

ANGUS COUNCIL

18 DECEMBER 2014

PLANNING APPLICATION - FIELD 250M SOUTH OF PITSKELLY FARM PITSKELLY CARNOUSTIE

GRID REF: 354306 : 734931

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report deals with planning application No 14/00573/PPPM for Planning Permission In Principle for Housing Development Including Landscaping and Associated Works (Use Class 9) and Industrial Estate Comprising Uses Within Use Class 4 (Business), Use Class 5 (General Industry) and Use Class 6 (Storage And Distribution) Including Landscaping and Associated Works for DJ Laing Homes Ltd and K&D Henderson at Land at Pitskelly Farm Carnoustie. This application is recommended for refusal.

1. RECOMMENDATION

It is recommended that the application be refused for the reasons given 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 The applicants seek planning permission in principle for Housing Development Including Landscaping and Associated Works (Use Class 9) and Industrial Estate Comprising Uses Within Use Class 4 (Business), Use Class 5 (General Industry) and Use Class 6 (Storage And Distribution) Including Landscaping and Associated Works on a site covering 20 hectares or thereby at Pitskelly Farm, Carnoustie.

3.2 The site is located to the north west of Carnoustie and consists of agricultural fields. It is divided into two roughly equal land areas by the existing farm track serving Pitskelly Farm. The 10 hectare area to the north of the track is roughly rectangular and is indicated in supporting information as being for employment uses. The southern section consists of an 'S' shaped area that borders the south of the existing Pitskelly Farm complex and is indicated in supporting information as being for around 250 housing units. A masterplan has been provided that indicates how the site could be laid out and how it could connect to existing path networks in the area. It also indicates further potential development areas at this general location.

3.3 The site is accessed from the Upper Victoria Link Road that runs north from Barry to Monikie. The Upper Victoria Road has been upgraded as part of the A92 improvement scheme and the A92 is accessible via a grade separated junction where the two roads intersect.

- 3.4 An adopted core path intersects the site (Core Path 174, Pitskelly Road) and runs south to meet Core Path 176 (Carnoustie High School to Pitskelly Road). The south part of the site bounds an area that contains both local and scheduled archaeology. This area lies outwith the site however it is indicated in the supporting 'master plan' documents as being an open space area. The area indicated for housing also contains known archaeology.
- 3.5 The site is on the shelf of land that sits on top of the raised beach that generally defines the north extent of the Carnoustie. The existing built form of the town which sits on the lower ground between the raised beach and the coast. The boundaries of the site are defined generally by hedge rows and field boundaries. Other than part of the south boundary that bounds part of the Shanwell Cemetery and two cottages on Pitskelly Road, and the part of the site that skirts around Pitskelly Farm, the site is reasonably featureless and gently rolling in nature. There is however a belt of mature trees that bound the south west of the Pitskelly Farm complex that runs into the proposed development area.
- 3.6 The proposal has been advertised in the press as required by legislation. The application has not been subject of variation.
- 3.7 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.

4. RELEVANT PLANNING HISTORY

- 4.1 The allocation of land in the vicinity of Pitskelly Farm was considered at the Public Local Inquiry in relation to the Finalised Angus Local Plan Review. At that time the Reporter was asked to consider a number of potential sites for location of employment land at Carnoustie, including land at Carlogie, Clayholes and Pitskelly. The Reporter concluded that there was a requirement for additional employment land to serve the town but considered that land at Carlogie provided the most appropriate site having regard to issues of size; site configuration; strategic location; road access; access to public transport, footways and cycle routes; visibility in the landscape (from the A92 and other vantage points); landscape features and scope for mitigation/screening; and servicing. In relation to Pitskelly, the Reporter indicated that he considered development in this area would set an unfortunate precedent encouraging further development in open countryside which was not justified when there was an alternative option at Carlogie. He indicated that, unlike the Carlogie site, the Pitskelly site could not be adequately screened, given its open countryside setting. On that basis he concluded that the Panbride (Carlogie) site offered a better option for development of employment uses than the Pitskelly site (at that time proposed by Angus Council). The Reporters findings were accepted by Angus Council and are reflected in ALPR Policy C7 which identifies land at Carlogie for employment uses. An extract from the Reporters findings is provided at Appendix 3.
- 4.2 The wider area of land to the east of the Upper Victoria link road which includes 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 the preferred option for future development. This was principally on the basis that development in this area would not require realignment of Carlogie Roads and its associated costs; it was of sufficient scale to allow for a mix of different land uses, including provision of new paths and green spaces; the wider area largely excluded areas known to have high flood risk; there was significant developer interest; primary school catchment areas could potentially be realigned to use existing capacity at Carlogie; phasing of development could address issues with funding and development viability; and archaeological features need not constrain development of the wider area.

5. APPLICANT'S CASE

- 5.1 The applicant's agent has submitted the following documents in support of the application:
- A Pre-Application Consultation Report;
 - A Landscape Statement;
 - A Design Statement

- A Transportation Statement
- A letter containing a Schedule of Businesses that have expressed interest in locating at Pitskelly.

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** - Support is expressed for the development. It is indicated that Angus Council has previously determined that this area is the 'preferred option' for land allocation in respect of the emerging Local Development Plan. The proposed development covers a large, continuous area of ground that lends itself to realising the potential benefits of a Master Plan approach:

1. There is potential for minimising environmental impacts and increase biodiversity by creating extensive paths, green spaces, areas of woodland, ponds and Sustainable Urban Drainage Systems. Similarly, adverse landscape impacts can be mitigated by appropriate screening as indicated on the proposed layout plans. The proposed development area is easily accessible from the A92.
2. Although the development area is not close to the town centre, there is potential to develop new retail facilities, including a supermarket, to complement those already available in the Town.
3. The creation of new homes and employment-related development will fulfil the requirements of the TAYplan Strategic Development Plan (2012 - 2024). The proposals will also address the future issues of waste management by identifying a new recycling centre within the scheme and also making provision for extension to the existing Shanwell Cemetery.

Public feedback from the applicant's own consultation showed overwhelming support for the development and anecdotal comment from many Carnoustie residents in respect of the proposals has been favourable. No representation has been made to this community council to date, opposing the development.

6.2 **Angus Council - Roads** – indicates that a Transport Statement has been submitted in support of the application which acknowledges that a full Transport Assessment would be required to support any detailed development proposal for the site. Further indicates that the absence of the detailed assessment is not ideal but is acceptable on the basis it could be required at a later stage. No objection is offered subject to a number of planning conditions.

6.3 **Scottish Water** - There was no response from this consultee at the time of report preparation.

6.4 **Angus Council Environmental Health** - The main potential issues for Environmental Health relate to noise and emissions to atmosphere. The proposal relates to the formation of industrial development in close proximity to residential development. Both potential uses have been indicated as being zoned adjacent to one another and noise and air quality issues need to be considered carefully. As the application contains no noise information, it is requested that the applicant provides background noise measurements prior to development however it would be advisable to ascertain background noise levels at this stage to safeguard against the industrial site coming forward in a piece meal fashion thus requiring an individual business to undertake the noise measurement exercise for the whole area. A suspensive planning condition is recommended in relation to air quality assessment.

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%. The affordable housing could be provided through a combination of Social Rented Housing, Serviced Plots, Commuted Payments, Affordable Housing for Sale or Mid-Market Rent.

6.6 **Angus Council – Flood Prevention Authority** - Part of the proposed development lies within the medium probability surface water flood envelope as shown on SEPA's indicative flood map. It therefore may be at risk of flooding during an event of this return period. Further details of the proposals should be submitted to Angus Council for review at later stages of planning. These

should show the proposals for the drainage of surface water and demonstrate that the site is not at risk of flooding, they should also demonstrate that flood risk is not increased out with the site. No objection to this proposal is raised on the condition that further details relating to the above are submitted at later stages of the planning process.

- 6.7 **Angus Council - Education Service** - The relevant Primary School catchment area is Burnside PS which is currently close to capacity. Given the position of the school in location to the flood plain there are significant development constraints and it is not considered that extending the school would be feasible. There are two other primary schools in the Carnoustie burgh, Woodlands PS and Carlogie PS. Woodlands is almost at capacity but there is some capacity at Carlogie. Any development in the Carnoustie area would therefore need to be accommodated at Carlogie PS as there is no capacity to extend at either Woodlands or Burnside. If Carlogie PS were to be extended to accommodate the additional demand from a development of circa 250 houses, a contribution would be required of £4k per house. It is indicated that all schools in Carnoustie are PPP schools. Any extension to the building would impact on the contract with the facilities provider and would have capital and ongoing revenue implications.
- 6.8 **Angus Council - Transport Section** - The closest bus stops to the site are around 850 metres away on Barry Road where a frequent bus service between Arbroath and Dundee operates. This distance is considerably outwith the 400m acceptable limit referred to in the Angus Council's Public Transport Policy Statement. The diversion of current routes in order to serve the development would incur significant time penalties on existing passengers and, on the basis of informal discussion with operators, is unlikely to be viable. It is noted that the applicant has proposed to fund a new service linking the development with other parts of Carnoustie for a period of 3-years in order to allow it to become viable. The Transport Section indicates that the cost associated with this could be in the region of £75,000 per year but would require further assessment along with consideration in relation to any potential impact on the commercial viability of existing services. Should the developer provide full financial support for a bus service, then it would be expected that necessary passenger infrastructure to facilitate use of such a service including a bus shelter on the site, a raised kerb and a bus turning circle would also be provided.
- 6.9 **Angus Council Parks and Burial Grounds** - As per Policy SC33 of the Local Plan a minimum provision of 2.43 hectares of open space per 1000 head of population is required. The drawings and design statements do not show the open space proposals to a detailed level but seem to indicate provision on a Scheduled Monument site outwith the application site boundary. As the implementation of the future phases might be delayed for a considerable amount of time the minimum Open Space provision should be included and provided in each development phase. All open space provision is required to be usable open space; this would relate to the proposed development on scheduled monument sites and to Sustainable Urban Drainage Systems (SUDS). Both might be acceptable as usable open space, but this would need to be sufficiently demonstrated. All open space should be well distributed across the site and well-connected both within the site and to existing developments in Carnoustie. This connectivity should be provided for pedestrians and cyclists, but must not impact on the existing burial ground. All housing developments adjacent to the existing Shanwell Cemetery and any future cemetery extensions should be designed with a substantial landscaped buffer zone towards these burial grounds to curtail any visual and noise impact from the housing to the cemetery and vice versa.
- 6.10 **Scottish Environment Protection Agency** - It is requested that a planning condition is attached to any planning approval requiring full details of the finalised surface water management scheme for the development to be submitted for the further approval of the planning authority in consultation with SEPA prior to the commencement of any works. If this condition is not attached then SEPA would object to the proposal.
- 6.11 **Dundee City Council** - There was no response from this consultee at the time of report preparation.
- 6.12 **Aberdeenshire Council Archaeology Service** - It is recommended that a suspensive condition is attached requiring the implementation of a programme of archaeological works due to known and potential archaeology on and around the site.
- 6.13 **Transport Scotland** - does not advise against the granting of permission.

- 6.14 **Historic Scotland - Archaeology** - The proposals affect an archaeological site of national importance termed Pitskelly, unenclosed settlement 200m South of, which is scheduled under the Ancient Monuments and Archaeological Areas Act 1979. On the basis of the submitted information, Historic Scotland (HS) has no objection to the principle of the application. However, HS recommends that greater consideration is given to the future use and maintenance of the scheduled area. HS would be happy to provide advice to the applicant at an appropriate stage in the design process.
- 6.15 **Angus Council - Economic Development Unit** - Private sector proposals to develop employment land in Carnoustie are welcomed. There are currently no significant employment sites on the market in Carnoustie and little in the way of available vacant workshops or units. There is no data available to demonstrate demand for employment land in Carnoustie however this is understandable given the lack of supply to stimulate such demand. This situation has led two significant local employers who were seeking new premises to leave the town in recent years. It has also resulted in there being no capacity in Carnoustie to accommodate any inward investors. The support shown by local businesses gives some confidence that there will be demand for employment land in Carnoustie and that the development of a new business park is warranted. The recent grant of planning permission for the development of employment land at Carlogie is also noted. While it is considered that both sites have relative merits, it is considered that there is only likely to be a need for one such site. A key factor for both sites will be deliverability in terms of available finance and site servicing costs. There is currently insufficient information available to determine which of the two proposals would be most deliverable.

7. REPRESENTATIONS

Forty-six (46) letters of representation were received, 6 objected to the proposal and 40 supported the proposal. 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 6 letters of objection were from 5 parties. 15 of the supporting letters were submitted on standard format letters some of which were submitted by members of the same family residing at the same address. Of the remaining 25 letters of support, three of these were also submitted by members of the same family residing at the same address. The main issues raised relate to:

Supporting Comments:

- That lack of suitable premises is restricting the growth of local businesses and forcing them to consider relocation to Dundee or Arbroath whilst this proposal would provide much needed space for small and existing businesses;
- That the site is better suited to business park development than Carlogie as roads infrastructure and direct links to the A92 are already in place;
- That the proposal would provide a mix of mainstream and affordable housing in a mix of types and tenures;
- That the proposal will assist in diverting heavy traffic from the town centre;
- That no residents would be adversely affected by the development as opposed to the proposed business park at Carlogie;
- That the proposed landscape setting of the development is preferable to development at Carlogie which would detract from the best approach to Carnoustie and the small settlements of Carlogie and Panbride;
- That the development would be undertaken by a local company;
- That the proposal would provide local jobs and boost the local economy;
- That the development would allow local small businesses to relocate thus freeing up centrally located land for redevelopment;
- That the development would not require any public investment;
- That the relocation of Carnoustie and Monifieth recycling centres could result in cost savings for the council and free up land in Carnoustie to accommodate a much needed extension to Woodlands Primary School;
- That the proposed site relates better to the existing urban form of Carnoustie than the proposed Carlogie site;
- The proposal provides for the longer term expansion of Carnoustie;

- That the sites status as the preferred option site for industrial and housing development in the Main Issues Report of the emerging Local Development Plan is supported;
- That the viability of industrial development at Carlogie remains questionable;
- That the site is well located for access to the town centre and schools and is a marketable location on that basis;
- That an application comprising residential use close to employment uses is sustainable as such an approach enables people to walk to their workplaces.

Objection Comments:

- That the proposal to develop outwith the development boundary of Carnoustie is contrary to the Development Plan;
- That the site has previously been discounted in relation to the Angus Local Plan Review with industrial land being instead allocated at Carlogie by a Scottish Government Reporter for several reasons including size, configuration, strategic location, road access, access to public transport, landscape impacts and features and servicing;
- That there is an alternative employment site at Carlogie that benefits from both a local plan allocation and a planning permission that was granted on appeal;
- That the granting of planning permission for a business park at Carlogie by a Scottish Government Reporter on 19 August 2014 is a material consideration of some weight that is relevant in considering future land allocations in Carnoustie which negates the need to allocate land for the same use elsewhere;
- That the developer in opposing the development of land at Carlogie has previously conceded that two sites of the scale and level of employment land proposed cannot be supported in Carnoustie;
- That the need for housing to cross fund the development of a business park is therefore also negated;
- The application is premature and prejudicial to the plan making process. The plan making process is the correct manner to consider the merits of competing sites and not through the submission of speculative planning applications at a crucial stage in the plan making process;
- That the planning application is contrary to the thrust of national planning policy in the form of SPP which states that planning permission should not be granted where the granting of permission would undermine the planning process by pre determining decisions in relation to the location of new development sites;
- That the application is not accompanied by sufficient information to enable the proposal to be properly assessed;
- That the consideration of the proposal could result in maladministration claims against Angus Council;
- That the proposal has not been screened to determine whether it constitutes Environmental Impact Assessment (EIA) development under the provisions of the relevant EIA legislation;
- That should the proposal be granted planning permission, it would set the direction of growth in Carnoustie resulting in the loss of prime agricultural land;
- Loss of recreational links;
- That the site is not well related to Carnoustie;
- That the developer previously rejected the site on the basis of servicing difficulties that have not been resolved in the interim;
- That the proposal would result in ribbon development;
- Landscape impacts;
- That although the site is identified as a potential area of growth in the Main Issues Report (MIR) in relation to the emerging Local Development Plan, no decision has yet been made relating to the direction of future growth in Carnoustie and competing sites have similarly been identified in the MIR;
- Impact on archaeology and the setting of scheduled monuments;
- Ambiguity over the extent of the site and the description of development.

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, SC16, SC17, SC19, SC33, SC41, ER4, ER5, ER7, ER16, ER19, ER22, ER24, ER28, ER30, ER38, C7 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. Carnoustie is a Tier 3 settlement and whilst the site is located close to the development boundary for the town as defined by the ALPR it is separated from the edge by a cemetery and agricultural land. It would result in a physical gap between the existing built-up area and the proposed development.

8.6 Whilst the applicants submitted Masterplan document includes land that abuts the towns development boundary, the land that comprises the planning application site is not contiguous with the development boundary and Policy S1(b) of the ALPR is relevant to the consideration of the proposal. It states that development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.

8.7 In relation to employment land, the planning application identifies a 10 ha site to the north of the existing Pitskelly Farm access track for employment uses. Policy 3 of TAYplan indicates that land

should be identified and safeguarded through Local Development Plans to ensure that at least 5-years supply of employment land is provided within principal settlements to support growth of the economy and a diverse range of industrial requirements. The ALPR indicates that for Carnoustie up to 5 hectares of employment land would be required in order to secure a minimum 5-year supply. In this respect, and following a Public Local Inquiry in relation to the Finalised Angus Local Plan Review, the ALPR allocated 15 hectares of land for employment related uses on a site at Carlogie (Policy C7 refers). That site was subject of an application for planning permission (planning reference 14/00043/PPPM) and a subsequent appeal (DPEA ref: PPA-120-2033) in relation to the Council's failure to determine the application was upheld and planning permission in principle was granted in August 2014. There is therefore currently 15 ha of land allocated for employment development and with an extant planning permission for such use at Carnoustie.

- 8.8 Accordingly, there is sufficient employment land allocated to meet current development plan requirements. On this basis a proposal that provides for in the region of 10 hectares of employment land outwith a development boundary is contrary to development plan policy. Other material considerations that are relevant to the determination of the employment element of the proposal are discussed below.
- 8.9 In relation to housing, the application identifies a 10 ha site in the vicinity of Pitskelly Farm for a development in the region of 250 dwellings. 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.
- 8.10 Notwithstanding this, 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.
- 8.11 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 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.
- 8.12 Whilst contrary to development plan policy, large-scale housing development on this site could contribute towards addressing that shortfall in housing land supply and issues regarding the compatibility of the site with other development plan policy and assessment in relation to other material considerations are provided below.

Access and Transport

- 8.13 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

Transportation Assessment that the site is not on an existing bus route. The Council's Transport Service has indicated that the nearest bus stop to the site is 850m away on Barry Road. The Transport Service has discussed the matter informally with an operator and indications are that bus operators would be unlikely to take on a significant commercial risk to divert existing services or create a new service without financial support. However, the applicant has indicated financial support would be made over a 3-year period in order to provide a new bus service that would serve the site and to allow it sufficient time to become viable. The Transport Service indicates that this may equate to a cost in the region of £75,000 per year but would require further assessment along with consideration in relation to the commercial viability of existing services. Notwithstanding this, it would be possible to secure the necessary contribution by planning obligation and necessary infrastructure could be secured by planning condition.

- 8.14 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 would have good accessibility to Carnoustie High School although linkages to primary schools would be poorer. Burnside Primary School is located approximately 800 metres from the site but the pedestrian route to that school would involve use of the footway associated with the Upper Victoria link road over a section where there is currently no built development. In this respect the potential for children to walk to that, or indeed other primary schools in the area is considered low.
- 8.15 In relation to vehicular access, it is indicated that access would be taken from the Upper Victoria link road that runs north from the A930 Barry Road intersection. The road is in good condition having formed part of the recent A92 upgrade scheme. Access to the A92 is facilitated by a grade separated junction. Pitskelly Farm access runs between the housing site and the proposed industrial land. Supporting information indicates that the housing and employment land areas would have separate accesses. The Roads Service has stated that given the size of the development and the masterplan area indicated in supporting information, a Transport Assessment should be provided in accordance with the requirements of Appendix 1 in the ALPR. That has been requested and a brief Transportation Statement has been submitted; it is less detailed than a Transport Assessment. Notwithstanding this, the Roads Service has indicated that this approach is acceptable at this stage and has offered no objection in relation to potential impact on the road network subject to a number of planning conditions, including the provision of a full Transport Assessment in support of any subsequent application for the detail of the site.

Flood Risk/Drainage

- 8.16 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. It is noted that at the Public Local Inquiry in relation to the Finalised Angus Local Plan Review evidence was heard regarding potential issues regarding foul and surface water drainage for a proposed employment land allocation at Piskelly. At that time, the landowner (and the Council) recognised those difficulties but suggested that these could be overcome at an estimated cost in the region of £750,000. However, DJ Laing Contracts Ltd, in objecting to that proposed land allocation, suggested that the costs would be substantially higher, if they could be satisfactorily addressed at all within acceptable costs and time limits. Notwithstanding this, Scottish Water has not offered any objection to this application but this would be without prejudice for the requirement of the developer to obtain the necessary consents from it for connections. Both SEPA and the Roads Service in its capacity as Flood Prevention Authority (FPA) have noted that part of the site is within the 1 in 200 (0.5%) annual probability surface water flooding envelope. Both have stated that they are content to proceed at this stage subject to conditions relating to the further assessment of flood risk and further approval of drainage details should planning permission be granted. However, it should be noted that any assessment of flood risk from surface water flooding could result in some areas of the site being deemed unsuitable for development reducing areas that could be developed for housing or employment uses.

Education

- 8.17 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 case the site is reasonably close to Burnside Primary School and it has good pedestrian linkages with Carnoustie High School. However, the pedestrian route to the primary school would require use of the Upper Victoria link road footway over a section where there is currently no built development. The nature of this route is such that it would be unlikely to encourage children to walk to school. The Education Service has indicated that while there is no secondary school capacity issue in Carnoustie, there is an issue with primary school capacity in West and Central Carnoustie. The site lies in the catchment area of Burnside PS which is currently close to capacity and the development would increase the school roll to a point where mitigation would be required. It is also indicated that it would not be possible to extend that school given site constraints. The next closest school is Woodlands PS which is similarly close to capacity and which would also be difficult to extend. This leaves only Carlogie PS which is located to the east of the settlement and remote from the application site. While there is capacity at Carlogie, the Education Service has indicated that to accommodate the additional demand from a development of the scale proposed, a £4000 per dwelling contribution towards extending Carlogie should be sought if planning permission is granted.

- 8.18 This approach would require that a school at the east end of Carnoustie is upgraded by a four classroom extension to accommodate children from West Carnoustie. This would not be desirable or sustainable. In discussion the Education Service has indicated that it may be necessary to review school catchment areas but this would be subject to a consultation exercise with no guarantee that catchments boundaries would be moved appropriately. Whilst a developer contribution could be secured by means of a planning obligation, development in this area would clearly give rise to potentially significant issues in terms of primary school capacity and catchment areas. It is considered that decisions regarding the future direction of growth of the settlement that require significant review of school catchment areas should more appropriately be taken through the development plan-making process.

Built Heritage and Archaeology

- 8.19 The development plan framework seeks to safeguard built heritage interests, including archaeological sites. There are a number of listed buildings located to the west of the site in the vicinity of Barry Mill. However, the proposed development would not significantly affect their setting. There are a number of archaeological sites in the vicinity including Pitskelly, unenclosed settlement 200m South of, which is scheduled under the Ancient Monuments and Archaeological Areas Act 1979. Historic Scotland has expressed concern that the archaeological evaluation contained in the supporting information along with the general approach that is proposed in respect of scheduled archaeology has not been based on a rigorous assessment of the impacts on the site and the setting of a scheduled monument. While Historic Scotland consider that there would be an adverse impact, they do not consider the impact to be of national significance however they have recommended that greater consideration is given to sustainable use or management of the scheduled site. Aberdeenshire Council has suggested a negative suspensive condition in relation to the implementation of a programme of archaeological works should planning permission be granted. It is not clear what the implications of this would be at this stage and there is a possibility that requisite archaeological measures could impact on the relationship between the proposed housing land and the scheduled site. This could impact on the number of dwellings that could be achieved within the site.

Natural Heritage

- 8.20 Policies of the development plan framework seek to safeguard the natural environment and protect habitats of importance. The applicant's agent has submitted a Design Statement containing an ecological analysis that concludes that there would be no significant negative impacts on habitats of conservation interests within the proposed phases while potential exists for enhancement of planting and woodland connectivity in the site. 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

- 8.21 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 1 land (the southern portion of the site) and Class 2 land (the northern section of the site). This constitutes prime agricultural land of the highest quality. Approximately 20 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

- 8.22 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. However, this is a large site and at this stage there is no reason to consider that a housing and employment land development could not be provided 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 although it is relevant to note that Pitskelly Farm remains in agricultural use at present and could impact on amenity and similarly the site is close to Shanwell Cemetery and account would need to be taken of those existing uses in considering the layout and distribution of uses. In addition, the Environmental Health Service has expressed some concern relating to the proximity of potentially conflicting land uses in the form of industrial and residential uses adjacent to each other and the potential for noise and air quality and emissions impacts to arise. The lack of an effective buffer between uses on the indicative plans is also noted. Additional information in the form of background noise details have been requested, however this information has not been forthcoming. Notwithstanding this, the application is in-principle and the layouts submitted in supporting documents are indicative only. It would therefore be possible to attach planning conditions requiring background noise information and noise impact information to be submitted in support of any future detailed proposals. Similarly, a condition could be attached requiring air quality assessment to be undertaken in support of any future application that is likely to give rise to air quality impacts such as biomass combustion, food manufacture, waste management, shot blasting and coating. While this approach would potentially help to overcome any noise or air quality concerns at this stage, it should be noted that there is potential that measures required to effectively screen and abate any offence to the senses could require land take within the site that could result either in less land being available for housing or industrial development.
- 8.23 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 15,200 square metres (1.52 hectares) for this development, on the basis of a maximum number of 250 dwellings. Again, whilst the submitted masterplan is indicative only at this stage, the approach adopted by the developer has been to indicate in supporting information that open space provision would be on the site of the Scheduled Monument which is outwith the planning application site. However, the change of use of land outwith the site cannot be approved without an application for planning permission being submitted and such off-site provision could not be considered appropriate at this stage. Appropriate on-site provision would need to be provided and this would reduce the area that could be developed for housing or employment uses. Notwithstanding this, 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 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 but landscape and visual impacts associated with the development and as discussed below.

Affordable Housing

- 8.24 Policy SC9 of the ALPR addresses affordable housing and sets out the requirements for a 40 percent 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 will apply 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

- 8.25 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 generally open with limited definition beyond its field boundaries which are not substantial. The combination of mature woodland, a network of tracks and close proximity to the urban area has made this a popular area for informal recreation. Accordingly, there are a number of Core Paths above and below the escarpment. The area has the character of a country estate, despite its closeness to Carnoustie. The landscape character sensitivity and landscape value of this area are both considered to be high. Scottish Natural Heritage (SNH) was consulted on the Main Issues Report in relation to the emerging Local Development Plan and commented that in relation to the proposed site, there was potential for significant landscape and visual impacts. Again it is relevant to note that at the Public Local Inquiry in relation to the Finalised Angus Local Plan Review, evidence was heard regarding landscape and visual impact issues associated with a proposed employment land allocation at Piskelly. At that time, the Scottish Government Reporter suggested that development in this area would be openly visible from the A92 and when approaching from the north and would be highly difficult to screen effectively. He expressed concern that industrial or business units in this area would detract markedly from the attractive rural setting and agreed with objectors (including DJ Laing Contracts Ltd) that development of the open fields in this area as an industrial estate would spoil an area of rural beauty. In relation to potential mitigation of impacts the Reporter concluded that there would be insufficient opportunities for mitigation to offset the open aspect of the Pitskelly Farm site through mounding or screen planting and that development in this area would set an unfortunate precedent encouraging further development in the open countryside.
- 8.26 Development in this area would establish a long-term direction of growth for the settlement. In this case there are alternative proposals that are being considered through the plan-making process for development at other locations around Carnoustie. SPP indicates 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. In this case, approving this application would predetermine decisions about the long-term future location and direction of growth of Carnoustie. Development in this area may be justified in the future but given the significance of the issues involved, and the stage reached with the ALDP, it is considered that any such decision should be made through the plan-making process.

Other Material Considerations

- 8.27 The application site lies within a wider area that 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, in the intervening period there has been renewed interest in the alternative option at Carlogie and planning permission in principle was granted on appeal in August 2014 for the formation of an employment area on the site allocated for that use in the ALPR. On that basis, and having regard to other planning policy considerations, there is no longer justification for the allocation of employment land in the vicinity of the Upper Victoria link road. The Draft Proposed ALDP (Policy C1) identifies 17.2 hectares of land west of Carlogie Road for a residential development of around 300 dwellings, with a first phase of around 150 dwellings in the period to 2021, and a further phase of around 150 dwellings permitted in the period to 2026. Policy C6 allocates 15 hectares of land at Carlogie for employment uses, including a requirement for the realignment of Carlogie Road. This application site remains outwith the development boundary for the town and large-scale housing and employment land development of the nature proposed would be contrary to the relevant housing policies of the Draft Proposed ALDP. 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.

- 8.28 In supporting documents reference has been made to a significant inward investment opportunity in the form of a plant for iQ Homes who manufacture kit homes in controlled conditions. One of the applicant's parent company (DJ Laing Group Ltd) has also openly stated that it will relocate from Carnoustie to Dundee if the application is unsuccessful. Several supporting letters have also been received from companies currently located in Carnoustie who have expressed an interest in relocating to Pitskelly as their premises are currently either of limited expansion potential or are not suitably located. In addition, several references have been made to the potential beneficial redevelopment opportunities that would be provided by allowing existing business to relocate from existing centrally located employment land to the application site. Concern has also been expressed regarding the suitability and viability of the proposed employment land site at Carlogie.
- 8.29 The Council's Economic Development Service has confirmed that at present there are no significant employment sites on the market in Carnoustie which has been an impediment to the ongoing economic development of the town. It has also recognised that the potential inward investment opportunity provided by iQ Homes could be significant, (£15m capital investment and the creation of up to 250 jobs) and that the company has stated the only location it is considering in Angus for this investment is a site at Pitskelly. At the same time the service recognises the relocation of the DJ Laing Group Ltd from Carnoustie to Dundee could be equally as significant with the potential loss of up to 120 jobs in Angus and the relocation of a corporate headquarters. However, the Economic Development Service has also stated that while there is need for employment land in Carnoustie, there is unlikely to be sufficient need to justify two large employment sites. It indicates that there is currently insufficient information available to determine which site would be the most deliverable. In that respect it must be noted that the site at Carlogie has been granted planning permission on appeal by Scottish Ministers. In allowing that appeal the Reporter noted that Angus Council had previously accepted that a site at Carlogie was preferable to a site at Pitskelly. He also determined that there was no compelling evidence to demonstrate that the Carlogie scheme was undeliverable. The site at Carlogie has planning permission and there is no evidence to suggest that it is not financially viable. At the Public Local Inquiry in relation to the Finalised Angus Local Plan Review, DJ Laing Contracts Ltd questioned the financial viability of the site at Pitskelly and indicated that there were no abnormal servicing costs associated with the Carlogie site. In that context the applicant was asked to provide additional information relating to development viability in relation to the current application site but this has not been forthcoming.
- 8.30 It is clear that some parties have a preference for the proposed development at Pitskelly and it is equally clear that a number of businesses have expressed an interest in relocating to that area. However, such preference in itself is not a material planning consideration. Issues regarding the relative merits of Pitskelly and Carlogie were considered in the context of the ALPR and the Council accepted that Carlogie provided the better location for employment land development. No evidence has been provided to demonstrate that the larger site at Carlogie could not meet operator requirements. Similarly, no evidence has been presented that would enable the conclusion to be drawn that the technical requirements of the proposed operators could only be met at Pitskelly. The potential benefit of realising a new employment area for the town and facilitating the relocation of existing businesses and redevelopment of their current premises are recognised and was, in part, the justification for the size of the land allocation at Carlogie. There

is no evidence to suggest that such benefit would not continue to be delivered by that site. It is considered that any requirement for a further employment area in Carnoustie, in addition to that which has already been granted planning permission, should be progressed through the development plan-making process as it could have significant implications for the long-term future direction of growth of the town.

- 8.31 Finally, in terms of addressing the shortfall in the 5-year effective housing land supply in the South Angus HMA, it is relevant to note that 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 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 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.

Conclusion

- 8.32 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 20 hectares of land in a countryside location for large-scale employment and housing use. Council policy indicates that development on sites outwith the development boundary will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan. This proposal is not consistent with other policies of the Local Plan or TAYplan.
- 8.33 In terms of the employment aspect of the proposal, development plan policy requires a minimum 5-year supply of land and directs development of this nature to allocated sites or other suitable sites within development boundaries. The application site is outwith the development boundary and is not on allocated employment land as defined by the development plan. There is an existing employment land allocation at Carlogie that provides in excess of the 5-year land requirement and that site was granted planning permission in August 2014 following an appeal to Scottish Ministers. There is no evidence to suggest that the site with planning permission cannot be delivered or cannot accommodate business needs.
- 8.34 In terms of the housing aspect of the proposal, 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 250 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 does not open up other areas where there could be pressure for further development. That site is considered more suitable to address the current shortfall in effective housing land supply and is generally compatible with development plan policy.
- 8.35 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. The site is considered to give rise to significant adverse landscape and visual impacts and development in this area would establish a long-term direction of growth for the settlement. It would also give rise to issues in terms of the definition of primary school catchment areas in the town. 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 set out in the ALPR and where the benefits of development would not outweigh the loss of productive land. There are alternative sites that are being promoted through the Local Development Plan process that have implications for the future direction of development around Carnoustie. In these circumstances it is considered that any decision to extend into this area should be taken through the development plan-making process where the relative merits of potentially competing sites and development proposals can be fully explored.

- 8.36 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.
- 8.37 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.

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 and employment land development on a site outwith a development boundary is contrary to Policy S1 of the Angus Local Plan Review as it is not of a nature and scale appropriate to a countryside location and is contrary to Policies SC6 and SC17 of that Local Plan.*
2. Reason: That the proposal would provide for large-scale employment development outwith a principal settlement as defined by TAYplan. A further site is not required in order to meet the requirements Policy 3 of TAYplan as there is an alternative site allocated in the Angus Local Plan Review which has planning permission in principle for employment land uses at Carlogie, Carnoustie.
3. *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 is sequentially preferable in terms of Policy 1 of TAYplan, that is better located in relation to existing community infrastructure in terms of Policy 2 of TAYplan and does not give rise to landscape and visual impacts of the same significance as would occur with development of this site.*
4. *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.*

5. *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.*
6. *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.

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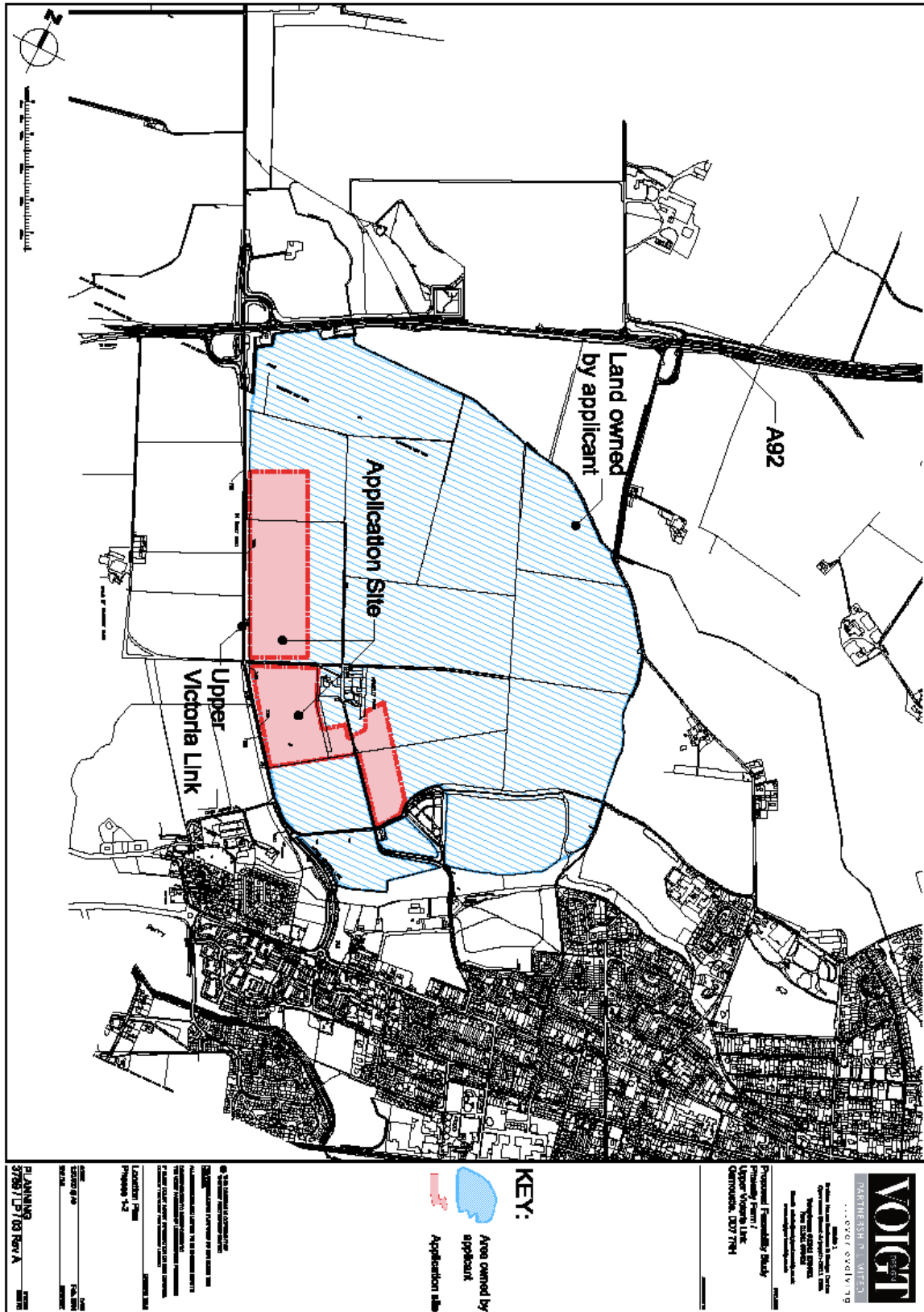
APPENDIX 1 - LOCATION PLAN

APPENDIX 2 - SUMMARY OF THE APPLICANTS SUPPORTING INFORMATION

**APPENDIX 3 – EXTRACT - REPORT NO 1342/06 FIANLISED ANGUS LOCAL PLAN REVIEW –
REPORT OF PUBLIC LOCAL INQUIRY (PAGES 45 – 52)**

APPENDIX 1

LOCATION PLAN



APPENDIX 2

SUMMARY OF THE APPLICANTS SUPPORTING INFORMATION: -

- The Pre-Application Consultation Report provides details the Pre-Application Consultation (PAC) exercise that was undertaken in relation to the major development proposal as prescribed in legislation. The report describes the Pre- Application Consultation, the extent of the community engagement, the responses received as a result of the community engagement and what effect these responses had on the application process.
- The Landscape Statement considers the landscape and visual impacts of the proposed development in the context of a wider master planning exercise that has been undertaken by the developers agent.
- It is stated that the subject of this study is the assessment and mitigation of potential landscape and visual impacts of the proposed development to the land at Upper Victoria, Carnoustie. It is further stated that the study considers the wider context of the site and the section of Tayside and Angus in which it is located, and how the site relates to the fabric of this rural area. The specific Local Planning environmental issues affecting the site will then be analysed and any potential impacts considered. Elements such as transport links, landscape designations, Tree Preservation Orders, cultural heritage features and particularly any issues relating to the Local Plan, are examined.
- The Landscape Statement states that the overall methodology has been undertaken in accordance with the recommendations of “Guidelines for Landscape and Visual Impact Assessment”, Third Edition, published by the Landscape Institute in conjunction with the Institute of Environmental Management and Assessment.
- The Landscape Statement describes the site context and setting taking account of matters such as location, topography, landscape setting, transport, conservation and cultural heritage. The Landscape Statement contains an assessment of landscape character, a site assessment, a visual appraisal and details constraints and attributes as well as recommendations.
- The Design Statement that has been undertaken in relation to a wider potential development area contains a master plan proposal and a phasing scheme for a wider area that includes the proposed development site. The statement also contains a landscape analysis (based on the Landscape Statement detailed above), a transport analysis, a drainage analysis, an environmental and ecological analysis, an archaeological analysis, and a planning analysis.
- The statement concludes that the proposal is deliverable as a joint venture between two local businesses that would secure local employment and utilise existing infrastructure without cost to the public purse. It is further concluded that the site would meet the immediate employment and housing needs of the area. The statement also concludes that the site is accessible due to its proximity to the A92, existing transport routes, the long term proposal to link across Carnoustie and improve existing linkages.
- The statement also concludes that the proposal supports emerging land use planning policy as the site was identified in the Main Issues Report as a preferred development option and that the development would enable the relocation of recycling facilities, a cemetery extension, and a range of affordable housing.
- The Transportation Statement considers accessibility of the site by means of walking, cycling and public transport. It indicates that the site is well linked to the town and its facilities by an existing footpath network and that the footway along the east side of the Victoria Link Road is signed a shared footway/cycleway. It notes that the site is not currently served by public transport but indicates that the developer would enter into agreement to meet operating costs, not covered by fare income, for a maximum of 3-years. In relation to vehicular access it is indicated that two accesses would be formed from the Upper Victoria Link Road and that suitable visibility sightlines can be provided. It is indicated that the layout would be designed in accordance with the principles of ‘Designing Streets’. Road capacity is not anticipated to be an issue although it is indicated that this would be considered in more detail at the appropriate stage through a Transport Assessment.

- The final supporting documents are letters from one of the applicants and the applicants agent that summarise and reassert all of the foregoing and highlights that the developer is in a position to facilitate the relocation of businesses from Panmure Industrial Estate in central Carnoustie. The supporting letters goes on to state that one of the development partner's parent company (DJ Laing Group Ltd) will relocate its business to Gourdie Industrial Estate in Dundee if the proposal does not gain Council support. The supporting letter highlights that the proposed development will result in the existing Panmure Industrial Estate becoming available as a brownfield redevelopment site for housing. A potential inward investment opportunity in the form of a factory designed to manufacture pre-fabricated housing units through an overseas investor (iQ Housing) is mentioned. The letter is accompanied by a schedule of potential businesses (including Angus Council) who have expressed an interest in relocating to Upper Victoria/Pitskelly amounting to demand for 39.065 acres (15.8 hectares). The letters are also accompanied by copy letters from various Carnoustie based businesses stating their requirements for business land should the application be successful.

APPENDIX 3

EXTRACT - REPORT NO 1342/06 FIANLISED ANGUS LOCAL PLAN REVIEW – REPORT OF PUBLIC LOCAL INQUIRY (PAGES 45 – 52)

Carnoustie and Barry: C6, Working – Clayholes, Carnoustie (proposed amendment) and Omission - Panbride North/Carlogie Road, Carnoustie

Objector Reference

D J Laing Contracts Ltd 934/1/1
(per Montgomery Forgan Associates & Voight Partnership)
Mr Henderson (owner of Pitskelly Farm) Supporter
(per Ian Kelly)

Procedure Reporter

Informal hearing Richard Bowden

Written Submissions Lodged on: Policy C6; Panbride North; or related topics:

- (a) Carnoustie Community Council 163/1/2
- (b) Residents Group Carnoustie 915/1/4 & 915/1/5
- (c) Mr Joseph Carr 693/1/1
- (d) Charlton Smith Partnership 844/1/1
- (e) Dr Peter Shaw 234/1/1
- (f) Mrs AS & Mrs M Franklin 190/1/1
- (g) Susan McMahan 164/2/1 & 164/1/5
- (h) Mr & Mrs Galloway 144/1/1
- (i) J Ryan & A M Ryan 146/1/1 & 599/1/1
- (j) Mr I Foggie (Supporter of C6) 950/1/1

Procedure Reporter

Written submissions Richard Bowden

BACKGROUND

The allocation of employment land to serve the needs of Carnoustie and Monifieth has been the subject of on-going assessment and review by the council, which led to the allocation of land at Clayholes for industrial, business and related employment uses in Policy C6 of the FALPR published in February 2006. The allocation of that site has been the subject of some objections, mostly relating to access and proximity to residential properties. A number of alternative sites have been explored to provide employment land, although in general options to the west of Carnoustie are more difficult/costly to implement because of drainage constraints. Since FALPR was published the closure of the former Maltings on Victoria St has prompted interest in possible wider renewal for non-business uses of the Panmure industrial area between the railway, Kinloch St, Brown St and the new housing at Taymouth Terrace. This would require suitable land and premises elsewhere in or around Carnoustie for existing businesses wishing to relocate from that area.

On this basis, approximately 12ha of employment land, which is larger than originally thought, would be required to meet both the relocation needs of existing businesses on the Panmure Industrial Estate and the approved structure plan requirements for 5 years supply of marketable employment land. The council acknowledges that this is significantly more than the originally allocated site at Clayholes could satisfactorily accommodate (5ha). Accordingly, it considers that the development boundary for Carnoustie should revert to its previous position. Following the completion of the A92 upgrading and improvements to associated roads, a reassessment of possible sites in and around Carnoustie for employment uses has taken place (based on visibility, potential for landscaping, accessibility, relationship with Carnoustie and Monifieth and future development pressure). This has led to the proposal in the Proposed 3rd Round

Modifications for a 12ha site north of Pitskelly Farm to be proposed as the new industrial development land allocation for Carnoustie, which would replace the C6 site at Clayholes.

The Basis of the Objection and the Council's Response is set out in Volume 2 in the Report on Objections to the Finalised Angus Local Plan Review, August 2006.

REPORTER'S CONCLUSIONS

There appears to be no disagreement that the site originally allocated at Clayholes, which I note already has some adjoining employment uses, is now not considered appropriate and is no longer the council's preferred location for industrial expansion. This follows the objections lodged, primarily regarding its access difficulties and its proximity to existing residential properties and takes into account the limited scale of the land available at Clayholes. There seems to be widespread acknowledgement, including from the council, that there would be benefits for Carnoustie as a whole if the land allocated in the local plan review for employment uses was large enough to accommodate existing businesses which could be relocated from the Panmure Industrial Area near the town centre, as well as catering for new industrial and business uses - in line with the requirements of the approved structure plan regarding maintaining a 5 year supply of marketable land for these purposes. I note that the Clayholes site would be too small and could not be expanded to provide the 12ha of land now required to meet these anticipated needs, including relocation requirements of existing businesses. I also note from my site inspection that the Clayholes site is highly visible from the A92 road. In particular, the sheds of the existing industrial premises at Clayholes are prominent in the landscape when viewed from that newly dualled road, even with the bunding that has been introduced to provide some screening.

In this context, a number of possible alternative sites around Carnoustie have been explored by the council to provide employment land to meet existing and future requirements. I note that most of these sites have now been ruled out, generally because they are either too small and/or they have flooding or drainage constraints that would be costly to overcome, particularly in the case of sites to the west of Carnoustie. Accordingly, based on the evidence presented, as summarised above and reported elsewhere in respect of Batties Den, it appears that there remain only two site options to consider as 'contenders' to provide the necessary employment land at this time – the Pitskelly site put forward by the council in its 3rd Round Modifications (and now supported by the landowner) or the Panbride/Carlogie (the 'Panbride') site. In support of the Panbride site, a local plan objector (in co-operation with the owner of that land) has put forward detailed arguments together with a Masterplan layout and associated documentation to illustrate why that site should be preferred to the Pitskelly one for inclusion as the allocated site to replace C6 Clayholes in the local plan review. Based on the available evidence as well as accompanied and unaccompanied site inspections from different viewpoints, I have the following observations on the comparative merits of the two sites, Pitskelly and Panbride, as put forward by the council and the objector supporting that alternative site, respectively.

Size:

In my view, both of the sites would be able to provide the necessary 12ha meet future needs, including satisfying the requirements of the approved structure plan for a 5 year supply of marketable employment land. In my view, however, the Panbride site has a more clearly defined opportunity for future enlargement beyond that (up to 24ha in total), with land (immediately to the east of the proposed 12ha site) already earmarked by the objector to meet that longer term need, if required.

Site Configuration:

Whilst the Pitskelly Farm site is a simple, flat rectangular field layout, the illustrative proposals for Panbride show how the landform, existing mature trees and the proposed realignment of the link road from the A92, through a new cutting, would be used in combination to provide a division between the proposed business park at Carlogie (to the west of the new link road) and the proposed industrial park to be established in a woodland setting to the east of that new road link.

Strategic location:

Both of the proposals would be on routes linking junctions of the A92 with Carnoustie – via the Upper Victoria Link in the case of Pitskelly and via the Carlogie junction in the case of Panbride. I note that the latter is regarded by the council as the primary approach route for golfers and other visitors arriving into

Carnoustie. There is no dispute that the Pitskelly site is situated more distant from the town of Carnoustie than the Panbride site.

Road access:

Both of the sites are conveniently situated for road access via new grade-separated junctions on the A92, as detailed above. The Panbride site offers an added advantage of enabling one of the main road links from Carnoustie to the A92 to be realigned, and funding for this as part of a development package. This link is one that the council has identified as a project but has no funds to implement itself in the near future, apparently.

Access to public transport, footways and cycle routes:

There is no disagreement that whilst the Pitskelly site is close to footways and cycle routes it is relatively remote from existing bus services – the nearest being 800m and 1,000m from the site. The Panbride site has equally good footway and cycle access but has the added advantages of being situated on an existing bus service route and being closer to the town centre of Carnoustie.

Visibility in the landscape (from the A92 and other vantage points):

The Pitskelly site is described by the council as “taking advantage of the landscape setting which contains the site and opportunities to reduce the wider environmental impact of development on an important entrance to Carnoustie.” I do not regard the landscape setting as containing this particular site - which in my view sits in open landscape with no definition beyond its field boundaries which are insubstantial. Furthermore it appears as an island within agricultural fields and is openly visible from sections of the A92 road. Its open aspect when viewed from the A92 and when approaching from the north, on the link road from the A92 Upper Victoria, would make it highly difficult to screen effectively. Accordingly, I am concerned that standard industrial or business units on the Pitskelly site would be highly visible and would detract markedly from the attractive rural setting in which it is situated. I accept, however, that the Pitskelly site is not visible from the town of Carnoustie, because it is situated north of the ridge line which runs from east to west, broadly parallel with the coastline. Nevertheless I agree with the objectors who are concerned that development of this open field to provide an industrial estate would spoil an area of rural beauty - and unnecessarily in my view, for the reasons given below.

The Panbride site, whilst north of the same ridge line has the benefit of a belt of existing mature trees, many of which could be retained and supplemented to provide effective screening when viewed from the south and from the north. The existing views of the site from the A92 are already very limited and fleeting - due to the intervening undulating landforms, cutting of the main road and existing trees. I note that the promoters of the Panbride site propose to use the existing landform together with levelling/sculpting and bunding of the site and further landscaping in order to ensure that standard height industrial units would not be prominent, even when viewed from below the ridge line immediately to the south. From the illustrated layouts and my site inspections I was able to confirm that there would not be any significant views of the Panbride site from the Panbride village conservation area, as suggested by the council. Furthermore, I am satisfied that the proposed new alignment and cutting of the link road from the A92 to Carnoustie, whilst welcome in itself, would also provide a useful opportunity to act as a divide between the proposed new business park alongside the Carlogie House Hotel to the west of that realigned road and the proposed industrial park to the east of it, with proposals for further screen planting and berms to the north and south of the site to supplement existing trees and the natural landform which contain the site. The illustrative proposals also offer the prospect of a providing new gateway to the town at the proposed entrance roundabout to the development. Such potential benefits are not apparent in the Pitskelly site location.

Landscape features and scope for mitigation/screening:

For the reasons outlined above, linked to the open aspect of the Pitskelly site, I am concerned that there would be insufficient opportunities for mitigation to offset the open aspect of the Pitskelly Farm site through mounding or screen planting. Given the long time required to provide an appropriate height of trees through new planting, I consider that adequate screening of that site would entail excessive bunding, which would not be in keeping with the surrounding rural landscape in my view. I am satisfied, however, that the illustrative drawings produced to support the Panbride proposals demonstrate how the existing landforms and mature trees there already can be utilised and supplemented by other measures -

including site levelling, berms and further planting and the new link road, as outlined above – to provide satisfactory screening for a business park and an industrial park which does not detract from its gateway location at the entrance to Carnoustie.

Servicing:

There is no disagreement that in common with most sites to the west and north-west of Carnoustie there are servicing difficulties associated with the Pitskelly site, in particular with respect to foul and surface water drainage. I note that the council and the landowner of Pitskelly Farm recognise these difficulties but remain confident that they can be technically addressed - at a cost estimated at £750,000 by the council. I also note that this assessment is disputed by the objector who thinks the costs would be substantially higher, if they could be satisfactorily addressed at all within acceptable costs and time limits. There is no dispute that the Panbride site does not present any servicing constraints and could be developed without any abnormal servicing costs, with easy connections to the trunk sewer and other service providers.

Local Objections

I am persuaded by the arguments put forward by objectors and accepted by the council that:

- there is now a requirement for approximately 12ha of employment land to meet relocation needs of existing businesses on the Panmure Industrial Estate as well as meeting the structure plan requirements for a 5 year supply of marketable employment land
- the Clayholes site is too small and cannot be expanded to provide 12ha of employment land and is in any event situated unacceptably close to existing residential development to be acceptable for large-scale industrial development.

As the Clayholes site is too small to provide sufficient employment land and the council is already proposing to replace that site by another allocation elsewhere in the finalised plan review, through the Proposed 3rd Round Modifications, the objections to the allocation of the site at Clayholes do not require further consideration. I note that there are objections (146/1/1 and 599/1/1) which are conditionally withdrawn if the Panbride site is not allocated, as well as one other objection lodged which also seeks to resist development north of Panbride Road, based on the fact that this is prime agricultural land. I also note, however, that there are no potential sites of a suitable scale within the built-up area of Carnoustie available for industrial or business park development and many sites investigated in the surrounding area have severe drainage constraints and are therefore not viable options. In this context the remaining short-listed sites for consideration, in particular those at Pitskelly Farm and at Carlogie/Panbride Road, are generally on prime agricultural land beyond the main built up area of Carnoustie. Given these particular local circumstances, in my view the fact that it is prime agricultural land is not a valid reason for excluding land at Pitskelly Farm or at North of Panbride Road from any shortlist of possible sites to provide the required employment land to serve the needs of Carnoustie. All of the other matters of concern raised by objectors have been taken into consideration in my overall assessment above and dealt with under other topic headings, as appropriate.

Based on all of the above considerations, whilst I endorse the abandonment of the C6 Clayholes site allocation, I do not support the council's proposed replacement of that by an allocation of 12ha of employment land at Pitskelly Farm, for the reasons outlined above. In summary, I consider that the council's proposed allocation of the 12ha site north of Pitskelly Farm would set an unfortunate precedent encouraging further development in open countryside which is not justified, particularly when there is an alternative option at Carlogie/ Panbride Road. In any event, unlike the Panbride site, in my view the Pitskelly site could not be adequately screened, given its open countryside setting. I have come to this conclusion taking account of the various documents submitted and my site inspections. Based on the available evidence, and for the reasons stated above, I am persuaded that, on balance, the Panbride site offers a better option for development of employment uses than the Pitskelly site proposed by the council in the Proposed 3rd Round Modifications. I have considered the arguments put forward against the Panbride proposals, including those put forward by local residents concerned about the views of that site – but, for the reasons outlined above, I find that their concerns, whilst understandable, do not outweigh the various benefits of development of that site in the manner proposed.

Accordingly, I conclude that the council should amend the local plan allocation for employment land for Carnoustie, in particular to replace the C6 text and associated wording set out in those modifications with a new policy and associated supporting text to promote in its place the site at Carlogie/Panbride Rd -

along the lines set out in the drawings, illustrative Masterplan and other supporting documentation put forward on behalf of D J Laing Contracts Ltd (Objection 934/1/1).

REPORTER'S RECOMMENDATION:

For the reasons outlined above, I recommend that the local plan review should be amended. In particular, as set out in my conclusions, the modified policy C6 and associated paragraphs in the 3rd Round Modifications should be deleted and replaced by an equivalent policy, supplemented by associated background and supporting text, to promote the 12ha Carlogie/Panbride site for employment use, in particular to provide a business park and industrial park as well as an improved link road and a gateway entrance feature to the town, with land to the east of that being earmarked for potential future expansion if required.

HEAD OF PLANNING AND TRANSPORT COMMENT

The investigation and identification of an effective site for employment land to meet the needs of new, expanding and relocating businesses for Carnoustie has involved a number of sites in and around Carnoustie being assessed by the Council through successive local plans. This has included consideration of issues relating to servicing, access and environmental impact. There are no sites within the existing built up area capable of meeting the requirements for a business park and therefore sites outwith the boundary were considered, concluding with the Councils current proposal for land at Pitskelly Farm.

The Reporter has recognised the changing circumstances in the Carnoustie area and endorsed the Council's view that it was correct to look for a major new site capable of meeting both the Structure Plan requirements and also the needs of existing and new business. The Reporter has also agreed that the Council was correct to abandon the previous Clayholes allocation (C6) as being too small to provide sufficient employment land for those purposes and he therefore supports the third round pre-inquiry modification to delete this earlier proposal.

The Reporter has considered in some depth the comparative benefits of the Councils proposal for Pitskelly Farm and the objector's alternative proposal at Carlogie/Panbride Road.

In coming to the recommendation in favour of the Carlogie/Panbride Road site the Reporter concludes that although in the open countryside, in his opinion it is less prominent within the wider landscape than the site at Pitskelly and that ground levelling, sculpting and bunding together with further landscaping would provide an effective screen when viewed from the north and south of the site. He also notes that the potential servicing costs for the site at Pitskelly are much higher than those at Carlogie and therefore the development may take longer to come forward. Carlogie is therefore considered to be more effective and development would also result in the completion of the Carlogie Road link between the town and the A92 road. The Reporter is also concerned that development at Pitskelly will create pressure for further development at that location.

The Reporter therefore recommends that approximately 15 ha of land at Carlogie be promoted for employment, with approximately 9 ha east of Westhaven Road earmarked for future expansion if required. The Council accepts the Reporter's view that land at Carlogie should be allocated to meet current relocation and structure plan requirement for employment land, but not the area identified for future expansion.

The gross area identified on the submission by D J Laing Contracts Ltd totals approximately 15 ha, to replace existing development (extending to approximately 8ha on three separate sites in the town) and to meet structure plan requirements of up to 5ha. The existing industrial areas in the town are not intensively used and include areas of vacant land/premises and underused areas. A purpose built business park and Industrial Estate will accommodate existing uses more efficiently and use less land. The proposed allocation will meet in full both local need and structure plan requirements, and it is considered that at this stage there is no pressing need to identify a future extension area east of Westhaven Road. Take up of land and premises on the proposed new site will be monitored through the annual review of employment land. Any future requirement for additional employment land will be assessed through either a full review or stand alone alteration to the Local Plan. This accords with the position of the Reporter at Forfar where he concluded there was no pressing need to identify an extension to the Orchardbank Industrial Estate, as the structure plan requirement is 'comfortably exceeded'.

ANGUS COUNCIL DECISION

ACCEPT in part the Reporter's Recommendation and agree to modify the Angus Local Plan Review to delete the employment land allocation at Pitskelly Farm and include the site at Carlogie as proposed by D J Laing Contracts Ltd.

Modify para 19 to replace reference 'Upper Victoria Link at Pitskelly Farm' with 'Carlogie' to read as follows :-

19. A site at ~~Upper Victoria Link at Pitskelly Farm~~ Carlogie provides an opportunity to address issues of accessibility within Carnoustie, the impact of some business activities on surrounding amenity and to provide a modern facility for the long term business needs of Carnoustie and Monifieth with good access to the A92. It also takes advantage of the landscape setting which contains this site, and opportunities to reduce the wider environmental impact of development on an important entrance to Carnoustie.

Delete existing **Policy C6 : Working – Pitskelly Farm, Upper Victoria** and replace with:-

C6 : Working - Land at Carlogie

Approximately 15 ha of land at Carlogie is allocated for Class 4* (business), Class 5* (general industry), and Class 6* (storage and distribution) uses.

Proposals should be in accordance with the development brief which will be prepared for this site and will include details of the following requirements:-

- road access and construction of a realigned Carlogie Road to the standards set by the Director of Infrastructure Services;**
- provision of access by pedestrian, cycle and public transport**
- foul and surface water drainage;**
- site layout and design to accommodate a range of business uses;**
- investigate the need for archaeological evaluation and undertake/ implement as necessary; and**
- structure planting and landscaping within and around the site. This should take place at an early stage and will require to be to a high standard, particularly given the gateway location of this site.**

***As defined in the Town and Country Planning (Use Classes) (Scotland) Order 1997.**

Indicate the site on the Carnoustie and Barry Inset Proposals Map (as shown on the attached plan)

