

**KEY INFORMATION**

**Ward** Brackens

**Proposal**

Erection of 130 dwelling houses

**Address**

Land to the West of St Martin Avenue, Dundee

**Applicant**

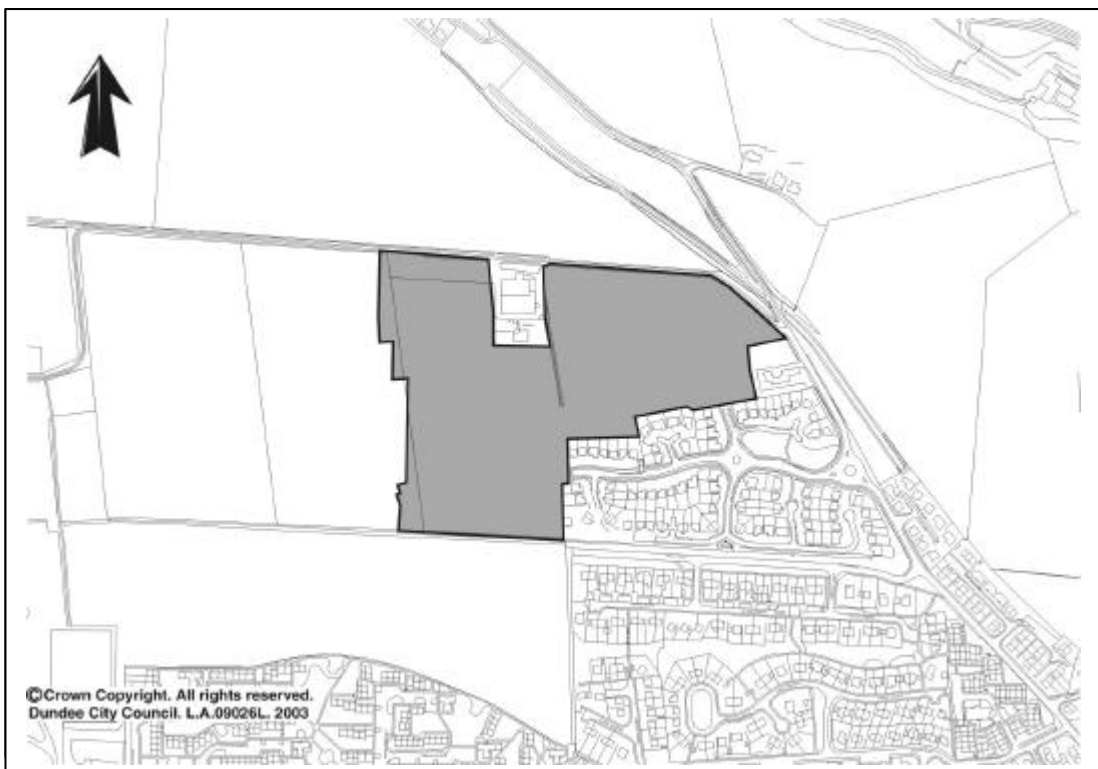
Bett Homes (North East Scotland) Ltd  
Gateway House  
Luna Place  
Dundee Technology Park  
Dundee DD2 1XZ

**Agent**

Roy Mitchell Design Ltd  
1 Glenbervie  
Glenbervie Business Park  
Larbert  
Stirlingshire FK5 4RB

**Registered** 17 Jan 2006

**Case Officer** S Cooper



## New Housing Proposed at St Martin Avenue

The erection of 130 dwelling houses is **RECOMMENDED FOR APPROVAL** subject to conditions.  
Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposal is for the development of 130 houses and associated works on an allocated site. It is considered that the proposal accords with the provisions of the Development Plan, and with national planning policy guidance and advice. The views of the objectors are not supported and there are no material considerations that would justify the refusal of this application. The application is therefore recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- Planning permission is sought for the erection of 130 dwelling houses and associated works on land at Baldragon Farm, Dundee.
- The land is allocated for 130 houses by Proposal H67 of the Dundee Local Plan Review 2005, in support of the ongoing regeneration of the north western sector of the City.
- 27 letters of objection and 2 petitions containing some 75 signatures have been received. The main grounds of objection relate to traffic impact, drainage, impact on residential amenity, loss of Greenfield land and impact on education provision.
- The housing layout follows on from the principles of the first phases of development. The proposal would provide a good standard of residential accommodation. It is therefore considered that the proposal complies with the provisions of the Housing Policies and Proposals of the Dundee Local Plan Review 2005.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of 130 detached private houses, the construction of access roads and associated works on land at Baldragon Farm, Dundee.

The proposed houses would each be 2 storeys in height. The house type mix is as follows:

Findhorn - 26 no 3 bed units

Kelso 2 - 18 no 4 bed units

Cullen 2 - 21 no 4 bed units

Thurso - 25 no 4 bed units

Conway 2 - 18 no 4 bed units

Strathmore 2 - 15 no 4 bed units

Finavon - 7 no 4 bed units.

All house types would have integral garaging with the exception of the Conway 2 house type. Further off street parking would be provided in front of each house. Finishing materials would include facing brick, render and concrete tiles. All houses would have garden ground to the front and rear. The rear garden sizes range from 120m<sup>2</sup> to 325m<sup>2</sup> Timber screen fencing would enclose the boundaries between the rear gardens of the houses.

Vehicular access to the site would be from extension to the existing road layout serving the first two phases of development. An emergency link would be provided at the east of the site.

The housing layout is based around a central loop with a series of culs de sac and a smaller loop coming off the main loop. A kickabout area would be formed at the south of the site with a timber footbridge over the Gorrie Burn to link it to the open space land to the south of the site.

An extensive landscaping scheme is proposed along the northern edge of the site to provide a boundary to the built up area of Dundee.

## SITE DESCRIPTION

The application site is located to the north and west of the recent residential development at St Martin Avenue, Dundee. The land comprises some 19.7 acres of land which is presently in agricultural use. The application site is

bounded to the south by the Gorrie Burn and the existing housing at St Martin Avenue, Thoms Close, St Martin Drive and Fairlie Terrace. Baldragon Cottage is located to the



south east of the site. To the east the site is bounded by Strathmartine Road. To the north the site is bounded by the access road to Baldragon Farm and the Farmhouse and its curtilage. The site is bounded by agricultural fields to the west. The northern part of the site is relatively flat although the land slopes down to the south from the centre of the site.



## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

The following Policy is of relevance:

#### Housing Policy 2:

The site is allocated as part of the Housing land allocation requirements outlined in Housing Policy 2.

## Dundee Local Plan Review 2005

The following policies are of relevance:

#### Proposal H67 (Baldragon)

Development of the site at Baldragon allocated in the Dundee Local Plan 1998 reinforced the growing popularity of the north western sector of the City as a private housing location. Further Greenfield release is proposed under Proposal H67 to accommodate 130 houses in the period prior to 2011, in support of ongoing regeneration.

Development should conform to the standards contained in Appendix 1 of the Dundee Local Plan Review 2005, and should

have regard to the residential amenity of existing houses. The design of the site should take into account the potential for further development in the post 2011 period.

There is a requirement for an extensive landscaping belt along the northern boundary and the provision of high quality open space in accordance with the provisions of Policy 5 of the Dundee Local Plan Review 2005.

#### Policy 4 Design of New Housing

The design and layout of all new housing in Dundee should be of a high quality. As a basis for achieving this, new development will be required to conform to the Design Standards contained in Appendix 1 of this Local Plan unless:

- a the City Council, through either site allocation in the Local Plan or site planning briefs, considers it appropriate to vary the standards to reflect the constraints or opportunities offered by the development of a particular site; or
- b the proposal is within an established low density residential area, in which case the density of the new development should reflect this and more generous external space standards will be required.

New housing development should also have regard to the principles of the City Council's Urban Design Guide.

In addition, new housing development should meet "Secured by Design" standards. New residential streets should be designed to promote low vehicle speeds of 20mph or less. New housing should have regard to opportunities to maximise energy efficiency and promote sustainable waste management.

In terms of Appendix 1, the Suburban standards are relevant. The relevant standards are:

House Type - 75% of houses should have 3 or more bedrooms or minimum internal floor area of 100m<sup>2</sup>.

Parking - Private houses with 3 or more bedrooms should have at least 2 spaces. In addition 50% of all houses should have a garage or space for one.

Amenity/Garden Space - On Greenfield sites an average private useable garden ground of 150m<sup>2</sup> should be provided although none should be smaller than 120m<sup>2</sup>.

Privacy - 18 metres between facing windows of habitable rooms.

Policy 5 Open Space Provision as Part of New Housing Developments

New spaces must be carefully designed and should support local biodiversity, accommodate sustainable drainage systems where appropriate, and promote environmental education. Future maintenance of open space in new housing developments will be secured in accordance with Policy 67 of the Local Plan.

In addition, major housing proposals will be required to ensure that new open space is well integrated with the existing open space network by incorporating green access corridors which link up with existing path networks and open spaces, to allow ease of movement for pedestrians, wheelchair users and cyclists.

Policy 20: Funding of On and Off Site Infrastructure Provision

Within the context of Circular 12/1996 the City Council, where necessary and appropriate, will seek to secure developer contributions towards the cost of infrastructure provision both on and off site.

Policy 67: Open Space Maintenance

The Council will apply planning conditions or agreements to planning consents to make suitable provision for the long term maintenance of open space in new housing developments.

Policy 75: Sustainable Drainage Systems

All appropriate development proposals must be accompanied by a Sustainable Drainage scheme at the time of submitting a planning application, this must be supplemented by a Drainage Impact Assessment.

### Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

Scottish Planning Policy 3: Planning for Housing. SPP3 reflects the key planning policies in Scottish Planning Policy 1: The Planning System, addressing them in relation to new housing.



FRONT ELEVATION

SPP17: Planning for Transport. Sets out the objectives of integrating land use and transport, while helping to reduce overall need to travel.

Designing Places - Policy Statement for Scotland (Scottish Executive 2000). This document sets out the policy context for raising the standards of urban development in Scotland.

Planning Advice Note 67 - Housing Quality. PAN 67 explains how "Designing Places" should be applied to new housing. It identifies the qualities found in successful places and provides examples of successful

development in order to promote good design.

### Non Statutory Statements of Council Policy

The following policy statements are of relevance:

The City Council's Urban Design Guide is of relevance.

### LOCAL AGENDA 21

Key Theme 13 states that places, spaces and objects should combine meaning and beauty with utility. In this case, for reasons expanded upon in the "Observations" section of this report it is considered that the proposed development fulfils the design requirements of this key theme.

### SITE HISTORY

Planning permission was granted for the erection of 70 dwelling houses and associated roads and landscaping on the 2nd November 2000 under reference 00/24677/D. That site was allocated as the first phase of development under the provisions of Proposal HS49 of the former Dundee Local Plan 1998.

In June 2002, planning permission was granted for the second phase of development of an additional 19 houses and associated works under reference 02/00205/FUL, although that site was not a part of the original allocation.

The first two phases of development have been completed and the houses are all occupied.

### PUBLIC PARTICIPATION

The applicant has carried out the statutory neighbour notification procedure. A total of 26 letters of objection have been received from some 19 objectors. An additional letter of objection signed by 7 residents was also received. In addition, two petitions containing some 75 signatures have been received. However, it should be noted that many signatories have signed both petitions and have also submitted letters of objection regarding the proposal.

The grounds of objection raised are:

- development on Greenfield land;

- effect on local education facilities;
- increase in traffic on St Martin Avenue and impact on road safety;
- effect of additional traffic on Strathmartine Road;
- noise and disturbances from Kick-about area;
- inadequate drainage provision;
- impact on amenity of existing residential properties by way of overlooking and overshadowing;
- loss of views;
- loss of trees, landscaping and local wildlife;
- position of garage at Plot 324 relative to the existing house at Plot 134;
- development of the "Woodland planting" site which homeowners have been paying annual maintenance charges for;
- effect on a listed building (Baldragon);
- positioning and proximity of Plot 318 relative to the existing house at 3 Thoms Close;
- lack of amenities within the area to support the development; and
- devaluation of property.

It is intended to comment on these issues in the "Observations" section of this report. Copies of these letters are available for inspection in the Members Lounges.

## CONSULTATIONS

The Council's Forestry Officer advises that the proposed landscaping strategy is acceptable, but would request that details of a long term maintenance strategy be submitted for approval.

Scottish Water has been consulted on this application and has raised no objections to the proposed development. In their response Scottish Water state that they are in discussions with the developers regarding connection to the existing water/wastewater network. A separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water supports the principal of a sustainable urban drainage system (SUDS)

The Scottish Environmental Protection Agency (SEPA) was consulted on the application and have submitted no observations.

Owing to the position of the application site on the boundary with Angus Council, the Director of Planning and Transportation of Angus Council was consulted on this application. Angus Council made no comment on the application.

The Police Architectural Liaison Officer was consulted on the application and made no comment.

## OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider:

- whether the proposals are consistent with the provisions of the development plan; and if not
- 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.

The first phase of development at Baldragon accommodated some 70 houses. An additional development of 19 houses followed soon after. The first two phases have proved popular with the market. This site is now allocated for a third phase of some 130 houses by Proposal H67 of the Dundee Local Plan Review 2005, in support of the ongoing regeneration of the north western sector of the City. Proposal H67 refers to Policy 4 and Appendix 1 of the Local Plan in terms of housing design and impact on residential amenity, Policy 5 in terms of open space provision, and sets out a requirement for a strong landscaping belt along the northern boundary.

The overall aim of Policy 4 of the Dundee Local Plan Review 2005 is to promote housing development of a high quality layout and design. As a basis for achieving this new development should comply with Design Standards contained within Appendix 1 of the Dundee Local Plan Review 2005, although there is scope for flexibility in the application of

these standards through site allocations.

## Design and Layout

The overall road layout of this phase of residential development is centred on a central loop with a series of culs de sac and a smaller loop road coming off the main loop. This concept is in line with the principle behind the layout of the first two phases.

The houses would all be detached units, the majority of which would have 4 bedrooms. One house type, the Findhorn, would have 3 bedrooms. With the exception of the Conway 2, all house types would have integral garages. All houses would have space for 2 cars to park in front of the house.

In terms of garden ground, an average of 150m<sup>2</sup> is required on this Greenfield site. The minimum garden size should be 120m<sup>2</sup>. The proposed development meets this requirement, and therefore accords with the provisions of Policy 4 of the Dundee Local Plan Review 2005.

The finishing materials proposed include a mix of facing brick and dry dash render for external walls, and concrete tiles for roofslopes. In order to ensure a cohesive palette of materials across the site, and integration with the existing housing, a condition can be imposed on a grant of planning permission to require the submission of samples of all finishing materials for the approval of the Planning Authority prior to the commencement of works.

The houses surrounding the Play Areas and the Kick-about area have been designed so that there are windows facing out onto them, so as to provide natural surveillance. This is in line with 'Secured by Design' principles.

Subject to the above condition, it is considered that the proposed development accords with the provisions of Policy 4 and Proposal H67 in terms of design and layout.

## Impact On Residential Amenity

In terms of the privacy requirements of the Local Plan a minimum distance between facing windows of 18 metres is required. The proposed development meets with this requirement in terms of the houses within the proposed development itself, and also in their relationship with the existing houses of phases 1

and 2. Although the ground level is higher within northern part of the application site than the existing houses at St Martin Avenue and Thoms Close, it is considered that because the minimum distance of 18 metres between facing windows is met, the proposed houses would not give rise to overlooking of those existing houses to the south.

In terms of sunlighting and daylighting, it is considered that as the majority of the proposed houses are to the north of the existing houses, they would not result in the loss of sunlight received by any of those existing houses. The proposed houses to the west of St Martin Avenue are positioned such a distance away from the existing houses to the east that they would not result in a significant loss of sunlight received by those existing properties. In terms of daylighting, the houses are all positioned such a distance away from one another that there would be no significant daylighting issues as a result of this development.

Therefore, it is considered that the proposed development would not be detrimental to the residential amenity enjoyed by occupants of existing houses. Furthermore, the layout of the proposed houses would ensure that occupants of the proposed houses would have an adequate level of residential amenity as there would be no significant issues in terms of overlooking or overshadowing.

It is therefore considered that the proposal accords with the provisions of Policy 4 and Proposal H67 of the Dundee Local Plan Review 2005 in terms of residential amenity.

## Traffic

The proposed development is for 130 houses. In addition to the existing 89 houses, this will bring the total development up to 219 units. The development site will be served from the existing access via its junction with Strathmartine Road. As the number of dwellings exceeds 150 units, an emergency access is provided to the north of Baldragon Cottage. A formal footpath connection is to be provided between the development site and the west end of Sidlaw Avenue. This will increase the permeability of the site. Cycle racks would be provided at the kick-about area. In order to encourage the use of bus facilities it is proposed

that a DCC standard bus shelter would be provided at the existing bus lay-by at St Martin Avenue.

The applicant has submitted a detailed Transport Assessment with this application. It identifies that the impact of development traffic on the performance of the surrounding road and junction network would be marginal (no greater than 4% during both peak AM and PM periods). All new roads would be made up to DCC standards.

It is therefore considered that the proposed development is in accordance with the guidance contained within SPP17.

## Drainage

The application site is now the closest allocated site to the Clatto Reservoir, a reservoir defined under the Reservoirs Act 1975. Clatto Reservoir is currently operated as a Country Park by Dundee City Council. The reservoir is monitored by the City Council in accordance with the requirements of the Reservoirs Act 1975 and is required to report to the Scottish Executive under the Reservoirs Act 1975 (Registers Reports & Records) Regulations 1985.

Scottish Water has been consulted on this application and has no objections to the proposal subject to compliance with conditions relating to connections to water/wastewater infrastructure, implementation of a satisfactory Sustainable Urban Drainage system and protection of the existing public water main. These matters can be controlled through the imposition of conditions on the grant of planning permission.

The applicant has submitted a surface water drainage strategy in line with the requirements of Policy 75 of the Dundee Local Plan Review 2005. The strategy incorporates Sustainable Urban Drainage systems and is acceptable subject to final details being submitted for the prior approval of the Council. This matter can be controlled through the imposition of a condition on the grant of planning permission.

The provision of the off-site drainage measures identified with the submitted drainage strategy can be secured by a legal agreement under the terms of Section 75 of the Town & Country Planning (Scotland) Act 1997. The applicant has confirmed

willingness to enter into this agreement.

It is therefore considered that the proposed development is in accordance with the provisions of Policy 75 of the Dundee Local Plan Review 2005.

## Landscaping

Under the terms of Proposal H67 there is a requirement for a strong landscaping scheme along the northern boundary of the site in order to provide an attractive boundary to the northern edge of the City. A landscaping plan has been submitted with the application. A belt of structure planting of indigenous species along the northern boundary will provide a landscaped buffer to the development as well as a visual link with the surrounding local landscape. Strategic planting of ornamental shrubbery and tree species in key locations will create focal points and soften hard edges of the development.

The Council's Forestry Officer advises that the proposed landscaping strategy is of an acceptable standard in terms of the aims of Proposal H67, subject to conditions being in place regarding the maintenance and management of the landscaping scheme. This matter can be controlled through the imposition of conditions on the grant of planning permission.

Subject to those conditions it is considered that the landscaping strategy is consistent with the aims of Proposal H67 of the Dundee Local Plan Review 2005.

## Open Space Provision

Proposal H67 sets out the requirement for the provision of open space in accordance with Policy 5 of the Dundee Local Plan Review 2005. The proposed development makes provision for 2 Local Areas for Play (LAPs), a Local Equipped Area for Play (LEAP) and a kick-about area. A condition can be imposed on a grant of planning permission to require the details of the play equipment to be installed to be submitted for the prior approval of the Planning Authority.

## Education

The requirement for developer contributions towards education facilities is established in Proposal H67 of the Dundee Local Plan Review 2005. This matter can be controlled

through a planning agreement under the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997. The applicant has indicated a willingness to partake in such an agreement.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

## Other Material Considerations

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

The Views of the Objectors:

The grounds of objection relating to impact on residential amenity, drainage, traffic impact and education have been covered in detail above. The views of the objectors are not supported.

With regard to the housing layout objections were received regarding the houses at plots 324 and 318. With regard to plot 324 the objectors were concerned that the detached garage in front of the house would be at odds with the existing houses in street which all have integral garages, and would therefore be detrimental to the character and appearance of the streetscene. Following negotiations with the applicant's agent, the house type was swapped for one with an integral garage in order to address the objectors concerns. Objectors were also concerned that the house at plot 318 was too close to existing housing at Thoms Close and as such would lead to problems in terms of overlooking and overshadowing. Although the house at plot 318 met the minimum privacy distance of 18 metres, the applicant has agreed to pull the house forward to increase the separation distance further. In such circumstances the grounds of objection relating to plots 318 and 324 are not supported.

Objections have been raised to the impact of the proposed development on a listed building at Baldragon Farm. According to the Council's records, there are no buildings at Baldragon Farm that are listed as being of special architectural or historic interest. A significant landscaped buffer is proposed between Baldragon Farm and the proposed houses in order to soften the impact of the proposed development. Accordingly the

objection relating to the impact on Baldragon Farm is not supported.

The proposal is for the development of an allocated site. The site is allocated as part of the City Council's greenfield additions to the housing supply in accordance with Housing Policy 2 of the Dundee and Angus Structure Plan 2001-2016. It is the second release of Greenfield land at Baldragon, following the first allocation of greenfield land under the provisions of the Dundee Local Plan 1998. Accordingly the development of this greenfield site in principle is in accordance with the provisions of the development plan.

A kick-about area is shown in the southern part of the site. This is included as part of the open space requirement set out in Proposal H67. Following discussions with the applicant's agent the houses surrounding the kick-about area have been re-orientated to face onto the kick-about area and therefore provide natural surveillance of it. This is in line with 'Secured by Design' principles. As the objectors concerns regarding the security of the kick-about area are not supported.

In terms of local amenities it is considered that there is good access to large foodstores at Gillburn Road and at the Kingsway. Furthermore there is local shopping provision at Ardler and other facilities on Strathmartine Road. Accordingly the views of the objectors are not supported

The grounds of objection relating to loss of views and devaluation of property are not material considerations in the determination of this application. A number of objectors also raised the issue of development on a landscaped strip of land north of Phase 1. This strip was part of the open space provision for which residents are charged a maintenance fee. There were no conditions on the planning consent for the first phase requiring the retention of that strip of land. The landscaped strip is within the site allocated by Proposal H67 of the Dundee Local Plan. The planting that has taken place is very young and the loss of this strip of land would not be so detrimental such as to justify the refusal of this application. The issue regarding the payment of maintenance fees for the upkeep of that land is not a material

consideration in the determination of this planning application

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission. It is therefore recommended that planning permission be granted with conditions.

## Design

The layout of the proposed housing development continues the design principles of the first phases which have proved popular with the market. The houses are of an acceptable design and conditions can be applied to ensure an appropriate palette of finishing materials.

## CONCLUSION

The proposal is for the development of 130 houses and associated works on an allocated site. It is considered that the proposal accords with the provisions of the development plan, and with national planning policy guidance and advice. The views of the objectors are not supported and there are no material considerations that would justify the refusal of this application.

## RECOMMENDATION

### 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. This agreement will relate to:

- 1 the developer paying a contribution for improved education provision in the Downfield area as necessitated by the proposed development;
- 2 the provision of the off-site drainage works identified in the drainage strategy.

### Recommendation 2

That planning permission be granted subject to the following conditions:

- 1 The development hereby permitted shall be commenced within five 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 The landscaping scheme in the approved plans shall be fully implemented within 6 months of the first occupation of the dwelling hereby approved unless agreed in writing with the Planning Authority. Any trees which are planted and which die within 5 years of planting shall be replaced with trees of the same species and size as previously approved.
  - 4 Details of the long term management and maintenance of the landscaping scheme to be implemented as per the requirements of Condition 3 shall be submitted for the prior approval of the Council.
  - 5 Details of the drainage of the site, which shall incorporate sustainable drainage principles, 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.
  - 6 Details of the equipped play areas and their maintenance 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 To ensure that the site is adequately drained.
  - 6 To ensure that adequate playing facilities are provided for residents of the proposed housing development.

## Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure a satisfactory standard of appearance of the development.
- 3 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 4 To ensure a satisfactory standard of appearance of the development.