

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

18 OCTOBER 2001

PLANNING APPLICATION – WEST GRANGE ROAD, MONIFIETH

REPORT BY THE DIRECTOR OF PLANNING AND TRANSPORT

**Abstract: This report deals with planning application No. 00/00291/FUL for the erection of 103 dwellinghouses for Wimpey Homes Holdings Ltd. at West Grange Road, Monifieth. This application is recommended for approval.**

**1 INTRODUCTION**

- 1.1 The application site in question, measuring some six hectares in area, is located on the south side of the A92, Dundee to Arbroath road on the northern fringes of Monifieth, some one kilometre north-west of the town centre. The site is characterised by a south-western facing slope and is surrounded by residential properties to the west and south with a combination of residential properties, a nursing home and agricultural land to the east, whilst to the north lies rough paddock with agricultural ground beyond. The site itself is currently in use as rough paddock and contains a public right of way traversing the site from south-west to north-east forming part of the National Cycle Network and the North Sea Cycle Route. Considerable areas to the north and west of the site (between the north and west boundaries and West Grange Road and the A92) have been omitted from the development on the basis that they form part of Compulsory Purchase Orders for the development of the A92 carriageway.
- 1.2 It is proposed that the 103 houses be developed along two main spine roads with cul-de-sacs emanating from these roads. The main entrance to the site is to be taken from West Grange Road some 250 metres south of its junction with the A92. From the main entrance the main spine road travels west-east across the site with two cul-de-sacs branching off in a north and south direction. The main spine road then travels north to the north-east corner of the site with a further three cul-de-sacs emanating from this section of road. The main roads contain 1.8 metre wide footways on both sides the cul-de-sacs made up of shared surfaces containing two metre wide service strips.
- 1.3 There is a total of ten different house types proposed. Thirteen houses from two house types will contain three bedrooms, with 83 houses from seven house types containing four bedrooms with a further seven houses from one house type containing five bedrooms. All houses are two storey in height and will be finished with concrete roof tiles (either grey or brown), a combination of facing brick and dry dash roughcast walls (colours red rustic and golden barley brick with either buff or white roughcast). The boundaries that are to be employed for individual plots are 1.8 metre high timber fence to the rear and sides (in the majority of cases behind the forward building line of the dwellinghouse) with 0.6 metre feu boundary fences delineating the plots to the fronts of the dwellinghouses.

- 1.4 Two areas of public open space are to be provided within the site. An area of 0.75 hectares is to be provided in the northern portion between the houses and the realigned Victoria Street. This area will contain a series of footpaths (linked to the remainder of the site and beyond) and a viewing mound at its western end approximately five metres high which will provide for views to the south-west over the Firth of Tay and Tentsmuir Forest. This area will also be landscaped with a combination of individually planted trees and woodland thickets. The area of public open space to the south-west is approximately 0.25 hectares in area and will be finished in grass. It will be relatively flat with small bunds to the west separating the open space from the adjacent West Grange Road and again individual trees and thickets will be planted around the northern and eastern boundaries. It is also proposed that below the ground there will be drainage works comprising gravel soakaways and holding chambers which will attenuate and direct surface water generated by the whole site. The main area of woodland planting is to be to the north-east where it is proposed to plant a new woodland strip with eight different species of trees. A smaller area of woodland is proposed to the north-west of the site adjacent to the viewing mound which will contain seven different species of trees.
- 1.5 With regard to the public right of way traversing the site it is proposed that this be diverted along the eastern footway of the existing West Grange Road to a point adjacent to the north-west corner of the site where the path will then travel eastwards along the northern boundary of the site joining the existing path in the north-east corner.
- 1.6 A number of consents have been granted on sites adjoining the application site, the first two being within the City of Dundee.
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| D22366       | Outline consent for residential development on land west of West Grange Road, approved June 1998  |
| D23095       | Full application for the erection of 109 houses on land west of West Grange Road, approved June 1998  |
| 98/01130/FUL | The erection of 18 dwellinghouses on land at Grange Road, Monifieth, approved March 1999  |
| 99/00906/FUL | Erection of 6 No. dwellinghouses and provision of public open space on land at West Grange Road, Monifieth, approved December 1999.<br>This application was granted consent on the basis that public open space (which the houses were to be built upon) would be provided to the east of West Grange Road in the corner of the current application site. |

## **2 APPLICANT'S CASE**

- 2.1 No supporting information has been submitted by the applicant.

## **3 CONSULTATIONS**

- 3.1 SEPA have indicated that surface water should be disposed of via a Sustainable Urban Drainage System (SUDS).

- 3.2 The A92 Project Team raised concerns regarding linking footpaths within the site to the proposed realigned West Grange Road, in particular with the change in ground levels. They further advise that under the terms of report No. 554/99, produced by Dundee City Council, which Angus Council had agreed to uphold, any development which was proposed adjacent to the A92, the appropriate Council would seek to purchase land belonging to the developer, which was required as part of the Compulsory Purchase Order for the A92 project, at nil value. They also outlined procedures for promoting Diversion Orders for the realignment of the cycle path.
- 3.3 The Director of Roads raised concerns regarding the provision of the cycle track in relation to the proposed West Grange Road (again regarding ground levels). They also made comments on the Traffic Impact Assessment submitted by the developer. This Assessment showed that as long as the number of houses developed on the Dundee side of West Grange Road was limited to 150, the entire development on the Angus side of West Grange Road could be completed with the overall levels of traffic using the junction of West Grange Road and the A92 being sufficient to not adversely affect the performance of this junction. He further indicated that should restrictions of development on the Dundee side be lifted, junction improvements at West Grange Road/A92 would be required.
- 3.4 The Transport Team propose that a bus lay-by be incorporated along West Grange Road.
- 3.5 The Director of Education noted that the number of pupils attending Monifieth High School continued to grow and any new housing within its catchment area would continue this growth. As a consequence upgrading of facilities would be required and this should be taken into account as part of the planning considerations.
- 3.6 Dundee City Council had requested that Angus Council take into account the previous consents granted by Dundee required upgrading works on the A92/West Grange Road junction as proposed traffic volumes would affect the performance of this junction. They also indicated that account should be taken of the path crossing the site forming part of the National Cycle Network and provisions made for its continuance.
- 3.7 The disposal of surface water from the site was the subject of consultation with the Dundee Area SUDS Group. They were satisfied that the proposed scheme could accommodate the estimated volumes of water.
- 3.8 NoSWA indicated that foul and surface water arrangements were acceptable.

#### **4 LETTERS OF REPRESENTATION**

- 4.1 No letters of representation have been received, however, one person had written to the Council with regard to the proposed surface water arrangements. The person in question was kept informed of the arrangements as they become known and their acceptability to the Council. After a series of letters satisfactory arrangements were concluded.

#### **5 PLANNING CONSIDERATIONS**

- 5.1 The main issues for the Committee to consider are:-

- Structure and Local Plan position;
  - impact of development on the proposed A92 dualling;
  - realignment of the cycleway and provision of footpaths within the site;
  - disposal of surface water;
  - traffic impact and Section 75 Agreements;
  - impact on services such as school capacities etc.;
  - landscaping and future management/maintenance;
  - any other material considerations.
- 5.2 The Tayside Structure Plan 1993 sets out housing land allocations for a 10 to 15 year period. It indicates that in particular areas of the former region a certain number of new houses are required. Housing Policy 1 shows that in the Dundee Area up to 2850 new housing units are required on greenfield sites. The proposed housing development represents a contribution to this figure and as such is in line with Structure Plan policy.
- 5.3 The Angus Local Plan, following on from the guidance of the Tayside Structure Plan sets out in more detail where housing land allocations should be made. The site in question is covered by Policy Mf/H3 which allocates the site for residential development of approximately 115 houses. This figure was not seen as an upper limit and was a guide to the type of development density that could be realised on this site. With the current application of 103 houses and previous applications granted to the east and west of the site totalling a further 24 units, the overall number to be developed on the site subject of the Local Plan allocation is 127. Although this is in excess of the number quoted in the policy I do not believe this is a significant factor as the number quoted was flexible. Policy Mf/H3 also indicates that suitable landscaping and open space provision should be provided as part of any residential development. It is my view that this has been achieved with the current proposal and previous applications (this will be examined in greater detail further on in this report). The current proposal conforms to Local Plan policy.
- 5.4 As previously indicated there is a public right of way traversing the site from south-west to north-east. This right of way forms part of a nationally designated cycle route. It is therefore essential that the development proposals take account of this route. Indeed Policies TRA10 and TRA11 of the Angus Local Plan (following on from Transport and Communication Policy 10 of the Tayside Structure Plan 1993) support the provision of cycle routes and indicate that satisfactory provision should be made for existing routes where they are affected by development. Indeed Policy TRA11 specifically mentions links between Monifieth and Monikie & Crombie Country Parks some four miles to the north-east.
- 5.5 The re-routing of the cycleway has been discussed at great length with the Legal Department and the developer. As part of the proposed A92 dualling and the realignment of West Grange Road it is proposed that a network of cycle paths be included which provide for the continuance of the National Cycle Route in the long term. However, it was indicated to the developer that as the A92 project had not been finalised at the time the application was considered, provision should be made to realign the existing footpath outwith the A92 consideration. As part of the landscaping proposals the developer is to provide a number of footpaths around the periphery of the site which link into the internal road structure. Indeed one main path from the proposed access to the north-west of the site will be provided at a width of some three metres. It was hoped by the Council that this aspect of the landscaping could

be implemented at an early stage of the development thus providing a suitable route for the realignment of the right of way cycle route. However, the developer has indicated that due to Health and Safety reasons and the prospect of site traffic crossing this path it cannot be provided an early stage. This argument appears to be reasonable and it is therefore proposed that the route of the cycle path be diverted along the existing eastern footpath of West Grange Road to a point some 55 metres west of the north-west corner of the site which will then run eastwards to the north-east corner of the site. This path will be provided in the initial stages of development and will be outwith major areas of vehicular movement associated with site construction. A Diversion Order will be promoted at the developer's expense to divert this route. However, this proposed route traverses land which is the subject of a Compulsory Purchase Order required as part of the A92 dualling. When works on the A92 commence it is certain that this path will require to be diverted again. It is important to ensure that suitable provision is made as part of this development for such a re-routing when it is required. I therefore propose to condition the application that the three metre wide cycle path/footpath indicated as part of the developer's landscaping scheme should be provided at such a time either before development of the site is completed or prior to any works starting on the A92, whichever is the earlier. In this way the Council will fulfil its obligation to ensure that the nationally designated cycle route can continue uninterrupted.

- 5.6 With regard to the provision of footpaths within the site generally, I am satisfied that there is accessibility from most of the internal roads to areas outwith the site. The developer has also proposed that a footpath link from the realigned West Grange Road to the north-west corner of the site be provided in the form of a series of steps as the realigned West Grange Road will be at a lower level than the western edge of the site. This feature will provide accessibility for pedestrians entering the site from the north-west.
- 5.7 With regard to the disposal of surface water Policy INF4 of the Angus Local Plan supports the provision of Sustainable Urban Drainage Systems (SUDS). During consideration of the application the applicant constructed a drainage attenuation basin in the south-west corner of the site where previously public open space had been consented. However, this scheme prejudiced the use of land as public open space and contained dangerous features such as concrete chambers and pipes which were exposed at the surface. The Department indicated its disapproval and suggested an alternative scheme should be promoted which maintained the use of the land as public open space. After extensive consultation with the Dundee Area SUDS Group a scheme in the form of soakaway trench and overflow chambers below ground level has been proposed. This is acceptable to SEPA and NoSWA. This drainage system is to be finished in a grass layer which would then provide for useful public open space. The area to the south-west of the site will now provide a dual function in keeping with the terms of consent No. 99/00906/FUL. It is my view therefore that the SUDS scheme which has been proposed is acceptable to this Department and conforms with Policy INF4 of the Angus Local Plan.
- 5.8 With regard to the impact of traffic generated from the site on the surrounding road network, as previously mentioned, Dundee City Council when considering a similar application to the west of West Grange Road limited the number of houses before infrastructure improvements would be required for the junction of West Grange Road and the A92. However, the developer produced a Traffic Impact Assessment which showed that this junction could cope with traffic generated from the 150 houses on

the Dundee side of West Grange Road and the entire site subject of this application. The TIA further indicated that if housebuilding exceeded these levels, junction improvements would be required. Therefore the only mechanism in place to ensure that these levels were not exceeded is the Section 75 Agreement in place with Dundee City Council and the developer. If for any reason this Section 75 Agreement were to be altered or revoked there is potential for Angus Council to face infrastructure costs for the upgrading of the junction. It is considered appropriate to enter into a similar Section 75 Agreement with the developer which requires that no more than 150 houses on the Dundee side be developed before infrastructure improvements at the junction will be required. In this way should any change be made to the Section 75 signed by Dundee Council an agreement will be place with this Council to ensure infrastructure improvements take place at the applicant's expense, should they be required.

- 5.9 With regard to the impact of the development on infrastructure services NoSWA have indicated no adverse comments to the proposal and are satisfied that surface water and foul water can be disposed of satisfactorily. The Director of Roads is satisfied with the internal road layout and has advised conditions should be attached regarding the provision of cycleways/footpaths within the site and details of the access road and West Grange Road junction. The request by the Director of Education to consider improvements to the local High School which will require to accommodate pupils from this development was looked at. It was considered that as the site was a longstanding Local Plan site (previously contained in the Dundee District Local Plan) and had been the subject of two Local Plan enquiries, any contribution from potential developers to infrastructure improvements should have been made clear at those stages when the principle of development was being assessed. As the site has been included in the Angus Local Plan and effectively benefits from outline consent and the subject of financial contributions had not been previously raised, it was viewed as inappropriate to insist that such provisions be made as part of this application.
- 5.10 With regard to the provision of landscaping within the site I am satisfied that the inclusion of a woodland strip to the north-west, 15 metres in width and the inclusion of woodland thickets within the public open space to the north is in line with Policy Mf/H3 of the Angus Local Plan. In addition to this the developer will provide a viewing mound which utilises views to the south-west which are an important feature of this site. The area of public open space to the south-west is also to be landscaped and I am satisfied that this will enhance this area of the site. However, I do consider that the western boundary of the site fronting onto the realigned West Grange Road is relatively free of landscaping. Previous plans showed some landscaping in this area, however, this was withdrawn in order to provide the three metre wide footpath. It is accepted that this was necessary in order to provide this footpath. However, this leaves the majority of the western boundary of the site free of landscaping. I therefore propose to include a condition that a strip of landscaping be included on this boundary to provide a softer visual impact when viewed from the west. Minimal landscaping would be required to achieve this purpose and therefore such a condition would not be unreasonable. A development of this size should require some children's play equipment. Although not shown on the plan the developer has agreed to this request and I propose that a condition be included to cover this issue. A further condition should be included to ensure that the landscaping is managed and maintained for a period after its implementation to ensure its long term benefits

to the area. In general terms I am satisfied that the landscaping proposed is in line with Local Plan policy and will provide variety in terms of its use and visual impact.

- 5.11 In summary, consideration of this application has been complicated and has taken time to conclude. There have been many important issues to assess as well as making provision for land required as part of the A92 upgrading. However, I am satisfied that all of these issues have been resolved satisfactorily or provision has been made for their resolution at a future date. I consider that the proposal will provide a varied and interesting layout with many benefits to the wider public in this area. Accordingly, I recommend approval of the subject to a number of conditions and the signing of a Section 75 Agreement a copy of which is appended.

## **6 HUMAN RIGHTS IMPLICATIONS**

- 6.1 The recommendation in this report for grant of planning permission, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. Any actual or alleged infringement of neighbours' rights to peaceful enjoyment of their property and/or interference with their privacy/home/family life arising from grant of this application is in accordance with the Council's legal duties under the Planning Acts to determine planning applications such as the present one and the grant of planning permission is justified and necessary in the public interest on the basis that any such actual or alleged infringement is not significant or material as balanced against the applicant's freedom to carry out reasonable development and/or activities over his property as supported by the Development Plan, and other material considerations which, as referred to in the report, are supportive of the proposed development. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

## **7 RECOMMENDATION**

- 7.1 It is recommended that the application be approved with conditions.
1. That prior to the commencement of development, the public cycle/footpath to the north of the site marked as Path 2 on Plan 02-01E be implemented to the satisfaction of the Director of Planning & Transport.
  2. That prior to the commencement of construction of the 100th house, or the commencement of upgrading of the A92 and associated works (as indicated by the Director of Planning & Transport) whichever is the earlier, the three metre wide path running from the south-west corner to the north-east corner of the site (marked as Path 1 on Plan 02-01E) be implemented to the satisfaction of the Director of Planning & Transport.

3. That prior to the commencement of development a full management plan detailing future maintenance of the public open space and woodland areas be submitted to and agreed in writing to the satisfaction of the Director of Planning & Transport.
4. That prior to the commencement of development of the 100<sup>th</sup> house, all landscaping indicated on the Plan 11-01Rev.A be implemented to the satisfaction of the Director of Planning & Transport.
5. That within six months of commencement of development the public open space area to the south-west of the site containing surface water drainage infrastructure is implemented and finished to the satisfaction of the Director of Planning & Transport in consultation with SEPA and NoSWA.
6. That prior to the occupation of the dwellinghouses in question, a screen of landscaping be planted and maintained thereafter between the boundary and adjacent footpaths at Plots 4, 8, 11, 30, 35, 45, 55, 67, 78, 89, and 91. Details to be agreed in writing to the satisfaction of the Director of Planning & Transport prior to the commencement of development on site.
7. That within two years of commencement of development, details of landscaping for the area between the western boundary of the site and the existing West Grange Road be submitted to and agreed with the planning authority and implemented at a time agreed by the planning authority which shall be within three years from the date of agreement.
8. That as part of the landscaping suitable boundary treatment be implemented along the northern and western boundaries of the site. Details to be agreed in writing to the satisfaction of the Director of Planning & Transport prior to the commencement of development on site.
9. That within three months of the commencement of the A92 upgrading and associated works, details of the foot steps link between the north-west corner of the site and the eastern footway of the realigned West Grange Road be agreed in consultation with Angus Council's Roads Department to the satisfaction of the Director of Planning & Transport and implemented thereafter by the applicant at a timescale to be agreed by the Director of Planning & Transport.
10. That prior to the commencement of development, details of the siting and timing of provision of children's play equipment be submitted in writing and agreed to the satisfaction of the Director of Planning & Transport.
11. That prior to the commencement of development, details showing a screen of landscaping on the western boundary of the site and the timing of its implementation be submitted in writing and agreed to the satisfaction of the Director of Planning & Transport.
12. That visibility sightlines of 9 x 70 metres shall be provided in each direction at the proposed new junction on West Grange Road.
13. That the areas within the above splays shall be laid out in grass only and shall form part of the public road.

14. That details of the finishes and associated infrastructure of the paths marked Path 1 and Path 2 on Plan 02-01E shall be in accordance with the standards of Angus Council's Road Department to the satisfaction of the Director of Planning & Transport.
15. That all proposed structures, tree planting and any other features shall be developed outwith the land required for the A92 upgrading and associated works.
16. That the development hereby permitted shall be begun before the expiration of five years from the date of this permission.
17. That no alterations or amendments be made to the details contained in the approved and docqueted plans unless so indicated by conditions attached to this consent or agreed in writing with the planning authority.

**Reasons:**

1. In order to ensure that the existing cycleway across the site is satisfactorily diverted with minimal inconvenience to the public.
2. In order to ensure continuity of footpath/cycle path provision in the event of future diversion of the public cycle/footpath.
3. In order to ensure the long term maintenance of the proposed landscaping.
4. In order to ensure that the landscaping is provided timeously in relation to house construction.
5. In order to return an area previously consented for public open space and prejudiced by alternative development back to public open space timeously in the interests of visual and residential amenity.
6. In order to screen large areas of fences immediately adjacent to the roadway and reduce their impact in the interest of visual amenity.
7. In order to ensure that if the dualling of the A92 does not take place, the area of ground in question is landscaped and does not become unsightly.
8. In order to ensure the safe use of the area of public open space to the north of the site and the footpath/cycleway to the west of the site from the proposed adjacent highway and embankments.
9. In order to ensure that the proposed footpath link can be included as part of the upgrading of the A92 and associated works.
10. In order to ensure that the adequate provision of children's play equipment is in an appropriate position and to an appropriate standard.
11. In the interest of visual amenity.

12. In the interests of traffic and road safety.
13. In the interests of traffic and road safety.
14. In the interest of pedestrian safety and amenity.
15. For clarification purposes and the avoidance of any doubt.
16. In order to comply with the requirements of the Town and Country Planning (Scotland) Act 1997.
17. For clarification purposes and for the avoidance of any possible misunderstanding.

**NOTE**

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/RA/IAL  
11 October 2001

Alex Anderson  
Director of Planning and Transport