

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE - 8 MARCH 2016

PLANNING APPLICATION - FIELD 200M SOUTH EAST VICTORIA STREET MONIFIETH

GRID REF: 348960 : 733319

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report deals with planning application 15/00912/MSCM for the Approval of Matters Specified in Conditions for the Erection of 332 Dwellinghouses, Garages, Associated Roads and Landscaping (All of Condition 1 of Planning Permission: 13/01184/PPPM) on land South East of Victoria Street, Monifieth for Taylor Wimpey. The application is recommended for conditional approval, subject to a Section 75 Planning Obligation and the delegation of the approval of drainage infrastructure and conditions to ensure appropriate delivery 1 (b),(f) to officers.

1. RECOMMENDATION

It is recommended that the matters specified in Conditions 1(a) to (e), (excluding drainage infrastructure) as part of 1(b), (g), (h), (j) and (k) be approved for the reasons and subject to the conditions detailed at Section 10 of this report and that Committee agree to delegate the consideration of the surface water drainage scheme in respect of Condition 1(b) and (f), and a legally binding scheme and discharge of condition in respect of Condition 1(i) to the Service Manager - Planning. A decision notice for the whole application will be issued only once all matters (1(a) to (k)) have been resolved.

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 Approval of Matters Specified in Conditions is sought for the erection of 332 dwellinghouses, which is within the scope of the Planning Permission in Principle approved on the site for up to 400 dwellings. Within this total, 83 affordable housing units are proposed on site.

3.2 The application site is located to the north of Monifieth, as indicated on the Local Plan in Appendix 1. It measures some 16.3 hectares and predominantly comprises agricultural land, with a gently rolling landscape characteristic with notable landscape features in the form of a treed knoll and occasional trees. The site is bound to the north by Victoria Street and the A92, with Ethiebeaton Park - a retail, leisure, hotel and restaurant development - located immediately beyond to the north. Land to the east beyond Victoria Road comprises of agricultural land, the former Ashludie Hospital and modern housing. Further dwellings in modern housing developments are located to the south, and west of the application site.

- 3.3 The proposed development layout indicates that vehicular access will be taken from two points on Victoria Street - one on the northern section nearer to the A92 road and the other on the eastern boundary of the site closer to other development within Monifieth. The layout of the development is proposed in a predominantly northeast to southwest layout along the route of primary roads, complemented by secondary roads along the same axis and intersecting connecting roads running broadly north to south with housing lining the majority of these areas. The layout proposes to retain and incorporate important landscape features such as the knoll on the southern boundary adjacent to an existing mature wooded area and a historic tree roundel on the northern boundary adjacent to the existing roundabout on the A92 road. These green areas would form part of the green and open space provision within the development, with a tree lined boulevard connecting the two areas and further areas of open and play areas located to the west; a large area named Grange Park - which would accommodate formal and informal play equipment - and a smaller recreation area with kick-about provision on the western boundary adjacent to The Grange Nursing Home. Surface water drainage is proposed to be achieved through Sustainable Urban Drainage System (SUDS) and the SUDS detention pond in the northeast corner of the site represents the final area of green space; however, additional landscape planting and greening is proposed throughout the site and along the site boundaries on the north, south and western boundaries. An existing bund along the northern boundary is retained for noise attenuation for nearby properties and gardens, being complemented by the aforementioned tree planting. Pathways are shown throughout the site including indication of where shared cycle and pedestrian accesses would connect to the existing path networks, three of which are located on the northern boundary, two on the western boundary at the courtyard and adjacent to the lick-about pitch and further paths on the southern boundary adjacent to the nursing home and connecting to an existing path on Fotheringham Drive.
- 3.4 Almost universally throughout the site the proposed layout orientates dwellings towards roads, streets (including two courtyard areas) or open space areas. The dwellings themselves range from two bedroom to four bedroom properties of a combination of terraced, semi-detached and detached properties, including 11 detached bungalows along the common boundary with properties on Fotheringham Drive. The affordable housing provision would comprise two and three bed terraced and semi-detached properties and are located within four areas throughout the site; including along the central boulevard and the two courtyard areas. There are three proposed configurations of external finishes to the dwellings, with all three finished in the same slate grey concrete tile and a mixture of white and beige dry dash and reconstituted stone proposed for walls. The window and rainwater goods are specified as being uPVC. A mixture of boundary enclosures are proposed depending on their location and function; with sections of 1.8 metre (m) high reconstituted proposed on prominent locations along roads and public areas and 1.8 m high timber fences and 1.2 m high bow top metal fencing delineating external property boundaries and 0.6 m high post and wire fencing for internal boundaries. The majority of open market houses would have either integrated or detached garages., with other car parking provision provided for within plots and on designated on-street and off-street areas and courtyards.
- 3.5 In terms of phasing it is proposed to develop the site over a period of 10 years through 6 phases of development, at an approximate rate of 35 dwellings per year. Infrastructure provision is proposed to be provided on a phase-by-phase basis in terms of drainage, roads and pavements and at key stages for whole site pieces of infrastructure such as landscaping, open spaces, play equipment and path connections.
- 3.6 The proposal has been advertised in the press as required by legislation. The application has been subject of variation in respect of the layout and design, including housing positioning, open space configuration and areas of tree planting and landscaping.
- 3.7 This application requires to be determined by Angus Council because it is a 'Major' development, as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

4. RELEVANT PLANNING HISTORY

13/00830/PAN for Proposal of Application Notice for Major Residential Development, Park and Ride and Recycling Facility was determined as "Approved" on 19 September 2013.

13/01184/PPPM for Proposed Residential Development was determined as "Approved subject to conditions" on 17 September 2015.

5. APPLICANT'S CASE

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

- **Design and Access Statement:** Assesses the character of the site and surrounding area and aims to identify the design principles and concept for the development of the site to achieve the aspirations for good design and sense of place as set out in national and local guidance. To achieve this 'Designing Streets' has been adopted throughout the design to create a place for people and not vehicles first, including incorporation of homezones. The design has been developed to provide a large area of public open space and green areas, including dedicated play areas and path connections, to underpin the character being sought and achieve a sense of community. In terms of houses a range of sizes are proposed (2 to 5 bedroom detached, semi-detached and terraced properties) that are to be finished in a palate of materials to be agreed.
- **Acoustic Report:** Was prepared to assess the possible noise disturbance of proposed properties within the development as a result of traffic noise from the A92. The report sets out the procedures and methodology for measuring noise levels, details the results and draws conclusions of the significance of the traffic noise. The assessment was undertaken in accordance with Scottish Government guidance, including Planning Advice Note 1/2011: Planning and Noise. It was concluded that the traffic noise levels are within limits given by guidance without the need for mitigation (notwithstanding the bund along a section of the northern boundary). This report was supplemented by additional information about noise levels calculation and the location and measurements of the bund.
- **Archaeology Report:** Is a desk-based assessment of the development area. The aims were to assess evidence for past human activity, the site's archaeological sensitivity and the potential impact of the development on the archaeological resource. The methodology of this assessment is set out, detailing the information resources, finding from previous archaeological site assessments and details of the walkover survey. The assessment concludes that the area is not particularly sensitive but prehistoric activity is known in the wider area. Evidence available identifies that the site has been used mainly for agriculture since at least the mid-eighteenth century and most ground works have been confined to topsoil. As no development is known there is potential for sub-surface archaeological remains to remain, particularly given the closeness of prehistoric remains nearby. Given this potential it is advised that a programme of archaeological mitigation works is undertaken during ground breaking works. The final scope for such works would need to be agreed by the local authority.
- **Drainage Assessment:** Addresses the surface water drainage strategy, foul water drainage strategy, modelling of surface water run-off flows and an outline sustainable drainage (SUDS) system. The study identifies that the development would be drained using a two pipe system with separate foul and surface water pipes within the site. The surface water drainage strategy is to connect the majority of the site to a new SUDS based system with run-off from roads would be treated at source and, like other areas, discharging to a regional treatment basin or ponds at the low end of the site in the east end which will be designed to accept all flows. During construction additional measures will be applied to treat contamination/silt/run-off. This information was supplemented by a suite of additional information to demonstrate the effectiveness of the surface water drainage scheme proposed and the impact this system would have on the flood risk of the site and elsewhere.
- **Ecological Assessment:** This report sets out the survey methods, survey findings, an assessment of the impact that would arise from the development and recommendations for planting and habitat creation. It finds that the site habitat is of negligible habitat value; no evidence of badgers was found, there is negligible bat roost potential and there is no habitat

for otters, water voles or great-crested newts on or local to the site and; there are no designated sites within the site, with only the Firth of Tay & Eden Estuary SPA/SCA and the Barry Links SAC/SSSI being distant from the site with no record of the site supporting bird populations. The report notes that the impact of the development will result in the loss of some semi-natural habitat to housing, gardens, open space and tree planting. There will be minimal adverse impact on biodiversity through the loss of unexceptional habitat. Overall, it is predicted that there will be a neutral/positive biodiversity benefit as a consequence of habitat diversification delivered by the development.

- **Tree Survey:** Assesses all trees within the application site boundary, with the survey being undertaken in accordance with recognised standards. A total of 97 individual trees and three tree groups are present on the site, with majority of these (60) located on a woodland ground on the mound with a further notable groupings (29 trees) established around the South Grange Care Centre to the south west of the site. The remaining 8 trees are located on the periphery of the site or along internal field boundaries. To the south east the canopies of a large group of mature trees outwith the site overhang the site boundary. The survey notes that 5 or the 8 individual trees are unsuitable for retention in the development and should be removed and a further 3 at least made safe or removed. A sole tree is worthy of retention. The trees on the mound are noted of being of low retention value and require a significant amount of management to retain these as a woodland feature and tree loss is highly likely. The semi-mature planting to the south west are immature trees but would provide value in being retained.
- **Flood Risk Assessment:** Provides an assessment on flood risk in accordance with Scottish Planning Policy (SPP) and relevant guidance. The study notes that the site is generally open in nature with a gentle undulation, with a fall from the western boundary. There are no open or culverted watercourses present on the site. It is identified that the site is outwith the envelope for fluvial flood risk. Overland, or pluvial flooding, may occur during intense rainfall and it may be necessary to install cut off drains along the southern boundary. There is no evidence to suggest the site is at risk of ground water flooding and there are no external sources of infrastructure nearby that would cause such a flood risk. Recommendations are set out for the SUDS strategy, in harmony with the findings of the Drainage Assessment.
- **Residential Travel Pack:** Is an information pack that would be provided to the first residents of each house within the development and provides information on walking and cycling routes, public transport services, the benefits of sustainable travel and links to other sources of travel information.

5.2 That information can be viewed on the Council's Public Access website.

6. CONSULTATIONS

6.1 **Community Council** - There was no response from this consultee at the time of report preparation.

6.2 **Angus Council - Roads** - Have no objection to the proposal.

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

6.4 **Angus Council Environmental Health** - Have considered the possible amenity impacts on the occupants of the houses in respect of noise from the adjacent A92 road. It has been observed that additional information is required in respect of the bund and associated noise mitigation. Earlier queries in respect of external and internal night time noise level calculations have been addressed.

6.5 **Landscape Services** - Have confirmed that the requirement of 2.43 hectares per 100 head of population has been met. A variety of usable and connected open space has been provided. However, further development of linkages between these spaces is required. The play areas could benefit from further development with more traditional play units. The timing of the open

space and play provision should be done appropriately, at or before phase 2.

It is highlighted that the woodland area at Murroes Place is under a Tree Preservation Order (TPO) and any detrimental impact this grouping or amenity loss for the proposed houses nearby to the north should be avoided. A 1.2m high weldmesh fence should be erected along this length to protect this area.

Lastly, it is advised that planting in the ground to the north of plots 110 and 111 should be supplemented with Heavy Standard trees to provide immediate screening to the housing. This should be in the form of *Betula pendula*, specified in the drawings as T8, *Pinus sylvestris* T6, and *Quercus petraea* T5.

- 6.6 **Angus Council - Flood Prevention** - Advise that further modelling information on the available hydraulic capacity of the receiving watercourse for the SUDS outfall, the Monifieth Burn, is required to assess any possible impact flooding in this watercourse and the risk for increased risk of flooding receptors downstream as a result of this development.
- 6.7 **Angus Council - Transport Section** - Confirm that the Public Transport Strategy is acceptable and that details for the specification of the bus shelters has been agreed.
- 6.8 **Angus Council Housing Service** - Have indicated that initial discussions have been held with the applicant in respect of the tenure and phased delivery of affordable housing provision.
- 6.9 **Aberdeenshire Council Archaeology Service** - The initial desk based assessment and trial trench evaluations have identified four areas of archaeological features of a prehistoric date. A further phase of investigation/watching briefs under condition 3 of the permission should be undertaken before or alongside ground breaking works. This method should be agreed in advance. The condition can be discharged only once this has been complete.
- 6.10 **Scottish Environment Protection Agency** - Have no objection to the proposal and are content that the requirements of condition 1 can be met. SEPA have not considered the water quantity aspect of the proposed SUDS.

7. REPRESENTATIONS

- 7.1 Two letters of representation were received, both of which objected 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:-
- There is not the need for this scale of housing;
 - Infrastructure in Monifieth including schools and health facilities not capable of supporting this scale of development;
 - Contributions towards a community centre should be sought;
 - The ten year construction phasing of the development would cause an unacceptable impact on traffic and amenity for residents;
 - Impact on traffic as a result of the houses built on local roads and in Dundee;
 - The development could cause flooding;
 - The land is a habitat for wildlife which would be lost; and
 - Development would spoil the natural quality of the area.
- 7.2 These matters will be addressed where appropriate to do so in Section 8 below.

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 2:-

TAYplan: Policies 2 and 3.

Angus Local Plan Review (ALPR): Policies S1, S2, S3, S4, S6, SC9, SC33, SC40, SC41, ER4, ER5, ER7, ER16, ER19, ER22, ER24, ER28, ER30 and ER38.

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 Proposed Angus Local Development Plan was approved by Angus Council at its meeting on 11 December 2014 and subsequently published for a statutory period for representations. The statutory period for representation has now expired and unresolved representations have been submitted to Scottish Ministers for consideration at an Examination. 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 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. Limited weight can therefore currently be attached to policies and proposals of the plan that are subject to unresolved objection. The policies of the Proposed Plan are only referred to where they would materially alter the recommendation or decision.

Principle of Development

8.5 As the planning history above indicates, planning permission in principle was granted on this site under application 13/01184/PPPM for up to 400 dwellings. That permission was granted as a significant departure from the development plan on the basis that the development would address and identified shortfall in the 5-year housing supply in the South Angus Housing Market Area on a sequentially suitable site. This permission included a requirement for mitigation to be made towards education provision in both primary and secondary schools in Monifieth as well as a proportionate contribution towards improving community facilities in the town. The principle of the development has therefore been established and cannot be revisited through the determination of this application. The representations in this regard are therefore not material to the determination of this application.

8.6 This application seeks approval of all Matters Specified, detailed in Conditions 1(a) to (k) of permission 13/01184/PPPM. It is only these matters that are relevant and can be considered here. In this context the main development plan policy basis for the determination of the application is provided by the Angus Local Plan Review (ALPR) and policies within the Proposed Angus Local Development Plan that are materially different to the ALPR policies.

8.7 As advised this application seeks approval for all matters specified within Condition 1 of planning permission 13/01184/PPPM. This report deals with each matters specified condition in turn, addressing matters collectively where appropriate. The full detail of these conditions is attached as Appendix 3.

Layout and Design - Conditions 1 (a) (c) (g) (h)

8.8 The matters specified in Condition 1(a) places a limit of the scale of development to a maximum of 400 dwellinghouses and requires approval for the layout of the site, including the road layout, car parking, turning space, open space, landscaping and facilities for waste/recycling storage and

collection. A masterplan within the Design and Access Statement required under Condition 2(a) supports the proposed layout, design and finishes for the scheme.

- 8.9 The applicant has submitted an overall development layout which details that the number of dwelling to be erected totals 332, which is below the set limit and this is acceptable in principle. The proposed layout and design features of the site are set out in paragraph 3.2-3.4. In design terms the layout is considered to be a good response to the sites characteristics and is successful in delivering the scale of development in a manner that provides a good quality of place and amenity for future residents. This layout is considered to be acceptable for the purposes of Condition 1(a) as a good design response to the site. Associated to the consideration of the wider layout is the design of the individual houses and details relative to individual plots; matters which are specified in Condition 1(c) and 1(g). As detailed above, a number of house types are proposed ranging from 2 to 5 bedroom in size and detached, semi-detached and terraced in configuration and layout. Three specifications for finishing materials provide common features to the roofs and walls, with colour and texture variation to the latter. The provision of a varied size and scale of houses is welcomed as it would provide a range of house styles and sizes for the development which is a benefit to the wider area. The house designs and finishes are considered to be acceptable modern house designs that are typical of such housing developments and raise no issues. The house plots are again also being provided with a range of external areas and usable private garden ground that is broadly correlates to the size of the individual dwellings. The vast majority of plots meet or exceed of the Council's standard of 100 square metres of usable private garden ground. Where the area provided falls short of this standard, the majority of these plots provide at least 80 square metres, which is considered to be acceptable having regard to the sizes of the proposed houses and the fact that this space replicates garden space available within the wider area. For the remaining plots, which represents around 10% of the total, smaller areas of garden ground are proposed; between 50 and 80 square metres. It is noted that these plots would fall short of Council guidance; however, the plots concerned are all smaller 2 and three bed properties with access to good open space provision nearby. Further, houses of this size in other areas of Monifieth have similar areas of private garden ground. On this occasion these factors represent material considerations in support of the areas proposed being acceptable. A planning condition to remove some permitted development rights for the plots where less than 80 square metres is being provided is proposed, to ensure adequate usable private garden ground remains and all extensions or outbuildings are considered for each case. The amenity of the prospective residents for the new dwellings has been considered in respect of Council Advice Note 14 in respect of the relationship between the proposed dwellings and possible overlooking issues. While it has been established that compliance with this guidance has not been achieved throughout the site, it is noted that the vast majority of properties do meet the 12 metre standard for two-storey properties and where this is not met the distances are not considered to be unacceptable by virtue of the orientation and relationship between properties. Consideration is also required in respect of possible amenity loss on the houses proposed to the north of the site arising from traffic noise from the A92 road. In accordance with the requirements of Condition 2 (b), the applicant submitted a Noise Impact Assessment and further supporting information to consider this impact and any necessary mitigation measures. This information was considered by the Council's Environmental Health service, who have confirmed that they are satisfied that the predicated noise levels from the road traffic would not significantly impact on the residential amenity for any properties within the layout proposed, as the length and height of the existing bund would provide sufficient mitigation. There are therefore no concerns in respect of amenity for the proposed houses.
- 8.10 The proposed layout of the development and the configuration of the houses must also be considered in respect of neighbouring land uses and in particular potential the impacts on the amenity enjoyed by residents within existing dwellings. It is noted that concern was expressed in a letter of representation by a third party in respect of amenity loss and overlooking by proposed houses towards the existing properties on Fotheringham Drive to the south of the application site. This potential for overlooking exists here and elsewhere on the southern and western boundaries of the site. In response to this potential issue at Fotheringham Drive, it is proposed that where the houses along this common boundary would be orientated towards the existing properties (plots 149-259) that these would be bungalow properties that have a separation distance of around 17 metres from the rear boundary of the existing houses to the south, which includes a belt of amenity planting along the common boundary which, once planted, is required to remain in

perpetuity. Planning conditions are recommended to retain the planting and ensure landscaping and boundary enclosures are provided. The remaining two plots in this area (plots 160 and 161) are orientated away from the existing houses (30 and 32 Fotheringham Drive) with oblique views only from windows on the rear elevation of plot 160 and with a separation of approximately 10 metres to the nearest property. In the housing proposed adjacent to Grange Gardens (plots 292-297) a similar approach is proposed; where only two dwellings have views orientated towards the existing properties. These two houses are proposed to be two-storey, however, the separation distance of 17 metres combined with the proposed tree planting ensures that the guidance in Advice Note 14 is exceeded. Similar to the area at Fotheringham Drive, the four other properties are orientated away from the properties in Grange Garden with oblique views only. Lastly, plots 298-306 are orientated with views from second floor windows towards the South Grange Nursing Home, however, again the separation distances are approximately 16 metres with intervening screen planting in an amenity area at the rear of the plots. In these circumstances the configuration of properties and separation distances involved would meet the guidance advised in Council Advice Note 14. A planning condition is recommended to ensure that these trees are retained in these gardens in the interest of amenity and biodiversity value. Therefore the proposal is not considered to raise concern in respect of overlooking issues in respect of neighbouring properties. Similarly there are no concern with impacts on daylight or sunlight of existing properties given the orientations of the dwellings and distances involved.

- 8.11 The two proposed accesses on to Victoria Street and road layout throughout the site have been considered in detail by the Roads Service, who have confirmed that design meets expected technical standards and road safety requirements. Similarly, the Roads Service has identified that throughout the site the car parking and turning spaces provide for adequate provision for the residents and visiting vehicles alike. The site layout is acceptable in respect of the provision for all roads matters required of Condition 1(a) and by association the technical standards also meet the requirements of Condition 1(e) in respect of visibility splays on the Victoria Street junctions and car parking and garage provision. The Roads Service has also considered the submitted speed reduction scheme for Victoria Street and the specification of roads lighting and drainage. These matters are acceptable for the purposes of this planning application, subject to recommended planning conditions to ensure the appropriate timing of junctions and roads infrastructure. It is highlighted that specific design detail would be addressed through the Roads consenting processes. The application therefore satisfactorily addresses the requirements of matters specified in Condition 1(a) and (e) and the associated requirements of Condition 2(a)(iii).
- 8.12 In terms of wider amenity and infrastructure provision, Condition 1(a) calls for details of open space and landscaping. As described above, the proposed landscape design seeks to retain important landscape elements - such as the knoll and roundel - as a meaningful part of the site layout and effective contribution towards open space provision and landscape features. These areas are further complemented by new areas of open space, including the extensive 'Grange Park' proposed in the western area of the site which includes play facilities, and other spaces around the SUDS detention basis and the site periphery. An extensive and detailed soft and hard landscaping scheme has also been specified to complement the identified areas of open space and provide green linkages and features throughout the site. This aspect of the proposal has been considered alongside the Council's Landscape Services team, who have responded positively to the provision proposed - advising that open space meets or exceeds the required 2.43 hectare open space provision per 1000 people, which is well distributed throughout the site and provides a range of amenity spaces for residents, including play equipment for children and areas and routes for wider enjoyment. It has also been confirmed that the soft landscaping provision which underpins the open space and wider layout is also a positive feature with acceptable specification for the use of native planting and maintenance. It has been highlighted that the woodland to the south of plots 54-61 is protected by a Tree Preservation Order (TPO) and accordingly the layout was amended to take these plots further away from the trees, to reduce the impact in respect of shadowing to the properties and to avoid and pressure for these trees to be removed for this reason. To further protect the TPO woodland it is proposed to deploy a 1.2m high weldmesh fence along the length of the woodland. This matter is secured through a planning condition. The provision in respect of landscaping therefore meets the requirements of Condition 1(a) and the proposals for open space and ongoing maintenance meets both the objectives of Condition 1(a) and the associated requirements of Condition 1(h). On this basis the open space and landscaping provision detailed within the application are acceptable in principle.

- 8.13 As advised above, the landscaping scheme and general layout incorporates a varied and hierarchical approach to the boundary enclosures throughout the scheme. In prominent public spaces along roads and open spaces sections of higher quality 1.8 metre high reconstituted stone wall area proposed. In other smaller sections of properties the use of bow top metal railings is proposed. Both of these elements are considered to be acceptable as it will ensure that the character of the development and amenity enjoyed within the public realm is enhanced. On the boundaries of individual plots on less prominent locations, or where landscape screening would be utilised, 1.8 metre high close boarded fences are proposed which would include provision for small animal access along the planted amenity areas on the southern and western boundaries. Subdivision within plots is achieved through fences and post and wire fencing. The overall specification for boundary enclosures is considered to be acceptable and meet the terms of Condition 1(g).
- 8.14 Overall the proposal is considered to meet the requirement of matters specified in Condition 1(a) and the associated matters detailed above. In turn the objectives of the related condition 2(a) (ii) are also met.

Phasing - Condition 1(b)

- 8.15 Associated with the features of the development assessed above, Condition 1(b) calls for a phasing plan for the entire development, which is to include the timing of delivering the dwellings released in phase but also requires details of the provision of infrastructure, road construction, street lighting, open space areas, landscaping, drainage infrastructure and the provision of new pedestrian/cycle connections. The applicant has submitted phasing details and plan that highlights that the development would be split in to 6 phases, with an approximate build rate would be 35 dwellings per year leading to an anticipated completion date of 2026. Development is proposed to commence with the plots adjacent to the northern access point on Victoria Street as the initial part of Phase 1 (year 1), with this phase progressing to the northern courtyard area and central boulevard (between the knoll and the roundel) (year 2) and the completing in year 3 to with the plots to the south of the roundel. Phase 1 would also incorporate the show homes and sales office (plots 8-10) and associated visitor parking area where plots 11 and 12 would ultimately be built. Two site compounds are also proposed; located in the east of the site adjacent to the knoll and in the southwest corner within the area identified as Phase 6. Phase 2 would overlap with the latter part of Phase 1 and would develop the area between Phase 1 and the central part of Grange Park by year 4. Phase 3 would be built over years 4 and 5 and would be located in the areas between Fotheringham Drive and Phase 2. Phase 4 is located in the area adjacent to the eastern access on Victoria Street and would be developed in years 5-7. Phase 5 is located in the northwest corner of the site, beyond Grange Park, and would be developed in years 7-9. The final Phase 6, is located in the southwest corner of the site, would be developed in year 10 adjacent to the Grange Gardens and South Grange Nursing Home. The phasing details for infrastructure provision advises that the two access points on Victoria Street would be constructed from an early stage to allow construction access and thereafter the infrastructure provision would follow the phasing plan detailed above to ensure all roads and footpaths are provided in advance of house occupations in the area. Additional stages of phasing of infrastructure are proposed as follows:

- 1: Completion of SUDS basin and landscaping by occupation of 40th dwellinghouse;
- 2: Completion of landscaping and footpath link (to east of roundel) by occupation of 100th dwellinghouse;
- 3: Completion of play area and cycle/footpath in Grange Park (incorporating footpath over bund, to the west of the roundel) by occupation of 125th dwellinghouse;
- 4: Completion of remainder of Grange Park by the occupation of 200th dwellinghouse;
- 5: Completion of open space and other footpath/cycle links (incorporating the link to Fotheringham Drive and through the knoll area) by occupation of 250th dwellinghouse; and
- 6: Completion of open space and footpath links (incorporating the links adjacent to plots 322-325, from the courtyard at plots 310-321, in front of plots 307-309 through the kick-about pitch area and between plots 296-298 adjacent to the eastern boundary of South Grange Nursing Home) by occupation of 300th dwellinghouse.

- 8.16 The phasing and direction of build in respect of the dwellinghouses is considered to be acceptable. This phasing would not include phasing for the delivery of affordable housing however, which would be subject of further agreement and is discussed in further detail under Condition 1(i) below. Similarly, completion of roads and pavements within each phase prior to the occupation of any dwellinghouse is considered to be appropriate. The location of the sales area and construction compound would provide an acceptable stand-off from existing properties and these would raise no significant amenity issues. In terms of the phasing for wider infrastructure provision such as landscaping, open spaces and path connections it is considered that the phasing plan is broadly acceptable, subject to further specification of completion of the SUDS which is proposed to be addressed through a planning condition. The Landscape Services Manager has been consulted on this matter and considers that the phasing of the open space, play equipment and landscape elements are proposed at appropriate stages. Subject to securing the various aspects of development phasing through planning conditions, it is considered that the proposal meets the requirements set out in Condition 1(b). In respect of drainage members are being asked to delegate the matter to officers.

Levels - Condition 1(d)

- 8.17 Condition 1(d) requires details of the existing and proposed ground levels and the finished floor levels of the dwellinghouses. The survey information provides illustrates that the site generally slopes downwards to the east and southeast - towards Victoria Street and the Monifieth Burn beyond. However, it is evident that there are a number of undulations in the landform, with notable hill crests in the knoll to the south and tree roundel to the north which add to the landscape character of the site. Beyond these more prominent features there is a distinguishable hill to the immediate southwest of the tree roundel - where it peaks at 56.9 metres Above Ordnance Datum (AOD) and slopes to 52.2 m AOD at the base of the roundel and bund to the north. A less prominent level change exists on a hill in the southwest corner adjacent to the nursing home and Grange Gardens, with a level change of approximately 1.8 metres. However, the floor levels proposed in the latter area do not cause any concern in respect of impact on the amenity of nearby properties or the visual impact of development proposed. No other areas have notable changes in levels and the proposed new levels and floor levels of the houses do not raise any significant matters to assess. However, houses are proposed in the area identified as having higher underlying levels adjacent to the roundel and bund, around plots 108-118, and further consideration of the impacts of the proposed floor levels of the houses is required. While there is no concern of impact on existing land uses, it is noted that the ground levels of the properties would generally lie higher than the existing levels, by approximately up to 2.0m. The result would naturally elevate the height of the two-storey properties and cause them to be more visible from the A92. It is however noted that the existing bund and tree roundel will provide a notable degree of mitigation to this visual impact. It is further proposed within the landscaping plan to create a substantial area of trees to the north of these properties and, on the basis that these trees are a mature or heavy standard planting it is concluded that there will be no unacceptable visual impact. This matter is proposed to be addressed through the use of a planning condition. In conclusion the levels proposed are found to be acceptable and meets the requirements of Condition 1(d).

Drainage - Condition 1(f)

- 8.18 The specified matters within Condition 1(f) require foul drainage to be directed to the public sewerage system, and for surface water to be managed by SUDS and all water and detention features for the SUDS require being safe and fully landscaped. In terms of the foul drainage, the applicant has indicated that this is to be directed via the public drainage network and this is acceptable. There is a further requirement for capacity of foul drainage to be evidenced prior to the commencement of development; this will require to be addressed at a later stage. In terms of surface water drainage and the associated consideration of impact on flood risk in the wider area information from drainage and flood assessments have been submitted by the applicant and these have been considered by both the Council's Roads (Flooding) team and the Scottish Environment Protection Agency (SEPA). SEPA have confirmed that they have no objection to these matters being discharged but highlight that they have not considered the matter of water quantity in respect of SUDS. The Roads Service (Flooding) have considered the proposed SUDS, water volume and possible impacts on flood risk which has included assessment of additional

information requested of the applicant. The Roads Service has raised no issue with the arrangement of the SUDS provision within the site. However, in consideration of the full SUDS arrangements are in the opinion that, in respect of the proposed outflow to the Monifieth Burn, further modelling information in respect of the possible impact on flooding of this watercourse and flood receptors downstream is required. In these circumstances this condition is not yet considered capable of being discharged. It is therefore considered expedient that further information is sought from the applicant to satisfactorily demonstrate that these risks do not exist. The applicant has indicated that this information is in the process of being obtained. It is therefore proposed that, if all other matters are acceptable, Members agree to delegate this matter to officers to seek and assess this information and thereafter conclude the acceptability of the SUDS system and its outflow to the Monifieth Burn. This approach will allow discharge of Condition 1(i), however, this scheme must be concluded prior to this specified matter being approved and permission granted for all matters specified (and therefore the development as a whole). As such development cannot commence until such time this matter has been fully resolved. Should the modelling not satisfactorily demonstrate that this outflow can be achieved without causing an increased risk of flooding the applicant will be required to present an alternative proposal. This may require reconsideration of related matters specified, such as the significant layout of the scheme, at which time the matter would again be presented to Committee.

Affordable Housing - Condition 1(i)

- 8.19 The requirement for a 25% provision for affordable housing was set out in Condition 1(i), the delivery of which requires to be secured through a legally binding scheme. It is noted from the development layout that 83 units, which equates to 25% of the 322 house total, are allocated as being the affordable housing units and are being provided in a mixture of 2 and 3 bedroom properties; three 2 bedroom mid-terrace houses, forty six 2 bedroom semi-detached houses and thirty four 3 bedroom semi-detached/terraced houses. This provision meets the principle of the 25% contribution required by this specified matter. It has been confirmed that the Housing Service have held provisional discussions with the applicant and a Registered Social Landlord regarding the composition of affordable housing - both in terms of property sizes and tenure - and the phased delivery of the houses, however, no agreement has been reached on this matter and therefore no legally binding scheme is yet in place. Notwithstanding this, it is evident that suitable provision is being catered for on-site and the type and location of the units indicated on the plans are considered to be suitable in principle. It is therefore proposed that, as in the case of Condition 1(f) above, if all other matters are acceptable, Members agree to delegate this matter to officers to conclude a Planning Obligation or other legally binding scheme to secure the affordable housing provision. This approach would ultimately allow discharge of Condition 1(i), however, this scheme must be concluded prior to this specified matter being approved and permission being granted for all matters specified. As with Condition 1(f), no development could take place until such time that agreement for all matters is in place. If agreement of this matter cannot be reached the matter would be presented to Committee for determination.

Public Access - Condition 1(j)

- 8.20 Condition 1(j) requires agreement of a public access plan for all pedestrian and cycle paths within the site as well as for the linkages to existing paths and linkages beyond the site, including the core path running just beyond the northern boundary of the site - which must remain accessible to the public at all times. A scheme is also needed for providing a widening of the existing footway on the west side of Victoria Street to a shared cycle track prior to the occupation of the first dwellinghouse. The description of paths locations was described in Section 3 and included within the assessment of phasing in paragraph 8.15; in summary a good network of pavement and path connections are being provided within the site, including through Grange Park and the landscape knoll. External connections are provided for beyond Grange Park to the north - which would connect to the Core Path 187 (Monifieth to Woodhill) and to the south in to Fotheringham Drive, with two further connections on the northern boundary (both connecting to the same core path) and three on the western boundary (two of which connect with Grange Road at points where it is closed to vehicles and a further access near South Grange Nursing Home). It is specified that these paths are to be 3.0 metres wide and constructed to adoptable standards, being of bituminous materials, with the applicant indicating that adoption of these links would be sought by Angus Council at a later stage. However, it is understood that this would not be possible for paths

that do not connect two public (adopted) roads. To address such a scenario, a planning condition is proposed to require alternative maintenance arrangements to be in place for all open space, landscaping, paths and other infrastructure that ultimately is not adopted.

- 8.21 The locations and specifications of these paths are considered to be acceptable as they would add value to the development and wider community (with the connection through Grange Park being accessible from existing housing areas) by offering sustainable connection to the wider services in Monifieth. It is also apparent that the connection to Core Path 187 can be made without unduly affecting its use. A scheme for providing a widened cycle capable path on Victoria Street has also been provided, which would include measures for the safe crossing of the two new accesses as part of this development, is also considered to be acceptable. These matters have therefore been satisfactorily addressed.

Public Transport Improvements - Condition 1(k)

- 8.22 A public transport scheme is required to meet Condition 1(k), and it is specified that the scheme should provide a suitable bus layby, bus shelter (with real time display, pole and raised kerbs) on Victoria Street. The applicant has submitted a Public Transport Strategy in support of this matter which details the provision of two proposed bus stops on the north of Victoria Street (one in each direction, either side of the access road) and a further northbound stop on the east of Victoria Street, to the north of the proposed road access. It is proposed that the stops could be constructed as part of the works to form the northern junction (which would lead to Phase 1 of the overall development) and that the stop on the eastern boundary could be formed alongside the erection of dwellings in the vicinity (which would form part of Phase 4). This strategy has been discussed with the Council's Transport team who have confirmed that the bus stops proposed are acceptable. The specification of the bus shelters and dropped kerbs has also been agreed with the applicant. A planning condition is proposed to securing the timing of the bus stops as part of the phasing of the development. On this basis the matters specified in Condition 1(k) have been fully met.

Other Matters

- 8.23 Concern was raised in representation about matters considered in the determination of the extant Planning Permission in Principle, which Angus Council resolved to approve at their meeting of 18 December 2014 - with permission being granted subsequently following the conclusion of the Section 75 Planning Obligation. As advised above, these matters cannot be revisited. The concerns in respect of roads impact and flooding as a result of the development have been considered in the assessment above and raise no issues for the respective reserved matters details. Whilst it is noted that construction of the development over a period of 10 years will have a degree of impact on the amenity of neighbouring residents and effect on road use, this is an accepted and unavoidable consequence of allowing development and would not be a consideration that would outweigh the principle of development. Notwithstanding this, the development of this site will help to address an identified shortfall of housing in the South Angus Housing Market Area in a well-designed manner. Lastly, concern is expressed about the loss of natural features and impact on wildlife. The PPP application explored these matters, supported by an Ecological Report (which has again been submitted here). Whilst this development will clearly change the character of the site, it is accepted that there would be no significant or unacceptable impact on ecological interests.

Conclusion

- 8.24 Relevant existing planning conditions have been highlighted throughout this assessment, including suspensive elements of the specified matters, such as the speed reduction scheme (Condition 1e) and the widened pathway on Victoria Street (Condition 1j) which are required prior to the commencement of development and occupation of the first house respectively. Further, Condition 3 of the PPP application requires further work to be agreed and undertaken in respect of archaeology at the time of grounds works. These condition must be adhered to at the appropriate stage but the information submitted to date gives no rise to concern to these matters being achievable and where appropriate those conditions will be discharged once this application is determined and development is underway. This will be undertaken alongside monitoring of any

conditions attached as part of this permission.

- 8.25 Angus Council previously approved the principle of this development on the basis of the significant contribution the development would make towards addressing an identified shortfall of housing land supply within the South Angus Housing Market Area. This application sought approval for all matters specified in order to allow development to allow commencement of development and deliver this housing. The details provided in respect of matters specified in Conditions 1 (a) to (e), (excluding drainage infrastructure as part of 1(b)), (g), (h), (j) and (k) are all considered to be acceptable and compatible with development plan policy, subject to securing the timing of matters through planning conditions.
- 8.26 The remaining matters specified are detailed within Condition 1(f) and Condition 1(i). Condition 1(f) concerns the means of drainage for the development. As advised there are no concerns with respect to the principle of foul drainage connection to the public sewerage network. In respect of surface water drainage the applicant has detailed full SUDS arrangements, however, further modelling of the possible impact of flood risk from the discharge from this system is considered to be required to determine the acceptability of the scheme as a whole. The consequence is that this condition cannot be discharged at this time. It is necessary to conclude this matter and it is believed that there is a reasonable prospect of a satisfactory solution being found. It is therefore recommended to delegate the conclusion of this matter to officers to establish the acceptability of the SUDS arrangements. Condition 1(i) requires a legally binding scheme for securing a 25% contribution towards affordable housing. Whilst it is indicated on submitted plans that this provision of 83 units is to be delivered on site and discussion has been held with the Housing Authority and a RSL, no formal agreement has yet been reached. This matter can therefore not be approved at this time. Nevertheless, it is evident that the principle of the contribution is acceptable and therefore it is recommended that this matter be delegated to officers to agree and legally secure a scheme - and at that point approve Condition 1(i). As highlighted above, no approval would be issued and no part of the development could commence until these matters are concluded. This gives satisfactory certainty to the Council that this can be appropriately secured.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

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

EQUALITIES IMPLICATIONS

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

10. CONCLUSION

It is recommended that the matters specified in Conditions 1 (a) to (h) (excluding drainage infrastructure in respect of 1(b)) and (j) and (k) be approved for the reasons and subject to the conditions to the following conditions.

It is further recommended that Committee agree to not grant permission in respect of Condition 1(b) (drainage infrastructure), (f) and (i) and that this decision is delegated to officers to secure

the provision and delivery of drainage infrastructure and the delivery of a legally binding agreement in respect of affordable houses.

Reason(s) for Approval:

The design and general layout of the proposal is considered to be acceptable, subject to those matters delegated to officers, and the level of supporting information is sufficient to meet with the requirements for Conditions 1 (a) to (h) and (j) and (k) of the planning permission in principle in a manner that is compatible with relevant development plan policy. There are no material considerations that justify refusal of these specified matters.

Conditions:

1. That notwithstanding the provisions of Classes 1A, 1B, 3A and 3B of Schedule 1 - Classes of Permitted Development - of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) or any order amending, revoking or re-enacting that Order the dwellinghouses at the following plots, as detailed on drawing 'Development Layout - A 02-01 F', shall not be enlarged nor any building erected within the curtilage without the express permission of the Planning Authority:

- o 54, 55, 56, 57, 58, 59, 92, 93, 96, 99, 103, 121, 122, 126, 134, 135, 182, 184, 186, 208, 209, 211, 212, 213, 268, 269, 272, 273, 281, 286, 310, 311, 320, 321, 324, 325 and 329.

Reason: In the interest of maintaining adequate areas of usable private garden ground for these dwellinghouses.

2. That the tree amenity planting areas (comprising of 'T8: Betula pendula' and 'T23: Populus tremula') with the rear garden grounds of the following plots shall, once provided, remain in perpetuity and not be lopped, topped, felled, removed or disturbed in any way without the prior written consent of the Planning Authority:

- o 48-61, 149-160, 293-297, 298-308, 330-228 and 117-108.

Reason: In the ecological interest of the area and to ensure satisfactory landscaping in the interest of the amenity of neighbouring properties and the visual amenity of the area.

3. That all landscaping and boundary enclosures shall be provided in each plot prior to the occupation of the respective dwellinghouse.

Reason: In the interest of the amenity of neighbouring properties and the visual amenity of the area.

4. That no other development in connection with the permission hereby approved shall take place unless the two vehicular accesses on to Victoria Street, with adequate visibility splays and in accordance with The National Roads Development Guide (SCOTS), and the speed reduction scheme, as detailed in drawing 'E10-02', have been provided and are operational.

Reason: In the interest of road safety.

5. That the construction phasing of the development shall, for the open market dwellings only, follow the build routes detailed in the 'Construction Phasing Plan' as specified in the 'Construction Phasing - Anticipated Timescales' and the associated drawing 'A-02-05-F'. The infrastructure works, insofar as they relate to roads, footpaths and drainage, shall be complete in each phase prior to the occupation of any dwellinghouse within that phase.

Reason: To ensure a satisfactory phasing to the development in the interest of road safety, public health and the amenity of the area.

6. That the phasing of all other infrastructure and amenity facilities shall be provided by the following stages of the development are reached:
- i. Completion of SUDS system for Phase 1 and SUDS basin and fencing prior to the occupation of the 1st dwellinghouse;
 - ii. Completion of SUDS basin landscaping by occupation of 40th dwellinghouse;
 - iii. Completion of landscaping outwith house plots and Grange Park and completion of the footpath link (to east of the roundel) by occupation of 100th dwellinghouse;
 - iv. Completion of play area and cycle/footpath in Grange Park (incorporating the footpath over bund, to the west of the roundel) by occupation of 125th dwellinghouse;
 - v. Completion of remainder of Grange Park by the occupation of 200th dwellinghouse;
 - vi. Completion of open space and other footpath/cycle links (incorporating the link to Fotheringham Drive and through the knoll area) by occupation of 250th dwellinghouse; and
 - vii. Completion of open space and footpath links (incorporating the links adjacent to plots 322-325, from the courtyard at plots 310-321, in front of plots 307-309 through the kick-about pitch area and between plots 296-298 adjacent to the eastern boundary of South Grange Nursing Home) by occupation of 300th dwellinghouse.

Reason: In the interest of ensuring adequate provision of landscaping, open space and cycle/footpath connections at an appropriate stage of the development.

7. That notwithstanding the details on drawings '120499_GF_S001' and 120499_GF_S001_SE02' a scheme for the provision of Heavy Standard tree planting in the area to the north of plots 103-111 shall be submitted to and approved in writing by the Planning Authority. Once agreed these trees shall be planted prior to the occupation of any of these dwellinghouses.

Reason: To ensure satisfactory landscaping in the interest of the visual amenity of the area.

8. That the approved Sustainable Urban Drainage System (SUDS) shall be carried out in accordance with the approved plans. The surface water system and a foul drainage connection to the public sewerage system shall be completed for each dwellinghouse prior to its occupation.

Reason: In order to ensure adequate drainage facilities are provided in the interests of the amenity of the area.

9. Prior to commencement of development a scheme for the management and maintenance of all open space or amenity areas, roads or paths, and infrastructure within the site which is not within the curtilage of a dwelling shall be submitted to an approved in writing by the Planning Authority.

Reason: In order that the planning authority may verify the acceptability of the maintenance strategy of these areas and facilities.

10. That the two bus stops detailed in the 'Public Transport Strategy' adjacent to the approved access on the north of Victoria Street shall be provided and operational prior to the occupation of any dwellinghouse within Phase 1 of the development. The bus stop detailed in this strategy as being located adjacent to the approved access on the east of Victoria Street shall be provided prior to the occupation of any dwellinghouse in Phase 4 of the development. The bus stops shall be completed as specified in the approved details.

Reason: To ensure adequate public transport facilities are provided at an appropriate stage of the development in the interests of promoting sustainable modes of transport.

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 : Development Plan Policies

Appendix 3 : Planning Permission in Principle