



John J Watson  
Planning Secretary  
39 Elie Avenue  
Broughty Ferry  
Dundee DD5 3SF

### Planning report 4<sup>th</sup> – 29<sup>th</sup> January 2021

#### **20/00534/FULL – Proposed Development – New Cycleways, Footpaths and Infrastructure Improvements – The Esplanade, Broughty Ferry, Dundee.**

Members are familiar with BFCC's ultimate view that was endorsed at its regular meeting on 1<sup>st</sup> December 2020. They are also aware of the difficulties encountered in its determination leading up to its decision to ultimately approve the application without conditions.

Immediately prior to its regular meeting of 5<sup>th</sup> January, the Secretary received a late request from a member of the public to address the meeting regarding a group of local resident's objections to the application. Although the request was made late the member of the public was provided the opportunity by the Chair to speak. There was criticism that BFCC had not contested the application.

Subsequent to that meeting, the Planning Secretary learned that a number of deputations had applied to be heard to speak against the application at DCC's Development Planning Committee, scheduled to meet on 18<sup>th</sup> January at 5 pm. He contacted senior officers of BFCC and suggested that in order to explain its support for the application, BFCC should request to attend the Planning Committee meeting as a deputation. This was agreed under BFCC's Standing Orders, Section 9. a) and requires to be ratified under that paragraph.

The request to attend was granted and BFCC spoke in support of the application, which was **approved unanimously** by the Committee.

Dundee City Council thereafter provided BFCC with assurance that it will continue to listen and where possible attempt to deliver a solution that satisfies the majority of users and has minimal effect on local residents.

**20/00823/FULL – Former Walled Garden, Linlathen Grove, Broughty Ferry, Dundee. Development of 16 Dwellings with Associated Infrastructure.**

**20/00824/FULL – Land to North of 1 – 19 Linlathen Grove, Broughty Ferry, Dundee. Residential Development of 15 Dwellings with Associated Infrastructure.**

These two applications were validated on the 11<sup>th</sup> January 2021 and have in common that they were presented by an Agent acting on behalf of Kirkwood Homes and others. That developer is currently constructing dwellings and infrastructure on the Housing Land site H46 released for that purpose within the Local Development Plan (LDP) adopted on the 15<sup>th</sup> February 2019. The initial application **18/00115/FULM** for the construction of 150 dwellings was validated on 23<sup>rd</sup> February 2018 and refused on the 15<sup>th</sup> June of that same year, among the reasons given was that it was premature and contrary to the 2014 LDP. An appeal was lodged which was granted by the Reporter on the 19<sup>th</sup> June 2019, that date was after the H46 site had been released earlier in February. A subsequent application **19/00799/FULM** was made for the construction of the remaining 100 dwellings allocated for the site and refused on the 24<sup>th</sup> January 2020. The reasons for this refusal were among the same as those made earlier during the consideration of **18/00115/FULM**. This application too was granted on appeal later in 2020.

When considering these two latest applications the developer seems to have reverted back to the same attempt it made during its application in 2018 to have land released early for housing that falls outside the boundary of site H46 determined in the LDP adopted in February 2019. Initial examination of the proposed site plans attached to these applications shows that only a very small section of 20/00824/FULL adjoins site H46. The vast majority of that site and the whole of 20/00823/FULL lie out with the allocated housing site. Therefore, the proposals are located within land designated as open countryside within the LDP – Policy 31.

However, when examining the Planning and Design Statement attached as a supporting document to application **18/00824/FULL** reference to application **10/00298/FULM – Erection of Supported Living Community Comprising 60 Flats and Commercial Facilities** approved on **24<sup>th</sup> July 2012** is made. The Statement reveals that the age of occupancy restriction associated with the flats resulted in a very suppressed demand, only 18 have been constructed and occupied. The 42 remaining consented apartments will not now be constructed and, if approved, will be effectively replaced by the proposed 15 dwellings.

If an examination of this application as it stands had showed clearly that the site is indeed out with H46, which the majority of it appears to be, then BFCC would have no hesitation in objecting to it. On this occasion where complications referred to exist it is best to remain silent to allow the planning process to conclude to decision.

**20/00823/FULL** is different. In the Planning and Design Statement, among other matters, the applicant appears to allege that the approval of **18/00115/FULM – Construction of 150 dwellings, SUDS etc.**, which includes the SUDS track route in the vicinity of the walled garden may be construed as inclusive of the walled garden site and therefore provides extant approval for its proposed use. The route taken by the SUDS track to its basin is through open countryside and, by and large, is constructed below ground level and therefore maintains the open countryside character. To construct 16 dwellings on this site would substantially interfere with this character

and in any case it is a brownfield site, it is out with the designated housing development area H46 adopted in the LDP of February 2019.

This application is premature and chooses to interpret the contents of Policies 9 and 31 of the LDP to suit its own purposes.

As a *preliminary* view BFCC should object to this application for the above reasons. This preliminary view has not yet been sent to the Planning Department since the next regular meeting of BFCC is imminent. This preliminary view can be considered at that meeting to result in a decision on whether to ratify that view or otherwise. The result will then be immediately communicated to the Planning Department as BCCC's formal view.

John J Watson  
Planning Secretary  
29<sup>th</sup> January 2021