

**KEY INFORMATION**

**Ward** Claverhouse

**Proposal**

Development of 68 houses

**Address**

Site 5  
William Fitzgerald Way  
Dundee

**Applicant**

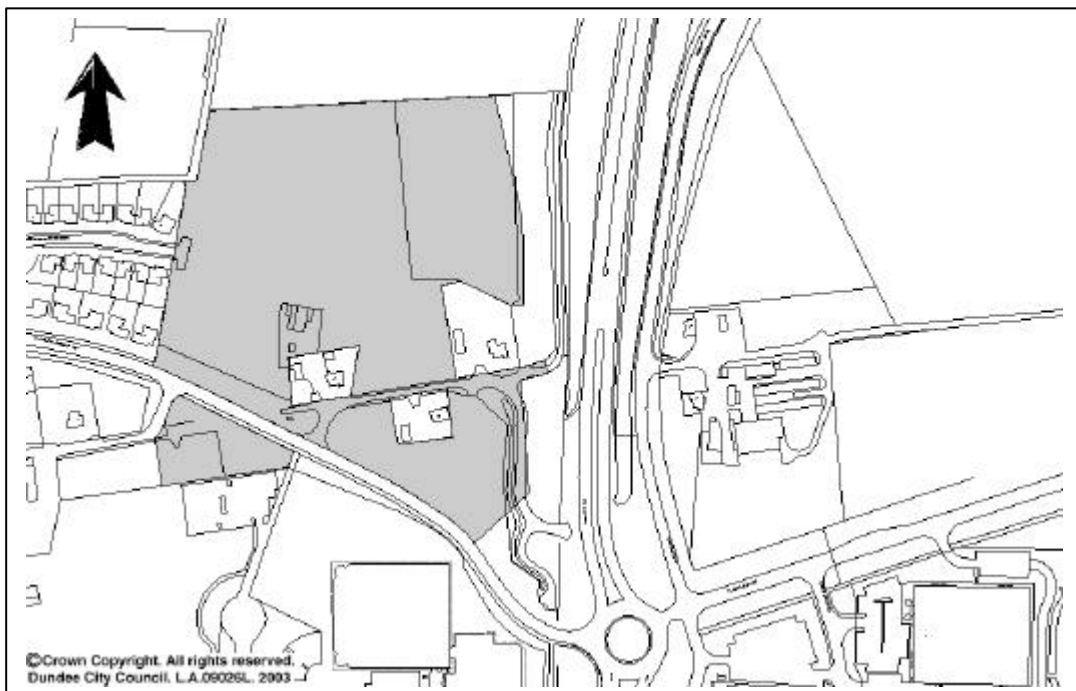
Baldragon Homes Ltd  
Barns of Claverhouse Road  
Dundee  
DD4 9DJ

**Agent**

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Dundee  
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**Registered** 11 Mar 2005

**Case Officer** G S Reid



# Further Phase of Housing Proposed at Emmock Woods

The development of 68 houses is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development is considered to be in accordance with the provisions of the Development Plan.

The application is recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- Planning permission is sought for the erection of 68 dwelling houses and associated infrastructure at Site 5, William Fitzgerald Way, Dundee.
- The proposal raises issues for consideration in terms of Housing and Employment Uses Policies and Proposals of the Dundee Local Plan 1998, Policy 4 of the Finalised Dundee Local Plan Review and the Planning Brief for the Emmock Woods Area.
- The proposed development raised issues of concern to local residents. 3 letters and a petition containing 14 signatures were received objecting to the proposal. The main concerns related to traffic, parking and access, overlooking/loss of privacy, loss of trees, affect on wildlife and exacerbation of existing drainage problems.
- The application is considered to be in accordance with the Housing Policies and Proposals of the Dundee Local Plan 1998, Policy 4 of the Finalised Dundee Local Plan Review and the Planning Brief for the Emmock Woods Area. It is considered that there are sufficient material considerations to justify a departure to the Employment Uses Policies of the development plan in this instance. Finally, it is considered that there are no objections that would warrant refusal of the application.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of 68 dwelling houses and associated infrastructure at Site 5, William Fitzgerald Way, Dundee.

The proposal includes 66 detached and 2 semi-detached houses. 44 of the units have 4 bedrooms and 24 of the units have 3 bedrooms. The houses have either a single or double garage and all have at least one off street parking space. All of the houses have private garden ground in excess of 120m<sup>2</sup>.

The houses are to be of a style in keeping with the 'Arts and Crafts' theme of the surrounding housing in the previous phases at Emmock Woods. The finishing materials are to be dry dash render to the walls with occasional elevation panels of reconstituted masonry. The roofs are to be clad with smooth flat concrete tile in grey.

The proposals include various boundary treatments including reconstituted masonry walls with railings and timber fencing. The proposals include the formation of a pond which, is part of the drainage scheme for the site

The applicant carried submitted a noise assessment in support of their proposals.

The developer has advised that he is willing to accommodate the existing private drainage systems of the three holdings surrounded by the development into the new public system being installed to serve the development at his expense.

## SITE DESCRIPTION

The application site is located to the north of William Fitzgerald Way and to the east of Forfar Road. The site is approximately 4.57 hectares in area and is currently undeveloped land. The site is bounded to the north by open farmland, to the south by commercial properties, to the west by Forfar Road and to the east by residential properties. The site is relatively flat in nature. There are existing residential holdings adjacent to the site.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

### Dundee Local Plan 1998

The following policies are of relevance:

- a Housing Policy H10: Design of New Housing.
- b Housing Proposal HS51 (Claverhouse): This proposal advises that the area is to be developed primarily at lower density for larger house types.
- c Employment Uses Policy EU2: Prime Industrial Estates.



### Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application.

### Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 4 Design of New Housing.

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

There are no statements of Government policy relevant to the determination of this application.

## Non Statutory Statements of Council Policy

The following policy statements are of relevance:

The general planning brief for Emmock Woods was approved by the Planning and Transportation Committee in October 1996. The main elements of the planning brief which relate to the application site are that: house types must have a traditional appearance incorporating features such as wet dash or reconstituted stone walls, slate-like roofs, integral chimneys, barge boards and projecting rafters, interesting windows or door surrounds on some houses and reconstituted stone walls with railings along the main road boundaries.

## LOCAL AGENDA 21

Key Themes 13 and 14 are relevant to the consideration of the application. These themes seek to ensure that places, spaces and objects combine meaning and beauty with utility and that settlements are 'human' in scale and form. The proposal satisfies the Council's Agenda 21 policies by providing housing in an acceptable location and of an appropriate design, scale and form.

## SITE HISTORY

DLA00550: Planning application for the main distributor roads for the new housing development linking with the new roundabout junction on Forfar Road was deemed to be granted by the Scottish Office Environment Department on 20 April 1995.

DLA00549: A planning application for an alternative option for the main distributor road routes linking the new roundabout junction on Forfar Road with the existing Barns of Claverhouse Road was withdrawn on 3 May 1995 following the receipt of a high number of objections to this through route and given the decision on the alternative option.

Planning Application D22667 for the erection of 45 houses and 10 flats at site 1 Emmock Woods was granted permission on 26 June 1997.

Planning Application D23652 for the erection of 30 houses at Site 2 Emmock Woods was granted permission on 23 December 1998.

Planning Application D23972 for the erection of 51 houses at Site 2B Emmock Woods was granted permission on 29 June 1999.

Planning Application 01/30356/FUL for the erection of 15 houses at Site 3 Middleton Crescent was granted permission on 3 December 2001.

Planning Application 01/30459/FUL for the erection of 93 houses at Site 4 Emmock Woods was withdrawn by the applicant on 13 June 2002.

Planning Application 02/00318/FUL for the erection of 30 houses at Land at Emmock Woods Drive. Approved on 27 August 2002.

Planning Application 02/00421/FUL: Erection of 95 houses at Site 4 Emmock Woods Drive. Approved on the 27 August 2002.

## PUBLIC PARTICIPATION

The applicant has carried out the statutory notification of neighbours and the application was advertised in the "Dundee Courier and Advertiser" as a potential departure to the development plan on the 28 March 2005. 3 individual letters of objections were received to the proposed development. A petition with 14 signatures objecting to the proposal was also received. The main concerns raised were:

- 1 That the proposal to link the new development into Emmock Woods Drive would result in concerns of traffic, parking and access problems.
- 2 That the proposal would exacerbate existing drainage problems in the area.
- 3 That the proposed development would result in concerns of overlooking and loss of privacy of existing residential property.
- 4 That the proposed development would result in the loss of existing trees and detrimentally affect the wildlife in the area.
- 5 "Concerns have been raised with regards to existing flooding problems in the north east part of the site and the potential of displacement of this as a result of the development"

Copies of the letters of objection are available in the Members' Lounges and

the issues raised are addressed in the "Observations" section of this report.

## CONSULTATIONS

The Head of Environmental Health and Trading Standards advised that the Noise Assessment submitted by the applicant was satisfactory and demonstrated that there would be no problems of noise disturbance to residents from the A90 Dundee to Forfar Trunk Road.

No adverse comments were received from any of the other statutory consultees.

## OBSERVATIONS

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

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b 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 proposed development is located within a wider area allocated in the local plan as a new housing area. A new access to this area has already been constructed from a round about junction at Forfar Road. Planning permission has been granted for the first four phases of housing in this area. These sites are immediately to the west of the current application site. The current application site is the fifth phase of housing in this area.

A small area of the application site is located within an area covered by Employment Uses Policy EU2 Prime Industrial Estates. This Policy seeks to encourage the establishment and retention of industrial and business uses (Class 4, 5 and 11 of 1989 Uses Classes Order) and wholesaling uses. The area in question is only small and separated from the main industrial area by William Fitzgerald Way. It is considered that the area is of insufficient size for a separate industrial/business development and that access from William Fitzgerald

Way would not be appropriate. It is considered that there are sufficient reasons to depart from Policy EU2 in this instance.

It is considered that the majority of the proposal complies with the land allocation set out in the adopted local plan and the more specific guidance contained in Housing Proposal HS51 in terms of providing at low density development for larger house types.

The issue of whether or not the proposals comply with the guidelines contained in policy H10 will be considered in the following paragraphs and is linked to the terms of the planning brief.

The proposals comply with the guidelines in policy H10 and Report 462-2001 Interim Review of Policy H10 Guidelines in that:

- 1 68 units are proposed, with 66 units being detached and 2 units being semi-detached. 44 units have 4 bedrooms and 22 units have 3 bedrooms. There are no flats proposed within the development. The proposal satisfies the house type/mix set out in the guidelines.
- 2 The private useable garden sizes for the houses are all in excess of 120 square metres. The development easily meets the criteria of useable garden ground of 120 square metres.
- 3 All the houses have garages and at least one parking space. On street parking will be available throughout the proposed development to cater for visitor parking. The parking provision meets the required standards.
- 4 The design of the houses is of an arts and crafts theme and is similar to the previous phases to the east. The design and layout of the houses are considered to be acceptable.

The design and layout of the site are considered to comply with the guidelines for new housing developments as set out in policy H10 and accords with the aims of the general planning brief for the area.

It is concluded from the foregoing that the proposal complies with Housing Policy H10 of the Dundee Local Plan. In addition, it is considered that the proposal is an acceptable departure to

Employment Uses Policy EU2 of the 1998 Plan.

## Other Material Considerations

Policy 4 Design of New Housing (Appendix 1) sets out similar criteria to Housing Policy H10 of the adopted Local Plan. For the reasons set out above it is considered that the proposed development is in accordance with the criteria of Policy 4

The proposed development raised issues of concern to local residents. 3 letters and a petition containing 14 signatures were received to the proposal. The main issues raised are addressed in the following paragraphs.

- 1 "That the proposal to link the new development into Emmock Woods Drive would result in concerns of traffic, parking and access problems." It is considered that subject to appropriate traffic calming measures then an acceptable link road can be achieved.
- 2 "That the proposal would exacerbate existing drainage problems in the area." It would appear that the site experiences some flooding during certain times of the year. Any existing flooding problems within the site will require to be addressed in the technical design for dealing with the drainage of the site. A condition is to be attached to permission to deal with the detailed drainage of the site.
- 3 "That the proposed development would result in concerns of overlooking and loss of privacy of existing residential property." There is no window to window distance of less than 18 metres and as such it is considered that there would be no significant overlooking or loss of privacy as a result of the proposed development.
- 4 "That the proposed development would result in the loss of existing trees and detrimentally affect the wildlife in the area." There will only be limited loss of existing trees with tree planting proposed as part of the new development. It is considered that the loss of existing trees would not be significant. The site not designated as a protected wildlife site. It is considered that

there would be no detrimental affect on wildlife in the surrounding area.

- 5 "Concerns have been raised with regards to existing flooding problems in the north east part of the site and the potential of displacement of this as a result of the development" The applicants have advised that they intend to re-profile the land in this area to fill in the existing depression. As a result they advise that this should remove the existing flooding problem with no detriment to any of the surrounding area. In order to ensure these works are carried out a condition will be require the submission of details of these works.

In addition, to the above, residents of the three holdings surrounded by the development, raised concerns regarding the effect on their private drainage systems. In response to this the applicant has offered to connect the three holdings into the new public drainage system being installed to serve the new houses. The applicant has offered to do this at no cost to the residents.

It is concluded from the foregoing that there are no material considerations that would justify a departure to the policies development plan. It is therefore recommended that planning permission be granted with conditions.

## Design

The proposed houses have been designed in a style in keeping with the previous phases to the west. All of the houses are of a substantial size with large gardens. The layout has been designed to continue the established street frontage onto William Fitzgerald Way and create an entrance into the entire area. The houses include elements of 'arts and craft' design. The proposals are considered to be of a high quality of design.

## Other Matters

Landscaping will form an important element of this scheme. There is landscaping proposed both within the site and on areas surrounding the site. This takes the form of both soft and hard landscaping including trees, walls, railings and piers. In order to secure a high quality of landscaping a condition should be attached to

permission, if granted, to require the submission of detailed landscaping plans for both elements.

The application site discharges to the Dighty Burn at Trottick which, is a flood sensitive area as highlighted in the Council's Flood Prevention Report 2001. In order to prevent an increased risk of flooding as a result of this development surface water attenuation measures will be required to ensure that there is no increase in the level of run off from the site. To ensure that the quality of surface water discharge is acceptable a sustainable urban drainage system should be used. Therefore, it will be necessary to impose a condition on any consent to ensure that the details of the proposed drainage arrangements are submitted to and approved by the Council prior to the development proceeding.

## CONCLUSION

The application is considered to be in accordance with the Housing Policies and Proposals of the Dundee Local Plan 1998, Policy 4 of the Finalised Dundee Local Plan Review and the Planning Brief for the Emmock Woods Area. It is considered that there are sufficient material considerations to justify a departure to the Employment Uses Policies development plan in this instance. Finally, it is considered that there are no objections that would warrant refusal of the application.

## RECOMMENDATION

It is recommended 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 A detailed scheme for both soft and hard landscaping shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out only in full accordance with such approved details.
- 3 Details of the proposed entrance feature on William Fitzgerald Way shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed

development shall be carried out only in full accordance with such approved details.

- 4 Details of the proposed SUDS scheme including surface water and foul drainage arrangements shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out only in full accordance with such approved details.
- 5 That the detailed layout of the pond including fencing shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out only in full accordance with such approved details
- 6 Specific details of the proposed boundary treatments, including the walls, railings, fencing etc shall be submitted to the Council for approval prior to the commencement of development and if approved the development shall be carried out only in full accordance with such approved detail
- 7 Samples of all finishing materials shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out using only the approved finishing materials.
- 8 That no more than 20 houses shall be occupied before the drainage of the existing holdings has been connected into the newly installed drainage system being provided by the applicant as outlined in Baldragon Homes letter dated 30 May 2005.
- 9 Details of the scheme to address the flooding in the north east section of the site shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out only in full accordance with such approved details.
- 10 That a detailed scheme for the traffic calming of the new link road into Emmock Woods Drive shall be submitted to the Council

for approval prior to the commencement of development and if approved the proposed development shall be carried out only in full accordance with such approved detail.

### Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the visual appearance of the proposed development is to an acceptable quality.
- 3 To ensure that the gateway feature to the housing area is of an acceptable quality.
- 4 To ensure that the proposed development can be drained in a satisfactory manner.
- 5 To ensure an appropriate layout for the ponds within the development.
- 6 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 7 To ensure that the visual appearance of the proposed development is to an acceptable quality.
- 8 To ensure that the proposed drainage arrangements to the Holdings are in place within a reasonable timescale.
- 9 To ensure that the works do not displace the existing flooding problem to the surrounding area.
- 10 In the interests of vehicular and pedestrian safety.