

# 25 Houses Proposed at St Martin Crescent

## KEY INFORMATION

Ward Strathmartine

### Address

Land to West of St Martin  
Crescent, Dundee

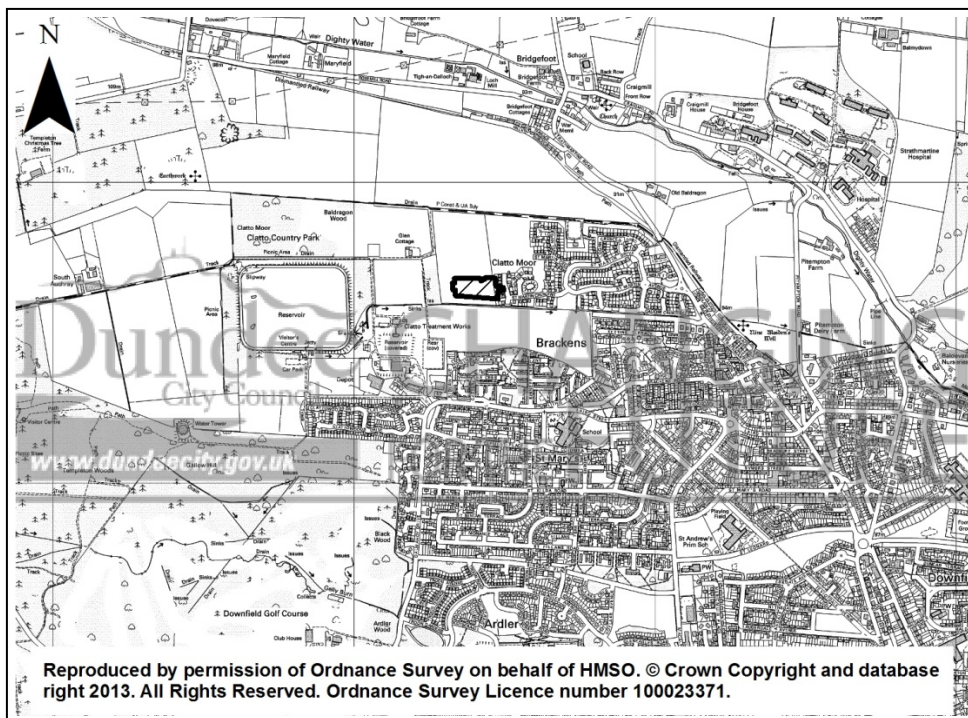
### Applicant

Bett Homes Ltd  
Argyle Court  
The Castle Business Park  
Stirling  
FK9 4TT

### Agent

Registered 11 Nov 2013

Case Officer B Knox



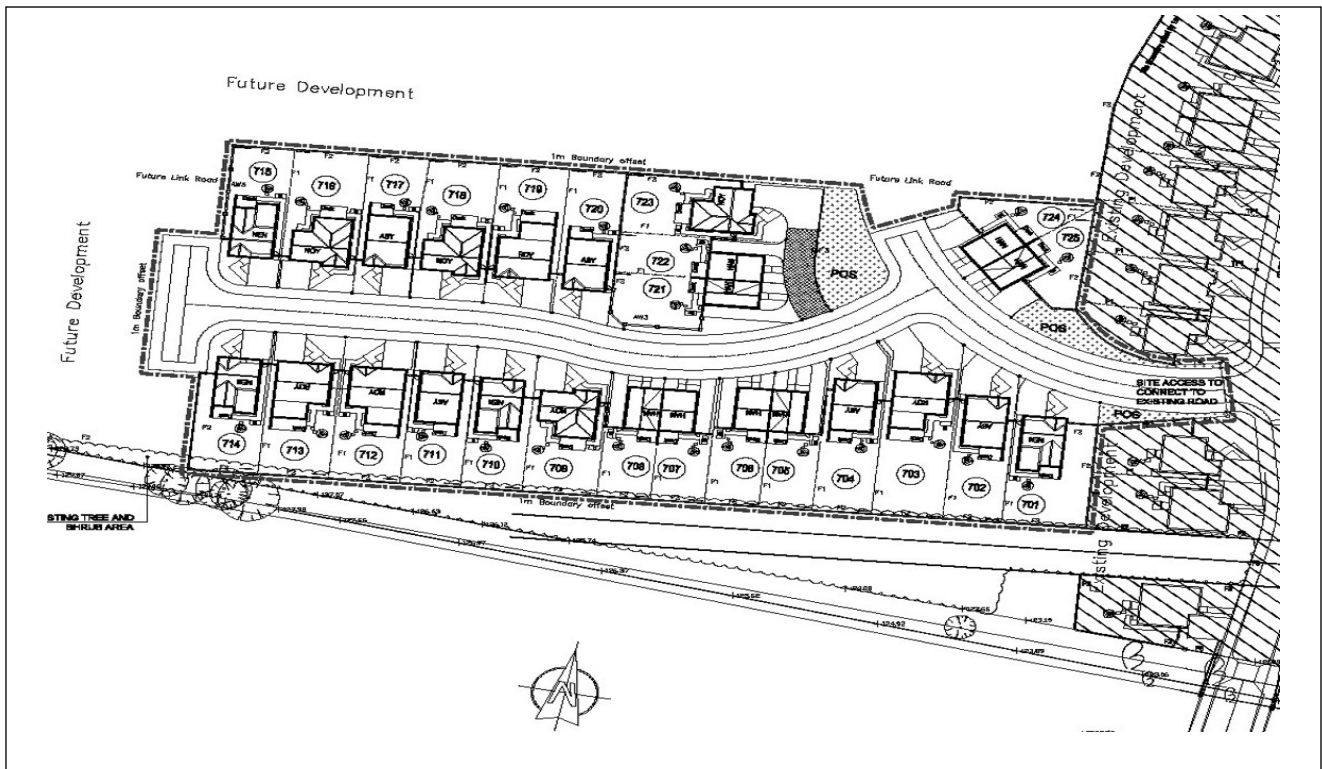
## SUMMARY OF REPORT

- The application proposes the erection of 25 dwellings, including a mixture of semi detached and detached dwellings.
- The application is contrary to the Dundee Local Development Plan and this is mainly due to the fact that although the site is an allocated site identified with the potential for housing, it has not been scheduled for release until 2020.
- In total 5 objections have been received from the occupiers of four neighbouring dwellings to the proposals raising issues including early release of the land, flooding and wildlife.
- The applicant has agreed to provide a footpath link to the local primary school and this matter is being achieved by means of a Section 75 Obligation.
- It is considered that there are material considerations to justify approval of the application and the views of the objectors are not supported in this instance.
- The application is therefore recommended for approval.
- Further information is available here: <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=MW9BZMGC06600>

## RECOMMENDATION

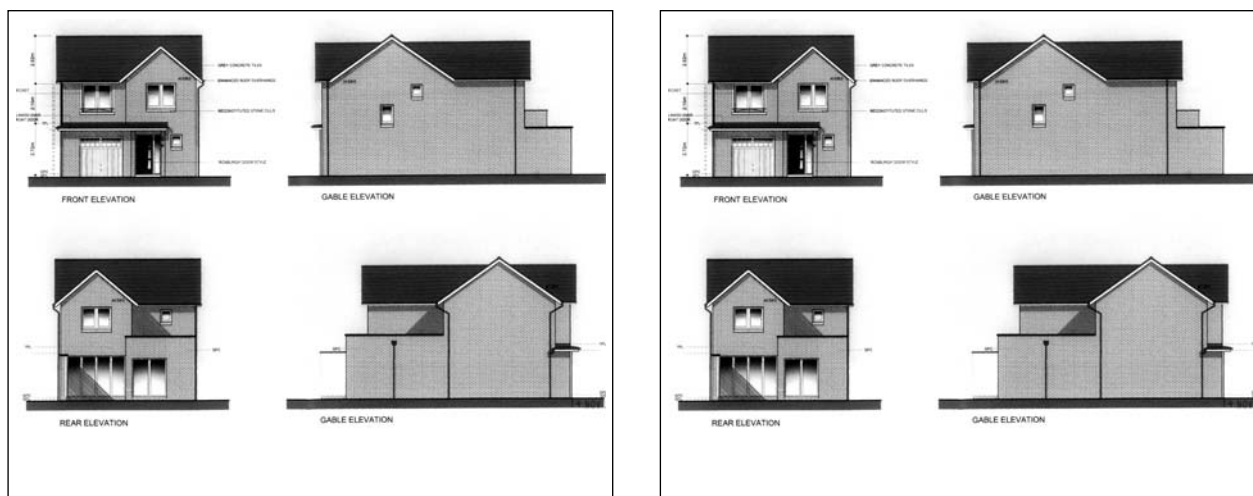
The application is contrary to the Dundee Local Development Plan but it is considered that there are material considerations to support the application contrary to this. The application is therefore recommended for APPROVAL subject to conditions and a Section 75 Obligation requiring the provision of a footpath link to the local Primary School.

# 1 DESCRIPTION OF PROPOSAL



- 1.1 The application proposes the erection of 25 dwellings. The site would take access from the existing point on the west side of St Martin Crescent and would allow for future phases of development by virtue of the fact the proposed layout does not take the form of an enclosed cul-de-sac.
- 1.2 It is proposed that there would be 17 detached properties and 8 semi detached properties. Within this, there would be five different house types. Two of the house types will be three bedrooms, one of which will provide an integral garage. The remaining three house types are four bedroom, all providing garage accommodation.
- 1.3 A small area of public open space will be provided close to the entrance of the proposed housing site.
- 1.4 The application is being considered by the Committee at the request of the Director of City Development.

## 2 SITE DESCRIPTION



- 2.1 The application site is located to the west of the recent residential development at St Martin Avenue, Dundee. The site comprises approximately 1 hectare of land which is presently in agricultural use. The application site is bounded to the south by the Gorrie Burn and previous phases of residential development to the east. To the west is additional open fields with a woodland lying a further distance away to the west.
- 2.2 There are two access routes to the site from Strathmartine Road, one of these via St Martin Crescent and the other via the Sidlaw Avenue extension.
- 2.3 There are a variety of house types and styles within the previous phases of development including detached and semi detached with driveways and providing a mixture of garage provision.
- 2.4 The colour palate of the previous phases is generally comprised of off white dry dash, terracotta facing brick with a mixture of red and grey concrete tiled roofs.

## 3 POLICY BACKGROUND

- 3.1 The following plans and policies are considered to be of direct relevance:

### **DUNDEE LOCAL DEVELOPMENT PLAN**

Policy 7: High Quality Design

Policy 8: Housing Land Release

Policy 9: Design of New Housing

Policy 55: Accessibility of New Developments

- 3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

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## 4 SITE HISTORY

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- 4.1 06/00035/FUL - planning application for the erection of 130 dwelling houses (approved 21 August 2006). This relates to the adjacent site which was allocated for housing in the Dundee Local Plan Review 2005.
- 4.2 07/01093/FUL - planning application for the erection of 70 dwellings and associated engineering operations. This application was withdrawn prior to determination and relates to the same site as the current planning application being considered.
- 4.3 08/00488/FULL – planning application for the erection of 39 dwellings and the associated engineering operations. This application was approved by Committee Members on 18 May 2009. This included the provision of an additional access road into the site.
- 4.4 13/00498/FULL – planning application for the erection of 42 dwellings and ancillary works. This application was withdrawn by the applicants prior to a decision being made.

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## 5 PUBLIC PARTICIPATION

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- 5.1 The application was advertised as a departure to the Development Plan and was the subject of statutory neighbour notification.
- 5.2 In total 5 objections have been received from the occupiers of four neighbouring dwellings to the proposals. The following material planning considerations were raised:
- the local school is over capacity and further dwellings will exacerbate this situation. Growth should be limited in the catchment area until the schools are big enough to cope with the number of children attending them;
  - the local plan in place sets the land aside for housing but not until 2020;
  - the land is a wildlife corridor and the proposals will have a significant effect on species diversity due to habitat destruction. It will also affect Baldragon wood which is a Nature Conservation Area;
  - the local infrastructure is unable to support future development. Strathmartine Road is suffering from congestion;
  - the land is prone to flooding;
  - the infrastructure put in place to support the Western Gateway should be the priority;
  - the SUDS systems incorporated into the existing development are insufficient; and
  - the problem of surface run off will increase with the addition of more hard surfacing.
- 5.3 If the application is granted, it will corrupt the strategic position in relation to the release of land for housing. Customers who might otherwise seek to purchase a house in the Western Gateway scheme and this development would detract from the success of this.
- 5.4 The house building rate of Betts is such that this development would have a negative impact upon the Western Gateway development.

- 5.5 Members will have had access to the full objections and it is intended to comment on the details raised under the Material Considerations section of this report.

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## 6 CONSULTATIONS

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- 6.1 **The Head of Environmental Protection** – the Head of Environmental Protection has advised that due to the site history a preliminary risk assessment should be carried out on the site. In this instance, it is intended to deal with this request by the application of a condition to any grant of permission.
- 6.2 **SEPA** – SEPA were consulted on the proposals due to the potential for flood risk. They have advised that they have no objections to the proposals.
- 6.3 **Angus Council** – under the terms of Schedule 5 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, Angus Council as a neighbouring authority are a statutory consultee. They have confirmed that they have no objections to the proposal.
- 6.4 **Archaeology** – the Council's consultant archaeologist has advised that there is potential for archaeological remains based on the character of the surrounding landscape. He has advised that any planning approval should be subject to the suspensive condition to ensure the appropriate treatment of any remains present.

## 7 DETERMINING ISSUES

- 7.1 **Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.**

### THE DEVELOPMENT PLAN

The provisions of the development plan relevant to the determination of this application are specified in the Policy Background section above.

### DUNDEE LOCAL DEVELOPMENT PLAN

- 7.2 **Policy 7: High Quality Design** – this policy advises that the design and siting of development should respect the character and amenity of the place and should create and improve links within the site and into the surrounding area and beyond the site. The Policy goes on to advise that all proposals should meet a range of design criteria.
- 7.3 Included in this range of criteria is the fact that the design should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.
- 7.4 The finishing materials proposed include a mix of facing brick and dry dash render for external walls, and concrete tiles for roof slopes. 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.

- 7.5 The Policy goes on to advise that all buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport and designed with future adaptability in mind.
- 7.6 It is considered that the layout of the proposed development respects the street layout and creates a pleasant streetscene through the positioning of buildings. The accessibility within the site is therefore considered to be acceptable. The issue of accessibility around the site will be considered in relation to Policy 55 of the Dundee Local Development Plan.
- 7.7 **Taking the above into consideration, it is concluded that the application is in accordance with Policy 7.**
- 7.8 **Policy 8: Housing Land Release** - this Policy advises that priority will be given to the development of the allocated brownfield and the greenfield sites. The land in question forms part of a larger site that has been allocated in the Local Development Plan as having the potential for the development of up to 135 dwellings. The site is identified for release in the second 5 year period 2020–2024 of the Plan. Therefore, whilst the principle of the development of this area has been agreed as being suitable in the context of the Plan, the current application for the early release of part of the allocation is not in accordance with the Plan's timescale for release.
- 7.9 **The proposal therefore fails to satisfy Policy 8.**
- 7.10 **Policy 9: Design of New Housing** – promoting the development of well designed, good quality housing in sustainable locations is a key objective of the Local Development Plan. The design and layout of new housing developments in the city should be of a high quality and contribute to the creating places that build on and enhance the character found in different parts of the city. As part of this, all new housing developments require to conform to the guidance on the Design of New Housing contained within the Local Development Plan.
- 7.11 In relation to house type, the guidance states that in general 75% of houses should have 3 or more bedrooms or a minimum gross internal floor area of 100m<sup>2</sup>. In this instance more than 75% of the houses have 3 or more bedrooms and therefore the proposals meet this requirement.
- 7.12 In terms of car parking the standards seek that all tenures have at least 1 space within the curtilage of each house and that private houses with 3 or more bedrooms should have at least 2 spaces and for houses with 4 or more bedrooms, there should be at least 3 spaces. In this instance, these requirements are fully satisfied.
- 7.13 In relation to privacy standards, there should be a minimum of 18 metres between the facing windows of habitable rooms. There are no issues in this regard.
- 7.14 The amenity/garden ground standards seek that on greenfield sites there should be an average private garden ground of 160m<sup>2</sup> per house with a minimum garden size of 120m<sup>2</sup>. In this instance, there are a variety of garden sizes being proposed. The garden grounds across the 25 houses proposed meet the 120 minimum requirement but fall short of the 160m<sup>2</sup> requirement at an average size of 151m<sup>2</sup>.
- 7.15 **The proposal therefore fails to satisfy all of the criteria in relation to Policy 9.**
- 7.16 **Policy 55: Accessibility of New Developments** - this Policy advises that all new development proposals that generate travel should be designed to be well served by all

modes of transport. In particular, the sustainable methods of walking, cycling and public transport should be afforded priority and allow walkable access to all amenities.

- 7.17 Development proposals will be required to incorporate facilities on-site and/or off-site for walking, cycling and public transport networks, including road/junction improvements and cycle parking. Developments without direct links to adjacent walking and cycling networks will not be supported.
- 7.18 In this instance, it is noted that the previous phases of development adjacent to the current application site provided for an additional access road serving the houses in this area which has improved the functionality of the road network. The scale of development being proposed with the current application is such that there is limited opportunity to achieve additional pedestrian permeability within the site. However, it is noted that the confines of the site and the submitted site plan in this regard, allows for the future development of through roads to further development opportunities rather than creating a closed development.
- 7.19 Although a footbridge was provided by previous phases of development, there are limited pedestrian links to important local routes such as to the nearby Craigowl Primary School which the potential future occupants of the development could make convenient use of.
- 7.20 However, taking into consideration the cumulative impact of the previous phases of development and the factors raised above regarding pedestrians linkages outwith the site, it is considered that a pedestrian route should be provided for from the edge of the current application or other nearby agreed location, to an area located uphill south of the site to allow for safe and convenient access to the Primary School. The exact route of such a pathway has not been identified and would therefore be the subject of a Section 75 legal obligation in relation to any approval of this application to agree the details such as location, design specification and implementation.
- 7.21 **It is therefore considered that the application is in accordance with the above Policy 55.**
- 7.22 **It is concluded from the foregoing that the proposal does not fully comply with the provisions of the development plan.**

## **OTHER MATERIAL CONSIDERATIONS**

### **A – VIEWS OF THE OBJECTORS**

- 7.23 The local school is over capacity and further dwellings will exacerbate this situation. Growth should be limited to any growth to the catchment area until the schools are big enough to cope with the number of children attending them.

Response - although the local primary school is slightly above capacity at present, approximately 20% of the current pupils are from outwith the catchment area. The proposed development is small in scale and likely to produce up to 9 pupils of primary school age. It is clear that there is adequate capacity within the catchment area of the school to accommodate these pupils. It is a matter for the Director of Education to manage the capacity of the school and to control the extent of placing requests from those outwith the catchment to ensure that the small number of additional pupils can be accommodated.

- 7.24 The local plan in place sets the land aside for housing but not until 2020.

- 7.25 If the application is granted, it will corrupt the strategic position in relation to the release of land for housing. Customers who might otherwise seek to purchase a house in the Western Gateway scheme and this development would detract from the success of this.
- 7.26 The infrastructure put in place to support the Western Gateway should be the priority
- 7.27 The house building rate of Betts is such that this development would have a negative impact upon the Western Gateway development.

Response – the matter of the early release of this land is discussed below in relation to the applicants supporting information

- 7.28 The land is a wildlife corridor and the proposals will have a significant affect on species diversity due to habitat destruction. It will also affect Baldragon wood which is a Nature Conservation Area.

Response – the site was assessed as part of the Dundee Local Development Plan process in bringing forward sites for allocation. The document “Development Sites Assessment October 2012” and the resulting Dundee Local Development Plan confirm that there are no environmental designations affecting the site and that there is a community wildlife and nature conservation site to the west of the site. There are therefore no concerns in this regard.

- 7.29 The local infrastructure is unable to support future development. Strathmartine Road is suffering from congestion.

Response - Strathmartine Road is the main route leading from this part of the city towards the city centre. The applicants provided an additional access road into the area with the previous phase of development which has now been opened for public use. It is therefore considered that there is sufficient infrastructure in order to adequately access the proposed development site and that the development of a relatively small number of houses (25) would not have a significant impact upon Strathmartine Road.

- 7.30 The land is prone to flooding.
- 7.31 The SUDS systems incorporated into the existing development are insufficient.
- 7.32 The problem of surface run off will increase with the addition of more hard surfacing.

The applicants have submitted detailed flooding and drainage information to support the application which the City Engineers have considered in detail.

The drainage proposals submitted to accompany the application are considered to be acceptable in principle. A condition shall be attached to ensure that the details are agreed prior to the commencement of any work on site.

In terms of overland surface water flow it is likely to be impacted upon by the proposed development creating flow paths to St Martin Crescent. The installation of methods such as cut off drains to channel the water into the drainage system should be sufficient to ensure that the proposed dwellings do not exacerbate this issue. A condition will be attached to any grant of planning permission to ensure that details of such measures are agreed prior to the commencement of any development on site.



**SUPPORTING JUSTIFICATION**

7.33 The applicant has submitted a document in support of the application which raises the following in support of the principle of the application:

- 1 In the examination of the Proposed Dundee Local Development Plan, it was noted that there should be flexibility in the timing of the delivery of the Western Gateway development.
- 2 In addition, the Reporter noted that any early greenfield release would be an opportunity to secure build rates that do not impinge on spatial strategy or the key principles of the proposed plan.
- 3 The scale of the proposed development will provide short term choice in the north of the city and will not corrupt the overall strategic allocation.
- 4 The site is well related to an existing development.

Response - the determining issue for this application relates to whether there are sufficient material considerations to justify a departure to policy. It is considered that this development can be justified for the following reasons:

The approach set out in Policy 8: Housing Land Release of the DLDP is predicated on delivering the Western Gateway and the timing of any early land release must be given careful consideration to ensure that it does not undermine the housing strategy of the DLDP.

Progress is being made on delivering housing at the Western Gateway with a house builder (Springfield) now bringing forward proposals for the area. A PAN has been submitted and a planning application for the first phase of development is expected in March 2014. Whilst good progress is being made it will take some time to determine the application and commence development. In the intervening period it is important to ensure that an appropriate supply of sites on greenfield land is provided across the city. The Scottish Government Reporter's decision on the Development Plan acknowledged that there was scope for limited release of greenfield land in addition to the Western Gateway during the first 5 year period and allocated 26 units at Strathyre Avenue in the east of the city. It is considered that as the Western Gateway will take up to a year before houses will be available there is scope to bring forward a limited allowance of the greenfield land allocation identified at Baldragon Farm to maintain a supply of houses being built on greenfield sites in the west of the city. The site at Baldragon is similar to that at Strathyre Avenue as it will modestly extend an existing housing site. The applicants have advised that building will commence on receipt of planning permission. It is considered that this will allow the supply of new housing to be maintained in the period up to when the Western Gateway sites commence delivery of new housing. It is considered that as the numbers are limited to 25 units then this would not undermine the delivery of the Western Gateway proposals.

The applicants have also submitted the following in support of the application in relation to the shortfall in garden sizes in relation to the Dundee Local Development Plan:

- 1 The application was submitted under the terms of the Dundee Local Plan Review 2005, requiring an average useable garden ground of 150m<sup>2</sup> per dwelling. The difference between the provided average size of 151m<sup>2</sup> per dwelling is slight and as such will not have a detrimental effect on the future status of the 160m<sup>2</sup> requirement.

Response - the fact that the application was submitted prior to the adoption of the Dundee Local Development Plan is not considered to be a deciding factor in whether the usual

garden sizes are provided since it is considered that the applicants would have been well aware of the fact a new plan would be imminent.

However, a review of the submitted plans and associated garden sizes for the various styles of properties being proposed indicates that there is a wide range of garden size being proposed in this development; ranging from relatively small sizes of 123m<sup>2</sup> to a larger size of 237m<sup>2</sup>. It is considered that the range of garden sizes are such that they are relative to the house types being proposed and in this case the overall quality of the development is not prejudiced.

- 7.34 It is considered that this material consideration weighs in favour of support of the application.
- 7.35 **It is concluded from the foregoing that the material considerations support the approval of planning permission**

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## **8 CONCLUSION**

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- 8.1 The proposal fails to fully comply with the Development Plan but there are material considerations to justify the approval of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

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## **9 RECOMMENDATION**

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### **Recommendation 1**

- 9.1 This planning permission shall not be issued unless and until an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 as amended between the Council and all parties with appropriate interests in the land has been recorded. This agreement will relate to:
- 9.2 The provision of an off-site footpath to allow for safe and convenient pedestrian linkages between the new development and the nearby primary school facilities. The footpath shall be completed and available for use prior to the first occupation of any of the houses hereby approved.

### **Recommendation 2**

- 9.3 It is recommended that consent be GRANTED subject to the following conditions:
- 1 Prior to the commencement of development, full details 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.
  - 2 Development shall not begin until a Preliminary Risk Assessment is completed and, if required, an Intrusive Investigation and a scheme to deal with contamination at the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of proposals to deal with contamination to include:
    - i assessment of the risks associated with contaminant sources, pathways and receptors specific to the proposed use of the site, and if necessary;

- ii a remediation Implementation Plan detailing measures to treat/remove contamination and mitigate risks to ensure the site is fit for the proposed use;
  - iii measures to deal with contamination during construction works; and
  - iv verification sampling, testing, certification and monitoring of the site to demonstrate suitability for the proposed use on completion of remediation measures.
- 3 Before any unit is occupied the measures to decontaminate the site, if necessary, shall be fully verified and approved in writing by the planning authority.
  - 4 Prior to the commencement of any development, full details of proposals to intercept and deal with overland surface water flow from neighbouring undeveloped land shall be submitted to the Council for approval in writing. The agreed measures shall be in place and fully operational prior to the first occupation of any dwellings hereby approved.
  - 5 Prior to the commencement of development on site, full details for the drainage proposals must be submitted to the Council for approval in writing. Thereafter, the scheme shall be implemented in full accordance with the agreed details.
  - 6 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant, agreed by the Council's Archaeological Advisor and approved by the Planning Authority.

## **REASONS**

- 1 To ensure a satisfactory standard of appearance of the development.
- 2 To ensure the site is fit for the use proposed.
- 3 To ensure the site is fit for the use proposed.
- 4 To ensure flood risk to existing properties is not increased.
- 5 In order to ensure the site is adequately drained.
- 6 In order to ensure the appropriate treatment of any archaeological remains that have the potential to be impacted upon by the development.