

**ANGUS COUNCIL**

**18 DECEMBER 2014**

**PLANNING APPLICATION - FIELD 200M SOUTH EAST VICTORIA STREET MONIFIETH**

**GRID REF: 348976 : 733318**

**REPORT BY HEAD OF PLANNING AND PLACE**

**Abstract:**

This report deals with planning application 13/01184/PPPM for a Proposed Residential Development comprising 350-400 dwellings on land South East of Victoria Street, Monifieth for Taylor Wimpey. The application is recommended for conditional approval, subject to a Section 75 Planning Obligation.

**1. RECOMMENDATION**

It is recommended that this application be approved for the reasons and subject to the conditions and Planning Obligation detailed at Section 10 of this report.

**2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/ CORPORATE PLAN**

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our communities are developed in a sustainable manner
- Our natural and built environment is protected and enjoyed

**3. INTRODUCTION**

3.1 Planning permission in principle is sought for a residential development, which the supporting statement advises would comprise of 350-400 dwellings. It is identified that the total number of dwellings would be finalised through further design work.

3.2 The application site is located to the north of Monifieth. It measures some 16.3 hectares and predominantly comprises agricultural land, with a gently rolling landscape characteristic with notable landscape features in the form of a treed knoll and occasional trees. The site is bound to the north by Victoria Street and the A92, with Ethiebeaton Park - a retail, leisure, hotel and restaurant development - located immediately beyond to the north. Land to the east beyond Victoria Road comprises of agricultural land (part of which is the application site for 14/00233/PPPM), the former Ashludie Hospital and modern housing. Further dwellings in modern housing developments are located to the south, and west of the application site.

3.3 The development framework indicates possible vehicular access points from Victoria Street - one access on each of the northern and eastern parts of the road. Pathways are shown throughout the site including indication of where non-vehicular access would connect to the existing path networks, which are indicated on all boundaries of the site. At a block level a predominantly northeast to southwest housing layout, retention of important landscape features and opportunities for open space and landscaping as part of a green network are indicated.

- 3.4 The proposal has been advertised in the press as required by legislation. The application has not been subject of variation.
- 3.5 This application requires to be determined by Angus Council because it is a 'Major' development, as defined in Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and as there are potentially competing planning applications that are significantly contrary to the development plan.
- 3.6 Should Angus Council be minded to approve the application, notification of this intention to the Scottish Ministers would be required given the outstanding objection from a neighbouring planning authority, Dundee City Council.

#### **4. RELEVANT PLANNING HISTORY**

The general area covered by this application site was identified as a possible development option in the Angus Local Development Plan Main Issues Report. It was indicated that this area was a reasonable alternative for development but not the preferred option. This was principally on the basis that the site was of limited scale and may not be capable of accommodating uses other than housing; the site provided fewer opportunities for accessing the land by active transport modes than the preferred option (land to the east of Victoria Street); and would not facilitate the re-use of listed buildings or the extension of existing green networks.

#### **5. APPLICANT'S CASE**

5.1 The applicant has submitted the following documents in support of the application:

- A Pre-Application Consultation (PAC) Report;
- Planning Policy Statement;
- Masterplan Report;
- Transport Assessment;
- Archaeology Report;
- Ecological Assessment;
- Report on Road Traffic Noise;
- Economic Impact Report;
- Tree Survey and Arboricultural Constraints;
- Drainage Assessment;
- Flood Risk Assessment; and
- Phase 1 Geotechnical and Geoenvironmental Report.

5.2 That information can be viewed on the Council's Public Access website but a summary is provided at Appendix 2.

#### **6. CONSULTATIONS**

6.1 **Community Council** - Monifieth Community Council note that there are mixed views within the community as to the desirability of development in this area. There is however a clear view that the former Ashludie Hospital brownfield site should be developed first, in accordance with TAYplan strategy, as a priority. The view of the community is that the expansion of Monifieth should be gradual and proportionate. The views of the Dundee Civic Trust were noted.

6.2 **Angus Council - Roads** - The proposal was considered in terms of likely traffic and its impact on the local road network, having regard to the Transport Assessment submitted. No objection to the planning application is raised, subject to the implementation of planning conditions to cover: visibility splays; car parking; garage layouts; provision of bus layby, alteration to speed limit on Victoria Street; provision of a cycle track; and specification of roads, lighting and roads drainage. The concerns raised by Dundee City Council in relation to the A92 Claypotts junction are noted. Whilst the development would result in additional traffic at that junction, the supporting information indicates that such increase would be below 5% upon completion of the development. Traffic volume increase below 5% is generally not regarded as significant and on this basis further

analysis of the junction at Claypotts is not considered necessary or appropriate.

- 6.3 **Scottish Water** - There was no response from this consultee at the time of report preparation.
- 6.4 **Angus Council Environmental Health** - Confirms no objection to the proposal. The submitted Air Quality Assessment has been considered, and it is agreed that levels will not be unacceptable. In respect of noise it is accepted that the exact design of the scheme has not been set, and therefore full noise assessment has not been possible. A condition is therefore requested to ensure a noise impact assessment is carried out as part of any subsequent application in order to consider the impact of road traffic noise.
- 6.5 **Angus Council - Housing Service** - In terms of the provisions of Policy SC9 in the Angus Local Plan Review, the current affordable housing provision required would be 40%. It is advised that they would seek to increase the availability of social rented housing and that affordable housing may comprise of 2-3 bed properties. Delivery of social rented housing could be in partnership with a Registered Social Landlord but alternatives would be considered, including a combination of serviced plots and commuted payments.
- 6.6 **Angus Council - Flood Prevention** - Has not raised an objection to the planning application. The proposal has been considered in the context of Sustainable Urban Drainage Systems (SUDS) and flood risk and it is noted that: the submitted flood risk assessment demonstrates that the site will not be at risk from a 1:200 year event and the drainage assessment is appropriate at this stage. Further information would be needed for drainage as part of any subsequent application.
- 6.7 **Angus Council - Education Service** - Has indicated that primary and secondary schools in the area would require to be extended to accommodate the anticipated number of children from this and other planned development in the area. On this basis the Education Service has indicated that a contribution of £11,000 per dwelling is required in order to mitigate the impact of the development on primary and secondary school infrastructure.
- 6.8 **Angus Council - Transport Section** - Raise no objection to the proposal, subject to securing provision of a bus shelter to the west of Victoria Street - with associated real time information display, bus stop pole and raised kerbs. These matters could be dealt with by planning condition.
- 6.9 **Angus Council - Parks and Burial Grounds** - Notes that ALPR Policy SC33 standards in relation to open space provision of 2.43 hectares per 1000 head of population would apply. This should be achieved and satisfactorily designed in any subsequent application.
- 6.10 **Scottish Natural Heritage** - Has no objection to the proposal. It is confirmed that the proposal would have no significant impact on sites or species within its remit. SNH refers to comment provided in relation to the Angus Local Development Plan Main Issues Report in relation to landscape impacts associated with the proposed development options. In relation to this site SNH indicated the western section has development potential and that there is scope to reduce impact on the setting of Monifieth and an opportunity to improve the settlement edge towards the A92 corridor.
- 6.11 **Dundee City Council** - Objects to the planning application. It is suggested that the proposed development of 350-400 houses is not in accordance with the spatial strategy and policies of TAYplan, has the potential to impact on the housing strategy of the Dundee Local Development Plan 2014 and raises issues in respect of the Angus Local Plan Review. The current application is considered to be premature and its development should be considered through the Angus LDP process. It is also considered that the development is likely to have an impact on the Claypotts junction in Dundee and therefore consideration should be given to sustainable transport and possible improvements to this junction. The possible combination of this proposal with others in the area could pose further cumulative impacts on these matters.
- 6.12 **Aberdeenshire Council Archaeology Service** - Raise no objection to the proposal subject to a suspensive planning condition requiring a programme of archaeological works.

- 6.13 **Transport Scotland** - Does not advise against the granting of planning permission.
- 6.14 **Community Council** - Murroes and Wellbank Community Council was not consulted but did provide comment and objected to the application. It was noted that there is a need for housing in the area but concern was raised regarding the cumulative impacts on the community, such as infrastructure, traffic and capacity at Monifieth High School.

## 7. REPRESENTATIONS

Fifteen (15) letters of representation were received. The letters of representation will be circulated to Members of Angus Council and a copy will be available to view in the local library or on the council's Public Access website. The main points of concern were as follows:

- Contrary to Development Plan
- Unacceptable Landscape/Visual Impact
- Increase/ Existing Traffic Congestion
- Adverse impact on amenity of neighbouring property
- Inadequate Parking Provision
- Road Traffic/ Pedestrian Safety/ Danger to School Children
- Detrimentially Affects Wildlife
- Noise Disturbance
- Adverse Impact on Property Values/ Loss of View
- Unacceptable Impact on Trees
- Over-development of Site/ Inappropriate Density
- Surface Water Drainage Concerns
- Development Not Required/ Number of Houses Unacceptable
- Better Alternative Site Available
- Schools at capacity/ cost of school expansions
- Inadequate Service Provision/ GP surgery at capacity
- Inadequate parking in town centre
- Lack of recreational/sporting facilities
- Loss of productive farmland

## 8. PLANNING CONSIDERATIONS

8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

8.2 In this case the development plan comprises:-

- TAYplan (Approved 2012)
- Angus Local Plan Review (Adopted 2009)

8.3 The following development plan policies are relevant to the determination of the application and are reproduced at Appendix 5 of Report 507/14: -

TAYplan: Policies 1, 2, 3, 5 and 8

Angus Local Plan Review (ALPR): Policies S1, S2, S3, S4, S6, SC1, SC3, SC6, SC9, SC33, SC41, ER4, ER5, ER7, ER16, ER19, ER22, ER24, ER28, ER30, ER38 and Imp1

8.4 Angus Council is progressing with preparation of a Local Development Plan to provide up to date Development Plan coverage for Angus. When adopted, the Angus Local Development Plan (ALDP) will replace the current adopted Angus Local Plan Review (ALPR). The Draft Proposed Angus Local Development Plan was considered by Angus Council at its meeting on 11 December with a view to it being approved and published as the Proposed ALDP for a statutory period for representations. The Draft Proposed ALDP sets out policies and proposals for the 2016-2026

period consistent with the strategic framework provided by the approved TAYplan SDP (June 2012) and Scottish Planning Policy (SPP) published in June 2014. This Report has been prepared in advance of the Angus Council meeting on 11 December and the outcome of consideration of the Proposed Angus LDP will be updated verbally at Committee. The Proposed ALDP, as approved by Angus Council, will be subject to a 9 week period for representation commencing in February 2015. Any unresolved representations received during this statutory consultation period are likely to be considered at an Examination by an independent Reporter appointed by Scottish Ministers. The Council must accept the conclusions and recommendations of the Reporter before proceeding to adopt the plan. Only in exceptional circumstances can the Council choose not to do this. The Proposed ALDP represents Angus Council's settled view in relation to the appropriate use of land within the Council area. As such, it will be a material consideration in the determination of planning applications. The Proposed ALDP is, however, at a stage in the statutory process of preparation where it may be subject to further modification. Limited weight can therefore currently be attached to its contents. This may change following the period of representation when the level and significance of any objection to policies and proposals of the plan will be known.

- 8.5 TAYplan Policy 1 provides locational priorities in relation to all new development. It states that the majority of new development should be focussed on the region's principal settlements and advocates a sequential approach to land release. In the first instance it promotes development within principal settlements, followed by land on the edge of those settlements, and finally the expansion of non-principal settlements. Monifieth is a Tier 1 settlement, forming part of the Dundee Core Area and this site is located outwith but directly adjacent to the development boundary for Monifieth as defined by the ALPR. The site is not allocated for development and in terms of the ALPR it is identified as countryside. The countryside housing policies that deal with this area do not provide for large-scale housing development: they generally only allow for individual new houses on greenfield sites. On this basis the proposal is contrary to the housing policies in the ALPR that deal with this area.
- 8.6 However, Policy S1(c) of the ALPR is relevant to the consideration of applications that are outwith but adjacent to a development boundary. That policy indicates that proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental consideration confirm there is an overriding need for the development which cannot be met within the development boundary.
- 8.7 TAYplan Policy 5 deals specifically with housing proposals. It indicates, amongst other things, that a minimum of 5 years effective housing land supply should be available at all times within each Housing Market Area (HMA). Report 507/14 identifies that there is currently a shortfall in the 5-year effective housing land supply within the South Angus HMA. That shortfall amounts to some 285 units and at that level, is considered significant. The South Angus HMA is an area where the need for affordable housing is high. A shortfall in effective housing land can delay delivery of much needed housing which is undesirable from a social and economic perspective.
- 8.8 The Angus Housing Land Audit 2014 does not identify any effective housing sites within the South Angus HMA where there is scope to increase phasing of output in order to address the 5-year shortfall. Whilst a site at Strathmartine Hospital is identified (from an urban capacity study) to have potential to accommodate in the region of 200 units, the ALPR currently limits development of the site to a maximum of 40 units. The Housing Land Audit identifies that site as being constrained and it is not regarded as being effective. A planning application has been submitted for large-scale housing development at that site but concern remains regarding its potential effectiveness, not least due to the likelihood of high development costs. In addition development of that scale at the site gives rise to issues in terms of compatibility with development plan policy. A Proposal of Application Notice has been submitted in relation to Ashludie Hospital. It indicates that a planning application is to be submitted for a redevelopment of the hospital estate to provide large-scale housing development. That site is within the development boundary of Monifieth and would attract some support from relevant development plan policy. However, on the basis of available information, that site would not in itself address the identified shortfall in effective housing land and there is currently insufficient information to assess the effectiveness of that site. There are no other sites within development boundaries in the South Angus HMA that can be considered capable of addressing the current shortfall in the 5-year effective housing land supply.

- 8.9 In these circumstances there is considered to be a proven public interest to allow development on a site outwith but adjacent to a development boundary. This site is on the edge of a principal settlement and has potential to contribute towards addressing that shortfall and its suitability in relation to relevant development plan policy and other material considerations is discussed below.

### **Access and Transport**

- 8.10 Amongst other things, the development plan framework seeks to reduce the need to travel and improve accessibility by sustainable transport modes. It is noted from the submitted Transport Assessment that the site is located adjacent to the existing local bus services that operate frequently along Victoria Street and that the development could utilise these services. Necessary infrastructure to support this could be required by planning condition. In terms of providing or enhancing paths for walking and cycling, it is considered that the indicative plans show potential for good linkages to connect with the existing network of paths in the area. The site has reasonable pedestrian accessibility to nearby shops and services and there are established footpath links in the area to primary and secondary schools and there is a cycle track that runs from the northern boundary of the site to Monifieth High School. Accessibility within the site and potential for linkages with the wider area could properly be considered in conjunction with a subsequent application for approval of the detailed layout of the site. In terms of integration with the local road network, the Transport Assessment advises that the impact arising from the proposed development is acceptable without any direct mitigation required. The Roads Service has considered potential impact on the local road network and, notwithstanding issues raised by third parties regarding pedestrian and road traffic safety, has indicated no objection subject to several matters being addressed through planning conditions. In terms of wider road network capacity, the possible impact of the proposal was also considered in respect of the adjacent A92, which is accessed directly off Victoria Street. Transport Scotland was consulted and has confirmed no objection to the planning application in relation to potential impacts at the junction of the A92 with the trunk road at the Scott Fyffe roundabout. It is noted that Dundee City Council has raised concern regarding possible impact of additional traffic on the Claypotts junction. Dundee City Council has indicated that this impact would need to be given careful consideration and measures would be required to resolve any detrimental impacts. However, the Roads Service has indicated that submitted information suggests additional traffic levels in that area are likely to increase by less than 5% upon completion of the development. Traffic volume increase below 5% is generally not regarded as significant and on this basis the Roads Service indicates that further analysis of the junction at Claypotts is not considered necessary or appropriate. Notwithstanding that, the applicant's Transport Assessment indicates that a 'Residential Travel Plan and Pack' would be provided in order to influence travel behaviour and increase use of sustainable transport. A travel plan could be secured by planning condition. Overall the site is considered to provide good accessibility and is reasonably well located in relation to nearby shops and services.

### **Flood Risk/Drainage**

- 8.11 The applicant advises in the supporting information that it is proposed to connect the houses to the public sewer for foul drainage and to connect to the public water supply. This is considered to be appropriate in this location, given the proximity to the development boundary and availability of services in this regard. Scottish Water has not offered any objection to this approach but this would be without prejudice for the requirement of the developer to obtain the necessary permissions from them for these connections. In respect of flood risk and surface water drainage, the Council's Roads Service does not raise any objections. The Flood Risk Assessment demonstrates that the site is not at risk from flooding. The Drainage Assessment identifies an acceptable surface water drainage strategy although the final design for the Sustainable Urban Drainage System (SUDS) would require approval as part of any subsequent application for the detail of the development. The proposal does not give rise to any significant issues in terms of water or drainage infrastructure.

### **Education**

- 8.12 Policy 8 in TAYplan seeks to mitigate any adverse impacts on infrastructure, services and amenities brought about by development, including impacts on schools. Policy Imp1 in ALPR has

similar objectives. In addition Policy 2 in TAYplan seeks to deliver better quality places by amongst other things, ensuring that new development is integrated with existing community infrastructure. In this respect the site is reasonably well located in relation to primary schools at Seaview and Grange and, as indicated above, there is a cycle path that runs from the northern boundary of the site to Monifieth High School. However, the Education Service has indicated that both Primary Schools and Monifieth High School are close to capacity and that the proposed development would increase the school roll to a point where mitigation would be required. It is also indicated that Grange Primary School could be difficult to extend and therefore a review of catchments may be required having regard to housing development that is likely to come forward in the area. Notwithstanding any such review, it is indicated that extension to primary school accommodation is likely to be required. In addition an extension to Monifieth High School would also be required. On this basis a contribution of £11,000 per dwelling would be required in order to mitigate the impact of the development on education infrastructure. Such contribution could be secured by a planning obligation and would be used to increase primary and secondary school capacity in order to accommodate children that can reasonably be expected from the development. On this basis it is considered that impacts on education infrastructure could be mitigated.

### **Built Heritage and Archaeology**

- 8.13 The development plan framework seeks to safeguard built heritage interests, including archaeological sites. The application was supported by an Archaeology Report. The report notes potential for some sub-surface archaeological remains and on this basis recommends a programme of mitigation including physical site evaluation. The Council's archaeological advisor agrees with the report's conclusions and does not object to the application subject to a planning condition requiring a programme of archaeological works. In relation to other built heritage interests, there are listed buildings to the east at Ashludie Hospital and to the southwest at South Grange Farm. The proposed development would have no direct impact on listed buildings at either location and the impact on the setting of the buildings at Ashludie Hospital would not be significant. The building at South Grange Farm comprises a former horse mill and it is listed Category C. The building has some relationship with the remaining agricultural land to the east but the farm complex has been converted to a nursing home. The development of the site for housing would have some impact on the setting of the listed building but such impact is not significant and could be mitigated through the detailed layout of the proposed housing development.

### **Natural Heritage**

- 8.14 Policies of the development plan framework seek to safeguard the natural environment and protect habitats of importance. The applicant has submitted an Ecological Assessment providing an analysis on this matter. The site is not designated for its nature or biodiversity value and no significant impact on biodiversity is anticipated and indeed some enhancement is achievable. The site is predominantly productive agricultural land which limits its biodiversity value and there are no significant concerns in relation to natural heritage interests.

### **Agricultural Land**

- 8.15 Policy 3 in TAYplan seeks to ensure that prime agricultural land is protected from development that does not outweigh its productive value. Policy ER30 of the ALPR requires consideration of prime agricultural land. Proposals for development that would result in the loss of prime land and/or have a detrimental effect on that viability of farming units will only normally be permitted where the land is allocated by the local plan or is considered essential for implementing the Local Plan strategy. Land capability for agriculture data identifies the application site comprises approximately one third Class 3.2 land (to the west of the site) and two thirds Class 3.1 (the central and eastern portions). Class 3.1 land is prime agricultural land and approximately 11 hectares would be lost if the site was developed. There is no evidence that the proposal would result in a farming unit becoming unviable. As the proposal involves housing development to address an identified shortfall in the effective housing land supply it is considered that the benefit of development could, in this case outweigh the loss of productive land.

## **Design Quality and Amenity**

- 8.16 This application is for planning permission in principle only and detailed matters regarding the layout of the site and the position and design of buildings, open spaces and roads etc would require the submission of a further application for approval of those matters. The concerns expressed in representations about amenity impacts, such as overlooking, overshadowing and ongoing noise, are noted. However, this is a large site and issues regarding those matters could be appropriately addressed in a subsequent application for details relating to layout and design. At this stage there is no reason to consider that a housing development could not be provided on this site in a manner that would not result in unacceptable impacts on the amenity of occupants of nearby property. Similarly there is no reason to consider that the site could not be developed in a manner that would provide a good quality development and again detail regarding this matter could be addressed in a subsequent application for approval of detailed matters. The site also has potential to provide a good quality residential environment for occupants of new homes. The site is close to the A92 and the Environmental Health Service has indicated that a noise impact assessment addressing issues in relation to road traffic noise should be required to support a subsequent application for the detailed layout and position/design of houses. Whilst some concerns have been raised about impact on amenity during construction, such impacts would be temporary and typical of noise associated with development being undertaken in urban areas and would not be a barrier to granting permission. It is confirmed that no objection has been raised by Environmental Health in regards to this matter.
- 8.17 Policy SC33 of the ALPR requires development proposals to provide open space and make provision for its long term maintenance in accordance with the National Playing Field Association standard of 2.43 hectares of open space per 1000 head of population. This equates to an area of approximately 24,300 square metres (2.43 hectares) for this development, on the basis of a maximum number of 400 dwellings. Again, whilst the submitted development framework and residential masterplan are indicative only at this stage, it appears that this level of provision could be provided within the application site. The overall layout of the site, including the amount, type and distribution of open space could be considered in a subsequent application for approval of detailed matters. Similarly it is considered that the indicative landscaping strategy and design is generally appropriate for the site. The submitted Tree Survey and Arboricultural assessment notes that most trees can or have the potential to be retained, however, the loss of some trees as a result of disease or because they are unsuitable for retention in the development is inevitable. The overall landscape strategy could be the subject of further consideration as part of any subsequent application(s) for approval of matters specified in conditions.

## **Affordable Housing**

- 8.18 Policy SC9 of the ALPR addresses affordable housing and sets out the requirements for a 40% contribution in South Angus to be provided on site in the form of social rented and/or Low Cost Home Ownership housing. TAYplan Policies 5 and 8 and Policy Imp1 in ALPR are also of relevance. The Housing Service has been consulted on this matter and has confirmed that the composition of the affordable housing could comprise social rented housing, particularly 2-3 bed properties, serviced plots or the payment of commuted sums. Notwithstanding the 40% requirement identified in the ALPR, it is relevant to note that Scottish Planning Policy states that the level of affordable housing required as a contribution within a market site should generally be no more than 25% of the total number of houses. It is also relevant to note that Policy TC3 of the Proposed Angus Local Development Plan indicates that a 25% contribution towards affordable housing will be applied to all housing market areas. In these circumstances it is considered that a 25% contribution in respect of affordable housing would be appropriate if permission was to be granted. Such provision could be secured by means of a planning condition.

## **Landscape and Visual Impact**

- 8.19 The development plan framework seeks to minimise adverse landscape impacts and to locate development where it is capable of being absorbed in the landscape. In that respect the proposed application site is enclosed by built development to the south and west and to the north by the A92 and associated landscaping, including a landscape bund that separates western extent of the application site from the roadway. To the east the application site is bound by the carriageway of

Victoria Street. The nature of the surrounding development and the landform of the application site are such that it is reasonably well screened from surrounding public areas although the eastern section is open to view from Victoria Street and at distance from the A92. In response to consultation on the Angus Local Development Plan Main Issues Report, SNH suggested that development of the western section of this general area was possible and that there was potential to improve the prominent intrusive settlement edge and impacts of the adjacent A92 corridor. The western section of the site is considered to be of low landscape sensitivity and value. Whilst the eastern section is more prominent and open to view, it is generally seen in the context of the existing northern edge of the town and the site is well contained by existing features. Overall, the site is considered to be capable of accommodating a large-scale housing development without giving rise to unacceptable landscape or visual impacts. Visual impacts associated with the development could be mitigated with the provision of appropriate landscaping, particularly in the vicinity of Victoria Street and this could enhance the approach to the town from the A92.

### **Other Material Considerations**

- 8.20 The general area covered by this application site was identified as a possible development option in the Angus Local Development Plan Main Issues Report although it was not the preferred option for reasons outlined above. That document was for consultation purposes only and in that respect is of limited weight as a material consideration. However, through that consultation process concern was identified regarding the landscape and visual impact associated with extension of Monifieth onto agricultural land to the north of Ashludie Hospital which formed part of the preferred option. Less concern was identified regarding development to the west of Victoria Street. On this basis the land to the west of Victoria Street, comprising the current planning application site has been allocated for housing development in the Draft Proposed ALDP; Policy Mf2 refers. That policy allocates the land for a residential development of around 350 dwellings, with a first phase of around 200 dwellings in the period to 2021, and a further phase of around 150 dwellings permitted in the period to 2026. The Proposed ALDP is, however, at a stage in the statutory process of preparation where it may be subject to further modification. Limited weight can therefore currently be attached to its contents.
- 8.21 There are other planning applications that propose large-scale housing development at Strathmartine Hospital, Victoria Street Monifieth and Pitskelly Farm Carnoustie. Each site is located within the South Angus HMA and would have potential to contribute towards addressing the shortage in the effective housing land supply. However, each is contrary to aspects of the development plan. The Strathmartine Hospital site could assist in the regeneration of a listed building but it is not a principal settlement as defined by TAYplan. Whilst it is close to the edge of Dundee it is separated by agricultural land and a distance in the region of 400 metres and it is not well located in relation to nearby services. It is a location where residents would need to travel to meet the vast majority of daily needs and a significant portion of those journeys are likely to be made by car given the nature of linkages with the surrounding area. Information submitted with the application suggests that the financial viability of the scheme is at best marginal and therefore the sites effectiveness is questionable. The site to the east of Victoria Street is generally well located in relation to nearby services and occupies a location on the edge of a principal settlement. Notwithstanding this, development in that area would give rise to significant adverse landscape and visual impacts. It would establish a long-term direction of growth for the settlement and it is considered that any decision to extend into this area would more appropriately be taken through the development plan-making process. The site at Pitskelly Farm is linked to the delivery of additional employment land. That site is separated from the edge of the Carnoustie by a cemetery and agricultural land and a physical gap would be created between the existing built-up area and the proposed development. An alternative site is allocated in the current local plan for employment land and planning permission has recently been granted by Scottish Ministers for development of that area. The Council's Economic Development Service has indicated that there is only likely to be a need for one employment site. In addition development in that area would give rise to significant adverse landscape and visual impacts. It would establish a long-term direction of growth for the settlement and it is considered that any decision to extend into this area would more appropriately be taken through the development plan-making process.
- 8.22 The objection from Dundee City Council in relation to land supply matters and conformity with development plan policy is noted. However, TAYplan makes specific allowance for housing land

provision in the South Angus HMA and requires that a minimum 5-years effective supply of land is available at all times. The Council's Housing Land Audit 2014 identifies that there is clear evidence of a shortfall in effective housing land within the South Angus HMA having regard to the average annual housing market build rates established by TAYplan. There are no sites within principal settlements in the South Angus HMA that can adequately address that shortfall. In these circumstances, a site on the edge of Monifieth, which forms part of a Tier 1 settlement, is compatible with the sequential approach to site selection required by TAYplan Policy 1. As additional land is required to address a shortfall in the effective housing land supply required by TAYplan, it is considered that an appropriately phased development would not prejudice delivery of a Strategic Development Area.

- 8.23 The applicant has indicated that pre-application consultation with communities identified concern regarding potential impact of the development on community infrastructure. A number of representations have raised concern regarding similar issues. In that respect the applicant has indicated a willingness to provide a financial contribution to off-set impact of the development on such facilities. Policy 8 of TAYplan and Policy Imp 1 of the ALPR indicate that developer contributions may be sought in order to mitigate adverse impact on infrastructure services and amenity brought about by development. In this case the proposal would provide a significant number of new homes and consequently would increase the population of the town. The anticipated level of population increase would put some additional pressure on existing community facilities. In these circumstances the offer of a financial contribution could be material to the determination of the planning application. Limited information has been provided regarding the proposed contribution and therefore little weight can be attached to this matter. Notwithstanding this, a requirement for an appropriate contribution, having regard to relevant policy, could be included in a planning obligation and be subject of further negotiation with the applicant.

### **Conclusion**

- 8.24 Planning legislation requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. In this case the proposal is to develop 16.3 hectares of land on the edge of a settlement for large-scale housing development. The proposal is not consistent with the local plan policies that deal with housing development in this area. However, Council policy indicates that proposals on sites contiguous with a development boundary will be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.
- 8.25 SPP and TAYplan indicate that planning authorities should ensure that there is at least a 5-year supply of effective housing land available at all times in each HMA. There is currently a shortage of effective housing land within the South Angus HMA and whilst housing land allocations will be made in the emerging Angus Local Development Plan to meet TAYplan requirements, that Plan is unlikely to be adopted until some time in 2016. This is a HMA where there is high demand for affordable housing and accordingly an area where a shortage of effective housing land is particularly undesirable. In this case there is a strong public interest to allow development that will ensure a 5-year supply of effective housing land in the South Angus HMA. Monifieth is part of the Dundee Core Area and this site is on the edge of that settlement. There are no housing sites within development boundaries in the South Angus HMA that are capable of addressing that shortfall in effective land supply. In this respect the proposal is consistent with the sequential approach for development established by Policy 1 of TAYplan. The site has reasonably good accessibility to nearby services and is on an established bus route. In landscape terms the site is well contained by existing landscape features and forms a natural extension to the built area of the town. It does not open up other areas where there could be pressure for further development. It would require development of an area of prime agricultural land but the benefit of providing land that is required to maintain an effective housing land supply is considered to outweigh the loss of productive land. Education impacts associated with the proposal can be mitigated and it does not give rise to any other significant issues in terms of other relevant policies of the development plan framework.
- 8.26 There are other planning applications that could also address the shortfall in the housing land

supply and account has been had for those applications in the assessment of this proposal. However, this application is considered to provide the most appropriate site to address the identified shortfall. The proposal is generally compatible with relevant policies of the development plan and there are no material considerations that justify refusal.

- 8.27 Should Angus Council be minded to approve the application, notification of this intention to the Scottish Ministers would be required given the outstanding objection from a neighbouring planning authority, Dundee City Council.

## **9. OTHER MATTERS**

### **HUMAN RIGHTS IMPLICATIONS**

The decision to grant permission/consent, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

### **EQUALITIES IMPLICATIONS**

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

## **10. CONCLUSION**

It is recommended that the application be Approved subject to conditions for the following reasons, and subject to the following condition(s):

### **Reason(s) for Approval:**

That the development would address an identified shortfall in the 5-year effective housing land supply in the South Angus Housing Market Area in a manner that is broadly compliant with development plan policy. Potential impacts associated with the development can be appropriately mitigated and there are no material planning considerations that justify refusal of the application.

### **Section 75 Planning Obligation**

Subject to conclusion and recording of a valid planning obligation (under Section 75 of the Act) amongst all relevant parties containing the following general terms along with such other or additional terms as may be considered necessary or expedient by the Head of Legal & Democratic Services in consultation with the Head of Planning & Place.

- That a financial contribution of £11,000 per house be provided towards the necessary cost of improving primary and secondary school infrastructure in Monifieth in order to ensure appropriate education capacity for the development.
- That a financial contribution, of a level to be negotiated between the applicant and the Head of Planning & Place, be provided towards the necessary cost of improving community facilities in Monifieth.

### **Conditions:**

1. That, plans and particulars of the matters listed below, shall be submitted for consideration by the planning authority. No work shall begin until the written approval of the authority has been given for the matters listed below and the development shall be carried out in

accordance with that approval. The matters are:

- a) the layout of the site, including the number of residential units to be provided (which shall not exceed 400 units), road layout, car parking, turning space, open space, landscaping and facilities for waste/recycle storage and collection. For the avoidance of doubt the indicative layout submitted with the application is not approved;
- b) a phasing plan for the entire development, including the timing and number of dwelling units to be released in each phase; details of the provision of infrastructure; road construction; provision of street lighting; open space areas; landscaping; drainage infrastructure; and the formation of the new pedestrian/cycle connections;
- c) the siting, design and external appearance of the dwellings;
- d) the existing and proposed ground levels and finished floor levels of houses relative to a fixed ordnance datum;
- e) the precise details of the means of accesses to the development, including visibility splays; a scheme for the alteration to the speed limit on Victoria Street; specification of all roads, lighting and road drainage car parking provision and garage layouts. The speed limit on Victoria Street shall be reduced to 30mph in accordance with details approved by Angus Council before development commences;
- f) the means of drainage for the development. For the avoidance of doubt the foul drainage from the development will be directed to the public sewage system and surface water shall be disposed of by Sustainable Urban Drainage System (SUDS). No development shall commence until evidence is provided to the planning authority to demonstrate that the public sewer has capacity to accommodate development of the entire site. All water retention/detention features shall be designed to minimise danger to the public and shall be fully landscaped and fenced where necessary to achieve this purpose;
- g) all boundary enclosures;
- h) the provision of open space, at a minimum of 2.43 hectares per 1000 head of population, including play equipment, and a scheme for its provision and ongoing maintenance in perpetuity;
- i) a legally binding scheme for the provision of 25% affordable housing or suitable alternative provision in accordance with Angus Council's Affordable Housing Implementation Guide or any subsequent policy or guidance that replaces it;
- j) a public access plan that provides full details of all proposed pedestrian and cycle paths within the site, linkages to the existing wider network and details of their long term maintenance. The plan shall have regard to the existing core path to the north of the site, or suitable alternative provision, remaining accessible to the public at all times, including during the construction period(s). The plan must also provide for the widening and conversion of the existing footway on the west side of Victoria Street to a cycle track prior to the occupation of the first dwellinghouse; and
- k) a public transport scheme that details provision for suitable bus layby, bus shelter (with real time display, bus stop pole and raised kerb(s)) on the west of Victoria Street.

*Reason: To ensure that the matters referred to are given full consideration and are acceptable to the planning authority.*

2. That any application for approval of Matters Specified in Condition 1 above shall be accompanied by the following:
  - a) A Masterplan for the entire application site which shall include: -
    - i) a Design and Access Statement in accordance with the requirements of Part 3 Regulation 13 (5) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013;
    - ii) an overall design concept for the layout of the site and dwellings within the site taking account of building orientation, building height, use of materials, and a palette of colours and textures to be used in the construction of dwellings;
    - iii) road access and construction of roads to the standards set by the Roads Authority having regard to Designing Streets;
    - iv) provision of access by pedestrian, cycle and public transport;
    - v) a strategy for the drainage of foul and surface water;

- vi) details of structure planting and landscaping within and around the site, including details of those trees to be retained and measures for their protection during development.
- b) A noise impact assessment; and
- c) A scheme for the provision of a Residential Travel Plan and Pack. Once approved the document shall be provided to the first occupants of each dwelling.

*Reason: In order to ensure that development within the site takes place in accordance with an overall design concept and to enable the planning authority to consider the matters detailed in Condition 1.*

- 3. No works shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the Aberdeenshire Council Archaeology Service or such other party as may be appropriate.

*Reason: To safeguard and record the archaeological potential of the area.*

**NOTE:** No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

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**APPENDIX 1 - LOCATION PLAN**

**APPENDIX 2 - SUMMARY OF THE APPLICANTS SUPPORTING INFORMATION**



## APPENDIX 2

### SUMMARY OF THE APPLICANTS SUPPORTING INFORMATION

- **Pre-Application Report (PAC):** Describes the consultation process undertaken by the applicant prior to submitting the application. The report explains that a community engagement event was held over an afternoon/evening in late September 2013 which was held in the locality of the application site. It details that this event was attended by a variety of stakeholders with a total of 160 people in attendance. The report lists the feedback provided by respondents, with concerns such as capacity for facilities, infrastructure and accesses being raised as well as comment about the development being required to have landscape, open space, blend with the local identity, have a range of homes, contribute towards improved community facilities and concerns over relationship with existing properties that would share a common boundary. The report provides responses to these issues and advises that the comments have been fed in to the application and design process.
- **Planning Policy Statement:** Notes that the planning policy context of the proposal is complicated and that there are some policy tensions. This statement concludes however that the proposed development that having regard to all material planning considerations that there are compelling reasons why planning permission should be granted. It states that there is a significant shortfall in effective housing land supply (in the South Angus Housing Market Area) and land is needed to address this; with the proposed site offering a more immediate response - with anticipated completions in 2015. The statement suggests the site's development would comply with TAYplan's spatial strategy and failing to allow the development would further exacerbate the land supply issue. It notes that there are no technical constraints to the proposal; it provides an opportunity for land being available for a park and ride and/or a recycling centre. For these reasons it is submitted that planning permission ought to be granted.
- **Masterplan Report:** As advised above, this document provides an assessment of the site's context and indicatively identifies a potential design solution. This is presented through a 'development framework' and a 'residential masterplan'. The matters considered in formulating the design include: site specific factors; a landscape appraisal; physical appraisal; opportunities; a development framework; a residential masterplan and; how the site can be delivered. The report summarises that the land of the application site is free from constraint and is well-placed locally and can be effectively delivered. The development framework sets a robust landscape structure and is supported by a masterplan of how this can be developed as a logical choice for Monifieth's next stage of expansion.
- **Transport Assessment:** Provides an assessment of transport based up to 380/400 dwellings and does not include other possible infrastructure or facilities. The baseline is established through the assessment of the current accessibility and transport provision for the application site - incorporating walking/pedestrian movement, cycle access, public transport, accident data and the public road network. It summarises that the site is well-situated and connected to the existing transport network, with the assessment going on to advise of the proposed development and its transport infrastructure. It is noted that two vehicular accesses from Victoria Street are proposed which allows easy onward connectivity and would allow form a suitable site layout in line with 'Designing Streets'; identifies wider accessibility with schools, shopping and entertainment being within 1600 metres from the site; new pedestrian/cyclist linkages to complement the existing network; being located adjacent to an established bus network with scope for new bus stops and; that appropriate parking provision can be provided. The statement submits further information to justify the acceptability of the development; noting trip generation figures - predicting that the site accessed and traffic impact of the proposed development are acceptable and identifies measures to influence travel behaviour - including the provision of a Residential Travel Plan and Pack. The report concludes that there are no transport related reasons why the development should not be supported.
- **Archaeology Report:** Articulates the findings of a desk-based assessment of the site's archaeological sensitivity and potential impact arising from the development on any archaeological resource. It concludes that the site is not a particularly sensitive area, prehistoric activity is known in the vicinity. There is no known development having taken place since the mid-eighteenth century but there is some potential for some sub-surface archaeological remains. Given this potential it is advised that a programme of mitigation works, which may include physical site evaluation, may be appropriate.

- **Ecological Assessment:** This report sets out the survey methods, survey findings, an assessment of the impact that would arise from the development and recommendations for planting and habitat creation. It finds that the site habitat is of negligible habitat value; no evidence of badgers was found, there is negligible bat roost potential and there is no habitat for otters, water voles or great-crested newts on or local to the site and; there are no designated sites within the site, with only the Firth of Tay & Eden Estuary SPA/SCA and the Barry Links SAC/SSSI being distant from the site with no record of the site supporting bird populations. The report notes that the impact of the development will result in the loss of some semi-natural habitat to housing, gardens, open space and tree planting. There will be minimal adverse impact on biodiversity through the loss of unexceptional habitat. Overall, it is predicted that there will be a neutral/positive biodiversity benefit as a consequence of habitat diversification delivered by the development.
- **Report on Road Traffic Noise:** Provides an assessment of the noise of traffic from the adjacent A92 and how this might disturb residents of the development. It is concluded that the road traffic levels are within the limits given in current planning guidance and there is no need to provide mitigation measures beyond the bund that already exists along the north-western boundary of the site, which should be left in place.
- **Economic Impact Report:** Seeks to identify the scale of potential economic benefits from the proposed development. The areas assessed are: full-time equivalent construction employment; employment supported by expenditure of residents; labour market effects; health and education employment; and support for existing and new community facilities. The report sets the socio-economic context for Monifieth and goes on to advise of 'headline economic impacts', noting that the development would equate to a full-time equivalent (FTE) of 61 construction jobs over a 12 year construction period; up to 590 people housed in the development would be in employment; the annual expenditure of the population is predicted at £8 million, with £1.7 million being spent in Monifieth (£3.5 million in the Dundee and Angus area), which could ultimately support 18 FTE jobs in Monifieth (and 40 in the wider area).
- **Tree Survey and Arboricultural Constraints:** Assesses all trees within the application site boundary, with the survey being undertaken in accordance with recognised standards. A total of 97 individual trees and three tree groups are present on the site, with majority of these (60) located on a woodland ground on the mound with a further notable groupings (29 trees) established around the South Grange Care Centre to the south west of the site. The remaining 8 trees are located on the periphery of the site or along internal field boundaries. To the south east the canopies of a large group of mature trees outwith the site overhang the site boundary. The survey notes that 5 of the 8 individual trees are unsuitable for retention in the development and should be removed and a further 3 at least made safe or removed. A sole tree is worthy of retention. The trees on the mound are noted of being of low retention value and require a significant amount of management to retain these as a woodland feature and tree loss is highly likely. The semi-mature planting to the south west are immature trees but would provide value in being retained.
- **Drainage Assessment:** Addresses the surface water drainage strategy, foul water drainage strategy, modelling of surface water run-off flows and an outline sustainable drainage (SUDS) system. The study identifies that the development would be drained using a two pipe system with separate foul and surface water pipes within the site. The surface water drainage strategy is to connect the majority of the site to a new SUDS based system with run-off from roads would be treated at source and, like other areas, discharging to a regional treatment basin or ponds at the low end of the site in the east end which will be designed to accept all flows. During construction additional measures will be applied to treat contamination/silt/run-off.
- **Flood Risk Assessment:** Provides an assessment on flood risk in accordance with Scottish Planning Policy (SPP) and relevant guidance. The study notes that the site is generally open in nature with a gentle undulation, with a fall from the western boundary. There are no open or culverted watercourses present on the site. It is identified that the site is outwith the envelope for fluvial flood risk. Overland, or pluvial flooding, may occur during intense rainfall and it may be necessary to install cut off drains along the southern boundary. There is no evidence to suggest the site is at risk of ground water flooding and there are no external sources of infrastructure nearby that would cause

such a flood risk. Recommendations are set out for the SUDS strategy, in harmony with the findings of the Drainage Assessment.

- Phase 1 Geotechnical and Geoenvironmental Report: Comprises of a desk based review of information and ground conditions to identify potential environmental or contamination that would pose significant environmental issues to constrain development. The study found potential for some onsite sources of potentially contaminating activities associated with agriculture and from a railway crossing the western extremity of the site but a walkover survey found there to be negligible impacts predicted. Offsite contamination risks are identified as being minimal.