

ANGUS COUNCIL

18 DECEMBER 2014

**PLANNING APPLICATION - FIELD 400M NORTH OF ASHLUDIE HOSPITAL VICTORIA STREET
MONIFIETH**

GRID REF: 349443 : 733518

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report deals with planning application 14/00233/PPPM for a Residential Development (of up to 300 dwellings), Burnside Parkland, Associated Infrastructure and Community Facilities on land North of Ashludie Hospital, Victoria Street, Monifieth for Barratt North Scotland. The application is recommended for refusal.

1. RECOMMENDATION

It is recommended that this application be refused for the reasons detailed in 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, including park land, associated infrastructure and community facilities. The supporting information advises that the residential element would comprise of 300 dwellings. No detailed information is provided in respect of the community facilities for which planning permission is sought.

3.2 The application site is located to the north of Monifieth. The site itself measures some 24 hectares and predominantly comprises agricultural land. The landscape is generally characterised by gently undulating landform to a shallow valley along the Monifieth Burn, which passes through the north west of the site through to the south east corner. The northern part of the site slopes upwards towards the A92 and to the south lies the development boundary of Monifieth, with the former Ashludie Hospital site to the immediate boundary with predominantly housing elsewhere. Land to the east comprises of agricultural land and to the west, beyond Victoria Street, is a further area of predominantly agricultural land (which is the application site for 13/01184/PPPM).

3.3 Permission in principle only is being sought through the application, however, supporting information in the form of a Design and Access Statement and Planning Policy Statement has been submitted alongside the application to assess the site, identifying opportunities and constraints, and illustrating a potential design solution. These documents discuss a wider study area, which is representative of total land under the control of Barratt Homes. However, it is

emphasised that only the application site boundary would be relevant for the purposes of determining this application. While the potential layouts to the site are purely indicative it does present a possible design approach through a development framework from which consideration of the proposal can be informed. The development framework indicates a possible vehicular access from Victoria Street as well as connection to Broomhill Drive. Also identified within the site are pathways, highlighting potential for new or enhances non-vehicular movement and how they could connect to the existing path networks, which are indicated beyond the site. At a block level areas are identified for development, which are located predominantly to the central, south west and south east areas of the site - which would broadly comprise of the 300 dwellings as well as noting opportunities for local shops and community related facilities. Little information on the make up or delivery of such facilities is provided at this time however, and it is indicated that this would be informed through further work as part of any subsequent fully designed proposal. The retention of important landscape features, such as the central shallow valley, and opportunities for open space and landscaping to the north are also proposed as part of a green network.

- 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, which is 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 preferred option for future development linked with redevelopment of Ashludie Hospital. This was principally on the basis that development in this area could allow for consideration of how the regeneration of Ashludie Hospital could and should be phased as part of a realistic and financially viable approach to new development; the area was large enough to accommodate a range of uses; extensive new paths and habitat networks could be introduced contributing to a green network; and it would allow listed buildings at Ashludie Hospital to continue in active use.

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;
- Transport Assessment;
- Written Scheme of Investigation (Archaeology);
- Preliminary Ecological Appraisal;
- Noise Impact Assessment;
- Air Quality Assessment;
- Tree Survey and Arboricultural Report;
- Drainage Impact Assessment;
- Flood Risk Assessment; and
- Geoenvironmental Desk Study 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. Health and education facilities are already under pressure and a significant population increase would have an adverse impact on services. An integrated approach, linking new development with a town centre strategy, would be beneficial.

- 6.2 **Angus Council - Roads** - The proposal was considered in terms of likely traffic and its impact on the local road network, considering 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** - No objection to the planning application.
- 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 the composition of the affordable housing could comprise of social rented housing, particularly 2-3 bed properties; serviced plots and commuted payments.
- 6.6 **Angus Council - Flood Prevention Authority** – Confirms no 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 demonstrates an appropriate strategic assessment has been undertaken and can be factored in to the design. Further clarification and details would be needed for drainage and proposed culverting 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** - Raises no objection to the proposal, subject to securing provision of a bus shelter on the east 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 Environment Protection Agency** - Indicates that planning conditions be attached and failure to do so would amount to an objection. These conditions relate to further assessment of flood risk as part of the detailed design stage and similarly requiring surface water drainage to be discharged to the water environment in accordance with the principles of the SUDS manual. In other matters, the de-culverting of the Monifieth Burn is welcomed. Comment is also given on waste management arrangements.
- 6.11 **Scottish Natural Heritage** - Raises no objection to the planning application. 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 that the extent of development to the northeast of Monifieth should be

limited to the redevelopment of Ashludie Hospital in order to avoid potentially significant landscape and visual impacts associated with an extension to the built area.

- 6.12 **Dundee City Council** - Objects to the planning application. It is suggested that the proposed development of 300 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.
- 6.13 **Aberdeenshire Council Archaeology Service** - Raise no objection to the proposal subject to a suspensive planning condition requiring a programme of archaeological works.
- 6.14 **Historic Scotland - Archaeology** - Does not object to the application. It is noted that the site encloses Ardownie Farm Cottages souterrains, which is a Scheduled Ancient Monument (SAM). Historic Scotland confirms that it is content with the written scheme of investigation for archaeological works and does not consider that the proposed development will have a significant impact on the site or the setting of the monument given the retention of the monument in open parkland. Protection of the monument can only be achieved through well considered design.
- 6.15 **Transport Scotland** - Does not advise against the granting of planning permission.

7. REPRESENTATIONS

Eleven (11) 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
- Insufficient Information
- Better Alternative Site Available
- Inadequate Parking Provision
- Over-development of Site/ Out of Character
- Undesirable Precedent
- Noise Disturbance
- Road Traffic/Pedestrian Safety
- Schools at capacity;
- GP surgery at capacity;
- Ability of power and sewer suppliers to cope;
- Inadequate parking in town centre;
- Lack of recreational/sporting facilities; and
- 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, ER18, 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 sites. 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 Monfieith 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. The site is well located in relation to Core Paths to the north (Paths 187 and 188 respectively). 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 Framework' 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 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 at this location, given the proximity of the proposal 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, it is noted that the Scottish Environment Protection Agency (SEPA) does not object to the application only on the basis that a condition requiring further assessment of flood risk and detailed surface drainage water proposals is attached to any permission granted. Similarly, it is noted that the Council's Roads Service does not raise any objections in respect of these matters on the basis that the Flood Risk Assessment indicates the site is not at risk from a 1 in 200 year flood event and that further details of a Sustainable Urban Drainage System (SUDS) would require subsequent approval. Notwithstanding this, the matters raised by SEPA would still require to be addressed. Both consultees welcome and would require further detail on the de-culverting of the Monifieth Burn and the site is not considered to 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. 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 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 a Written Scheme of Investigation for archaeology matters. The report notes the presence of a Scheduled Ancient Monument (SAM) - the prehistoric Ardownie Farm souterrains - within the application site and concludes that this site be protected and remain undeveloped and the remainder of the site be subject to further evaluation. Historic Scotland does not object to the application and confirms that it is content with the findings and mitigation of the written scheme. It is noted that the protection of the monument can only be achieved through well considered layout and design and those matters would require the submission of a further application for approval by the planning authority. Similarly, Aberdeenshire Council 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 south at Ashludie Hospital. The proposed development would have no direct impact on listed buildings. These building are located within sizeable landscaped policies and whilst the development of the site for housing would have some impact on the setting of the listed buildings 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 a Preliminary Ecological Appraisal 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 Class 3.1 which is prime agricultural land. Approximately 24 hectares of prime agricultural land would be lost if the site was developed. There is no evidence that the proposal would result in a farming unit becoming unviable. However, the site is not allocated for development in the Local Plan and the requirement for the development of this prime quality agricultural land in order to implement the Local Plan strategy or to deliver significant advantages that outweigh the loss of productive land is discussed below.

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 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. 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. 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 18,225 square metres (1.823 hectares) for this development, on the basis of a maximum number of 300 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 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 Report notes that most trees subject of assessment are beyond the application site boundaries, however, the majority of these trees add to landscape value and are of a good quality. Recommendations are made for remedial work, retention and protection of trees as part of the construction process and final development design. 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

- 8.17 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

- 8.18 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 bound to the south by the treed policies of Ashludie Hospital and the urban form of Broomhill Drive, to the north by the A92, to the east by a track and to the west by the carriageway of Victoria Street. However, the site is open to views with the landform sloping north and north east towards the A92 with little by way of natural screening or enclosure. The fields to the north of Ashludie Hospital are significant as they contribute to the visual transition from countryside to the Dundee conurbation. New development, especially on the northern part of the v-shaped valley, would very obviously change the character of the area and extend the Dundee conurbation eastwards. In response to consultation on the Angus Local Development Plan Main Issues Report, SNH suggested that the extent of development to the east of Victoria Street should be limited to the redevelopment of Ashludie Hospital with no development on the land to the north in order to avoid significant landscape and visual impacts. The edge of the settlement in this direction is well consolidated as it is formed by Ashludie Hospital, its large mature trees on the estate boundary and its old policy woodland. This edge also coincides with the ridgeline of the landform, which is one of the characteristic features of the landscape setting of the settlement. Any new development extending the settlement in this direction would protrude from this edge and would move the new settlement boundary in an obvious manner towards the A92. Development to the east of Victoria Street would effectively leave a gap in the urban form of the settlement with an undeveloped area of agricultural land lying to the west of Victoria Street between the roadway and the existing development in the vicinity of South Grange Farm. Development of the area of land to the west of Victoria Street would not give rise to landscape or visual impacts of the same significance. In these circumstances it is considered that large-scale housing development in the area would have significant and adverse landscape and visual impacts. Development in this area may be justified in the future but given the significance of the issues involved it is considered that any such decision should be made through the plan-making process.

Other Material Considerations

- 8.19 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 identified as a 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 the reasonable alternative which involved development of agricultural land to the west of Victoria Street. On this basis the land to the west of Victoria Street 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. This application site remains outwith the development boundary for the town and large-scale residential development of the nature proposed would be contrary to the relevant housing policies of the Draft Proposed ALDP. However, it must be recognised that the Plan may be subject of further modification, either by the Council following consideration of formal representations or in response to a report prepared by the appointed person following any examination of the Plan. In these circumstances, it is considered that the weight that should be attached to the Proposed ALDP as a material consideration at the present time should be limited.

- 8.20 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.
- 8.21 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

- 8.22 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 24 hectares of land on the edge of a settlement for large-scale housing development. 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.
- 8.23 The site is located in an area where development plan policy allows only single new houses on greenfield sites. Accordingly, a proposal for in the region of 300 dwellings at this location is contrary to development plan policy. Whilst there is currently a shortage of effective housing land within the South Angus HMA, there is an alternative site on the edge of Monifieth that has capacity to address that shortfall. That site is on the edge of the settlement, provides reasonably good accessibility and does not give rise to significant landscape or visual impacts. As it is reasonably well contained by existing landscape features, it would not pre-determine decisions regarding the future long-term direction of growth of the settlement. That site is considered more suitable to address the current shortfall in effective housing land supply and is generally compatible with development plan policy.
- 8.24 SPP confirms that, in circumstances where a plan is under review, it can be appropriate to refuse planning permission where the proposed development is so substantial, or its cumulative impact would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging plan. This site is considered to give rise to significant adverse landscape and visual impacts. Development in this area 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. In addition the proposal would involve development of an area of prime agricultural land in circumstances where it is not

required to deliver the development strategy of the ALPR and where the benefits of development would not outweigh the loss of productive land. The application for land to the southeast of Victoria Street does not give rise to the same level of landscape and visual impact, and as it is reasonably well contained by existing landscape features, it does not open up other areas where there could be pressure for further development. That site is considered more suitable to address the shortfall in effective housing land supply.

- 8.25 Members should be aware that any planning permissions granted at the present time would be taken into account during any examination of the Proposed ALDP. If a site is approved, considered effective (in accordance with the criteria set out in PAN 2/2010 and the Council's own Housing Land Audit) and is not included within the Proposed ALDP, it is possible that any Reporter examining the plan will rebalance allocations in other parts of the South Angus Housing Market Area, potentially reducing or deleting proposed allocations to ensure TAYplan's housing requirements are not substantially exceeded.
- 8.26 This application is contrary to development plan policy. There are no material considerations that justify approval of the application contrary to the provisions of the development plan.
- 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 refuse this application has potential implications for the applicant in terms of his entitlement to peaceful enjoyment of his possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying the decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. Any interference with the applicant's right to peaceful enjoyment of his possessions by refusal of the present application is in compliance with the Council's legal duties to determine this planning application under the Planning Acts and such refusal constitutes a justified and proportionate control of the use of property in accordance with the general interest and is necessary in the public interest with reference to the Development Plan and other material planning considerations as referred to in the report.

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 refused for the following reasons:

1. *Reason: That large-scale housing development in this area is contrary to Policy S1 of the Angus Local Plan Review as there is no proven public interest for development on a site contiguous with the Monifieth development boundary.*
2. *Reason: That the proposal would provide for large-scale housing development outwith a principal settlement as defined by TAYplan and there is an alternative site to provide for an effective 5-year housing land supply in the South Angus Housing Market Area that does not give rise to landscape and visual impacts of the same significance as would occur with development of this site.*
3. *Reason: That the application is contrary to Policy 5 of TAYplan as the residential development is proposed outwith the Dundee Core Area, the scale of development is not currently required in order to provide a minimum of 5-years effective housing land supply and development of the site could prejudice the delivery of a Strategic Development Area.*

4. *Reason: That the proposed development would result in the irreversible use of prime agricultural land. As the site is not allocated and the development is not required to secure the implementation of the Local Plan Strategy and the advantages of development do not outweigh the loss of productive land, the application is contrary to Policy 3 in TAYplan and Policy ER30 in the Angus Local Plan Review.*
5. *Reason: Approval of this application would prejudice the emerging Angus Local Development Plan as the proposed development is substantial and its cumulative effect is considered to be significant. It would predetermine decisions about the scale, location or phasing of new development that are central to the emerging plan.*

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.

REPORT AUTHOR: VIVIEN SMITH HEAD OF PLANNING AND PLACE

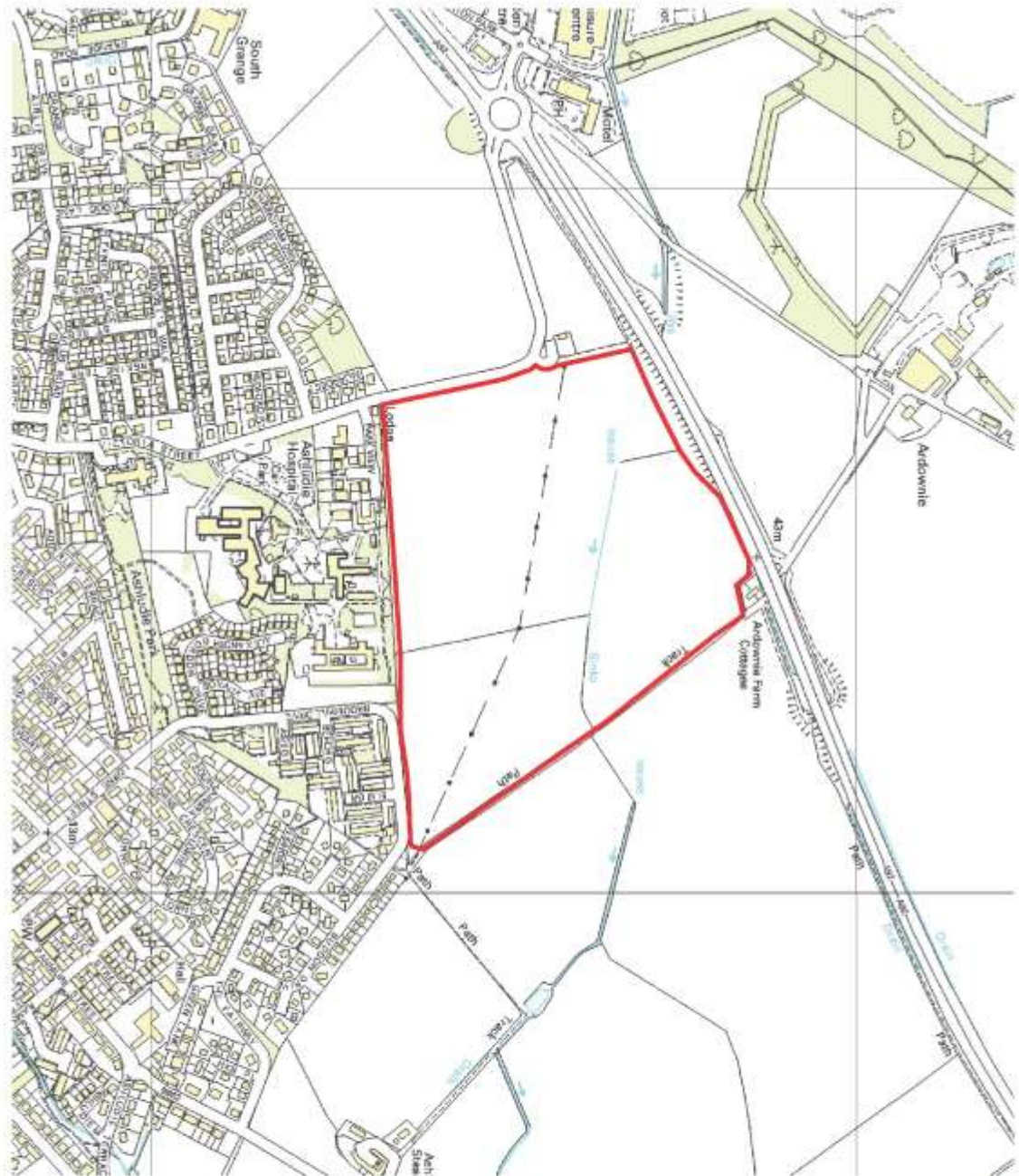
E-mail: PLANNING@angus.gov.uk

APPENDIX 1 - LOCATION PLAN

APPENDIX 2 - SUMMARY OF THE APPLICANTS SUPPORTING INFORMATION

APPENDIX 1

LOCATION PLAN



Date: 14.03.2014	
Project: Land at Monifeth North East	
Application boundary	
Drawing Title: 120413_Monifeth_Asp boundary_140314	
Scale: 1:2,500 @ A1	

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 public consultation exhibition was held over an afternoon/evening in early December 2013 which was held in the locality of the application site. It details that this event was attended by a total of 24 registered attendees. The report lists the feedback provided by the two attendees who provided responses to the specific questions asked, on the topics of positive aspects of Monifieth, the inclusion of local character on the development, accessibility, types of houses, landscape characteristics and any other comments. The report provides concluding comments to the formal and informal comments received and advise where these have been fed in to the application and design process.
- **Planning Policy Statement:** Notes that the planning policy context in which the proposal is to be assessed, highlighting compatibility and tensions with the development plan and raising matters such as housing land supply and touching on the masterplan approach. This statement concludes that, although the site is not allocated in the local plan, there is an urgent requirement to address the identified housing land shortage in the South Angus Housing Market Area and Monifieth. The proposed development is presented as an opportunity to address this shortfall and highlights the indicative manner in which this could be achieved. It is submitted that planning permission ought to be granted on the basis of the case presented.
- **Design and Access Statement:** As advised above, this document provides an assessment of the site's context and indicatively identifies a potential design solution. The matters presented in formulating the design include: site and study area specific factors - development concept; development framework; landscape, development and access strategies; and a long term strategy. The statement summarises that the strategy presented provides a long-term vision for the growth of Monifieth and identifies strategies as to how this application could be the first step in realising this to meet housing demand without prejudicing the TAYplan strategy.
- **Transport Assessment:** Provides an assessment of transport based up to 300 dwellings and does not include infrastructure or community facilities. The baseline is established through an existing accessibility review, looking at transport provision for the application site - incorporating walking/pedestrian accessibility, cycle accessibility, public transport accessibility and private car accessibility. It summarises that the site is well-situated and connected by all modes of existing transport networks. The assessment goes on to advise of the development's access proposals. Provision for walking and cycling will be provided within the site and externally with a footpath on Victoria Street; the provision of new bus stops on Victoria Street to access the existing bus services; access for vehicles will be provided from Victoria Street with a secondary vehicular access from Broomhill Drive. The statement submits further information to justify the acceptability of the development; noting travel demand and trip generation figures; junction assessments; and accident statistics - predicting that there is no requirement to provide mitigation measures. Other measures are identified to influence travel behaviour - including a Residential Travel Plan Framework. The report concludes that the proposed development can proceed without any mitigation being required.

An updated Technical Note considered the possible traffic impacts of the potential provision of community facilities and a household waste recycling facility. It concludes that the additional traffic generations will be at very low levels and will have no perceptible impacts on the local traffic network.

- **Written Scheme of Investigation (Archaeology):** The investigation notes that there is one Scheduled Ancient Monument (SAM) within the boundary of the development, an area of at least two later prehistoric souterrains. It advises that the monument is of national importance because of its potential to contribute to our understanding of prehistoric settlement and economy. The SAM was evaluated in 1998 as part of the proposed A92 dualling project which revealed some of its features and contents. A number of other sites with archaeological interest were noted within 1 kilometre of the site boundary. It is advised that a 10% archaeological evaluation of the site outwith the SAM area will be undertaken and that a 10 metre buffer will be placed around the SAM itself during this time and throughout construction work. It is noted that Historic Scotland have previously advised that the SAM

area be left as an open green space within the development with the possibility of an information board about the souterrains.

- Preliminary Ecological Appraisal: Presents the results of ecological surveys and assessment to identify any legal constraints or development risk associated with habitats and species at the site. There are no statutory designated sites within the site but there are 3 such sites within 2 kilometres of the site; Barry Links SAC/SSSI; Firth of Tay and Eden Estuary RAMSAR/SPA/SAC and Monifieth Bay SSSI. None of the designated site will be affected by the proposal. The Phase 1 Habitat Survey has confirmed the presence of scattered broad-leaved trees and stonewall boundary features, which are a priority habitat of the Tayside LBAP. These support a low range of species but should nevertheless be retained. In respect of protected species no further assessment of amphibians and reptiles are required and the habitat is sub-optimal for badgers. It is noted that the project could cause short-term disturbance to bats during construction and mitigation should be put in place. If vegetation needs to be cleared during nesting season a pre-construction nesting bird survey would be required. Further generic mitigation measures are also identified.
- Noise Impact Assessment: Provides an assessment of the noise of traffic from the adjacent A92 and Victoria Street, how this might affect future residents and what noise control would be required. It is concluded that some noise levels would be in excess of acceptable limits are that mitigation in the form of glazing and ventilation requirements and noise control barriers should be implemented and if they are there would be no noise impediment to planning permission being granted.
- Air Quality Assessment: Has been provided to determine the significance of emissions from the additional road traffic arising from the development on local air quality. The report concludes that the proposed development is unlikely to cause significant change in exposure to harmful particulates within the study area and air pollution will remain well below European and Scottish Government air quality standards.
- Tree Survey and Arboricultural Report: Assesses all trees within the application site boundary, with the survey being undertaken in accordance with recognised standards. A total of 85 trees have been identified and surveyed on and immediately adjacent of the site; the vast majority of trees are sited on neighbouring land to the south - at Ashludie Hospital (42 trees) - and east - at Broomwell Drive (13 trees) and beyond the eastern site boundary (20 trees). Within the north east corner of the site are a line of 10 semi-mature trees. It is advised that 80% of the trees have been assessed as A and B category trees and are of medium to long term potential. Recommendations for remedial tree works are made, which could include some trees being removed, and good practice for the retention and protection of other trees during construction.
- Drainage Impact Assessment: Seeks to demonstrate that an integrated and sustainable drainage system can be achieved for the site and presents findings to support this to support the basis for the drainage strategy for the site considering both foul water and storm drainage issues. The study identifies further infiltration testing is carried out at a later date. The proposed development will require to be served by a new separated system of foul and storm water drainage and the application of appropriate Sustainable Urban Drainage Systems (SUDS) will form an integral part in the development of the site, with appropriate source control with conventional gravity drainage to localised detention basins/ponds throughout the site. An indicative surface water strategy has been developed as to how this can be achieved.
- 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 greenfield in nature with varying topography. It is noted that the Monifieth Burn flows through a central area of the site and is partly culverted. It is identified that the burn is a known area of flood risk but this is generally restricted to the corridor of the burn and does not spill across the wider development area. Extreme fluvial flood events have the potential to cause rapid inundation of properties and this risk from the burn is considered to be the most significant source of fluvial flood risk. Furthermore, the failure of infrastructure, such as culverts, could increase flood risk. No other sources of flood risk on the site are explicitly identified.
- Geoenvironmental Desk Study Report: Comprises of a desk based review of information and ground

conditions to identify potential environmental or contamination that may affect the proposed residential development. The desk-based assessment and site walkover identified pollutant linkages at the site from offsite sources. It is recommended that a geotechnical investigation is undertaken to identify the presence and extent of the possible sources of contamination.