

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 10 MARCH 2015**

**PLANNING APPLICATION - SITE AT GARDYNE STREET FRIOCKHEIM**

**GRID REF: 359217 : 749631**

**REPORT BY HEAD OF PLANNING AND PLACE**

**Abstract:**

This report deals with planning application No. 14/00825/MSCM for Approval of Matters Specified in Conditions for Erection of 80 Dwellinghouses & Garages (11/00002/PPPM) at Site at Gardyne Street, Friockheim for Guild Homes (Tayside) Ltd. This application is recommended for approval.

**1. RECOMMENDATION**

It is recommended that Committee approves the application for the reasons and subject to the conditions given at Section 10 below.

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

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

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

**3. INTRODUCTION**

- 3.1 The applicant seeks approval of matters specified in conditions relevant to planning permission reference 11/00002/PPPM which is a planning permission in principle for residential development, health centre, open space, servicing and public car park on land at Gardyne Street Friockheim.
- 3.2 The site is located to the south of Gardyne Street and measures approximately 7.4 ha in area. The site currently comprises agricultural land. The site slopes down slightly from south west to north east with just under 5 meters in height difference between the highest part of the site and the lowest part. It is bounded by Gardyne Street to the north, the Cooperative store and agricultural land to the west, Friockheim Wood to the south and an agricultural field to the east.
- 3.3 No housing numbers were specified at the time of application reference: 11/00002/PPPM although the site is subject to an allocation for 40 dwellings in the Angus Local Plan Review. The plan submitted as part of the relevant planning permission in principle application established the parking and road access points and the area of land being set aside for open space. An area of land that was to be set aside for a health centre was indicated however Condition 4 clarified that the position of any potential Health Centre was not set by the planning permission. The areas proposed for open space and a health centre are located close to the northern boundary of the site adjacent to Gardyne Street. The remaining area of the site to the south is the area proposed for 80 dwellings. The development proposal as submitted again shows the notional position of a health centre and associated car parking however it should be clarified that this is shown for the

purposes of demonstrating that sufficient land is available for the relocation of the health centre should it be required. A health centre does not form part of the application however.

- 3.4 The current proposal has been advertised in the local press as required by legislation.
- 3.5 The proposal constitutes a major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Whilst the proposal is a major development it can be considered by the Development Standards Committee as it is not significantly contrary to the development plan.

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

Application 11/00002/PPPM for Erection of Residential Development and Health Centre and Formation of Open Space, Servicing and Public Car Park with Detailed Layout of Site Access was approved subject to conditions on 13 December 2011 following a resolution of the Development Standards Committee to grant permission at its meeting on 5 April 2011 (Report 255/11 refers). A copy of the conditions attached to that permission are provided as Appendix 2.

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

5.1 The following information has been submitted in support of the application:

- Drainage Impact Assessment
- Design and Access Statement
- Landscape Management Plan
- Road Safety Audit
- Archaeological Scheme of Investigation

5.2 The drainage impact assessment gives a general site description and describes the development. The assessment describes existing drainage arrangements and proposed drainage arrangements and calculations. Water quality, attenuation and water run-off rates are discussed. The assessment discusses construction phase SUDS and the maintenance of SUDS measures. The assessment indicates that new foul sewers would be required draining to a new pumping station in the north east corner of the site designed in accordance with Sewers for Scotland 2<sup>nd</sup> edition and offered to Scottish Water for adoption. The assessment details consultations that have been undertaken with SEPA and Scottish Water. The assessment concludes that:

- The report demonstrates that the proposed development can be satisfactorily drained without detriment to the existing site, surrounding land or watercourses.
- The relatively low density of the development (35%) minimises the introduction of impervious areas and allows all generated surface water run-off to be returned to the pre-development water regime with minimal impact.
- Opportunities for infiltration systems exist within sections of the site to treat and dispose of roof water at source however; this report assumes worst-case scenario and the SUDS can accommodate 100% of the proposed run-off.
- Sufficient space has been allocated within the development to effectively treat and store all run-off from hard standings and roofs.
- All drainage will be subject to detailed submissions to Scottish Water (Technical Approval) and Angus Council (Roads Construction Consent).

5.3 The Design and Access Statement gives an overview of the proposal and covers the planning history of the site. The statement details the level of public involvement to date and gives a broad outline of the design process. An appraisal of the site is given and the response in terms of site, context design, accessibility, landscape framework and sustainability is covered. The statement also covers the conditions of the extant planning permission and the development plan context

and concludes that the proposal for 80 homes, including 16 affordable units, the scheme has been carefully designed to provide high quality family homes which complement and enhance the village setting in a manner that would contribute to the choice of housing stock within Friockheim while making a valuable contribution to the local economy and supporting local services and facilities. It is opined that the development will provide quality space that is distinctive, safe and pleasant, easy to get around, welcoming, adaptable, resource efficient and high quality.

- 5.4 The Landscape Management Plan outlines the broad landscape management objectives for the site which are to enhance the landscape, to encourage nature conservation and biodiversity, to enhance local use of public open space for recreation and education, to provide a pleasant and attractive place for pedestrians through visual amenity measures and to ensure that ongoing maintenance is sustainable through the use of appropriate plant species and robust materials. A maintenance schedule for the landscape open spaces within the site is given.
- 5.5 The Road Safety Audit identifies any features of the design that could be removed, modified or added to in order to improve the safety of the scheme. The audit identifies matters such as traffic speeds, layout, junctions, pedestrians crossing from the development across Gardyne Street, street lighting, disabled access and non-motorised users. The audit makes recommendations and comments in relation to each of the identified matters.
- 5.6 The Archaeological Scheme of Investigation details the degree and extent of archaeological works required and details the evaluation strategy, mitigation and the reporting method. A timetable of works is given as well as illustrative information showing the proposed trench plan sufficient to account for a 5% evaluation over six days.

## **6. CONSULTATIONS**

- 6.1 **Angus Council - Flood Prevention** – No objection.
- 6.2 **Aberdeenshire Council Archaeology Service** – No objection.
- 6.3 **Angus Council Environmental Health** - There was no response from this consultee at the time of report preparation.
- 6.4 **Angus Council - Education Service** - There was no response from this consultee at the time of report preparation.
- 6.5 **Angus Council - Transport Section** - Adequate public transport infrastructure exists on Gardyne Street to meet the additional demand from new homes on the proposed site. Since Transport's original response dated 20 January 2011, it has been established that the bus shelters on Gardyne Street would potentially not have to be relocated to create new access roads. However, should the application be granted permission, and it is subsequently found that infrastructure does need to be relocated then the costs of this work would need to be met in full by the developer.
- 6.6 **Community Council** - There was no response from this consultee at the time of report preparation.
- 6.7 **Angus Council - Roads** – No objection.
- 6.8 **Scottish Water** - There was no response from this consultee at the time of report preparation.

## **7. REPRESENTATIONS**

- 7.1 Eleven (11) letters of representation were received, of which 1 offered general comments with 10 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.
- 7.2 The main points of concern were as follows:

- Road traffic impact;
- Loss of business due to double yellow lines being formed;
- Overdevelopment;
- Out of character with the village;
- Parking issues;
- Road safety concerns;
- Drainage impact on Gardyne Street;
- Dissatisfaction with consultation process which related to 40 dwellings;
- Creation of precedent.

7.3 The foregoing points of concern are discussed 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 relevant policies as detailed below are reproduced in Appendix 3: -

TAYplan: Policy 2, Policy 5(A)

ALPR: Proposal Fk2 and Policies S3, S6, SC9, SC33, SC40, ER19, ER22 and ER24

8.4 Angus Council is progressing with preparation of a Local Development Plan to provide up to date Development Plan coverage for Angus. When adopted, the Angus Local Development Plan (ALDP) will replace the current adopted Angus Local Plan Review (ALPR). The Draft Proposed Angus Local Development Plan was considered by Angus Council at its meeting on 11 December with a view to it being approved and published as the Proposed ALDP for a statutory period for representations. The Draft Proposed ALDP sets out policies and proposals for the 2016-2026 period consistent with the strategic framework provided by the approved TAYplan SDP (June 2012) and Scottish Planning Policy (SPP) published in June 2014. The Proposed ALDP, as approved by Angus Council, will be subject to a 9 week period for representation commencing in February 2015. Any unresolved representations received during this statutory consultation period are likely to be considered at an Examination by an independent Reporter appointed by Scottish Ministers. The Council must accept the conclusions and recommendations of the Reporter before proceeding to adopt the plan. Only in exceptional circumstances can the Council choose not to do this. The Proposed ALDP represents Angus Council's settled view in relation to the appropriate use of land within the Council area. As such, it will be a material consideration in the determination of planning applications. The Proposed ALDP is, however, at a stage in the statutory process of preparation where it may be subject to further modification. Limited weight can therefore currently be attached to its contents. This may change following the period of representation when the level and significance of any objection to policies and proposals of the plan will be known.

8.5 The application is for the approval of matters specified in condition and the applicant seeks approval for matters included in condition 1 of planning permission in principle ref: 11/00002/PPPM. These relate to:

- (a) the siting of the building(s) and overall layout of the site, including the location of uses, open space, landscaping road layout, and car parking;
- (b) the design of the building(s);

- (c) the external appearance of the building(s);
- (d) the means of access to the site and buildings, including works identified in condition 3 of this permission;
- (e) the means of drainage for the development. For the avoidance of doubt all foul drainage from the development shall be directed to the public sewer and no development shall commence until evidence is provided to the planning authority to demonstrate that the public sewer has capacity to accommodate development of the entire site. All surface water shall be directed to a Sustainable Urban Drainage System (SUDS) and details of the SUDS along with a scheme for its management and future maintenance shall form part of an application for approval of matters specified in conditions;
- (f) a scheme for the management and maintenance of the proposed car parking area;
- (g) a scheme for the phasing of the entire development and for the delivery of the of the access requirements identified in condition 3 for the approval of the planning authority;
- (h) the landscaping of the site including:
  - existing and proposed ground levels and floor levels of houses relative to a fixed ordnance datum point;
  - boundary treatments and planting, including details of the phasing, maintenance and management of all open space areas;
  - cycle and pedestrian linkages;
  - provision of a landscape buffer zone on the western boundary of the site.

8.6 For clarification purposes, as an application for the approval of matters specified in condition of planning permission reference 11/00002/PPPM, the principle of development on the site has already been established by that planning permission as approved at the meeting of 05 April 2011 (Report No 255/11 refers). The application for the approval of matters specified in conditions has been submitted timeously in accordance with the relevant timescales laid down in the Town and Country Planning (Scotland) Act 1997 (as amended). As such, the consideration of the application is limited solely to the consideration of the detail of the matters specified as given in paragraph 8.5 above.

### **Siting and Layout**

- 8.7 Policy FK2 in ALPR states that the site should be developed in accordance with a development brief which will be prepared for the site which should make provision for:
- provision of a site for a health centre, dedicated car parking and land, to be retained as open space until required, for a future extension to the health centre;
  - provision of rear servicing access and dedicated customer parking for the Co-op store;
  - two point access from the B965, improvements to Gardyne Street including roundabout, realignment of parking bays, traffic islands and traffic calming;
  - provision of foul and surface water drainage;
  - open space provision including amenity open space, play space and tree belt along Gardyne Street;
  - landscape, footpaths and buffer zones around the site; and
  - cycle and pedestrian linkages.
- 8.8 The site has been laid out in a perimeter block fashion with all dwellings addressing streets or open spaces. A landscape strip of up to 48 metres in width is proposed along the site frontage with Gardyne Street. Within the landscape strip sufficient space for a health centre, dedicated car

parking and land for potential extension is indicated although the health centre does not form part of the application.

- 8.9 The internal roads layout has been configured to allow for rear service access to the Co-op store on Gardyne Street should this be desired. Site access would be taken via two separate access points from the B965 as established through the development brief for the site and planning permission ref: 11/00002/PPPM with the main access being via a mini roundabout that would intersect with Gardyne Street and Westgate. Some parking would be lost on Gardyne Street to accommodate access points and safeguard visibility splays however 35 off street parking spaces would be provided within the site on an area to the northwest in the vicinity of the main business area within the village where shops and services are located.
- 8.10 Build outs at the new junctions would facilitate safe pedestrian crossing points on Gardyne Street, while within the site, traffic calming measures would form an integral part of the internal roads layout in the form of contrasting surfacing at junctions and landscaped build-outs. Dedicated parking bays for housing fronting onto the proposed open space on the site frontage would be provided while all other dwellings would have private driveways and garages.
- 8.11 Foul drainage would be via the public sewer via a new pumping station within the site that would be offered to Scottish Water for adoption. Surface water would be directed to two SUDS basins within the site that would be located in the north eastern corner which is the natural lowest point of the site. Site drainage is discussed in greater detail below.
- 8.12 Open space is required by Policy SC33 to be provided in accordance with NPFA standards of 2.43 ha per 100 head of population or 60.75sqm per dwelling. This equates to 4860sqm of open space for an 80 dwelling development. The landscaped strip along Gardyne Street alone would provide in excess of 10000sqm (1ha) of open space without taking the proposed landscaped SUDS areas into account. Further amenity open spaces would be provided throughout the site. Landscaped footpath links to Friockheim Woods would be provided at three points and buffer planting to the west and tree planting on Gardyne Street and throughout the site is indicated on the submitted landscaping plan. Due to the perimeter block layout and the use of shared surfaces, safe cycle and pedestrian links would be provided throughout the site.
- 8.13 Overall the siting of built development, landscaping and infrastructure in and around the site is considered to be broadly compliant with the development brief for the site and Policy Fk2. Specified Matter (a) is therefore considered to be met by the proposal.

#### **Design and External Appearance of Buildings**

- 8.14 The Development Brief for the site advocates the inclusion of a mix of house designs with single, one and a half and two storey houses reflecting the range of house types in the village. It suggests that housing to the north west of the site located immediately to the south of the landscape strip is to front the open space consisting of single storey and one and a half storey terraces or semi-detached frontage properties forming a village square feature. It further indicates that materials should be chosen to be sympathetic to the existing village.
- 8.15 The proposed house types are a mix of single storey cottage style properties, semi-detached cottages, and so-called 1½ storey cottages which would mainly be detached save for two pairs of semi-detached 1½ storey cottages with a clock tower feature that would be located on the site frontage within a row of single storey cottages. Materials would be cream wet dash with white windows, a slate look-a-like roof covering and timber clad storm porches. Overall there would be 10 different house types throughout the development giving a reasonably varied appearance. The house types are reflective of traditional proportions with main roof pitches in the 35-40 degree range and narrow main gables giving a reasonably traditional wall to roof proportion on

frontages. Front storm porches pick up on a feature that can be noted on several traditional properties on Gardyne Street and beyond.

- 8.16 The design of buildings is considered to be sufficient to meet with the terms of the relevant Development Brief while also complying with the design quality tests of Policy S3 and the visual amenity consideration of Policy S6. Specified Matter (b) and (c) are therefore considered to be met by the proposal.

#### **Means of Access**

- 8.17 Specified Matter (d) requires that the means of access to the site and buildings should include the works identified in Condition 3 of planning permission 11/00002/PPPM. The requirements of Condition 3 are as follows: -

- i) visibility splays shall be provided at the proposed priority junction access on Gardyne Street, giving a minimum sight distance of 60 metres in each direction at a point 4.5 metres from the adjacent channel line of Gardyne Street. The aforementioned splays shall be provided before commencement of use of the junction. Thereafter nothing shall be erected or planting permitted to grow to a height in excess of 1050mm above the adjacent road channel within the splays;
- ii) relocation of current parking bays to the north side of Gardyne Street in accordance with the standards of Angus Council;
- iii) provision of a mini roundabout at the junction of Gardyne Street with Westgate in accordance with the standards of Angus Council;
- iv) the provision of traffic islands pavement build-outs on Gardyne Street to assist pedestrian movement in accordance with the standards of Angus Council;
- v) the provision of new pedestrian/ cycle link with the existing Angus Paths Network at a location(s) and specification approved in writing by the planning authority;
- vi) the relocation of the existing bus shelter and associated infrastructure to a location and specification approved in writing by the planning authority;
- vii) all details relating to access, road layout, design and specification; including provision of street lighting and surface water drainage shall be completed in accordance with the standards of Angus Council;
- viii) all parking provision shall be in accordance with the standards of Angus Council.

- 8.18 With respect of the prescribed visibility splays, the proposed scheme would utilise visibility splays of 2.4 metres x 43 metres. This reflects a change in Angus Council Roads Standards since the planning permission was originally approved. In terms of the requirement to relocate current parking bays to the north of Gardyne Street, this reflects a requirement in the Development Brief for the site however this requirement is in conflict with other Brief requirements such as the retention of the stone wall along the site frontage. The relocation of parking to the north side of Gardyne Street would require the complete repositioning of Gardyne Street to the south. On balance it is considered that the retention of traditional features and the current alignment of Gardyne Street should take priority over the relocation of parking to the north. Parking on the south of the street would in as far as possible be facilitated while the formation of 35 off street parking spaces within the site close to existing services and facilities would account for any parking lost to facilitate site access. A condition is proposed that requires the new car parking area to be publically available at all times.

- 8.19 A mini roundabout would be provided in accordance with the Council's Roads Standards at the intersection of Gardyne Street and Westgate. Build outs at both new junctions would facilitate

safe pedestrian movement and pedestrian and cycle links are provided to the south of the site. The bus stop and associated infrastructure would be relocated as per the detailed specification on Millard Consulting Drawing Number 12208/03/SK3 and this relocation is required by the terms of Condition 3 to be in accordance with a specification to be submitted for further written approval.

- 8.20 Similarly, the requirements of vii) and viii) relate to matters covered by the Roads Construction Consent (RCC) regime and as such the finalised details of all matters covered in these clauses will be discharged through the RCC process. At this stage however, the Roads Service has not raised any objection on the basis of the roads and parking information provided. It is therefore considered that the means of access to the site and buildings is acceptable and the submitted information is sufficient to meet with the terms of the relevant Development Brief while also complying with the Roads, Access and Parking tests of Policy S6. Specified Matter (d) therefore considered to be met by the proposal.

### **Means of Drainage**

- 8.21 Specified Matter (e) relates to the means of site drainage. Foul drainage is to be via the public sewer and surface water is to be via SUDS. The matter carries an advisory clause that development will be suspended until it can be demonstrated that the public sewer has capacity to accommodate the entire site. It is proposed that foul drainage would take place via a new pumping station within the site that would be offered to Scottish Water for adoption. This is an acceptable means of foul drainage and the suspensive clause contained in the matter ensures that foul drainage can only be directed to the public sewer as dictated by capacity.
- 8.22 In respect of surface water, a SUDS system has been submitted for consideration. The Roads Service has considered the details of the site drainage arrangements and has indicated that they are acceptable. The SUDS system would be built to the adoptable standard of Scottish Water. Adoption of the system would be the ideal arrangement for its ongoing maintenance. The proposed arrangements for site drainage are considered to be appropriate and subject to the suspensive clause relating to demonstration of foul sewer capacity prior to the commencement of development the proposed arrangements are considered to be sufficient to meet with specified matter (e).

### **Maintenance of Parking Area**

- 8.23 Specified matter (f) requires that a scheme be submitted for the management and maintenance of the proposed parking area. The applicant indicates that the maintenance and management of unadopted public areas throughout the site would be dealt with by the imposition of a levy on occupants of the site by means of title deed requirements towards the ongoing maintenance of unadopted public areas, including the parking area and the open space areas. This is a standard industry practice and is an acceptable method of management and maintenance on new- build development. The proposed method is sufficient to discharge matter (f).

### **Phasing**

- 8.24 Specified matter (g) relates to phasing of the entire development including the provision of the access requirements in Condition 3. The applicant indicates two phases of development with a first phase of 40 dwellings along with the proposed landscape strip along Gardyne Street, the proposed pumping station and the first phase of SUDS. Site accesses are also contained in indicated Phase 1 although no timing is given for the provision of any aspect of the proposal within the initial phase including access provision. Condition 3 requirements are supposed to be implemented in accordance with the phasing submitted under Condition 1 (specified matter condition). The Proposed Angus Local Development Plan seeks to make provision for the erection of 80 dwellings on the site with a first phase of around 50 dwellings in the period to 2021



with the remaining phase of around 30 dwellings permitted in the period to 2026. A condition is proposed that requires no other development to be undertaken until site access and off street parking arrangements are formed and thereafter, that no more than 50 dwellings be erected within the site in the period up to 2021. The condition is considered to be necessary and expedient in order to clarify matters in relation to site phasing but otherwise the proposal is acceptable to enable specified matter (g) to be discharged.

### **Landscaping**

8.25 The final specified matter (h) is landscaping. The matter requires:

- existing and proposed ground levels and floor levels of houses relative to a fixed ordnance datum point;
- boundary treatments and planting, including details of the phasing, maintenance and management of all open space areas;
- cycle and pedestrian linkages;
- provision of a landscape buffer zone on the western boundary of the site.

8.26 In support of the application a detailed Landscaping Management Plan has been submitted. The plan gives details of planting, boundary treatments and maintenance arrangements for the site and the proposed site layout is considered to be sufficient to facilitate safe pedestrian and cycle links throughout the site. The submitted landscaping plan shows a strategic planting strip to the west of the site. The planting strip would lie outwith the site but would be located on land that is under contract to the developer. The submitted landscaping details are considered to be appropriate to meet the terms of the specified matter in all respects save for the levels details requested. While level details are given on the proposed landscaping plan and proposed levels are shown in the submitted drainage information, there is no clear indication what the levels will be in relation to existing and what the floor levels of each house will be in relation to site levels. With this in mind a condition repeating the levels information requirement is attached to address the deficit in information in respect of site levels and floor levels. On that basis, it is considered that the matter of landscaping has been sufficiently addressed by the submitted information.

8.27 From the foregoing discussion, it has been determined that subject to the additional conditions identified as being necessary, the submitted information is considered to be sufficient to address the matters that were specified for further consideration at the time of the approval of planning permission in principle ref; 11.00002/PPPM. Furthermore, the submitted supporting information meets the requirements of Condition 2 of the permission save for the information relative to clause vi) of that condition relating to archaeology. As the implementation and reporting of programme of archaeological works is an ongoing matter that would take place contiguously with the undertaking of site works, it is considered to be unnecessary to fully discharge that clause at this time. The condition offers sufficient comfort in its implementation clause to ensure that the archaeological scheme shall be implemented. Aberdeenshire Council Archaeology Service has indicated that the written scheme of investigation is appropriate to enable the mitigation works to proceed with the data structure report to be submitted at the appropriate stage.

8.28 Having considered the submitted information in terms of the development plan, other material considerations also need to be taken into account. In that respect there have been a number of representations submitted as detailed at Section 7 above.

8.29 In terms of matters relating to traffic impact, road safety and parking, it is relevant to note that the application is for approval of matters specified in condition only. In that respect the general location and design requirements of the access points have previously been approved by the grant of the planning permission in principle. As such the principle of the access points is not

open for further consideration beyond the details specified above for further consideration. In relation to those matters that are specified for further consideration the Roads Service has confirmed that the relevant road safety information is acceptable and therefore does not object to the proposal. Matters relating to the formation of double yellow lines adjacent to the western site access on Gardyne Street (for the purposes of protecting the access from parked cars) is primarily an issue to be considered through the Roads Construction Consent process. That process allows members of the public to object to issues covered through that process. Notwithstanding this, it is relevant to note that any reduction in on-street parking that may result from works associated with this proposal would be off-set by the formation of a new off-street car park within the site.

- 8.30 Objections relating to overdevelopment and creation of precedent are not supported by the fact that the application relates to a planned release of housing land and a site allocated for housing purposes. The site is proposed to be continued as a housing site for 80 dwellings in the Proposed Angus Local Development Plan. The allocation in the extant local plan relates to 40 dwellings however the site is clearly capable of accommodating considerably more than 40 dwellings. The proposal would result in a reasonably low density development with the majority of house plots being between 450 and 650sqm. While the Proposed Local Development Plan is of limited weight due to the stage it has reached in its passage towards adoption (see paragraph 8.4 above), Scottish Planning Policy (SPP) is also a material consideration. The SPP introduces a presumption in favour of development that contributes to sustainable development. The SPP confirms that policies and decisions should be guided by the principle of making efficient use of existing capacities of land, buildings and infrastructure. With this in mind it is considered that a phased development of 80 dwellings in the period up to 2026 on a 7.4ha site that is well related to local services and facilities would represent an efficient use of the land and its capabilities. On this basis the proposal is not considered to constitute overdevelopment of the site and is not considered to create a precedent for more development of the same nature, notwithstanding that there is no principle of binding precedent in planning law.
- 8.31 The final points of objection relate to the character of the development and drainage impacts. Both of these points relate to issues that have been discussed in detail above and require no further consideration on that basis.
- 8.32 In summary, the principle of housing development on this site is already established and this application is for the approval of matters specified in conditions attached to the planning permission in principle. The details submitted with the application provide for an acceptable layout and design in a manner that is consistent with relevant provisions of the development plan. The planning permission in principle does not restrict the number of housing units on the site and the relevant planning obligation relating to affordable housing specifies a percentage contribution (20%) and is also not numbers specific. The site can readily support the proposed phased development of 80 dwellings in the period up to 2026 which is the position reflected in the Proposed Angus Local Development Plan. The information and details submitted are acceptable to purify the relevant specified matters and there are no material considerations that justify refusal of the application.

## **9. OTHER MATTERS**

### **HUMAN RIGHTS IMPLICATIONS**

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

## EQUALITIES IMPLICATIONS

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

### 10. CONCLUSION

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

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

The design and general layout of the proposal is considered to be acceptable and the level of supporting information is sufficient to meet with the requirements of the planning permission in principle in a manner that is compatible with relevant development plan policy. While the allocation for the site refers to 40 dwellings, the planning permission in principle was not numbers specific and the site can readily accommodate the level of development proposed. The site is identified for a phased development of up to 80 dwellings in the Proposed Angus Local Development Plan. There are no material considerations that justify refusal of the specified matters.

#### **Conditions:**

1. No development shall commence until evidence is submitted to and approved in writing by the planning authority to demonstrate that the public sewer has capacity to accommodate development of the entire site and that Scottish Water will adopt the associated infrastructure, including the pumping station.

*Reason: In order to ensure that there are suitable arrangements in place for the drainage of the site and for its ongoing maintenance.*

2. That prior to the commencement of development precise details of existing and proposed ground levels and floor levels of houses relative to a fixed ordnance datum point shall be submitted to and approved in writing by the planning authority. Thereafter the development shall be undertaken in accordance with the approved details.

*Reason: In order that the planning authority may verify the acceptability of the ground and floor levels in the interest of the amenity of the area.*

3. That notwithstanding the phasing information submitted with the application, no other development associated with this permission shall be undertaken until the vehicular accesses to the site have been provided in accordance with the details hereby approved, and no more than 50 dwellings shall be erected on the site in the period up to 2021 unless otherwise approved in writing by the planning authority.

*Reason: In order to ensure that suitable and safe vehicular access is provided in a timely manner and in order to comply with housing allocation Fk1 of the Proposed Angus Local Development Plan.*

4. That prior to commencement of development a sample title deed that demonstrates a binding obligation on the occupants of the site to contribute to the maintenance and upkeep of all unadopted infrastructure within the site including parking areas and open spaces shall be submitted to and approved in writing by the planning authority. Thereafter the title deeds for the properties shall contain the specific clauses relating to maintenance and upkeep as approved.

*Reason: In order to ensure that adequate provision is in place for the maintenance and upkeep of all unadopted infrastructure within the site in the interests of the amenity of the area.*

5. That the car parking area in the northwest corner of the site adjacent to the site entrance shall be available for public use at all times.

*Reason: In order to ensure that satisfactory compensatory car parking arrangements are available to the public at all times in the interests of amenity and road safety.*

6. That prior to the occupation of any dwelling on the area identified as Plots 1 – 5, the woodland buffer along the western boundary of the site as identified on the John Richards Landscape Architects drawing reference GDY-001 shall be planted in accordance with the specification provided on that drawing.

*Reason: In the interests of the residential amenities of the occupants of plots 1 – 5.*

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

**REPORT AUTHOR: VIVIEN SMITH HEAD OF PLANNING AND PLACE**

**E-mail: [PLANNING@angus.gov.uk](mailto:PLANNING@angus.gov.uk)**

**APPENDIX 1 - LOCATION PLAN**

**APPENDIX 2 – CONDITIONS ATTACHED TO PLANNING PERMISSION IN PRINCIPLE**

**APPENDIX 3 – RELEVANT POLICY EXTRACTS**

LOCATION PLAN



## CONDITIONS ATTACHED TO PLANNING PERMISSION IN PRINCIPLE

## ANGUS COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
 (AS AMENDED)  
 TOWN AND COUNTRY PLANNING (DEVELOPMENT  
 MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS  
 2008



PLANNING PERMISSION IN PRINCIPLE APPROVAL  
 REFERENCE 11/00002/PPPM

To: **Guild Homes (Tayside) Ltd**  
**Chapelark House**  
**17 Academy Street**  
**Forfar**  
**DD8 2HA**

With reference to your application dated **11 January 2011** for planning permission in principle under the above mentioned Acts and Regulations for the following development viz:-

**Erection of Residential Development \_ Health Centre and Formation of Open Space, Servicing and Public Car Park with Detailed Layout of Site Access at Site At Gardyne Street Friockheim for Guild Homes (Tayside) Ltd**

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Grant Planning Permission in Principle (Committee Decision)** for the said development in accordance with the particulars given in the application and plans docqueted as relative hereto in paper or identified as approved on the Public Access portal. The permission is subject to the following conditions, namely: -

- 1 Plans and particulars of the matters listed below, which shall be in accordance with the Development Brief for South of Gardyne Street, Friockheim, unless specifically modified by a condition of this permission, shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval:-
  - (a) the siting of the building(s) and overall layout of the site, including the location of uses, open space, landscaping road layout, and car parking;
  - (b) the design of the building(s);
  - (c) the external appearance of the building(s);
  - (d) the means of access to the site and buildings, including works identified in condition 3 of this permission;
  - (e) the means of drainage for the development. For the avoidance of doubt all foul drainage from the development shall be directed to the public sewer and no development shall commence until evidence is provided to the planning authority to demonstrate that the public sewer has capacity to accommodate development of the entire site. All surface water shall be directed to a Sustainable Urban Drainage System (SUDS) and details of the SUDS along with a scheme for its management

and future maintenance shall form part of an application for approval of matters specified in conditions;

(f) a scheme for the management and maintenance of the proposed car parking area;

(g) a scheme for the phasing of the entire development and for the delivery of the of the access requirements identified in condition 3 for the approval of the planning authority;

(h) the landscaping of the site including:

- existing and proposed ground levels and floor levels of houses relative to a fixed ordnance datum point;
- boundary treatments and planting, including details of the phasing, maintenance and management of all open space areas;
- cycle and pedestrian linkages;
- provision of a landscape buffer zone on the western boundary of the site.

2 That the application for approval of matters specified in condition 1 above shall be accompanied by the following: -

i) a Design Statement in accordance with Planning Advice Note 68 and which takes account of Scottish Government Planning Policy Statements Designing Places and Designing Streets;

ii) an Access Statement in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008;

iii) a Stage 2 Road Safety Audit in accordance with the Design Manual for Roads and Bridges;

iv) a Drainage Impact Assessment;

v) a landscaping scheme, to include species, sizes, planting distances and proposed arrangements for maintenance;

vi) a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the Aberdeenshire Council Archaeology Service, and approved by the planning authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the planning authority in agreement with the Aberdeenshire Council Archaeology Service.

3 Vehicular and pedestrian access and public transport facilities at the site shall be provided in accordance with the following requirements: -

i) visibility splays shall be provided at the proposed priority junction access on Gardyne Street, giving a minimum sight distance of 60 metres in each direction at a point 4.5 metres from the adjacent channel line of Gardyne Street. The aforementioned splays shall be provided before commencement of use of the junction. Thereafter nothing shall be erected or planting permitted to grow to a height in excess of 1050mm above the adjacent road channel within the splays;

ii) relocation of current parking bays to the north side of Gardyne Street in accordance with the standards of Angus Council;

iii) provision of a mini roundabout at the junction of Gardyne Street with Westgate in accordance with the standards of Angus Council;

iv) the provision of traffic islands pavement build-outs on Gardyne Street to assist pedestrian movement in accordance with the standards of Angus Council;

v) the provision of new pedestrian/ cycle link with the existing Angus Paths Network at a location(s) and specification approved in writing by the planning authority;

vi) the relocation of the existing bus shelter and associated infrastructure to a location and specification approved in writing by the planning authority;

vii) all details relating to access, road layout, design and specification; including provision of street lighting and surface water drainage shall be completed in accordance with the standards of Angus Council;

viii) all parking provision shall be in accordance with the standards of Angus Council.

Thereafter the works shall be undertaken in accordance with the details of the phasing under condition 1 of this permission.

- 4 That the indicative layout plan WRF/10/01 is not approved in so far as it relates to the position and layout of the new health centre.
- 5 That from the date of the grant of this planning permission in principle none of the existing trees within the site shall be lopped, topped or felled or otherwise interfered with unless otherwise approved in writing by the planning authority.

**The foregoing conditions are imposed by the Council for the following reasons :-**

- 1 In order to comply with the requirements of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 To enable the planning authority to consider the matters detailed in condition 1, in the interests of visual amenity, road safety, to ensure adequate drainage and landscaping, and to safeguard and record the archaeological potential of the area.
- 3 In the interests of traffic safety and free traffic flow and to ensure adequate provision for pedestrians and public transport.
- 4 In order that the location and layout of the health centre site can be considered as part of the overall layout of the site and in the context of a detailed Design Statement.
- 5 In order to protect existing trees and in order that the landscaping of the site can be considered in the context of the overall layout of the site.

The reason(s) for the foregoing decision by the Council are as follows:-

That the site is allocated in the Angus Local Plan Review 2009 for the mix of land uses proposed by this application. The proposed development complies with relevant policies of the development plan and there are no material considerations that justify refusal of the planning application contrary to the provisions of the development plan.

Dated this **13 December 2011**

Head of Planning and Transport,  
Infrastructure Services,  
County Buildings,  
Market Street,  
FORFAR DD8 3LG



## RELEVANT POLICY EXTRACTS

### Angus Local Plan Review 2009

#### **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**

*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.*

#### **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 SC33 : Open Space Provision**

*Development proposals will require to provide open space and make provision for its long term maintenance. Angus Council will seek to ensure that as a minimum the NPFA standard of 2.43 hectares of open space/recreational space per 1000 head of population is met. The specific requirements of any*

*development will be assessed on a site by site basis and this standard exceeded or relaxed as appropriate taking account of the level, quality and location of existing provision.*

### **Policy ER19 : Archaeological Sites of Local Importance**

*Where development proposals affect unscheduled sites of known or suspected archaeological interest, Angus Council will require the prospective developer to arrange for an archaeological evaluation to determine the importance of the site, its sensitivity to development and the most appropriate means for preserving or recording any archaeological information. The evaluation will be taken into account when determining whether planning permission should be granted with or without conditions or refused.*

*Where development is generally acceptable and preservation of archaeological features in situ is not feasible Angus Council will require through appropriate conditions attached to planning consents or through a Section 75 Agreement, that provision is made at the developer's expense for the excavation and recording of threatened features prior to development commencing.*

### **Policy ER22 : Public Drainage Systems**

*Within towns and villages served by public sewers all development proposals requiring drainage must be connected to the public drainage system. Private drainage solutions will not be permitted within areas served by public sewers, even where they are subject to constraint.*

### **Policy ER24 : Surface Water Disposal**

*Sustainable Urban Drainage Systems are preferred in dealing with surface water drainage from all new development. In considering development proposals Angus Council will consult and liaise closely with SEPA, Scottish Water and developers in order to ensure that appropriate methods of surface water run-off collection, treatment, decontamination and disposal are implemented to minimise the risk of flooding and the pollution of water courses, lochs and ground water.*

*Proposals that adopt ecological solutions to surface water management which promote local biodiversity by the formation of ponds and/or wetlands for example, and create or improve habitats will also be encouraged.*

## **TAYplan Strategic Development plan**

### **Policy 2: Shaping better quality places**

To deliver better quality development and places which respond to climate change, Local Development Plans, masterplans and development proposals should:

- A. Ensure that climate change resilience is built into the natural and built environments through:
  - i. a presumption against development in areas vulnerable to coastal erosion, flood risk and rising sea levels; including the undeveloped coast. To ensure flood risk is not exacerbated, mitigation and management measures; such as those envisaged by Scottish Planning Policy, should be promoted;
  - ii. reducing surface runoff including through use of sustainable drainage systems;
  - iii. protecting and utilising the water and carbon storage capacity of soils, such as peatlands, and woodland/other vegetation; and,
  - iv. Identifying, retaining and enhancing existing green infrastructure and spaces whilst making the best use of their multiple roles.
  
- B. Integrate new development with existing community infrastructure and work with other delivery bodies to integrate, concentrate and co-locate additional new infrastructure to optimise its coverage and capability.
  
- C. Ensure the integration of transport and land use to: reduce the need to travel and improve accessibility by foot, cycle and public transport; make the best use of existing infrastructure to achieve a walkable environment combining different land uses with green space; and, support land use and transport

development by transport assessments/appraisals and travel plans where appropriate, including necessary on and offsite infrastructure.

D. Ensure that waste management solutions are incorporated into development to allow users/occupants to contribute to the aims of the Scottish Government's Zero Waste Plan.

E. Ensure that high resource efficiency is incorporated within development through the orientation and design of buildings, the choice of materials and the use of low/zero carbon energy generation technologies to reduce carbon emissions and energy consumption to meet or exceed Scottish Government's standards.

F. Ensure that the arrangement, layout, design, density and mix of development and its connections are the result of understanding, incorporating and enhancing present natural and historic assets\*, the multiple roles of infrastructure and networks and local design context, and meet the requirements of Scottish Government's *Designing Places and Designing Streets*, and provide additional green infrastructure where necessary.

- **Outside – In:** *Understanding the environmental context of a site, how a site works in its wider location and how that shapes what happens within is essential to integrating new development.*
- **Inside – Out:** *Conversely, considering how the site connects from the inside-out and builds on existing features, networks and infrastructure, enhancing these through new development.*
- **Integrate Networks:** *Making it easy, safe and desirable to walk and cycle within and between neighbourhoods utilising existing green space and water networks and enhance these areas to deliver a better quality of place and life.*
- **Work with the grain of the place:** *Respecting and working with the grain of a place. This approach will help determine the size, shape and form of development and how it can respond to adaptation to help achieve future-proofing our new communities and facilities.*

\*Natural and historic assets: Landscapes, habitats, wildlife sites and corridors, vegetation, biodiversity, green spaces, geological features, water courses and ancient monuments, archaeological sites and landscape, historic buildings, townscapes, parks, gardens and other designed landscapes, and other features (this includes but is not restricted to designated buildings or areas).

## Policy 5: Housing

Local Development Plans shall:-

A. Allocate land which is effective or capable of becoming effective to meet the housing land requirement up to year 10 from the predicted date of adoption, ensuring a minimum of 5 years effective land supply at all times, and work towards the provision of a 7 years supply of effective housing land by 2015, to support economic growth. Land should be allocated within each Housing Market Area (Proposal 2) through Local Development Plans to provide an effective and generous supply of land to assist in the delivery of in the order of 26,000 units up to year 2024 across TAYplan. Average annual build rates are illustrated\*. In the period 2024 to 2032 in the order of 17,400 units may be required. To assist the delivery of these build rates, Local Development Plans shall allocate sufficient land to ensure a generous supply of effective housing sites and to provide for flexibility and choice.

- In serious cases of appropriately evidenced environmental or infrastructure capacity constraints, provide for up to 10% of the housing provision for one market area to be shared between one or more neighbouring housing market areas within the same authority taking account of meeting needs in that housing market area.
- Ensure that the mix of housing type, size and tenure meets the needs and aspirations of a range of different households throughout their lives, including the provision of an appropriate level of affordable housing based on defined local needs. Local Development Plans (where applicable) will need to set affordable housing requirements for or within each housing market area.

B. Have the flexibility to plan for house building rates in Dundee City to exceed the level of annual provision in Proposal 2.

C. Ensure there is a presumption against land releases in areas surrounding the Dundee and Perth Core Areas, including the Carse of Gowrie, where it would prejudice the delivery of Strategic Development Areas or regeneration within the core areas or conflict with other parts of this Plan.

*\*Average build rates are illustrated annually to assist the understanding of what the scale of housing is for communities. These are only averages and the period in which these build rates should be achieved is over the first 12 years of the Plan, not annually. It is anticipated that within the first 12 year period build rates will be lower than the average in the early period and greater in the later period. These figures include Strategic Development Areas and affordable housing.*

## **Proposed Angus Local Development Plan**

### **Fk1 Housing – South of Gardyne Street**

7.4 ha of land south of Gardyne Street is allocated for residential development of around 80 dwellings. A first phase of around 50 dwellings will be permitted in the period to 2021, with the remaining phase of around 30 dwellings permitted in the period to 2026.

Proposals should be in accordance with the approved development brief for this site updated as appropriate to reflect policies in this local Development Plan and should include:

- a site for a health centre, open space, servicing and car parking for the Coop store;
- landscape, footpaths and buffer zones around the site;
- traffic management on Gardyne Street; and
- supporting information including a Drainage Impact Assessment and agreement with Scottish Water for the provision of foul drainage, including pumping, Sustainable Drainage and Surface Water Management Plan, and a Planting Scheme.