

Broughty Ferry Community Council

Preliminary observations on Dundee City Council: Proposed Local Development Plan 2.

Draft: 4 September 2017

Introduction

Set up under the Local Government (Scotland) Act 1973, the Scottish Government has recently confirmed that community councils remain as the most local tier of statutory representation in Scotland. They are intended to bridge the gap between local authorities and communities, and help to make public bodies aware of the opinions and needs of the communities they represent. On planning matters the Scottish Government has provided guidance to planning authorities and community councils in PAN 3/2010 Community Engagement and PAN 47 Community Councils and Planning. While these documents are now of some vintage they remain authoritative.

The Process of Engagement

The Community Council is grateful to the City Council for this opportunity for the early engagement in the plan making process which is advised as good practice in PAN 3/2010; and, in particular, we welcome the attendance of a planning officer at our Ordinary Meeting on 3 September. Moving on from there, we look forward to further engaging with planning officers to achieve further clarity and to communicate the observations and concerns variously expressed to us by residents of Broughty Ferry.

We wish to move forward in a spirit of partnership with the City Council to achieve a local Development Plan which will secure the best possible outcomes for Broughty Ferry. With that in mind, we invite the City Council to keep us informed of representations from individuals and bodies in our area; and, for our part, we will discuss the content of the plan with other key players including the Traders and the Development Trust.

The notion is that a draft response to the Proposed Plan to be tabled at our Meeting of 3 October. That will allow time for adjustments and delivery of a considered finalized response before the end of the consultation period.

The Approach of the Community Council

Section 25 of the Act still accords a central role in the determination of planning applications to the development plan of which the Local Development Plan is an integral part. In short, we have borne in mind that a determination must be made in accordance with the policies of the plan unless there are material considerations of sufficient weight that they justify an exceptional approval. Accordingly, in reading the Proposed Local Development Plan 2 we have focused on the detail of its policies, its associated Appendices, and the accompanying Draft Proposals Map as they appear to affect Broughty Ferry.

However, we have also borne in mind the judgment of Lord Clyde that the intent of the policies must also be taken into account in the determination of proposals for development. Accordingly, we have paid attention to the text which precedes the policy statements observing on occasion that it might be helpful to make some minor adjustments to the drafting.

Preliminary Observations

Vision, Strategy, and City of Design: The Community Council appreciates the distinctive approach to land use planning set out within the Proposed Plan and recognises that it must be implemented within the strategic context set by TAYplan. We welcome the brevity and clarity of the Proposed Plan and note that it continues the journey towards a document which is user friendly to all parties including the residents of Broughty Ferry and delivers desirable outcomes in a manner which is efficient and effective as well as fair to all concerned.

Sustainable Economic Growth: This section raises some questions:

- (1) What is the difference between “sustainable economic growth” and “sustainable development”?
- (2) Is the City Council still committed to “sustainable development” as an outcome of the Proposed Plan?
- (3) What does the City Council see as the role of Broughty Ferry within its policies for “Tourism and Leisure Developments” particularly as taken forward in Policy 7 and Policy 8?

Quality Housing & Sustainable Communities

Paragraph 6.2 commits the Council to a “*design-led approach to sustainable high quality place making*”. The Community Council welcomes this approach without reservation along with the Supplementary Guidance on Householder Development which goes with it. However, given the fact that much of the area of Broughty Ferry is designated as a Conservation Area the Community Council suggests that parallel Supplementary Guidance should be prepared which draws together, and gives added weight to, the guidance which appears in its Conservation Area Appraisals.

Policy 9: Housing Land Releases understandably gives priority to allocated greenfield sites. One of these is H46 which has been identified in Appendix 3 as “*Linlathen, Arbroath Road*” with an indicative capacity of 250 units. If, as seems likely, this attractive land is released early in the life of the Plan it will encourage speculative proposals for other proposed developments north of the A 92 within the life of the plan. Moreover, development on H46 will set a precedent for further land releases to be identified in Local Development Plan 3 and beyond. To allow incremental development of this vicinity would be bad planning and this view has been supported recently by way of the rejection by a Reporter of an appeal to Scottish Ministers. With all this in mind the Community Council suggests that the City Council should, indicate within this Proposed Plan that it will commence work on a Master Plan on the lines set out in PAN 83 Masterplanning (or similar) which will guide development in this area. Commitment to this process may remove, or at least ameliorate, the deep seated concerns of local residents by demonstrating how planning can deliver a “*design-led approach to sustainable high quality place making*”. It can also contribute to a demonstration of how the Community Planning Partnership and Local Development Plan taken together can deliver a coherent set of outcomes consistent with the stated visions of these documents.

A review of matters drawn to the attention of the Community Council over the life of Local Development Plan 1 confirms the concern of residents about applications which have fallen to be considered under the terms of: **Policy 10: Design of New Housing; Policy 11: Householder Development; Design of New Housing; Policy 12: Formation of New Residential Accommodation; and Policy 13: Development of Garden Ground for New Housing.** We have also noted that issues of enforcement have emerged relating to some developments which have benefitted from planning permission. The Community Council supports the intent as set out in the introductory texts to each of these policies; and it shares the preference of the City Council for criteria based policies. However, we invite the City Council to enter into a dialogue with us on the application of this suite and whether some minor adjustments to their wording would be helpful in achieving the desired outcomes.

In the meantime, we note that in **Policy 10: Design of New Housing** reference is made to the guidance provided in Appendix 4. The Community Council is relieved to note that the standards for Central Broughty Ferry have not been changed to City Centre Standards as previously suggested in the Main Issues Report.

On the other hand, we have been made aware of particular concerns about the wording of **Policy 13: Development of Garden Ground for New Housing.** We support without reservation what the Council has in mind in paragraphs 6.17 and 6.18. However, following discussion with officials, we would like to go on, before the end of the consultation period, to propose some relatively minor amendments all suggested in the interests of brevity, clarity and continuity of wording within the suite.

In the interests of clarity, and in support of our view on development north of the A92 should not be fragmentary or piecemeal, we suggest that the last sentence of **Policy 18. Community Facilities** be subject to minor amendment to read: *“Large sites, whether brownfield or greenfield, and sites in sensitive locations will be subject to either a planning brief or a masterplan.”*

Town Centre First It is our intention to meet with representatives of the Broughty Ferry Traders to learn of their views before firming up on our own observations. In the meantime, we welcome the continuation of Broughty Ferry as a District Centre nesting within the national, regional, and city-wide policy contexts.

As far as **Policy 27: Public Houses, Restaurants and Hot Food Takeaways** is concerned, the Community Council supports without reservation the policy stance that new public houses will not be supported outwith the City Centre.

Turning to Hot food Takeaways, a review of current provision in Broughty Ferry suggests not only an adequate supply of these facilities but also continuing difficulties associated with noise, odour and hours of operation for residents in this area of mixed uses. We wish to stress that we are not opposed to the provision of hot food takeaways which are established as worthwhile, integral parts of modern living. However, a balance must be struck between the amenity of local residents and the commercial aspirations of developers and operators. In these circumstances, and given the level of current provision, we suggest that the onus should be firmly on those seeking planning permission for further provision to demonstrate that their proposal is in the community interest. In passing we note that the use of the word “smell” replaces the previous use of the word “odour” for no reason. In the light of experience, our preference would be for the deletion of the final paragraph “Hot food takeaways.... smell and noise”. It could with benefit be replaced with: *“Hot food takeaways, sandwich shops and*

coffee shops which would not meet the above requirements will be supported only where the applicant can demonstrate that there are material planning reasons of sufficient weight that they justify an exceptional permission.”

Sustainable Natural & Built Environment Section 8 of the Proposed Plan has a number of policies which have particular relevance for Broughty Ferry. In order to make the Adopted Plan even more user friendly, we suggest that this Section be divided in two with an introduction to that part which deals with the Built Environment demonstrating the links between them.

Those policies which refer to the **sustainable natural environment** require much more attention than we have yet been able to give them. However, at this stage we must record that we have concerns about some of the detail and in passing refer, as an example, to the text of **Policy 28: Protecting and Enhancing the Dundee Green Network**. This refers variously to: “*development frameworks*”, and “*a masterplan, strategy or programme*”. We would welcome further explanation of what is meant by these terms.

We welcome the terms of **Policy 33: Local Nature Conservation Designations** including Broughty Ferry Sand Dunes, Reres Hill and Broughty Ferry Local Nature Reserve. Moreover, we look forward to the City Council playing a proactive role in achieving its intent by way of all means at its disposal, including the Local Development Plan and the implementation of the Community Planning Partnership,

Built and Historic Environment: Conservation Areas In previous consultations we have been able to contribute to the Conservation Area Appraisals for areas within Broughty Ferry. Subsequently, we have made clear our appreciation of the amendments to the limits of the areas designated and the content of the appraisals themselves. In our observations on paragraph 6.2 we suggested that this example of good planning practice could be further enhanced by the issue of Supplementary Guidance. In the past, such infringements as breaches in boundary walls, inappropriate replacement of windows and doors, and unfortunate shop frontages have caused residents in Broughty Ferry particular concern. Revisiting these and related issues in a readily accessible document would be welcomed.

While recognising the financial and other constraints under which the Planning Section must operate, the Community Council suggests that drawing together the fragmentary guidance which is currently dispersed in the various Conservation Appraisals city-wide would be helpful in drawing attention to prospective developers, and to affected residents, what is expected thereby reducing infringements and the resultant time consuming and expensive processes of enforcement.

Sustainable Transport & Digital Connectivity

With recent planning applications in mind, the Community Council welcomes the terms of **Policy 58 Digital Connectivity** and looks forward to its strict application in Broughty Ferry.

In passing, we wonder if the requirement in **Policy 56: Parking under the heading Developments Outwith City Centre** applies to all developments covered by Policy 10: Design of New Housing; Policy 11: Householder Development; Design of New Housing; Policy 12: Formation of New Residential Accommodation; and Policy 13: Development of Garden Ground for New Housing.

Appendices

We have some further points with reference to the Appendices.

We welcome the content of **Appendix 1: High Quality Design and Placemaking**. At point 2 on page 90 we suggest a minor adjustment: the phrase *local townscape* could with benefit be expanded to read *local townscape and its immediate built and rural environments*. This is suggested in the interest of emphasising the Council's intent that places with an existing strong sense of identity do not suffer unduly from insensitive development in their vicinity.

At Appendix 4: Design of New Housing under the heading "Suburban- Standards and the section on "House Type" we note that for sites of 5 or more units "*In general, 75% of houses should have 3 or more bedrooms or a minimum gross internal floor area 100sqm.*" We suggest the deletion of the word "*in general*" and the substitution of "*unless material planning considerations dictate otherwise*" on the grounds that this phrase reflects the statutory position and is more readily defensible at appeal.

Likewise, we have difficulty with the expression "*Houses should have 3 bedrooms or a gross internal floor area of 100 sqm.*" There is room for considerable variation in what amounts to a bedroom and also the minimum facilities to be accommodated within it to enable that description to be applied. Accordingly, we invite the insertion of a minimum floor area for a bedroom on the grounds that this critical criterion should be stated clearly, exactly, and thus capable of defense against the arguments of disappointed applicants.

Finally, we note that "*Flats should have generous internal space standards with a minimum gross internal floor area of 80sqm.*" We wonder if this is a typing error since the previous standard was 100sqm. If not, then we must suggest a return to the previous standard in the interests of town planning rather than "town cramming".

HMB (1) 4.9.17