes these standards insofar as most of the proposed houses fail to meet the minimum floor areas and some of the terraced gardens fail to meet the standard for private gardens.

Policy 20 states that developer contributions towards the cost of infrastructure provision both on and off site will be sought where necessary and appropriate. Housing allocation H71 sets out a particular requirement for an education contribution and this matter can be covered by a S75 Agreement should Members be minded to approve the application.

It is concluded from the foregoing that the proposal does not comply with Housing Policy 2 of the Structure Plan and Policies 2 and 4 of the Local Plan.

Other Material Considerations

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

- 1 Contravention of the Development Plan with regard to the Provision of 20 additional dwellings.

Although the provision of 20 additional units exceeds the cap of 390 greenfield additions to the housing land supply in the north and east of the city set out in the Development Plan, it is considered that this small addition can be supported in this instance. The total of 20 units is a 13% increase on the original allocation of 150 houses for this site and such a small figure can hardly be considered to be strategic and this view is shared by Angus Council. The principal aim of the restriction on new housing at this location above the allocated amount is to ensure the additional numbers are not likely to prejudice the implementation of

the Dundee Western Gateway development. It is considered that the small scale of the additional numbers in the proposed development will not cause concern in this regard. More importantly, because the additional numbers are all achieved within the boundaries of an allocated site which is under development, the approval of this application does not set a precedent for any new greenfield housing developments in this area of the city. Finally the approval of this application will not result in pressures for further development within or adjacent to this allocated housing site because there is no further scope for such development at this location. In these circumstances it is considered that there is a justification for failing to comply with the Development Plan in this instance.

- 2 Contravention of the Development Plan with regard to the Policy 4/Appendix 1 Village housing standards in the Local Plan.

The provision of 23 terraced houses adjacent to the 2 village greens in this housing development has resulted in dwellings which fail to meet the Local Plan standard which seeks each dwelling to have useable private gardens of at least 180m² and for each house to have a garage. The introduction of a variety of housing units helps to create a village atmosphere within this development that can be difficult to achieve if each house is a detached 4 bedroom villa with an integral garage. The gardens of the terraced houses range from 80 to over 300m², with 5 of the units significantly exceeding the standard. The average garden size is some 130m² and there is scope to increase the gardens of the eastmost terrace by planning condition should Members be minded to approve the application.

Although the layout originally approved achieved 180m² of private garden ground for each terraced house, the garden shapes were somewhat unwieldy with lengths of up to 34 metres in order to achieve the standard. Terraced houses of their nature will have a restricted width of garden so that larger areas can only be achieved by providing very long gardens. It is considered that this fact alone provides a justification for accepting gardens which fail to meet the 180m² standard. However in addition to this each dwelling is provided with a reasonable amount of private garden with none less than 80m² and an average area of 130m².

It was not possible to provide the terraced houses with garages and this was the case with the previously approved development.

Most of the proposed houses (78 out of 86) fail to achieve an average gross internal floor area of living accommodation of at least 150m². The remaining houses in this development achieve this requirement so if the current application was approved 45% of all houses in the overall development of 170 units would not meet the standard.

The Local Plan requirement for a minimum internal floor area is seen as an indicator of quality and one of the factors behind the allocation of the village sites was to stem the outflow of population from the city and in particular to encourage those seeking larger houses to stay in the city. However because all the village areas allocated in the eastern part of the city were developed rapidly in the last few years this has resulted in a plentiful supply of large houses and a shortage of smaller houses. It is considered that in these circumstances it is acceptable to permit houses at this location which do not meet the village standard. It should be borne in mind that none of the proposed houses are small with each having a minimum of 3 bedrooms and well over half having 4 or more bedrooms. The average floor area is in excess of 110m².

It is concluded that despite failing to meet Policy 4 standards for village housing in some instances, the proposal is for a good quality development with each house having satisfactory space standards including private gardens and parking facilities.

- 3 Views of the Objectors and the Community Council

One of the objections relates to drainage, traffic safety and design issues associated with additional houses. Since the objection was submitted the number of houses at the western end of the development was reduced by 3 so that there would only be 8 additional houses at this location. Renotification took place but the objection was not withdrawn at the time of writing this report. No concerns about drainage have been raised by Scottish Water. It is further considered that taking into account the small scale of additional development and the fact that the road layout for the development will be unaltered, that

there will be no adverse impact on traffic safety. Finally it is considered that the design of the development is satisfactory and that the introduction of a variety of house types including smaller units helps to create more of a village character.

The other objector is specifically concerned about the layout of the house on the plot immediately to the east of his house which he considers will impact on light to his kitchen and that he will lose an attractive aspect towards a small area of open space. Again amendments to the plans have reverted to the previously approved layout which the objector said would be satisfactory but despite renotification having taken place the objection was not withdrawn at the time of writing this report. Even without these amendments it is considered that the layout is satisfactory and that there would be no unacceptable loss of light to the objector's property and furthermore the concerns about the loss of aspect appear to relate to a right to a view which is not a material planning consideration.

The matters raised in the objection by Broughty Ferry Community Council relate to contravention of the Development Plan on the basis that houses have internal floor areas and private gardens which do not meet the village standards in the Local Plan. These issues have been discharged in the assessment of the proposal against the Development Plan above and it was concluded that there were material considerations that justified a departure from the plan in this instance. Community Council concerns that the proposed changes to the housing layout will alter the character and reduce the quality of the development are not accepted again for the reasons set out above. The small number of additional units will not have any material impact on unsustainable commuting by car. The Community Council do not consider that the depressed state of the housing market should be taken into account to allow development which contravenes the Local Plan. However the material considerations for approving this application do not relate to this issue.

4 Supporting Information by the Applicants

The applicants justify the failure to meet Policy 4 standards by stating that

there is now a strong demand at this location for smaller houses with more manageable garden areas; that permitting a range of house sizes helps facilitate social inclusion and sustainable living; and that the design and layout of the development are of good quality. These points are accepted.

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

- 1 The number of additional units is small in number and all fall within an allocated housing site. The approval of the application will not set a precedent for additional greenfield housing releases and will not prejudice the Structure Plan strategy of encouraging development to the west of the city.
- 2 Although all the Village standards of the Local Plan are not met by the proposed development, the design and layout of the development are satisfactory, each dwelling provides satisfactory internal space standards and has acceptable private garden ground and parking facilities.

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

Design

The form and layout of the proposed development continues the established theme on this site and the introduction of new house types enhances the village character of the settlement.

CONCLUSION

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

RECOMMENDATIONS

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 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 consent be GRANTED subject to the following conditions:

- 1 The development hereby permitted shall be commenced within 5 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 dry stone dykes and 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 Details of the finished floor levels for the proposed houses on Plots 300-305 which shall be set to ensure that the houses do not sit prominently on the horizon when viewed from the A92 Arbroath Road 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 The access and parking arrangements for the houses on Plots 338-348 shall be amended so that each dwelling is provided with in curtilage parking and extended garden areas and details of these revised arrangements 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 To ensure that the houses sit appropriately within the landscape in the interest of visual amenity.
- 5 In order to provide in curtilage parking and more extensive gardens for these houses that are more in accordance with the requirements of Policy 4 of the adopted Local Plan.