Abstract: This report deals with planning application No. 05/00194/FUL for the change of house types on 63 plots for Stewart Homes at Newton Road/ Balmachie Road, Carnoustie. This application is recommended for conditional approval.

1 INTRODUCTION

1.1 A full planning application has been submitted for the change of house types on 63 plots at Newton Road/ Balmachie Road, Carnoustie. The application site forms approximately one third of the Angus Local Plan Proposal C/H2, which identifies the area for housing development and forms part of the larger Robertson Homes housing development which Committee resolved to approve subject to a number of conditions and a Section 75 Agreement in March 2004 (Report 375/04 refers). That planning permission was granted in August 2004 and development is underway. The current application site is to be purchased by the applicants and this application seeks approval for different house types on this part of the site.

1.2 The application site is located to the north of Newton Road and extends eastwards from Balmachie Road towards Heather Pre-Packs. The site is bound to the east by the remainder of the Angus Local Plan Proposal C/H2 (application 03/00668/FUL refers); to the south by Newton Road, Woodlands Caravan site and the Civic Amenity site; to the west by properties at Shanwell Road and agricultural land, and to the north by agricultural land.

1.3 The proposal involves changing the house type on 63 of the plots. The previously approved house types are all two storey and comprise a mix of detached and semi-detached properties. This current application proposes twelve different house types and again include a mix of detached and semi-detached two storey houses. Twenty-two semi-detached properties are proposed. The development comprises 3 and 4 bedroom properties.

1.4 The extant planning permission provides for the existing junction at Newton Road/ Balmachie Road is to be altered to provide an improved radius to facilitate turning by buses. A roundabout is to be formed on Balmachie Road some 130 metres north of its junction with Newton Road. Shanwell Road is be stopped-up for vehicular traffic at its junction with Balmachie Road and a new access road to Carnoustie High School is to be formed from the proposed roundabout on Balmachie Road. A spur from the proposed roundabout is to provide access to the site. A three metre wide foot/cycleway is to be provided along the frontage of the site on both Newton Road and Balmachie Road from the Lochty Burn to the proposed roundabout.
PLANNING HISTORY

Committee resolved to grant planning permission 03/00668/FUL for the erection of 158 houses, roads, footpaths and associated works in March 2004 subject to a Section 75 Agreement (Report 375/04 refers). That planning permission was issued in August 2004 following conclusion of the Section 75 Agreement. Amongst other things the Section 75 Agreement included restrictions on the phasing of development in relation to the provision of off-site road improvements.

APPLICANT'S CASE

The applicant has indicated that this section of the site is to be purchased from Robertson Homes. It is indicated that the applicant is aware of and happy to comply with the conditions attached to the original planning permission and that the purchase agreement with Robertson’s includes a requirement to undertake landscaping. The applicant has also indicated that he is aware of the requirement for a roundabout to be constructed on Balmachie Road and a new access to Carnoustie High School to be formed prior to the commencement of construction of any houses within the application site.

CONSULTATIONS

The Director of Roads has offered no objection to the application subject to a number of conditions.

LETTERS OF REPRESENTATION

Two letters of representation have been received and are attached to this report. The main concerns relate to:

- **Loss of trees at the southwest corner of the site** – Members will recall that during consideration of planning application 03/00668/FUL Committee noted the importance of the trees at the south-west corner of the application site. However, it also recognised that the existing Balmachie Road/Newton Road junction was substandard and required improvement to facilitate safer access by vehicles and in particular public transport, and buses associated with Carnoustie High School. In order to achieve the necessary junction improvements, the then applicant, following discussion with the Director of Roads, indicated that it would be necessary to remove 12 trees from this area (the submitted tree survey indicated that three of these trees should be removed in any case due to disease). The applicant indicated a willingness to provide semi-mature trees of the same species and infill tree planting to replace those felled. It should also be noted that considerable additional planting, including the provision of hedging with intermittent tree planting within the hedgerow was proposed for the Newton Road frontage. On this basis Committee accepted that whilst the removal of these trees was regrettable, this was outweighed by the road traffic and pedestrian safety benefits associated with the proposed junction improvements. The trees have now been removed and the current applicant has indicated that they will undertake the landscaping that was required in association with the previous planning permission. Whilst the replacement trees may take some time to establish, they will grow with the development and in the short term I consider that those trees that are to be retained will maintain the overall integrity and character of the area. Additional back-drop is provided by the extensive woodland cover within Carnoustie House Grounds to the south.
• ‘Loss’ of a landscape area adjacent to Balmachie Road/Newton Road – the road layout and the general housing layout proposed is essentially identical to that previously approved by Committee.

6 PLANNING CONSIDERATIONS

6.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

6.2 In this case the Development Plan comprises:

• Dundee and Angus Structure Plan (Approved October 2002).
• Angus Local Plan (Adopted November 2000).

The Development Plan is current and up-to-date and in this respect merits considerable weight in the determination of the proposal.

6.3 The Finalised Angus Local Plan Review was approved by Council on 15 December 2004. The Finalised Angus Local Plan is not part of the statutory Development Plan but given the stage which it has reached is a material consideration to be taken into account in the determination of this planning application. In this report policies of the Finalised Local Plan Review have been referred to when the said policy is materially different to the Adopted Angus Local Plan to the extent that, as a consequence the recommendation contained within this report has been substantially influenced.

6.4 As previously mentioned the application site forms part of Proposal C/H2 of the Angus Local Plan, a Development Brief has been prepared and planning permission (ref. 03/00668/FUL) has been granted for the erection of 158 houses and associated works on the Local Plan site. The road layout, house positions and associated off-site road works have been approved. The current planning application seeks permission to vary the house types and slight alterations to the positioning of houses on a number of the plots. Accordingly, the determining issue in respect of this planning application is whether the amended house types and locations are acceptable.

6.5 The amended house types are typical of a modern residential development and reflect those currently under construction within the larger Local Plan site. The addition of a further 12 house types will provide for greater variety within the overall development and I consider that this is both desirable and acceptable. The proposal provides for a larger number of semi-detached properties and again I find this both desirable and acceptable. Whilst details of material finishes have been submitted I consider it appropriate to require the submission of samples of the proposed materials and to agree the location of the material finishes within the site. Accordingly I find the amended proposals acceptable.

6.6 The overall road layout remains largely unaltered with only minor repositioning of a number of houses within the plots in order to facilitate different house types. The properties continue to provide adequate amenity space and maintain window to window distances appropriate for a modern residential area. The impact of the development out with the application site remains unaltered. Accordingly I find the amended proposals acceptable.
6.7 The Director of Roads has confirmed that he has no objection to the planning application provided that the necessary off-site road improvements are undertaken. In this respect and notwithstanding the requirements of the Section 75 Agreement, I consider it appropriate to attach a suspensive condition to this planning permission requiring the improvement of the Balmachie Road/Newton Road junction, the formation of the roundabout on Balmachie Road and the construction of the new link road to Carnoustie High School prior to the commencement of development within the application site.

6.8 It is relevant to note that this planning application is for change of house types and in this respect the conditions attached to the original planning permission remain valid for the current application. A condition is attached clarifying this matter. The applicants have confirmed that they are aware of the requirement to comply with these conditions and for the off-site works to be undertaken. Similarly the applicants have confirmed that they will undertake the landscaping previously approved for the site. This will include the provision of root ball semi-mature trees to the southwest corner of the site and to provide walling to the front gardens of the properties located along the main distributor road.

6.9 The previous planning permission provided for the development to be phased from east to west across the larger site. This development will require a variation to that phasing scheme in order to allow this section of the development to progress concurrently with the area to the east. Again I have no objection to this provided that the necessary off-site road works are undertaken prior to the commencement of development.

6.10 In conclusion, the proposed change of house types and the minor alterations to the position of houses within the plots is considered acceptable. I note the concerns raised by the objector however as the layout of the development has previously been approved these are not material to the consideration of this planning application.

7 HUMAN RIGHTS IMPLICATIONS

7.1 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. 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.

8 RECOMMENDATION

8.1 It is recommended that the application be approved subject to the planning conditions detailed below.

Conditions:

1. That the development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. 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.

3. That prior to the commencement of development the following works shall be undertaken in accordance with the Roads Construction Consent granted by Angus Council: -
   
   - improvement of the Balmachie Road/Newton Road junction;
   - the formation of a roundabout on Balmachie Road; and,
   - the construction of a new link road to Carnoustie High School.

4. That prior to the commencement of construction of any houses the external wall finishes, roof covering, window and garage door details to be utilised and a scheme for their distribution within the site shall be submitted for the written approval of the Director of Planning and Transport.

5. That the conditions contained in planning permission notice ref 03/00668/FUL dated 17 August 2004 in respect of Erection of 158 Villas, Roads, Footpaths and Associated Works at Site At Newton Road/ Balmachie Road Carnoustie Angus DD7 6LD for Robertson Residential Ltd remain in full force and effect and also apply to the development hereby permitted except only insofar as expressly modified by condition(s) attached to this planning permission notice.

Reasons:

1. In order to comply with the requirements of the Town and Country Planning (Scotland) Act 1997.

2. For clarification purposes and for the avoidance of any possible misunderstanding.

3. In the interests of road traffic and/or pedestrian safety.

4. In the interests of visual amenity.

5. 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/AH/I AL
7 June 2005

Alex Anderson
Director of Planning and Transport