

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 5 JANUARY 2016**

**PLANNING APPLICATION – FIELD 100M WEST OF DUNNICHEN AVENUE, GOWANBANK, FORFAR**

**GRID REF: 346605 : 751140**

**REPORT BY HEAD OF PLANNING AND PLACE**

**Abstract:**

This report deals with planning application No 15/00402/FULL for planning permission for erection of 5 houses and creation of a vehicular access and associated works at Field 100M West of Dunnichen Avenue, Gowanbank, Forfar. This application is recommended for conditional approval.

**1. RECOMMENDATION**

It is recommended that the application be approved for the reasons and subject to the conditions given in Section 9 of this report.

**2. INTRODUCTION**

- 2.1 The applicant seeks planning permission for the erection of 5 houses and creation of a vehicular access and associated works to the west of Dunnichen Avenue, Gowanbank, Forfar.
- 2.2 The application site, which measures approximately 7700 square metres in area, is located within the development boundary on an elevated site to the west of the existing residential property at Mossie. The existing open space associated with the larger residential development to the east is located to the south and the access road proposed also incorporates a small part of this open space. Existing residential properties also bound the site to the north and west.
- 2.3 The proposal seeks planning permission for a housing development of 5 dwellings, the creation of a vehicular access to be taken from Dunnichen Avenue and associated works. A mixture of house types and designs (from single storey to 1.5 storey properties) are proposed with all of the properties orientated to the south along the existing building line of Mossie. Some alterations to ground levels are required to facilitate the housing development and access road. Drawings showing existing and proposed levels have been submitted. The application form indicates that the proposal would be connecting to the public drainage network and that the proposal would make provision for the sustainable drainage of surface water.
- 2.4 The application has been subject to variation. Amended drawings had been submitted to alter the design and locations of some of the dwellings within the proposed plots. An additional streetscene elevation was also provided to show the proposed dwellings.
- 2.5 The application was subject of statutory neighbour notification and advertisement.
- 2.6 The application must be determined by the Development Standards Committee due to the recommendation for approval whilst being subject to objection from the Community Council.

**3. RELEVANT PLANNING HISTORY**

The most relevant application to this proposal is 03/00019/OUT for Proposed Housing Development at Land at Prior Road, Forfar. That application was approved subject to conditions.

The application identified 5 indicative plots but with the access to be taken from the Old Brechin Road to the north. That planning permission has now expired.

#### **4. APPLICANT'S CASE**

4.1 An initial planning statement was submitted as part of the application and the content of this can be summarised as follows:-

- It provided a planning history to the site and that the site is allocated for housing in the ALPR;
- Indicates that the plots have all been sold and individually designed to meet end user requirements and provides details of each house design;
- Provides details of drainage and indicated that there is no flood risk associated with the development;
- Provides a planning policy context in terms of F (h) Prior Road 1: Capacity 5 Houses;
- Indicates that the company is committed to utilising SUDS within the development site;
- Highlighted other material considerations and concluded that the application is compliant with development plans policy.

4.2 Following a consultation response from the Roads Service, the applicant provided a Flood Risk Assessment (FRA) for the site. This concluded that the development was at little or no risk from flooding from all sources. The primary risk was considered to be from pluvial or surface water flooding due to the proximity of an area mapped by SEPA as being at risk of flooding. It was found that the mapped area corresponded to a low lying area to the south of the site containing a pond and known to become particularly saturated. This area is also used as the overflow for the land infiltration SUDS pond associated with housing to the east. Assessment of the topography in and around the site demonstrates a distinct separation and it was found that the low lying area has sufficient volume that flooding could safely occur without threatening development. The proposed drainage system for the new development will be appropriately designed on site specific ground investigation data and will be designed to sufficiently control surface water runoff.

4.3 The applicant's agent also made the following comments in response to the matters raised by the Community Council and the letters of representation. These comments are summarised below:-

- Forfar Community Council: The site is allocated for 5 houses in the Adopted Angus Local Plan Review. A Flood Risk Assessment has been undertaken by Stuart Burke Associates and submitted in connection with this application. The assessment and conclusions of this report have been found to be acceptable to the Councils Engineering and Design Services Department. Furthermore, no objection has been raised to the proposal by SEPA. The new road although private, will be built to an adoptable standard suitable for all vehicle access. It is our intention that the bin lorries will use the new private road and be able to turn at the head of the road. Each plot will be able to position their bin for collection.
- Other Representations: Suggests that impact on privacy is not a planning matter and that the area of land to the south is not part of the planning application. That there is an extant consent for the area to be kept as landscaped green space as part of the Wester Restenneth Housing Development. As far as the applicant is aware there are no soakaways within the application site. Confirmed that the final road level and passing place will be lower than the garden of 1 Dunnichen Avenue and therefore no water ingress will happen.

#### **5. CONSULTATIONS**

5.1 The Roads Service has been consulted and in relation to traffic, parking and road safety have raised no objections subject to conditions. The Service has indicated that there is no requirement for the adoption of roads for five houses or less. In terms of drainage / flooding the Roads Service requested a flood risk assessment as the site was shown to be an area at risk of flooding from surface water. Following the submission of a flood risk assessment the Roads Service indicated that this met with their requirements. They indicated that having considered the flood risk assessment, that the final floor levels of plot 4 and 5 should be a minimum of 68.150m AOD.

- 5.2 The Housing Service has been consulted on the proposals and requested the provision of a 15% affordable housing contribution.
- 5.3 Scottish Water has made no comments on the proposals.
- 5.4 Forfar Community Council has objected to the proposals. It has indicated concerns about further building so near the SUDS pond and concerns regarding flooding. It has also suggested that a single lane with passing places is not suitable for bin lorries or other traffic and considers that no further building should take place on this site.
- 5.5 The Environmental Health Service raised no objections but requested conditions be attached in relation to contaminated land. It indicated that the proposed development partly overlies land that has been identified as made ground and consideration will need to be given to the make-up of this material and how it impacts on the development. It has also recommended that a ground gas risk assessment be completed that includes characterisation of gas levels both before and after the planned changes in topography.
- 5.6 The Education Service has indicated that a contribution for secondary education only will be required in this instance.
- 5.7 SEPA has been consulted on the application and raised no objections. However SEPA did advise that there was a potential flood risk identified from surface water and that a detailed assessment should be submitted to the Council for consideration. *As noted above an assessment was subsequently provided, reviewed and deemed acceptable by the Roads Service.*

## 6. REPRESENTATIONS

Three letters of representation have been received in relation to the proposal. All of the submitted letters are objecting to the proposal. The letters of representation will be circulated to Members of the Development Standards Committee and a copy will be available to view in the local library or on the council's Public Access website. The main issues raised relate to:

- **Impacts on privacy of neighbouring properties** - discussed in Section 7 of this report.
- **Impacts on existing soakaways** - discussed in Section 7 of this report.
- **Adverse impacts on road traffic, pedestrian safety and flooding on the road** - discussed in Section 7 of this report.
- **Concerns regarding water ingress to adjacent properties and potential subsidence of new access road** - discussed in Section 7 of this report.
- **Concern regarding the maintenance of the piece of ground left between the access road and the properties to the north** - discussed in Section 7 of this report.
- **Loss of view** – this is not a material planning consideration.

## 7. PLANNING CONSIDERATIONS

- 7.1 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.
- 7.2 In this case the development plan comprises:-
- TAYplan (Approved 2012)
  - Angus Local Plan Review (Adopted 2009)

The relevant policies of the Development Plan are reproduced at Appendix 2.

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 Proposed Angus Local Development Plan was approved by Angus Council at its meeting on 11 December 2014 and published the Proposed Angus Local Development Plan for a statutory period for representations. The 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. The statutory period for representation has now expired and submitted representations are in the process of being assessed. Any unresolved representations 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 is 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. The policies of the Proposed Plan are only referred to where they would materially alter the recommendation contained in this report.

- 7.3 The application site is identified as an existing housing site (Policy F (h)) in the Angus Local Plan Review (ALPR) and within the Development Boundary of Forfar. The land is identified for housing purposes in the Local Plan and Policy SC1: Housing Land Supply is relevant. That policy indicates that land identified for residential development will be safeguarded from alternative uses. On this basis, the general principle of a small housing development on the site is compatible with policy and the key issues relate to compliance with the development principles identified in Policy S6 and its associated Schedule 1, the suitability of the proposed design in relation to Policy S3 and consideration of other general development plan policies.
- 7.4 Firstly, in terms of Policy S6, and in relation to amenity for the prospective occupants of the new houses, the proposed plots are relatively generous and would provide sizeable private amenity areas. There are no other uses in the surrounding area that would adversely impact on the amenity of the new houses. A flood risk assessment has been submitted that indicates that the proposed houses would not be at unacceptable risk subject to appropriate floor levels. The Environmental Health Service has indicated that remediation of any potential ground contamination can be secured by planning condition. In these circumstances the proposed properties are considered to provide an acceptable residential environment.
- 7.5 In relation to Policy S6 it is also relevant to give consideration to the impact of the development on the amenity of neighbouring property. In this respect I do not accept the applicants assertion that impact on privacy is not a planning matter; a reduction in privacy can adversely affect amenity and I am satisfied that this is a relevant planning matter. However, whilst I note the concerns raised by third parties, the proposed layout is such that the relative position and separation distance between proposed and existing dwellings would minimise impacts on the amenity of occupants of those existing houses. The separation distances are typical of that which is commonly found in urban areas and the detailed layout of the proposal has been revised in order to further minimise impacts on neighbouring property. Accordingly, there should be no unacceptable amenity impacts as a consequence of the new houses. A condition of the permission would require the provision of suitable boundary fencing and planting in order to assist with the maintenance of privacy.
- 7.6 The Roads Service has indicated that it finds the proposed access arrangements acceptable subject to a number of planning conditions and I am satisfied that the development would not compromise road traffic or pedestrian safety. Again the concerns raised by third parties in relation to access matters are noted but these are not considered to raise matters that cannot be addressed by planning condition or that would otherwise justify refusal of planning permission.
- 7.7 Matters relating to landscaping of the site can be addressed by planning condition. The site is not considered to have any special biodiversity value or to give rise to any significant biodiversity impacts. Whilst the proposed access would cross an open space are provided in association with

the larger housing development at Wester Restenneth, there is adequate open space in the area and the existing maintenance arrangements will be unaffected by this proposal.

- 7.8 The proposal does not give rise to any significant or unacceptable issues in terms of drainage or flood risk. As indicated above a flood risk assessment has been reviewed by the Roads Service and it has indicated that the properties are not at significant risk subject to construction at a pre-defined floor level. Third parties have raised concern that the new access road may lead to water ingress to neighbouring property but the applicant has indicated that the final level of the new road and associated passing place will be lower than neighbouring garden ground. A condition of the permission would require details of the finished road level. The applicant has indicated that foul drainage will be taken to the public sewer and surface water will be directed to a sustainable urban drainage system. Third parties have raised concern that the development may impact on existing soakaways although the applicant has indicated they are not aware of any within the application site. Notwithstanding that, an adverse impact on existing drainage infrastructure would have potentially adverse environmental and amenity impacts and therefore a condition is proposed that would require this matter to be addressed before development commences.
- 7.9 Policy S3 deals with design related matters and seeks a high quality of design in all proposals. The application site is located in an area where there are a broad range of house types of varying style and age. The area to the east of the site has recently been developed as a sizeable new housing development. Each of the dwellings proposed differ in design terms but would be acceptable for the area. A condition of the permission will require precise details of the external finishes to be approved. The northern boundary of the properties is reasonably visible from Old Brechin Road and the proposed fence boundary would appear stark unless mitigated by appropriate landscaping. Again this matter can be addressed by condition. Overall the design of the proposal is considered acceptable.
- 7.10 Policy SC9 of the ALPR addresses affordable housing and sets out the requirements for a 15% contribution in the Forfar/Kirriemuir and Glens Housing Market Area where the area of the site is 0.5 hectares or greater. The Housing Service has indicated that a payment of a commuted sum would be appropriate in this instance and this matter can be addressed by a planning condition requiring conclusion of a planning obligation.
- 7.11 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. The Education Service has indicated that, having regard to the potential number of secondary school pupils that would be generated by this and other potential development within the town, it is considered that the existing school estate will require to be extended in order to accommodate those children. A contribution of £5,100 per dwelling (excluding affordable units) would be required in order to mitigate the impact of the development on education infrastructure. Such contribution would be used to increase secondary school capacity in order to accommodate children that can reasonably be expected from the development. On this basis it is considered that impacts on education infrastructure could be mitigated.
- 7.12 The issues raised in the letters of representation have been addressed in the discussion above. The concerns expressed by third parties are noted but they do not raise matters that justify refusal of the application or that cannot be appropriately addressed by planning condition.
- 7.13 This is an identified housing site in the ALPR. Accordingly, the principle of housing development on the site is compliant with the local plan. The detailed proposals that have been submitted are acceptable and compatible with other relevant development plan policies subject to the planning conditions proposed. The concerns raised by third parties are noted but there are no material considerations that justify refusal of the application.

## **8. OTHER MATTERS**

### **HUMAN RIGHTS IMPLICATIONS**

- 8.1 The decision to grant permission/consent, subject to conditions, has potential implications for

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

## **EQUALITIES IMPLICATIONS**

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

## **9. CONCLUSION**

It is recommended that the application be approved contrary to the Development Plan for the following reason(s) and subject to the following condition(s).

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

The application would provide for a new housing development within a development boundary on an identified housing site in a manner that complies with relevant policies of the development plan subject to appropriate planning conditions. There are no material considerations that justify refusal of the proposal.

### **Conditions:**

1. That prior to the commencement of the development hereby approved, the following shall be submitted to and approved in writing by the planning authority:
  - a. a specification for the access track between the public road (Dunnichen Avenue) and the curtilages of the proposed dwellings and a scheme for its future management and maintenance. This should include detailed plans showing sections through the proposed access road and indicate the finished road level relative to a fixed ordnance datum. The access track shall thereafter be completed in accordance with the approved details prior to the occupation of any dwelling house hereby approved;
  - b. a hard and soft landscaping scheme for each plot and for any communal areas within the development, including boundary treatments for each plot. The scheme shall include provision for planting on the northern boundary and details of the phasing of the landscaping and measures for its future maintenance. Thereafter the development shall be undertaken in accordance with the approved scheme;
  - c. details of the external materials to be used on each dwellinghouse. Thereafter the development shall be undertaken in accordance with the approved details;
  - d. precise details of the proposed surface water drainage arrangements for the site. The details should include information to demonstrate that the development will not have an adverse impact on existing drainage infrastructure serving existing houses, along with drainage details for the new road and details of the phasing of provision of all new drainage facilities. Thereafter, the approved scheme shall be implemented in accordance with the phasing detail;
  - e. precise details of existing and proposed ground levels and finished floor levels relative to existing dwellings and a fixed ordnance datum.

*Reason: In order to provide a safe and suitable access, to ensure adequate drainage provision and in the interests of the amenity of the area.*

2. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 26(4)(a)-(f) of the Town and Country (Scotland) Planning Act 1997 in relation to the development, until a planning obligation pursuant to s.75(1)(a) of the said Act relating to the land has been registered in the Land

Register of Scotland or recorded in the General Register of Sasines, as appropriate, to the written satisfaction of the planning authority. The said planning obligation will provide that:

- a) A sum of £20,400 (subject to review) will be paid to the planning authority for the purpose of the provision of secondary school educational facilities;
- b) A sum of £24,000 (subject to review) will be paid to the planning authority as a contribution towards affordable housing provision within the local housing market area.

*Reason: To ensure that the proposed development does not put undue pressure on the existing education facilities and to ensure provision of a contribution towards the provision of affordable housing in accordance with council policy.*

3. That, prior to the occupation of the first dwelling house, the footway crossing at the access shall be formed and constructed in accordance with the National Roads Development Guide (SCOTS).

*Reason: To provide a safe and satisfactory access in a timely manner.*

4. That, prior to commencement of any development works, a comprehensive review of all previous contaminated land investigation reports shall be completed and a report be submitted for the written approval of the planning authority. Should it be necessary to undertake further investigation then this shall be completed in accordance with a recognised code of practice such as British Standards Institution "The Investigation of Potentially Contaminated Sites – Code of Practice" (BS 10175: 2011). The report must include a site-specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33.

*Reason: In order to ensure that the site is suitable for human habitation.*

5. That where the contaminated land investigation report identifies any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, a detailed remediation strategy shall be submitted for the written approval of the planning authority. No works, other than investigative, demolition or site clearance works shall be carried out on the site prior to the remediation strategy being approved by the planning authority. Prior to the occupation of the development the remediation strategy shall be fully implemented and a validation report confirming that all necessary remediation works have been undertaken shall be submitted for the written approval of the planning authority.

*Reason: In order to ensure that the site is suitable for human habitation.*

6. That the finished floor levels of Plots 4 and 5 shall be 68.150m AOD unless otherwise approved in writing by the planning authority.

*Reason: In order to ensure that the dwellings are compliant with the details in the Flood Risk Assessment and are not at unacceptable flood risk.*

7. That the drawing entitled 'Road and Plot Drainage' is not approved. Prior to the commencement of development an amended plan shall be submitted to and approved in writing by the planning authority which accurately details the locations of the proposed dwellings. Thereafter the development shall be undertaken in accordance with the approved details.

*Reason: In order to ensure that the drawings accurately reflect the drainage proposals relative to the layout of the proposed houses.*

**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.

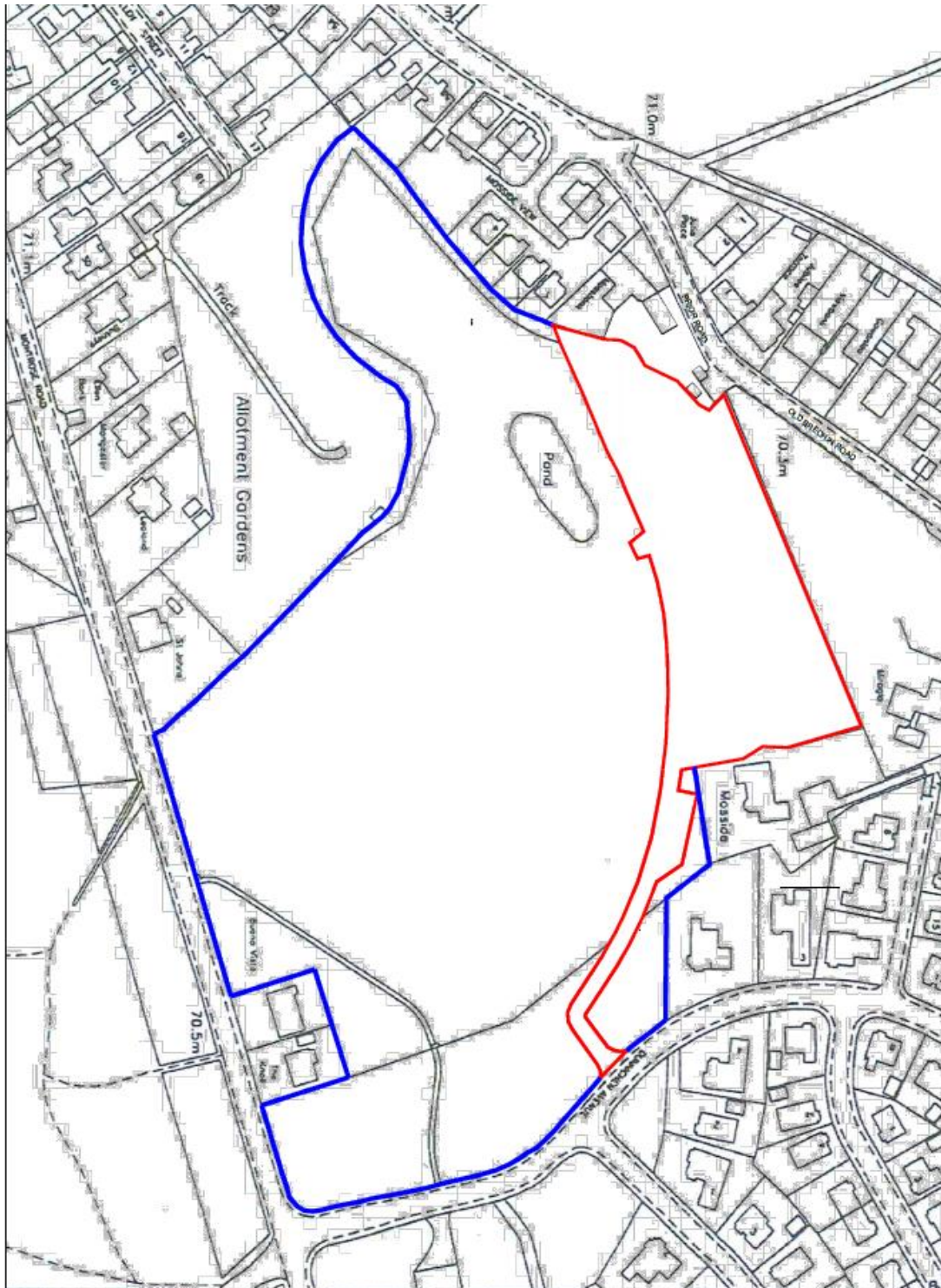
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**Date: 15 December 2015**

**Appendix 1 : Location Plan**  
**Appendix 2 : Relevant Development Plan Policies**



# Appendix 1: Location Plan



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**CLIENT**  
Wester Resterneth Dev

**PROJECT**  
Erection of 5 Houses

**ADDRESS**  
The Mossie, Wester Resterneth

**DRAWING TITLE**  
Location Plan

**DRAWING NUMBER**  
2019/104

REV	NOTES	DATE
A	Check with owner by 7th November	April 15
	Issued to team	

**SCALE**  
1:1250

**DRAWING STATUS**

FEASIBILITY	<input type="checkbox"/>
CLIENT APPROVAL	<input type="checkbox"/>
PLANNING	<input type="checkbox"/>
BUILDING WARRANT	<input type="checkbox"/>
CONSTRUCTION	<input type="checkbox"/>
AS-BUILT	<input type="checkbox"/>
TENDER	<input type="checkbox"/>

**DIRECTION**  
NORTH

**DATE**  
.....

**DRAWN BY**  
JM

**CHECKED BY**  
.....

**OAD REFERENCE**  
.....

**DO NOT SCALE. E: IN DOXIS 759K**  
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**CLIENT**  
Wester Resterneth Dev

**PROJECT**  
Erection of 5 Houses

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**DIRECTION**  
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**DATE**  
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JM

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## Appendix 2 : Relevant Development Plan Policies

### Policy S3 : Design Quality

A high quality of design is encouraged in all development proposals. In considering proposals the following factors will be taken into account:-

- site location and how the development fits with the local landscape character and pattern of development;
- proposed site layout and the scale, massing, height, proportions and density of the development including consideration of the relationship with the existing character of the surrounding area and neighbouring buildings;
- use of materials, textures and colours that are sensitive to the surrounding area; and
- the incorporation of key views into and out of the development.

Innovative and experimental designs will be encouraged in appropriate locations.

### Policy S6 : Development Principles (Schedule 1)

Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information.

#### Schedule 1 : Development Principles

##### Amenity

- (a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.
- (b) Proposals should not result in unacceptable visual impact.
- (c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

##### Roads/Parking/Access

- (d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.
- (e) Access to housing in rural areas should not go through a farm court.
- (f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17 : Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary.
- (g) Development should not result in the loss of public access rights. (Policy SC36)

##### Landscaping / Open Space / Biodiversity

- (h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)
- (i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.
- (j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.
- (k) The planting of native hedgerows and tree species is encouraged.
- (l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

##### Drainage and Flood Risk

- (m) Development sites located within areas served by public sewerage systems should be connected to

that system. (Policy ER22)

(n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.

(o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)

(p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).

(q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38)

(r) Development should minimise waste by design and during construction.

#### Supporting Information

(s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following: Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.

#### Policy SC1 : Housing Land Supply

Adequate land has been allocated in the Local Plan to meet the allowances of the Dundee and Angus Structure Plan up to 2011 as illustrated in Table 2.1. Land identified for residential development will be safeguarded from alternative uses, and its effectiveness will be monitored through the annual audit of housing land. Where sites allocated in the Plan are phased to extend beyond 2011 they will contribute towards meeting the indicative allowances for the 2011-2016 period.

#### Policy SC9 : Affordable Housing

Angus Council will seek to secure the provision of affordable housing from housing developments on allocated sites, opportunity and windfall sites which will contribute towards meeting identified needs in each Housing Market Area as follows:-

- Arbroath – 20% LCHO housing;
- Brechin/ Montrose – 25% LCHO housing;
- Forfar, Kirriemuir and Glens – 15% LCHO housing;
- South Angus – 40% social rented and/or LCHO housing.

The requirement for affordable housing in each Housing Market Area will be applied to the overall capacity of sites of 10 or more units, or a site size equal to or exceeding 0.5 hectares. Where a site is being developed in phases of less than 10 units or less than 0.5 hectares the affordable housing requirement will still be applied.

Affordable housing developments may be permitted on sites outwith but adjacent to development boundaries provided it can be demonstrated that:-

- there is an identified local need that cannot be met on a suitable site within defined development boundaries;
- the proposal takes account of the provisions of Policy S6: Development Principles; and
- proposals are in accord with other relevant policies of the Local Plan.

In all circumstances, Section 75 or other legal agreements may be used to secure the delivery of affordable housing.

### Policy SC32 : Open Space Protection

There is a general presumption against development of open spaces of sporting, recreational, amenity or nature conservation value including those shown on the Proposals Maps, for other forms of development. The loss of open space will only be considered acceptable where:

- the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting, recreational, amenity or nature conservation value or compromise its setting; or
- replacement open space of the same type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area; or
- it is demonstrated through an open space audit that there is an identified excess of open space provision in the local area to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site.

### Policy ER28 : Flood Risk Assessment

Proposals for development on land at risk from flooding, including any functional flood plain, will only be permitted where the proposal is supported by a satisfactory flood risk assessment. This must demonstrate to the satisfaction of Angus Council that any risk from flooding can be mitigated in an environmentally sensitive way without increasing flood risk elsewhere. In addition, limitations will be placed on development according to the degree of risk from coastal, tidal and watercourse flooding. The following standards of protection, taking account of climate change, will be applied:-

- In Little or No Risk Areas where the annual probability of flooding is less than 0.1% (1:1000 years) there will be no general constraint to development.
- Low to Medium Risk Areas where the annual probability of flooding is in the range 0.1% - 0.5% (1:1000 – 1:200 years) are suitable for most development. Subject to operational requirements these areas are generally not suitable for essential civil infrastructure. Where such infrastructure has to be located in these areas, it must be capable of remaining operational during extreme flood events.
- Medium to High Risk Areas (see 2 sub areas below) where the probability of flooding is greater than 0.5% (1:200 years) are generally not suitable for essential civil infrastructure, schools, ground based electrical and telecommunications equipment.
  - (a) Within areas already built up sites may be suitable for residential, institutional, commercial and industrial development where an appropriate standard of flood prevention measures exist, are under construction or are planned.
  - (b) Undeveloped or sparsely developed areas are generally not suitable for additional development.

### Policy Imp1 : Developer Contributions

Developer contributions will be required in appropriate circumstances towards the cost of public services, community facilities and infrastructure and the mitigation of adverse environmental impacts that would not have been necessary but for the development. Such contributions will be consistent with the scale and effect of the development and may relate to both on-site and off-site items that are required to produce an acceptable development in the public interest.

### TAYplan Strategic Development plan

#### Policy 8 : Deliver Strategic Development

To ensure that quality is designed-in to development and places developer contributions shall be sought for new developments:-

to mitigate any adverse impact on infrastructure, services and amenities brought about by development including contributions towards schools, affordable housing, transport infrastructure and facilities

(including for road, rail, walking, cycling and public transport), and other community facilities in accordance with the Scottish Government Circular 1/2010.